

RESEARCH REPORT

# Unequal Treatment: Racial and Ethnic Disparities in Miami-Dade Criminal Justice

**ACLU**  
Florida  
Greater Miami

SKYWARDKICK

## CONTENTS

# *Unequal Treatment: Racial and Ethnic Disparities in Miami-Dade Criminal Justice*



### Lead Authors

Nick Petersen, Ph.D,  
assistant professor  
of sociology  
Marisa Omori, Ph.D,  
assistant professor  
of sociology

### Co-Authors

Robert Cancio, Ph.D  
Oshea Johnson, MA  
Rachel Lautenschlager, MA  
Brandon Martinez, MA

### Research Assistants

Julian Carter, BA  
Shanice Hyler  
Michael Leyva

### ACLU of Florida

Howard Simon,  
executive director  
Baylor Johnson, director  
of communications  
Raymer Maguire, manager  
of Florida Campaign for  
Criminal Justice Reform  
Gaby Guadalupe, media  
relations coordinator

### ACLU of Florida Greater Miami Chapter Police Practices Committee

Jeanne Baker, chair  
Jeff Borg  
Christopher Brochyus  
John de Leon  
Jeffrey Hearne  
Linda Horkitz  
Manning Salazar  
Rachel Streitfeld  
Dante Trevisani  
Benjamin Waxman

### Publisher

ACLU of Florida  
4343 West Flagler Street  
Suite 400  
Miami, FL 33134-1585  
aclufl.org

### Art Director

Jeff Borg

### Correspondence

Nick Petersen, Ph.D  
University of Miami  
Department of Sociology  
5202 University Drive  
Merrick Bldg., Rm. 122G  
Coral Gables, FL 33146  
npetersen@miami.edu  
305.284.6169

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## PRIMARY FINDINGS

*Racial and ethnic disparities occur at all decision points in the criminal justice system and across all neighborhoods in Miami-Dade*



JEFF BORG

**A**NALYZING DATA ON ALL ADULT criminal defendants from 2010 to 2015, we examined individual and neighborhood racial and ethnic disparities across multiple decision points within Miami-Dade County’s criminal justice system: arrest, bond and pretrial detention, charging and disposition, and sentencing. Our analysis uncovered racial and ethnic disparities at each of these decision points. We also found disparities at every decision point that, regardless of ethnicity, result in disadvantages for Black defendants and neighborhoods while resulting in advantages for White defendants and neighborhoods.

This report demonstrates that race and ethnicity shape Miami-Dade County’s criminal justice system.

**Race and ethnicity shape a person’s involvement in the criminal justice system and in the system’s outcomes.**

**OVERREPRESENTED.** Black defendants (regardless of ethnicity) are overrepresented in Miami-Dade County’s criminal justice system relative to their population share.

**PUNITIVE.** Black defendants who are Hispanic are most overrepresented and experience the most punitive outcomes at nearly every decision point in the system.

**PROPORTIONATE.** White defendants who are not Hispanic are proportionately represented in the county’s criminal justice system relative to their population share and experience the least punitive outcomes at nearly every decision point in the system.

**UNDERREPRESENTED.** White defendants who are Hispanic are the most underrepresented in the system relative to their population share.

**Racial and ethnic disparities occur at all decision points in Miami-Dade County’s criminal justice system.**

**ARREST/DETENTION/CONVICTION.** Black defendants, whether Hispanic or non-Hispanic, are disproportionately arrested and, once in the system, are more likely than White defendants to suffer:

- longer periods of pretrial detention
- greater rates of pretrial detention, conviction, and incarceration

**PRISON TERMS.** Black defendants who are not Hispanic are sentenced to longer prison terms than any other racial or ethnic group.

**DISPROPORTIONATE.** Black defendants who are not Hispanic are disproportionately represented in Miami-Dade County’s criminal justice system. Relative to their share of the county population, these defendants experience:

- 2.2 times greater rates of arrest
- 2.3 times greater rates of pretrial detention
- 2.5 times greater rates of conviction
- 2.5 times greater rates of incarceration

**MOST DISPROPORTIONATE.** Black defendants who are Hispanic are even more disproportionately represented in the county’s criminal justice system. Relative to their share of the county population, these defendants experience:

- 4.0 times greater rates of arrest
- 4.5 times greater rates of pretrial detention
- 5.5 times greater rates of conviction
- 6.0 times greater rates of incarceration



**LONGEST PRISON TERMS**

Black defendants who are not Hispanic are sentenced to longer prison terms than any other racial or ethnic group.

**FILTERED OUT.** White defendants, whether Hispanic or non-Hispanic, are more likely to be filtered out of the system early through prosecutorial decisions not to file or to reduce or drop charges, resulting in lower rates of conviction and incarceration for White defendants overall relative to Black defendants overall.

**Racial and ethnic disparities also occur at the neighborhood level.**

**PUNISHMENT HOTSPOTS.** When neighborhood is considered, these disparities persist. There are higher rates of arrest, pretrial detention, prosecution, conviction, and incarceration for defendants arrested in Black (Hispanic and non-Hispanic) neighborhoods, producing punishment “hotspots” in Black neighborhoods.

**GEOGRAPHIC FUNNEL.** These neighborhood disparities increase across each successive stage of the criminal justice system, thereby generating a “geographic funnel” for Black neighborhoods. This is especially true for Black Hispanic neighborhoods, although they represent a small fraction of neighborhoods in the county.

## INTRODUCTION

*Analysis of five years of criminal justice data reveals how race and ethnicity shape outcomes at every decision point in the system*



JEFF BORG

**C**ONCERNS OVER RACIALLY disparate criminal justice outcomes are certainly not unique to Miami-Dade County. Racial and ethnic inequality in incarceration rates have risen dramatically over the past several decades in the United States, in large part driven by “tough on crime” policies such as three strikes, mandatory minimum sentencing, policies, and proactive policing (The Sentencing Project, 2017), as well as by strict drug enforcement.

As result of these punitive policies, nationwide, Black men are currently imprisoned at a rate that is nearly six times greater than the rate of White men, and Black women are imprisoned at a rate about twice that of White women (The Sentencing Project, 2017). In the state of Florida, 48 percent of the state’s prison population is Black, compared with 16.8 percent of the overall population (Florida Department of Corrections, 2017; U.S. Census, 2017). Beyond these individual-level racial and ethnic disparities, high rates of arrests and incarceration have disproportionately impacted Black and Hispanic or Latino communities (Omori, 2017; Roberts, 2004).

For example, police agencies have targeted communities of color as part of public-order-maintenance policing policies, thereby creating crime “hotspots.” (Geller & Fagan, 2010; Lynch, Omori, Roussell, & Valasik, 2013). In many major cities, millions of dollars are spent by criminal justice agencies incarcerating and surveilling communities of color. Criminal justice spending is so concentrated in these minority neighborhoods that some scholars have termed them “million-dollar blocks” (Chicago’s Million Dollar Blocks, 2006).

The purpose of this report is to assess systematically whether and to what extent there are racial and ethnic disparities in Miami-Dade County’s crimi-

nal justice system. Drawing from data on all adult criminal defendants from 2010 to 2015, we examine racial and ethnic disparities at two different levels — individual and neighborhood — across multiple decision-making points within Miami-Dade County’s criminal justice system. We focus on four primary stages of the criminal justice system, which represent core sections of this report: (1) arrests; (2) bond and pretrial detention; (3) charging and disposition; and (4) sentencing outcomes.

While there are certainly other stages in the criminal justice system (and many decisions occur simultaneously), we focus on these particular decision-making points because they are especially important for determining the trajectory of a criminal case. Police act as gatekeepers for the criminal justice system, filtering defendants in and out of the courts by their decisions to arrest or not to arrest, while pretrial detention has been linked to charging and sentencing severity (Johnson, Ulmer,

& Kramer, 2008; Rodriguez, 2010).

Charging and disposition outcomes shape the type and severity of punishment a defendant receives, and sentencing decisions determine the makeup of incarcerated populations. In the following sections, we discuss these various stages of the criminal justice system and present original findings from analysis of the data provided by Miami-Dade County’s courts. We conclude by summarizing our findings and by generating key insights from them, as well as by suggesting areas needing further research.

**Figure 1. Decision-making Points and Report Sections**

-  1) Arrest
-  2) Pretrial detention
-  3) Charging and disposition
-  4) Sentencing

## Research Setting

Given its demographically diverse neighborhoods, large concentration of immigrants, varying levels of community economic investment and divestment, and criminal justice history, Miami-Dade County is a unique site to investigate racial and ethnic disparity in the criminal justice system. The county operates one of the largest and most racially and ethnically diverse criminal justice systems in the nation.

Florida has the third-largest incarcerated population in the country (The Sentencing Project, 2017); and Miami-Dade County not only sends the largest

population of inmates to Florida state prisons, but also it operates the eighth-largest jail system in the country (Miami-Dade County Corrections & Rehabilitation, 2016).

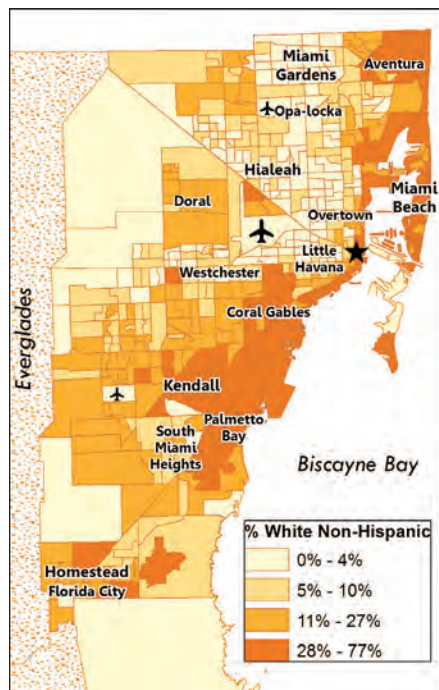
A large proportion of Miami-Dade County’s 2.6 million residents are Hispanic<sup>1</sup> and/or foreign-born, with Blacks comprising a significant proportion of the county’s population.<sup>2</sup> According to the 2010 U.S. Census, White non-Hispanics comprise only 14 percent of the county’s population, with White Hispanics (58.4 percent) and Black non-Hispanics (17.1 percent) representing

**Miami-Dade sends the largest population to Florida prisons and operates the eighth largest jail system in the country.**

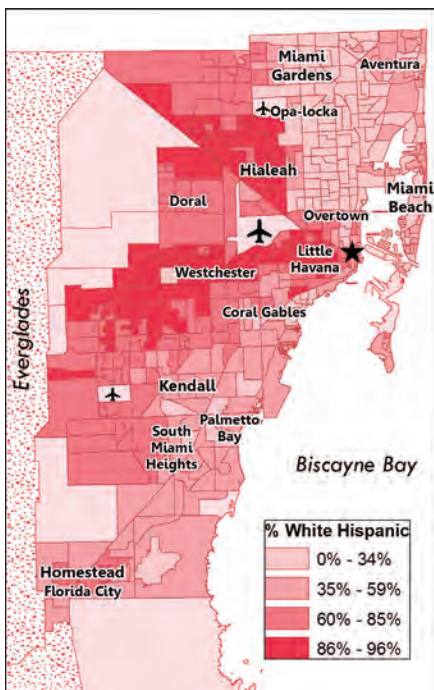
1 We use the term “Hispanic” in our report findings rather than Latino/a or Latinx, as the former is more commonly used in Miami-Dade County. However, when referring to prior research, we use the racial/ethnic terms used by the author(s) in order to provide the most accurate description of their findings as possible.

2 We use the term “Black” rather than African-American because, as explained below, that is the term used in the data set we obtained from the Miami-Dade County Clerk of Courts. It is also an appropriate term to use in this report because Miami-Dade County has a large population of Black residents with ancestral roots from Cuba, the Dominican Republic, and other Caribbean nations, including Haiti. (See footnote 10 and the accompanying text regarding Haitian and Haitian-Americans in Miami-Dade County.)

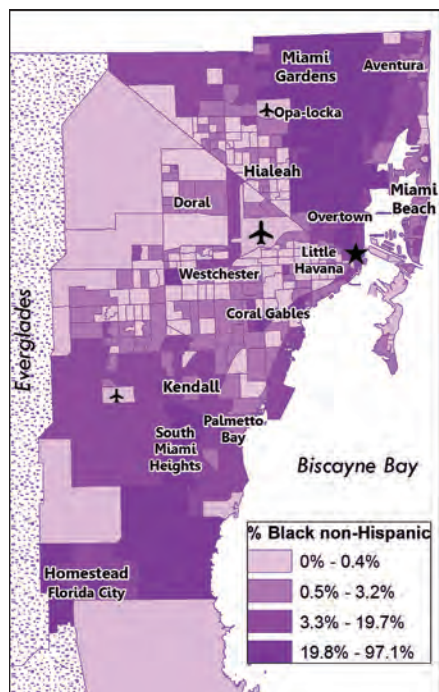
**Figure 2A. Percent White Non-Hispanic**



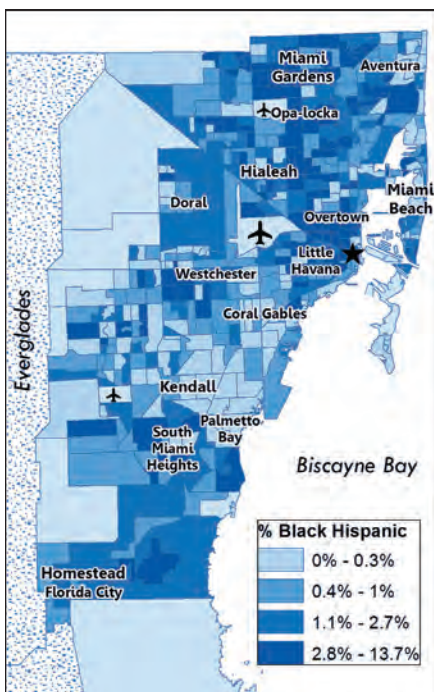
**Figure 2B. Percent White Hispanic**



**Figure 3A. Percent Black Non-Hispanic**



**Figure 3B. Percent Black Hispanic**



most of the county (U.S. Census, 2010b).<sup>3</sup> Black Hispanics (1.9 percent) comprise

a small segment of the county but are an important group.

Miami-Dade County is a gateway to the Americas, and roughly half of its population is foreign-born (U.S. Census, 2010b). Most people migrated from Latin America, especially Cuba, or the Caribbean. Given Miami-Dade County's large Hispanic population and the representation of Hispanics in local governmental positions of power, including those within criminal justice agencies, the county is an important locale for examining the criminal justice treatment of Hispanics. Moreover, Miami's large immigrant population, much of which is Black, allows for a more nuanced analysis of the interrelationship among immigration, race and ethnicity, and criminal justice.

Miami-Dade County is also characterized by the "new geography of inequality" (Kohn-Wood, Samson, & Braddock, 2015; Sassen & Portes, 1993). During the 1980's and 1990's, Miami had a large increase in the flow of goods, services, and investments from emerging Latin American markets, transforming it into a "global city" (Sassen & Portes, 1993). While these forces of economic globalization ushered in increased economic mobility for certain segments of Miami's population, they also led to growing residential segregation and economic inequality (Kohn-Wood et al., 2015). Miami is among the most segregated cities in the United States (Logan & Stults, 2011), and its increasing gentrification will likely fuel greater segregation in the coming years (Feldman & Jolivet, 2014).

Figure 2 and Figure 3 display the demographic composition of Miami-Dade County neighborhoods by quantile. The darker shaded areas refer to Census Tracts with higher levels of a particular demographic characteristic, such as the percentage of White non-Hispanic residents.<sup>4</sup> This diversity in neighborhoods allows for an examination of criminal justice outcomes in a wide range of geographic

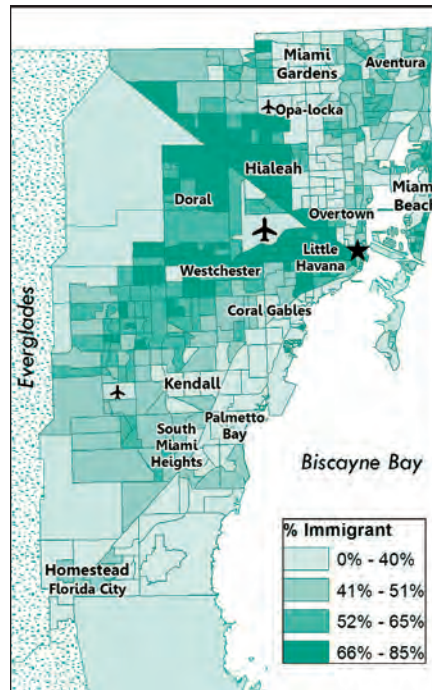
<sup>3</sup> Throughout this report, we utilize data from the 2010 U.S. Census to construct countywide racial/ethnic breakdowns and well as our neighborhood-level measures of racial/ethnic composition (U.S. Census, 2010b). Census data from 2010, rather than more recent population estimates, were used to construct neighborhood-level measures because our data starts in 2010 and the decennial census is more complete than annual population estimates for non-decennial years. Moreover, because general demographic trends at the neighborhood level typically remain fairly stable over time, it is unlikely that the use of 2010 data will significantly impact our overall substantive conclusions (Sampson, 2012).

<sup>4</sup> Certain neighborhoods are excluded from analysis because of their small number of residents, which may produce artificially high rates and percentages. The Methodological Appendix further discusses these excluded areas as well as other mapping decisions.

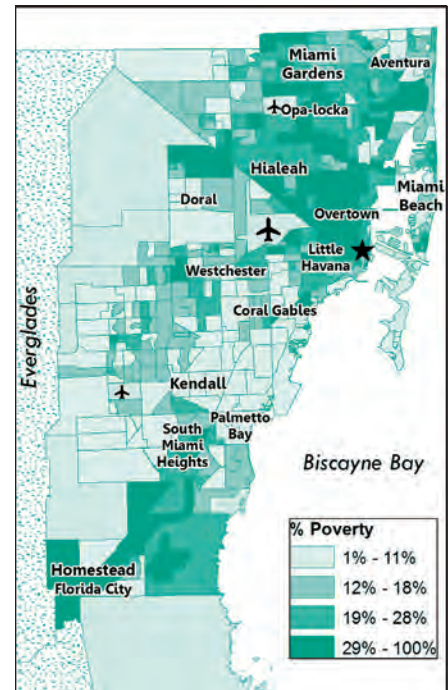




**Figure 4A. Percent Immigrant**



**Figure 4B. Percent Poverty**



places within the county.

Figure 2 shows that White non-Hispanics are concentrated in downtown Miami, Miami Beach, South Miami, Coral Gables, Homestead, and Cutler Bay. The right map shows the majority of White Hispanics, many of whom are Cuban or Cuban American (Aja, 2016), living in Little Havana, Miami Lakes, Hialeah, and other areas along the county’s east-west corridor and north of the airport. Their concentration represents both the growth of the Cuban community following their emigration from Cuba and the westward expansion of development into suburban communities.

Figure 3 shows Black non-Hispanics concentrated north of the central business district; along the I-95 corridor in Overtown, Miami Gardens, Opa-locka; and in southern pockets near and alongside U.S. Route 1. Black Hispanics are mostly concentrated in Black non-Hispanic areas (Overtown, Miami Gardens, Opa-locka), although they also reside alongside White Hispanics in small pockets along the east-west

corridor. This pattern suggests that race, rather than ethnicity, may be more important for explaining racial/ethnic segregation patterns among Black Hispanics.

The first map in Figure 4, which displays the percentage of immigrants per neighborhood, aligns fairly well with the White Hispanic population. The correspondence between these maps is not surprising, as the majority of immigrants in Miami-Dade County come from Cuba. The second map in Figure 4 displays the percent of households in poverty at the neighborhood level. With the exception of a few neighborhoods in the western and southwestern parts of the county, poverty rates are highest in Black neighborhoods. This pattern is consistent with other major United States cities such as New York and Chicago.

## Data Overview

Data on cases of all adult criminal defendants in Miami-Dade County during a six-year period (2010-2015) was

collected from the Miami-Dade Clerk of Courts for this report.<sup>5</sup> Data from the Miami-Dade Clerk of Courts covers arrests from more than thirty law-enforcement agencies across the county. The data set includes every misdemeanor, felony, and ordinance violation arrest that occurred in Miami-Dade County, tracking cases from arrest to their final disposition. Our sample is based on adults who were arrested and booked between January 1, 2010, and December 31, 2015.<sup>6</sup>

As a result, the data set includes information on roughly 200,000 criminal defendants. It also includes individual defendant and case information, such as race, gender, and other defendant demographics; charges filed; bond information; disposition; and arrest location information. Criminal cases represent our unit of analysis rather than individual defendants, for the reason that some defendants appear in the data set multiple times for different arrests. For more information on how the data was coded and analyzed, see

<sup>5</sup> The Clerk of Courts office pulled the data for all cases in their case data set during this period, which include cases that had been resolved within the last three (and, more recently, five) years. After that time period, the cases are archived in a separate data set. Therefore, there are fewer cases from earlier years than from more recent years. The data set also excludes sealed or expunged cases, juveniles (unless they are booked as an adult felony case), or cases involving “protected class individuals” such as police or judges. We thank the Miami-Dade Clerk of Courts office for their cooperation in providing the data to us.

<sup>6</sup> In some cases, this sample also includes juveniles treated as adults.

**Table 1. Defendant Characteristics by Race and Ethnicity**

	Total	White Non-Hispanic	White Hispanic	Black Non-Hispanic	Black Hispanic
<b>Characteristics of defendants</b>					
White Non-Hispanic	19%				
White Hispanic	35%				
Black Non-Hispanic	38%				
Black Hispanic	8%				
Male	83%	80%	84%	81%	87%
Age at arrest	35.56	37.39	35.74	34.38	36.12
U.S. citizen	77%	75%	60%	93%	83%
Homeless	3%	6%	2%	2%	2%
Prior arrests	4.07	3.82	3.07	4.70	5.92
Prior convictions	0.91	0.68	0.56	1.24	1.44
<b>Characteristics of the neighborhood of arrest</b>					
% White Non-Hispanic	15%	21%	15%	14%	13%
% White Hispanic	47%	52%	59%	36%	41%
% Black Non-Hispanic	28%	17%	17%	42%	37%
% Black Hispanic	2%	2%	2%	3%	3%
% Immigrant	46%	50%	52%	40%	42%
% Poverty	29%	26%	27%	32%	32%
Median household income	37,545.45	41,769.92	39,831.75	34,248.05	33,975.91

the Methodological Appendix.

Given the unique demographic composition of Miami-Dade County, we categorize defendants into four racial and ethnic categories. Racial categories include Black and White, while ethnicity includes Hispanic and non-Hispanic. Information on defendant race comes from the County Clerk of Courts’ data set, which is originally derived from the arrest form (colloquially termed the “A-form”) and then electronically compiled by the County Clerk of Courts into one centralized data set.

For the purposes of this study, we define defendants as Black if they are listed as “Black” or White if they are listed as “White” in the Clerk of Courts’ data set. While defining defendant race

based on the arrest record has limitations it is common practice within the social science literature to rely on racial definitions provided by police departments or courts (for a discussion, see Baumer, 2013).

Given that the arrest form does not capture defendant ethnicity, we utilize the U.S. Census’ Hispanic Surname List to ascertain the Hispanic origin of each defendant. This method also has limitations; but it has been validated in previous research (Elliott et al., 2009; Wei, Virnig, John, & Morgan, 2006) and has been used in previous criminological studies (Beckett, Nyrop, & Pfingst, 2006). See the Methodological Appendix for more technical details on how defendant race and defendant ethnicity

were defined.<sup>7</sup>

In contrast to much of the prior research, our data allows us to further delineate Hispanic ethnicity by race and to explore whether outcomes differ between Black Hispanics and White Hispanics. When race and ethnicity are combined, we are left with four groups: White non-Hispanic, White Hispanic, Black non-Hispanic, and Black Hispanic. We utilize these racial/ethnicity categories throughout the report, except when we denote Black and White, in which case we are referring to both Hispanic and non-Hispanic.<sup>8</sup>

Moreover, when reviewing prior research, we use the study’s original racial and ethnic categories to avoid potentially distorting the findings. Due to their extremely small numbers in Miami-Dade County’s criminal justice system,<sup>9</sup> this report does not consider Asians, Native Americans, and other racial/ethnic groups. Moreover, due to data limitations, we do not separate Haitians and Haitian-Americans from other Black groups at the individual and neighborhood level.<sup>10</sup>

Table 1 displays the defendant characteristics of our sample by race and ethnicity. The majority of defendants are Black non-Hispanic (38 percent) and White Hispanic (35 percent), with White non-Hispanics (19 percent) and Black Hispanics (8 percent) representing a smaller proportion of the sample. Most defendants are males in their mid-thirties from the United States. Reflecting immigration patterns, only 60 percent of White Hispanics are United States citizens. White non-Hispanic arrestees are three times as likely to be homeless as are other racial and ethnic groups. Black defendants experience more prior arrests and convictions than White defendants. Black Hispanic defendants have the lengthiest criminal histories, followed by Black

7 Using the two methods together — relying on the A-form for racial identification and on Hispanic surnames for ethnic identification — may have unique limitations as a police officer’s identification of person as “Black” or as “White” may be influenced by that person’s surname.

8 For example, if we say, “Black defendants are more likely to be convicted than White defendants,” we mean that both Black Hispanic and Black non-Hispanic defendants are more likely to be convicted than both White Hispanic and White non-Hispanic defendants.

9 For example, out of all arrests booked, less than 0.05 percent of cases are Asian, 0.04 percent Indian, and 0.28 percent of “unknown” origin.

10 According to a report by the Brookings Institution, Haitian and Haitian-Americans (who are primarily Black) comprise about 4.2 percent of the county population (Sohmer, 2005). While persons of Haitian ancestry represent a significant segment of Miami-Dade County’s Black population, our analysis does not separately consider this group due to data limitations. Rather, when referring to defendants and neighborhoods, Haitians and Haitian-Americans who are Black are included in the “Black” category.

## BLACK DEFENDANTS OVERREPRESENTED IN NEIGHBORHOODS

Black defendants are more likely to be arrested in both Black non-Hispanic and White Hispanic neighborhoods.



JEFF BORG

non-Hispanics, White non-Hispanics, and White Hispanics.

These racial/ethnic differences in criminal history may be due, in part, to racial/ethnic profiling in policing. Prior research in other locales finds that Black residents are more likely to be arrested for drug crimes despite the fact that drug-usage rates are fairly similar across racial and ethnic groups (Alexander, 2012). Moreover, Black residents and residents in Black neighborhoods are more likely to be arrested even after taking into account a host of individual- and neighborhood-level factors that may influence the likelihood of arrest (Fagan, Geller, Davies, & West, 2009; Geller & Fagan, 2010; Gelman, Fagan, & Kiss, 2007).

Table 1 also displays the characteristics of the neighborhoods where people are arrested. Looking at the racial and ethnic composition of residents in the neighborhoods where arrests occur, we also find disparities. Although arrests occur in virtually all neighborhoods in Miami-Dade County, they occur more frequently in some neighborhoods than in others. In particular, defendants of all races/ethnicities are most likely to be arrested in neighborhoods with a higher concentration of residents who are White Hispanic or Black non-Hispanic, in part due to the fact that these two groups comprise the largest

populations in the county.

Of all the arrests that occurred between 2010 and 2015, the mean percentage of residents in the neighborhood of arrest who are White Hispanic was 47 percent, while the mean percentage of Black non-Hispanic residents in the neighborhood of arrest was 28 percent (see “Total” column in Table 1).<sup>11</sup>

When these mean percentages are compared to the population shares of these two groups, opposite trends emerge. The mean percentage of White Hispanic residents in the neighborhood of arrest (47 percent) is considerably less than their share of the county population (58 percent). The opposite is true for the Black non-Hispanic population in the neighborhood of arrest. The mean percentage of Black non-Hispanic residents (28 percent) is considerably greater than their share of the county population (17 percent). The latter discrepancy may be due in part to the fact that defendants are disproportionately arrested in areas with larger Black non-Hispanic populations, thereby increasing the mean percentage of Black non-Hispanic residents among the neighborhoods in which defendants are arrested.

However, the differences in the mean percentage of residents in the neighborhood of arrest who are White Hispanic or Black non-Hispanic versus their county population shares also point to

possible under-policing of White Hispanic neighborhoods and over-policing of Black non-Hispanic neighborhoods.

Comparing the race/ethnicity of defendants to the racial/ethnic demographics of the neighborhoods where arrests occur reveals additional insights. Black defendants are more likely to be arrested both in neighborhoods with larger Black non-Hispanic populations and in neighborhoods with larger White Hispanic populations, suggesting that Black residents in Miami-Dade County may be over-policed in both of these types of neighborhoods, not only in Black non-Hispanic neighborhoods (see the last two columns in Table 1).

Additionally, Black defendants are more likely to be arrested in neighborhoods characterized by higher levels of poverty and lower median-household incomes. White defendants are more often arrested in neighborhoods with a larger immigrant population. However, for all defendants, regardless of race/ethnicity, the mean percentage of foreign-born residents in the neighborhood of arrest (46 percent) is slightly lower than the countywide average (52 percent). This indicates that defendants are not disproportionately drawn from immigrant communities.

<sup>11</sup> The mean percentage of residents of a particular racial/ethnic group in the neighborhood of arrest differs from that group’s overall county population share because arrests are distributed unevenly across neighborhoods. The mean percentage of neighborhood-of-arrest residents is a weighted average, which depends upon the racial/ethnic composition of the neighborhood and the number of defendants arrested in the neighborhood. As such, neighborhoods with a larger number of arrests are weighted more heavily in these calculations, and neighborhoods with a smaller number of arrests are weighted less.

## ARREST

*Disparities in the criminal justice system start when police first come into contact with an individual and make the decision to arrest*



JONATHAN PICCOLO

## Key Findings

**ARREST RATES.** In Miami-Dade County, Black people are arrested at higher rates than are other groups. As a result, Black Hispanics comprise four times more of the arrested population than their share of the county population, and Black non-Hispanic arrestees comprise over two times more of the arrested population than their county population share.

**DISPARITIES.** Black people are disproportionately arrested, even for crimes committed in largely White neighborhoods, and neighborhoods with a large Black non-Hispanic population have higher arrest rates.

**LOW-LEVEL CRIMES.** The same disproportionality applies not only to felonies but also to arrests for low-level crimes. Furthermore, when White non-Hispanics are arrested, they are less likely to be initially charged with a felony, and more likely to be charged with a misdemeanor or ordinance violation.

**NUISANCE CHARGES.** While alcohol-related (e.g., drinking in public, disorderly intoxication) and homelessness-related (e.g., panhandling, loitering) nuisance charges are most common in the arrests of White non-Hispanics, Blacks who are Hispanic and non-Hispanic are more likely to be arrested for drug-related nuisance crimes.

**NUISANCE ARRESTS.** Nuisance-crime arrests are most prevalent in economically developing neighborhoods with large White non-Hispanic populations.

Policing represents the first point of contact with the criminal justice system, and this section examines the racial and ethnic breakdown of people

who are arrested and booked by the police. In addition to looking at arrest rates across various racial/ethnic groups, we also look at the type of charges for each arrest. Charges are formal accusations of a crime, so multiple charges are often associated with a single arrest.

However, we mainly focus on the most severe charge as we believe that is a better indicator of the ultimate outcome of a case. While police select the charges to record as the basis for arrest, those charges may change upon the filing of the case in court. For misdemeanors, charges can be filed in court by the police or by the state attorney's office. For a felony, charges must be filed by the state attorney's office.<sup>12</sup> Charges vary in severity, with the most-to-least severe charges ranging from capital felonies or life felonies to first-degree, second-degree, and third-degree felonies; first-degree and second-degree misdemeanors; and ordinance violations.

We examine arrests for nuisance crimes, which we define as low-level offenses such as panhandling, prostitution, alcohol charges, and minor drug offenses, as well as homelessness-related offenses.<sup>13</sup> While many nuisance crimes

may seem relatively minor in and of themselves, arrests for some low-level offenses can dramatically affect a defendant's life because multiple convictions of such offenses can lead prosecutors to file subsequent charges for the same offense as felonies, thereby increasing the punishment severity.<sup>14</sup>

Finally, we analyze arrests by racial and ethnic composition of neighborhoods where people are arrested, as

well as by the arresting police agencies.

Our results highlight patterns of racial and ethnic disparities in policing. Not only are Black Hispanics and Black non-Hispanics overrepresented among those arrested in Miami-Dade County, but arrests are concentrated in Black neighborhoods. Both Black Hispanics and Black non-Hispanics are disproportionately arrested by police for low-level crimes compared with White Hispanic defendants. When examining drug-related nuisance arrests, Blacks have the highest arrest rates, regardless of ethnicity.

On the other hand, nuisance-crime charges are heavily concentrated among the White non-Hispanic population and in neighborhoods containing relatively more White non-Hispanic residents. These findings demonstrate how unequal treatment is differentially distributed across racial and ethnic groups, and also demonstrate that Black Hispanics are especially disadvantaged.

## Literature Review

Studies conducted in cities across the United States repeatedly produce evidence of racial disparities in policing outcomes (Kochel, Wilson, & Mastroski, 2011). Differential treatment across race begins before a police-civilian interaction is even initiated, with Black citizens being more likely

than their White counterparts to be deemed suspicious based on nonbehavioral criteria (Alpert, Dunham, & Smith, 2007). Black individuals are disproportionately represented in both traffic stops (Smith & Petrocelli, 2001) and pedestrian stops (Gelman et al., 2007). Blacks are also disadvantaged across a variety of post-stop outcomes, including being searched, having force used against them, and being arrested (Fridell & Lim, 2016);

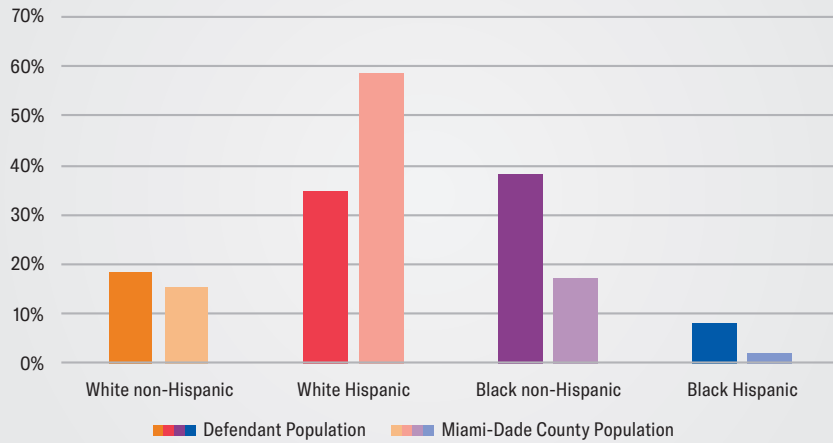
**Black defendants are disproportionately arrested, and Black neighborhoods experience higher arrest rates.**

<sup>12</sup> For a violation of probation (VOP), the charge will be initiated by an arrest only if the allegation is of a new crime; it will be initiated by a probation officer filing the VOP in court if the allegation is of a violation of the terms of supervision. Our report does not separately examine VOPs because of data limitations. If the VOP is for a new crime, the case will most often be listed under the new arrest charge rather than as a violation of probation for the conviction for which probation was imposed.

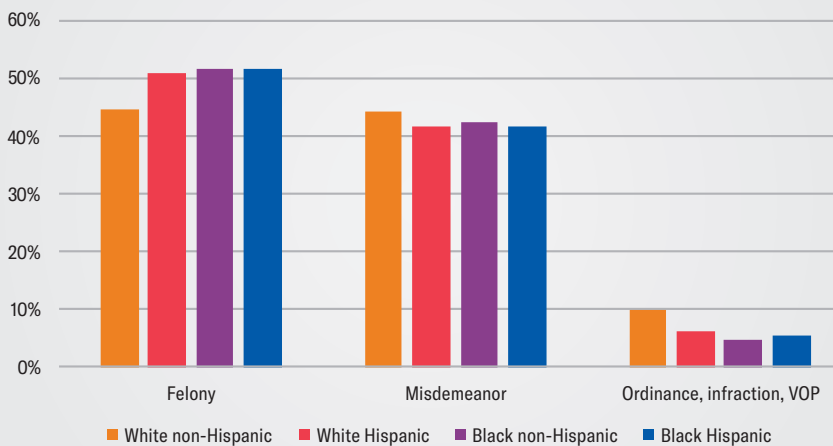
<sup>13</sup> More information about how we identified nuisance crimes and homelessness status is contained in the Methodological Appendix.

<sup>14</sup> For example, driving with a suspended license (DWLS) and petty theft are considered "priorable" offenses, meaning that having multiple convictions for these offenses could lead to a felony charge and/or to increased punishment (increased jail time, increased fines, etc.).

**Figure 5. Arrested Defendant and County Populations by Race and Ethnicity**



**Figure 6. Severity of Maximum Arrest Charges by Race and Ethnicity**



Mitchell & Caudy, 2015; Tillyer, 2014).

Furthermore, these effects appear to be amplified in White neighborhoods (Alpert et al., 2007; Carroll & Gonzalez, 2014). The few policing studies that examine the consequences of police intervention with Hispanics in other locales that are not majority Hispanic like Miami-Dade County have produced inconsistent results, with some finding that Hispanics experience worse outcomes than do White non-Hispanics (Golub, Johnson, & Dunlap, 2007) and others finding no significant difference between the two groups (Alpert et al., 2007).

Racial disparities in policing also

emerge at the neighborhood level. In New York City, neighborhoods and police precincts with a larger population of Black residents experience more stop-and-frisks (Fagan, et al., 2009) and have higher rates of marijuana stops (Geller & Fagan, 2010).

Other police behavior is also conditioned by neighborhood characteristics, where police reports are more likely to be “downgraded” in Black neighborhoods (Lum, 2011) and homicides are less likely to be solved in Black and Hispanic neighborhoods (Litwin & Xu, 2007; Petersen, 2015; Puckett & Lundman, 2003; Regoeczi & Jarvis, 2013).

Furthermore, deadly police use-of-force

incidents are more common in neighborhoods with higher proportions of Black residents (Klinger, Rosenfeld, Isom, & Deckard, 2016). Taken together, this literature highlights how geographic variation in policing practices perpetuates racial and ethnic disparities in policing outcomes.

## Arrests

Figure 5 compares the racial and ethnic composition of people who are arrested and the county’s population. White Hispanics comprise the only group that is underrepresented among arrestees, while White non-Hispanics are nearly even with their population share. These findings are in marked contrast to the results of several prior studies conducted in New York City, which indicate that Hispanics experience worse arrest outcomes than do White non-Hispanics (Geller & Fagan, 2010).

Our findings may differ from previous studies because we separate race and ethnicity. Additionally, the unique ethnic composition of Miami’s population — being a majority White Hispanic city — may create a less hostile environment for White Hispanic residents, an effect that does not appear to transfer to their Black Hispanic counterparts.

In contrast, Black Hispanics are the most overrepresented group in arrest statistics, comprising four times more arrestees than their proportion in the county population. Black non-Hispanics are also highly disadvantaged, as they make up over two times more of the arrested population than their representation in the general population (38 percent of arrestees versus 17 percent of the county population). These findings add to our understanding of how arrest outcomes are complicated by both race and ethnicity of individuals, suggesting that Black Hispanics face multiple disadvantages within the criminal justice system.

Figure 6 displays the severity of the maximum arrest charge in each case across racial and ethnic groups. White non-Hispanics are more likely than other racial and ethnic groups to be arrested for low-level crimes (e.g., viola-

tions of city and municipal ordinances) as their maximum charge. White non-Hispanics are also less likely than other groups to be charged with a felony. On the other hand, with the exception of White non-Hispanics, at arrest about half of defendants receive a maximum charge that is a felony.

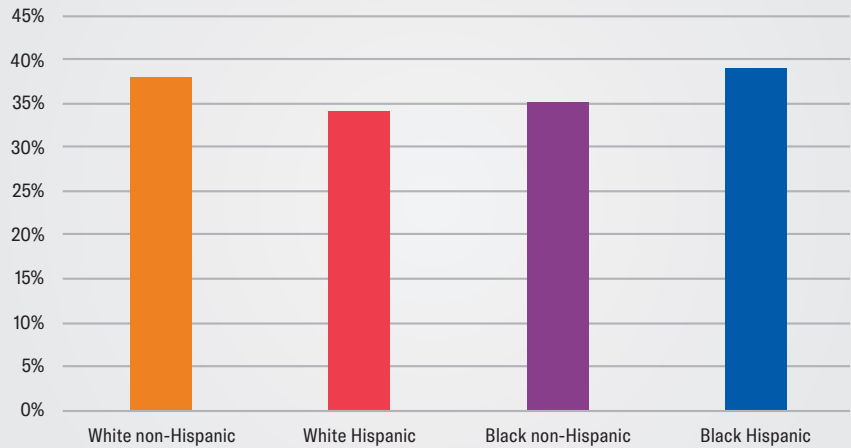
### Nuisance Crime Arrests

Figure 7 reports findings on arrests for nuisance-crime charges. Overall, 35 percent of arrests are for nuisance crimes. However, this number varies slightly across racial and ethnic groups. The average number of nuisance-crime charges among White non-Hispanics and Black Hispanics is slightly higher than the overall average, while the number of nuisance-crime charges among White Hispanics and Black non-Hispanics is slightly lower than the average. When considering the average number of nuisance charges, a similar pattern is revealed.

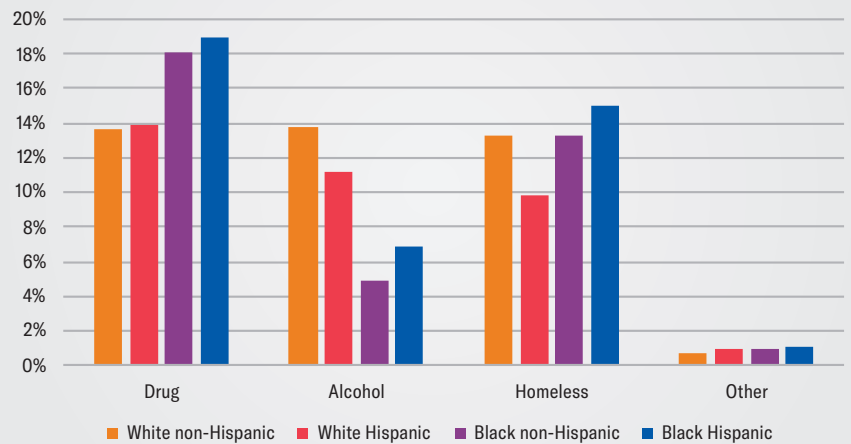
Figure 8 provides further insight into the racial and ethnic distribution of nuisance charges by dividing them into subcategories, including drug-, alcohol-, homelessness-related, and others. The figures demonstrate that drug-related nuisance charges are most common in the arrests of Blacks, with 18 percent of arrests of Black non-Hispanics and 19 percent of arrests of Black Hispanics involving a charge of this type.

In contrast, only 14 percent of arrests

**Figure 7. Percent Arrests with Nuisance Charges by Race and Ethnicity**



**Figure 8. Percent Arrests with Specific Nuisance Crime Charges by Race and Ethnicity**



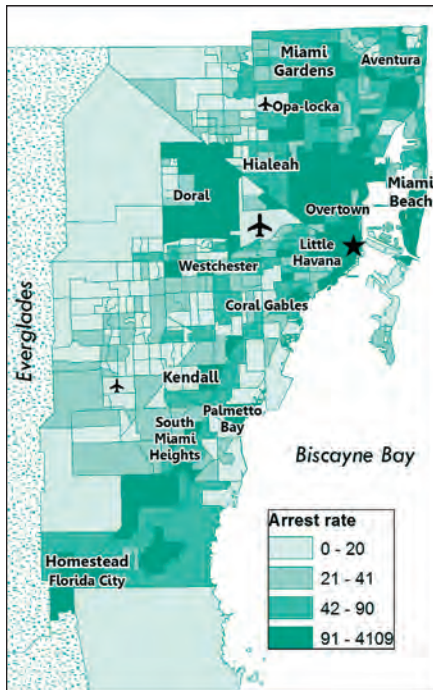
**DRUG-RELATED NUISANCE CHARGES**

It is unlikely that differential drug-usage rates explain why Black people are more likely to be arrested for drug-related nuisance crimes, as research in other locales suggests that all racial and ethnic groups use drugs at fairly similar rates.

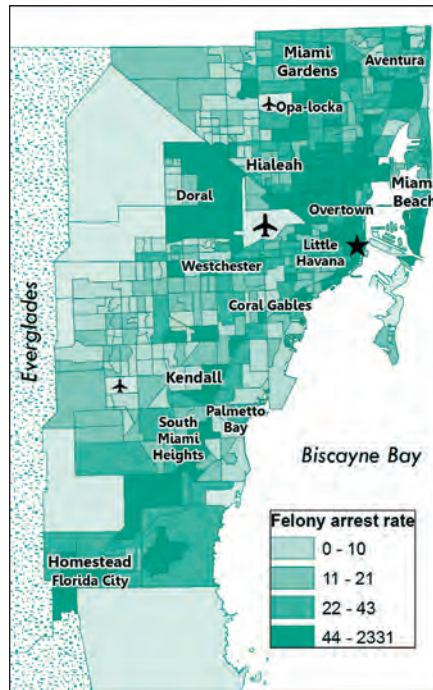


CARLOS MILLER

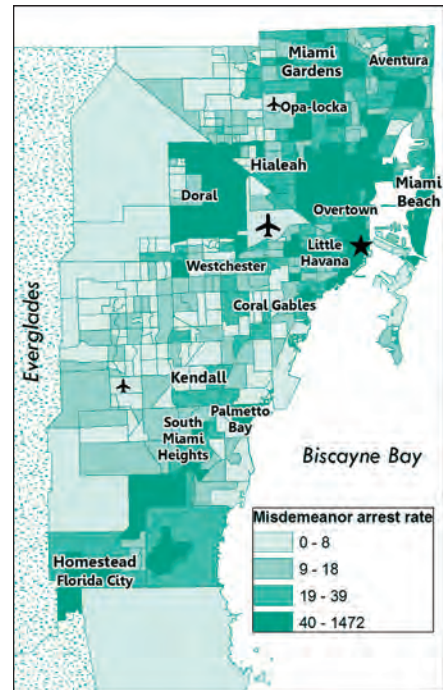
**Figure 9A. Arrest Rate**



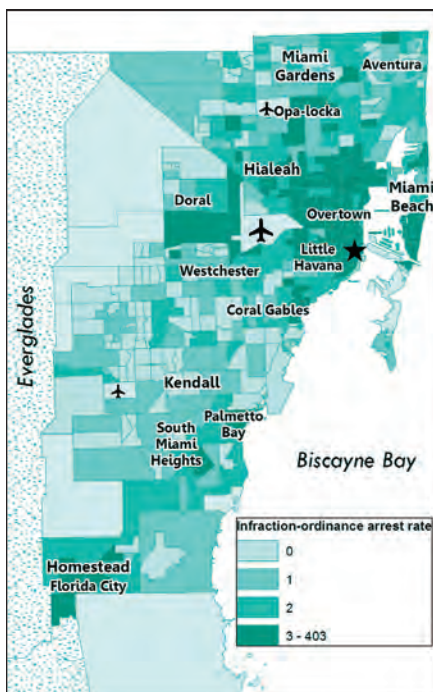
**Figure 9B. Felony Arrest Rate**



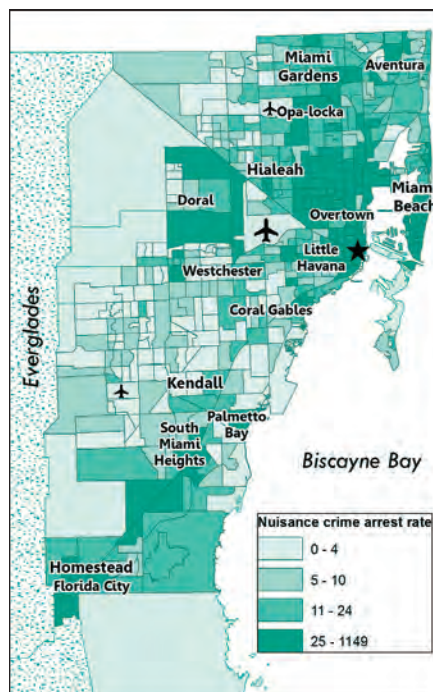
**Figure 9C. Misdemeanor Arrest Rate**



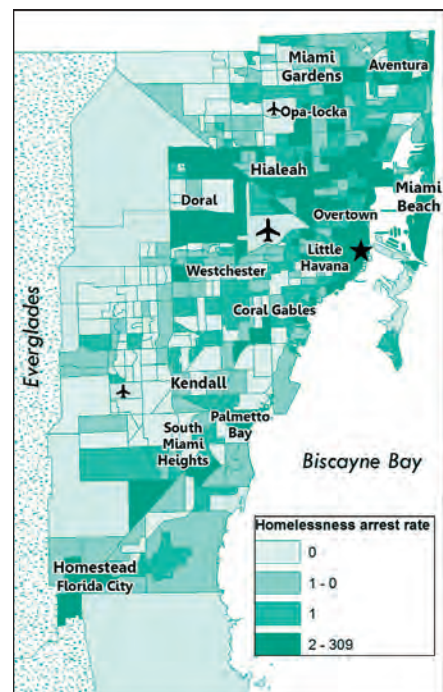
**Figure 10A. Ordinance Arrest Rate**



**Figure 10B. Nuisance Arrest Rate**



**Figure 10C. Homelessness Arrest Rate**



of White Hispanics and non-Hispanics involved a drug-related nuisance charge. It is unlikely that differential drug-usage rates explain these patterns as research in other locales suggests that all racial and ethnic groups use drugs at fairly similar rates (Alexander, 2012). Alcohol- and homelessness-related nuisance charges are most prevalent in

the arrests of White non-Hispanics and, to a lesser extent, White Hispanics. This racial and ethnic distinction in the types of nuisance crimes that arrestees are charged with is important because punishments for drug-related charges are typically more severe than punishments related to alcohol use or homelessness.

## Arrests by Neighborhood

Figure 9 and Figure 10 display the overall arrest rates per population as well as by nuisance and homelessness crimes per neighborhood. The overall arrest rates and crime-specific arrest rates are generally highest in neighborhoods that



are Black Hispanic and Black non-Hispanic. This relationship appears especially strong in the area north of downtown Miami, which contains historically Black neighborhoods such as Overtown and Liberty City. At the same time, the White Hispanic parts of the city, east and northeast of downtown, are generally characterized by lower overall arrest rates and crime-specific arrest rates.

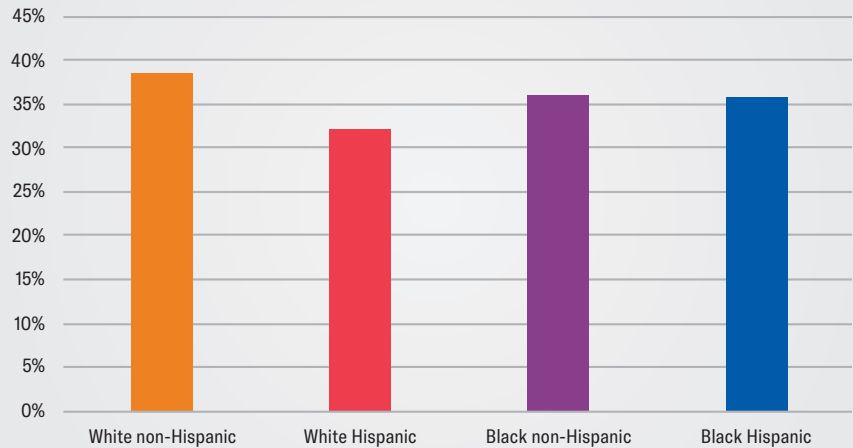
Nuisance-crime arrests appear to be clustered in communities of color but also in parts of the city that have been undergoing redevelopment and contain popular destinations for wealthier residents and visitors, such as Miami Beach, Bayfront Park, American Airlines Arena, and the Adrienne Arsht Performing Arts Center. This may be because the city has come under pressure from residents and business owners to keep these tourist areas free of “disorder” or “unsightliness” by more stringently policing nuisance crimes.

These neighborhood-level comparisons suggest that police enforcement in Miami-Dade County is concentrated in Black communities. These findings are consistent with recent media reports highlighting the over-policing of Black neighborhoods in Miami. For example, in the spring of 2017 the owner of a local market in the Overtown neighborhood filed for a restraining order against the City of Miami Police Department, citing harassment of her and her customers (Vassolo, 2017). Similar incidents have been documented in Miami Gardens, a largely Black city in north Miami-Dade County (Brennan & Weston, 2015). Incidents such as these suggest that it is important to consider not only who is most affected by policing but also where police interventions typically occur.

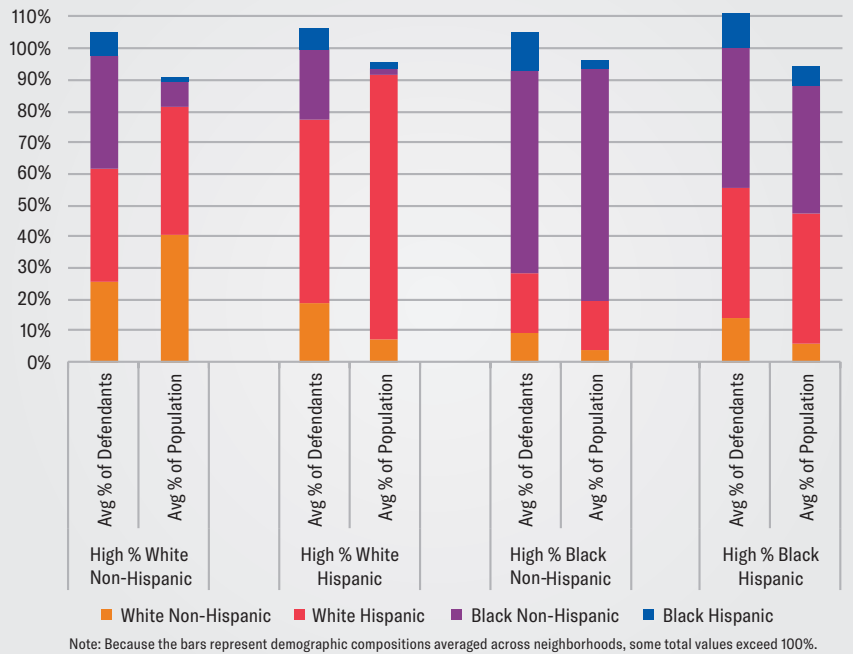
Neighborhood racial and ethnic patterns largely reflect those found at the individual level, with Black Hispanic neighborhoods experiencing the greatest concentration of arrests and White non-Hispanic neighborhoods experiencing the least.

Figure 11 presents the percentage of nuisance-crime arrests by neighborhood. Nuisance charges appear to be most prevalent in White non-Hispanic neighborhoods. Figure 12 compares the

**Figure 11. Percent Arrests with Nuisance Crime Charges by Neighborhood**



**Figure 12. Average Defendant and Population Demographics by Neighborhood**

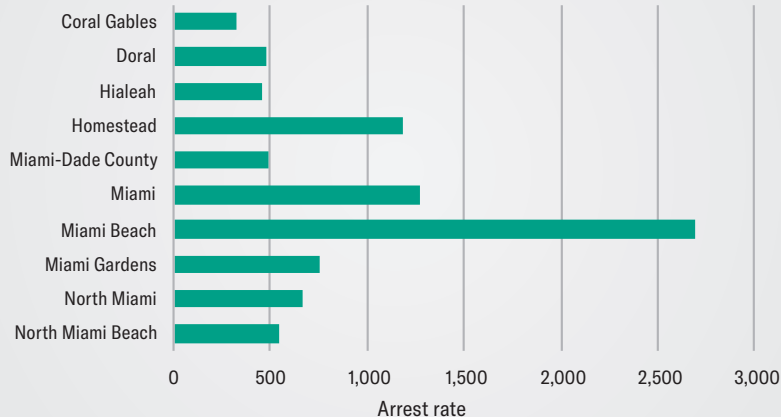


average racial and ethnic composition of arrestees within the crime-scene neighborhood relative to the neighborhoods’ respective resident populations. In other words, Figure 12 shows the difference between the racial and ethnic composition of people arrested in each neighborhood compared with the neighborhoods’ racial and ethnic composition. This figure makes clear that Black Hispanics and Black non-Hispanics are acutely overrepresented among those arrested in White Hispanic and White

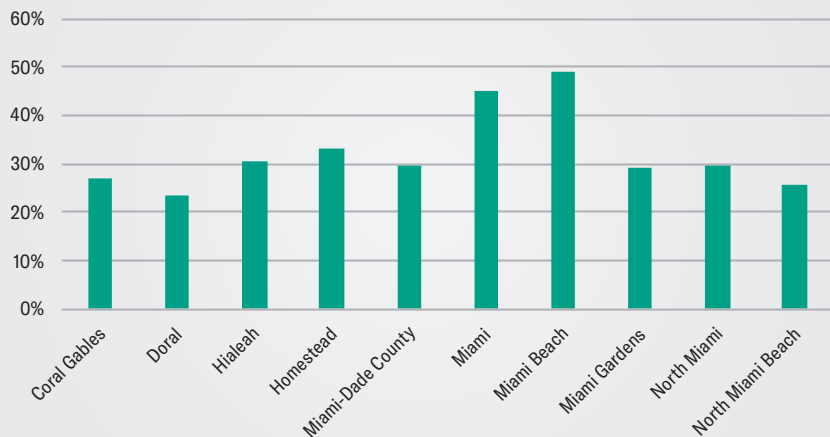
non-Hispanic neighborhoods.

This finding is consistent with prior research finding that Blacks are disproportionately stopped and arrested in White neighborhoods (Alpert et al., 2007; Carroll & Gonzalez, 2014), perhaps because they are seen as “out of place” in these areas and thus deemed more suspicious. Black Hispanics are similarly overrepresented among those arrested in neighborhoods with relatively larger Black non-Hispanic populations. To a lesser degree, White

**Figure 13. Arrest Rates per 10,000 Population by Police Agency for Top 10 Agencies**



**Figure 14. Nuisance Charges by Police Agency for Top 10 Agencies**



non-Hispanics are overrepresented among those arrested in neighborhoods characterized by relatively larger Black non-Hispanic and Black and White Hispanic residential populations.

In contrast, given their population size, White Hispanics appear to represent about the expected proportion of arrestees across these types of neighborhoods. It is possible that because White Hispanics are the majority population in Miami-Dade County, their presence does not arouse suspicion to the same extent as that of Blacks (Hispanic and non-Hispanic). This may

help explain why there is greater parity between the proportion of White Hispanics in terms of neighborhood composition and among the population of arrestees compared with that of Blacks (Hispanic and non-Hispanic).

### Arrests by Police Agency

It is also important to consider how policing varies across agencies. This is especially true in Miami-Dade County, where more than two dozen police agencies exist. The variation in arrest rates indicates considerable variability

among police agencies in Miami-Dade County, suggesting that police agencies should not be treated monolithically. Despite this variation, White arrest rates are generally lower than Black arrest rates, regardless of the racial and ethnic composition of the city.

Figure 13 presents overall arrest rates (per 10,000 residents) for the top ten police agencies, which represent over 85 percent of all arrests in the county, and Figure 14 shows the percentage of these arrests based on nuisance charges.

Because it is difficult to compare arrest outcomes for big and small cities, we present findings for the top ten agencies, as measured by population.<sup>15</sup> All of the included cities have populations of more than over 40,000 residents.<sup>16</sup>

Of the cities presented here, Coral Gables has the lowest arrest rate: 328 arrests per 10,000 residents. Coral Gables is one of the wealthiest areas of the county, with a largely White non-Hispanic population.

Miami Beach has the highest arrest rate, exceeding the next highest (Miami) by more than 1,000 arrests per 10,000 residents. Many of these arrests are driven by low-level nuisance crimes, especially those related to alcohol or homelessness, which is not surprising given that Miami Beach has a large homeless population and is known for its nightlife, which draws many visitors (Homeless Trust, 2017). Moreover,

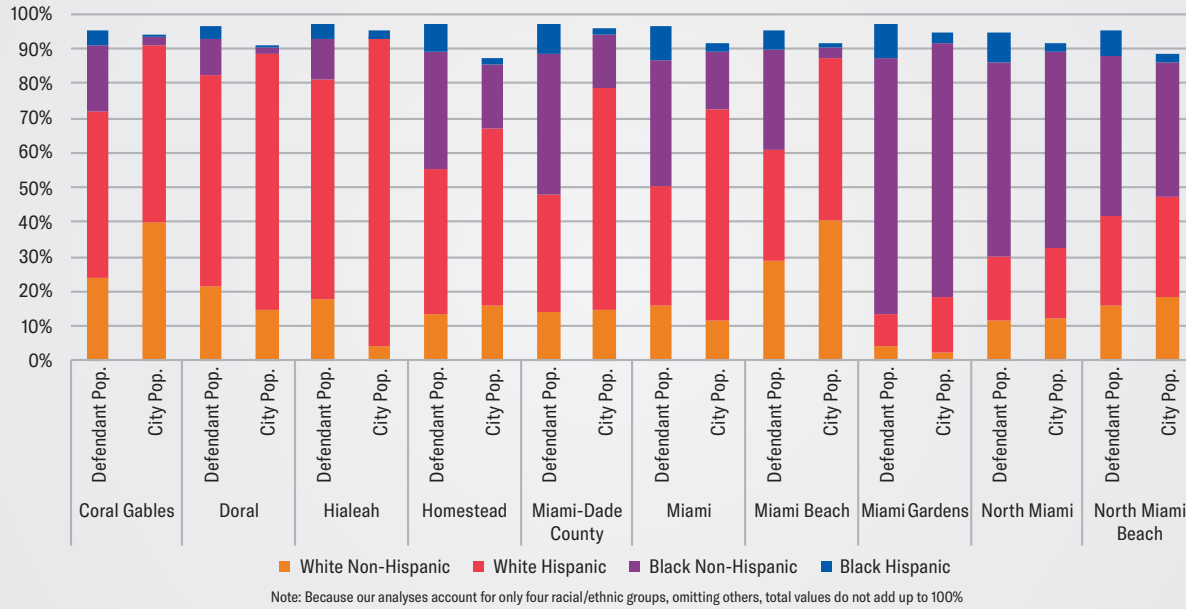
### MINORITY REPORT

Considering the top ten police agencies in the county, Black Hispanics are overrepresented among those arrested. In contrast, Whites are under-represented.

<sup>15</sup> Agencies covering areas with small populations can appear to have large arrest rates because their denominators are small rather than because a large number of arrests are occurring in their areas. Thus, we present rates for large agencies, which are not affected by this denominator issue and provide a more accurate picture of crime trends.

<sup>16</sup> We picked a lower limit of 40,000 residents to capture medium-size agencies such as Coral Gables but to exclude relatively smaller agencies such as Medley.

**Figure 15. Percent Arrests by Race, Ethnicity, and Police Agency for Top 10 Agencies**



Miami Beach’s high arrest rate for nuisance crimes may be due in part to the hundreds of thousands of tourists who flock to the city each year. Accordingly, the actual number of people in Miami Beach at a given time is likely far greater than that represented by the resident population.

Miami has the second-highest arrest rate, as well as the second-highest percentage of arrests for nuisance crimes. Similar to Miami Beach, the Miami Police Department covers a downtown area, which contains major entertainment hubs, attracts significant numbers of visitors, and has a large homeless population (Homeless Trust, 2017).

Although the ten agencies included in Figure 13 demonstrate wide variation in overall arrest rates, Figure 15 shows a racialized pattern of arrests that cuts across agency lines. While White Hispanics are underrepresented or represented equal to their share of the county population across the board, White non-Hispanics are mostly underrepresented in cities. In fact, White non-Hispanics are overrepresented among those arrested in only two cities, Doral and Hialeah. In contrast, Black Hispanics are overrepresented among those arrested in every city, and Black non-Hispanics are overrepresented among

those arrested in all but two cities, Miami Gardens and North Miami. The relative parity of arrest rates for Miami Gardens and North Miami likely stems from the fact that both cities are majority Black non-Hispanic.

The magnitude of overrepresentation of Black Hispanics is relatively steady across agencies, ranging from 2.07 to 5.67 times their share of the population. The single outlier is Coral Gables, where the percentage of arrestees who are Black Hispanic is eight times more

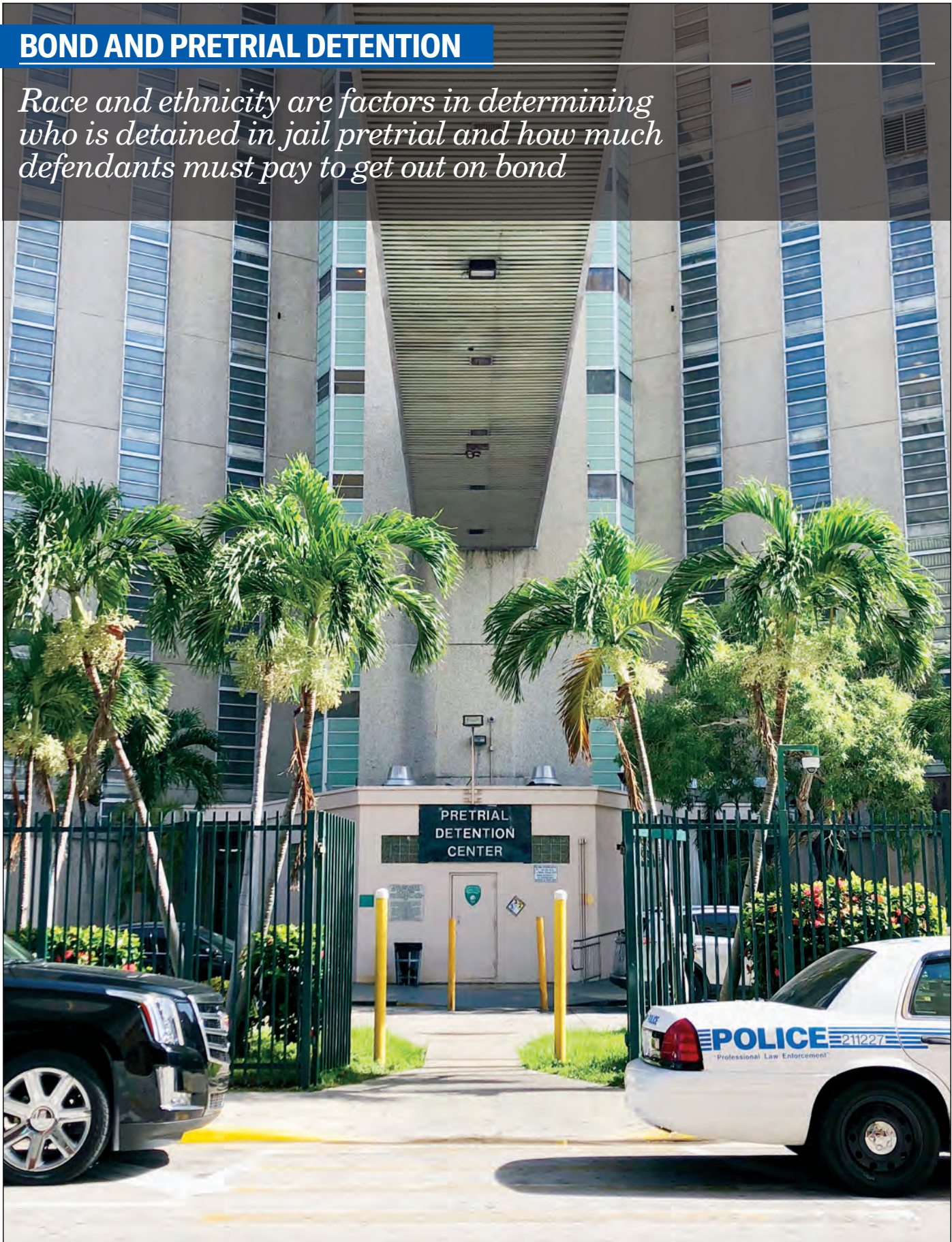
than in the general population. For Black non-Hispanics, the magnitude of this disparity is more varied, ranging from 1.17 in North Miami Beach to 23.08 in Hialeah. Moreover, the cities in which Black non-Hispanics are most overrepresented among those arrested all have White populations. One possible explanation of this pattern is that Black non-Hispanics are viewed as “out of place” in these cities and are consequently subject to heightened suspicion and proactive police activity (Alpert et al., 2007).



JEFF BORG

## BOND AND PRETRIAL DETENTION

*Race and ethnicity are factors in determining who is detained in jail pretrial and how much defendants must pay to get out on bond*



BAYLOR JOHNSON

## Key Findings

**PRETRIAL DETENTION.** Approximately 80 percent of defendants are detained pretrial. Just over four-fifths of those detained pretrial initially are ultimately released prior to disposition of their case either on bond or on nonfinancial terms.

**DETENTION BY RACE.** Black defendants, regardless of ethnicity, are more likely to be detained pretrial. Black Hispanic defendants are detained at four and a half times the rate as their population share, and Black non-Hispanic defendants are detained at over twice the rate as their population share. This trend holds true for all crime types, suggesting that pretrial disparities are not the result of differential offending patterns by race and ethnicity.

**DETENTION TIME.** Black defendants, especially Black Hispanics, spend more time in pretrial detention than White defendants.

**BOND.** White Hispanic defendants have the highest bond amounts imposed, and Black defendants, especially Black Hispanic defendants, have the lowest average bond amounts.

**NEIGHBORHOODS.** Defendants arrested in Black neighborhoods are more likely than other groups to be detained pretrial and to be detained for longer periods of time.

This section reviews findings regarding bond and pretrial detention.<sup>17</sup> In this report, we define a defendant as being detained pretrial if he or she spent at least one night in jail.<sup>18</sup> After an arrest, a defendant is either released from jail on a preset bond or generally appears before a judge at a bond hearing within

forty-eight hours.<sup>19</sup> At that point, a judge decides whether the defendant should be detained without bond, given a bond, or released on nonfinancial conditions pending resolution of his or her case.

Defendants may be detained without bond for a number of reasons, including, for example, being charged with a non-bondable offense or being charged with violating pretrial release conditions or probation. In determining whether to release a defendant on bond, impose other release conditions, or set bond amounts, a judge may consider a range of factors under the Florida Rules

**Black defendants, regardless of ethnicity, are more likely to be detained pretrial.**

of Criminal Procedure 3.131 (e.g., the nature of the offense charged, the defendant’s criminal history, family ties, time in the community, flight risk, and financial ability).

In theory, the payment of bond is meant to incentivize the accused defendant to appear back in court. Bonds are paid either by the defendant, friends, or family, or through a bondsman (to whom a fee is paid). In Miami-Dade, defendants who are charged with lower-level misdemeanors or ordinance violations are often not arrested but instead given a “promise to appear” in court;<sup>20</sup> or, if they are arrested, they are generally released from pretrial detention either on a preset bond issued at the jail or after the bond hearing on nonfinancial conditions, which may include conditions to be administered through a pretrial release program. However, defendants who have lengthy criminal histories and are charged with low-level offenses are often detained pretrial overnight.

In addition to pretrial detention, this

report considers release status, as it may play a role in shaping case outcomes. We identify five major categories of pretrial detention and release status: (1) not detained pretrial (never booked in jail or released from jail on the same day as the arrest); (2) initially detained and bonded out (detained overnight or longer and later released through bond payment); (3) initially detained and released on nonfinancial/other conditions (detained overnight or longer but later released under the supervision of a pretrial release program or released on their own recognizance); (4) detained and denied bond<sup>21</sup> (detained from arrest to disposition and denied bond); and (5) detained and held on bond until disposition (unable or unwilling to make bond so detained from arrest to disposition).

The vast majority of defendants (80 percent) in Miami-Dade County are detained pretrial at least overnight, although over four-fifths of these defendants initially detained pretrial are released prior to their case disposition.

Racial and ethnic disparities exist among types of release, rates of pretrial detention, and bond amounts. Black defendants are detained and denied bond at higher rates than are White defendants, regardless of ethnicity, and yet receive lower bond amounts. In contrast, White Hispanic defendants typically bond out at higher rates, yet have higher bond amounts. Pretrial detention rates in Miami-Dade County are higher in Black areas. The significance of release status is that it may play a role in shaping case outcomes.

## Literature Review

Prior research suggests that racial disparities exist in pretrial decisions regarding bail/bond amount, detention,

<sup>17</sup> Consistent with the literature, we use the term “pretrial detention” to mean any predisposition detention, not just detention awaiting trial, because most cases are resolved through plea bargains rather than by trials.

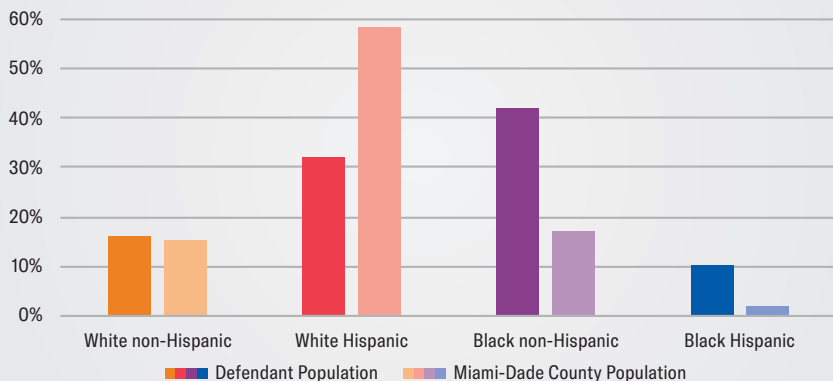
<sup>18</sup> Detention overnight shows up in our data as two consecutive dates of jail incarceration.

<sup>19</sup> While bond hearings generally occur within 48 hours, most are often conducted before this deadline. Also, a defendant may be released earlier, before a hearing is even held, on a bond issued at the jail based on a schedule of standard preset bond amounts for different crimes.

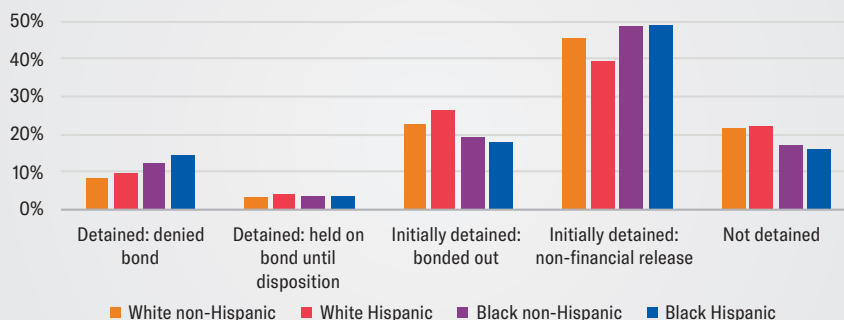
<sup>20</sup> Even though many ordinance violations are non-arrestable offenses, we include ordinance violations in our analysis of pretrial detention because some of these offenses may be arrestable.

<sup>21</sup> The category “detained and denied bond” includes defendants who did not have bond amounts listed, were held in jail until their cases were closed, or were charged with a non-bondable felony or with violating pretrial release conditions or probation.

**Figure 16. Pretrial Detention Defendant and County Populations by Race and Ethnicity**



**Figure 17. Pretrial Detention and Bond by Race and Ethnicity**



and release. Black and Hispanic defendants are more likely to be detained pretrial (Bynum, 1982; Demuth, 2003; Demuth & Steffensmeier, 2004; Katz & Spohn, 1995)<sup>22</sup> and are required to meet higher bail amounts than are White defendants (Schlesinger, 2005).<sup>23</sup> Black-White racial disparities are greatest among defendants accused of violent crimes and lowest among defendants accused of drug crimes (Wooldredge, Frank, & Goulette, 2016).

Higher bail amounts make it more difficult for defendants to post bond and thus increase detention time. Earlier research finds that a defendant’s ability to make bail is related to resource access, with a larger proportion of White defendants able to make bail than are Hispanic and Black defen-

dants (Albonetti, Hauser, Hagan, & Nagel, 1989; Demuth, 2003).

Several studies show disparities in bail and pretrial detention at the neighborhood level as well. Defendants from wealthy neighborhoods are given lower bail amounts (Stevenson, 2016) and are detained at lower rates (Heaton, Mayson, & Stevenson, 2017; Wooldredge et al., 2016). Studies show that neighborhood racial composition has a varied effect on the likelihood of pretrial detention. Wooldredge et al. (2016) find that pretrial detention is more likely if a defendant is accused of committing a crime in a Black neighborhood. However, Williams and Rosenfeld (2016) do not find the same effect when defendants are accused of firearm offenses.

Pretrial detention leads to more

severe outcomes in later stages of the criminal justice system, particularly in sentencing (Johnson et al., 2008; Rodriguez, 2010; Sacks & Ackerman, 2014; Spohn, 2008). Sacks and Ackerman (2014) report longer sentences for defendants who are detained than for defendants who are released on bail. This finding is similar to that of Spohn (2008), who finds that Black defendants are more likely to be detained pretrial and are therefore more likely to receive longer prison sentences than are Whites.

## Bond and Pretrial Detention

Figure 16 compares the racial and ethnic composition of defendants detained pretrial with the county’s population. While White non-Hispanic defendants have a fairly similar rate of pretrial detention compared to their representation in the county population, Black non-Hispanic and Black Hispanic defendants are overrepresented in the data compared to their respective county population share. Specifically, Black Hispanics are detained at a rate that is four times larger than their representation in the county population, and Black non-Hispanics are detained at a rate twice as large as their population share. Similar to patterns seen at the arrest stage, White Hispanic defendants are actually underrepresented compared with their proportion of the county population.

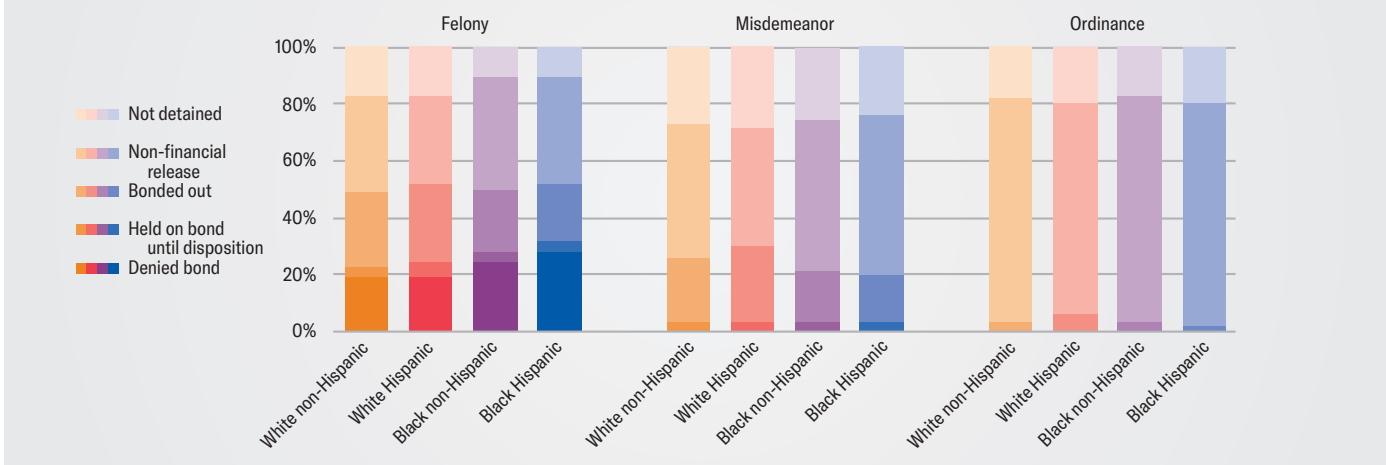
Figure 17 lists bond and pretrial detention categories by race/ethnicity. About 80 percent of defendants are initially detained pretrial, though most of these defendants are ultimately released before the disposition of their case. Black defendants are detained pretrial at higher rates compared with White defendants. These higher rates of pretrial detention are driven by higher rates of bond denials and by lower rates of bonding out for Black defendants.<sup>24</sup> Black Hispanic defendants are detained and

<sup>22</sup> While prior research in other locales finds that Hispanic defendants are disadvantaged at the pretrial detention stage, our findings suggest that in Miami-Dade County White Hispanic defendants are treated more similarly to White non-Hispanic defendants. This is most likely a function of the unique demographic profile of Miami-Dade County, with a large Hispanic population.

<sup>23</sup> Our findings with respect to bail amounts for Miami-Dade County are markedly different. Here, Black defendants, who are from poorer neighborhoods, receive lower bond amounts, although they are detained at higher rates than Whites. We provide several potential explanations for this below.

<sup>24</sup> As we discuss below, although Black defendants are given lower bond amounts, they are less likely to bond out.

**Figure 18. Pretrial Detention by Arrest Charge and Race and Ethnicity**



denied bond at even higher rates, indicating that Black Hispanics are especially disadvantaged at the pretrial stage.

For those who are released, release status is also displayed on Figure 17. Over 40 percent of cases are released on nonfinancial conditions, such as a pretrial release program or on the defendant's own recognizance. Release on bond occurs in approximately one-fifth of cases overall. White Hispanic defendants experience lower rates of nonfinancial release and higher rates of bonding out compared with the other groups. Black defendants experience the highest rates of nonfinancial release.

Figure 18 investigates the relationship between pretrial detention and the maximum arrest-charge type. Similar to the overall patterns in Figure 17, Black felony defendants are more likely to be detained pretrial and denied bond compared with White defendants, suggesting that differences in offense severity do not adequately explain the racial and ethnic disparities found above (although these differences may be driven to some extent by longer criminal histories for Black defendants see Table 1. Defendant Characteristics by Race and Ethnicity).

White felony defendants are more likely to bond out and more likely not to be detained compared with Black defendants, although they are also less likely to be released on nonfinancial or other

conditions. More than 85 percent of defendants charged with a felony are initially detained pretrial. Among detained felony defendants, over two-thirds either bond out or are released on nonfinancial terms.

In contrast, among those charged with a misdemeanor or an ordinance violation, a larger proportion are not detained pretrial, and very few are either denied bond or held on bond until disposition. One reason for this result may be that those charged with misdemeanors or ordinance violations are often not arrested to begin with but are, instead, given a "promise to appear" in court.

White defendants arrested with misdemeanors are less likely to be detained and are more likely to bond out. Black misdemeanor defendants are more likely to be booked into jail, then released on nonfinancial or other conditions. Many of the misdemeanor defendants who are either initially detained but released on nonfinancial or other conditions are homeless or are charged with an alcohol-related offense. So it is likely that these defendants are being held overnight in jail but then are released the next day.

The average amount of bond imposed for all cases in our data set is just over \$2,500. White Hispanic defendants are required to pay the highest bond amounts, and White non-Hispanic defendants are required to pay below-average

bond amounts. Black defendants are required to pay the lowest bond amounts.

There may be several explanations for this. One potential reason may be that White defendants can more readily afford to pay the preset bond amount, allowing them to bond out directly from jail even before going before a judge for a bond hearing. In contrast, Black defendants may be less able to afford the preset bond and so remain in pretrial detention until the judge lowers the bond amount as a result of the defendant's attorney advocating for a bond reduction.

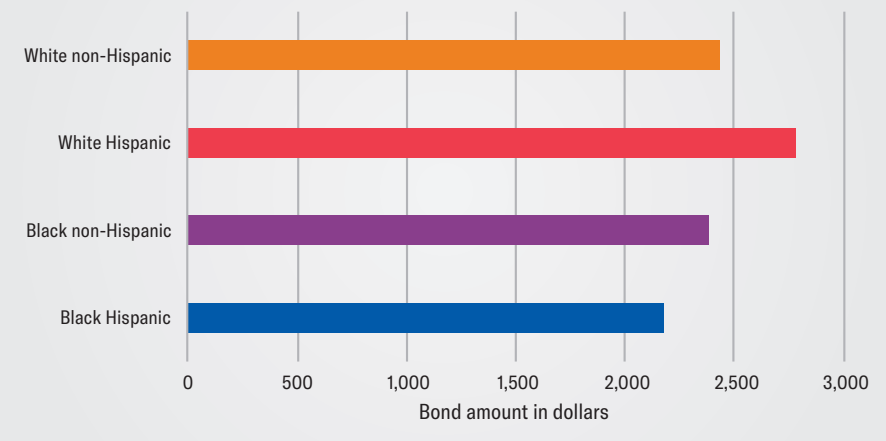
Another possible reason could be that because Black defendants spend longer in pretrial detention (see Figure 20. Pretrial Detention Time by Race and Ethnicity), there are more opportunities for their attorneys to request bond reductions and for prosecutors to reduce the seriousness of the charges facing them, which, in turn, results in reductions of their bond amounts.

In addition to considering pretrial detention status by race and ethnicity, we examine the number of days defendants actually spend in pretrial detention. Figure 20 displays the average number of days defendants spend in pretrial detention by race and ethnicity.<sup>25</sup>

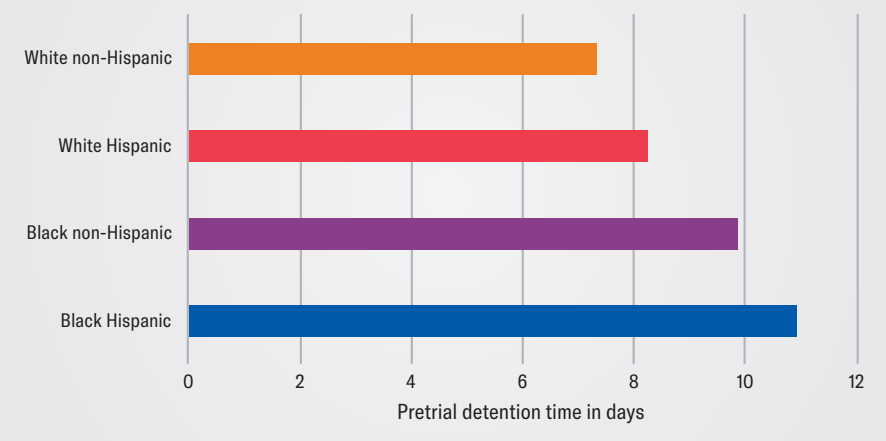
Black defendants, and in particular Black Hispanic defendants, spend more days in pretrial detention on average. Black Hispanic defendants spend an

<sup>25</sup> To avoid the undue influence of outliers, we cap the number of days in jail at forty because, if no charges have been filed after forty days, defendants must be released from jail.

**Figure 19. Bond Amount by Race and Ethnicity**



**Figure 20. Pretrial Detention Time by Race and Ethnicity**



average of about eleven days in pretrial detention, and Black non-Hispanic defendants spend an average of about ten days in pretrial detention.

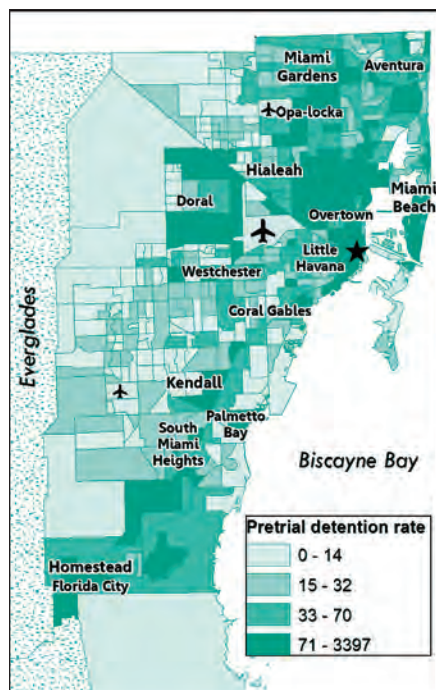
In contrast, White Hispanic defendants spend about eight days in pretrial detention, and White non-Hispanic defendants spend about seven days in pretrial detention. These differences are likely driven in part by the higher rates of being detained and denied bond for Black defendants and by the higher rates of bonding out for White defendants.

### Bond and Pretrial Detention by Neighborhood

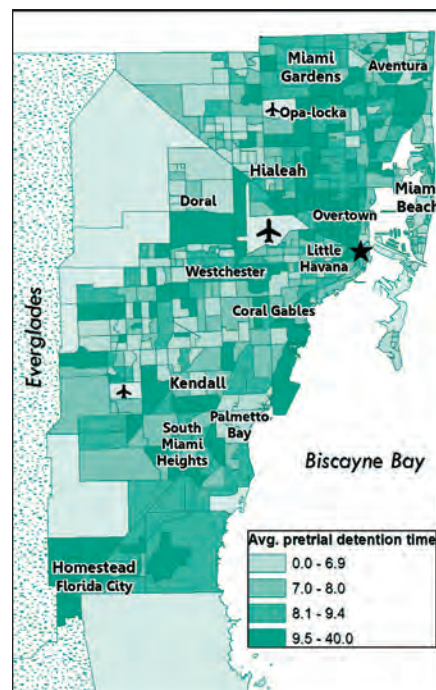
Figure 21 shows the spatial distribution of pretrial detention outcomes at the neighborhood level. Pretrial detention rates and the average number of days in detention are higher in Black neighborhoods to the north of downtown: Overtown, Opa-locka, and Miami Gardens. In contrast, average bail amounts are highest in the more White and affluent neighborhoods in the southwestern parts of the county: Coral Gables, Kendall, and Palmetto Bay.

This pattern could reflect the fact that defendants arrested in more economically disadvantaged areas ul-

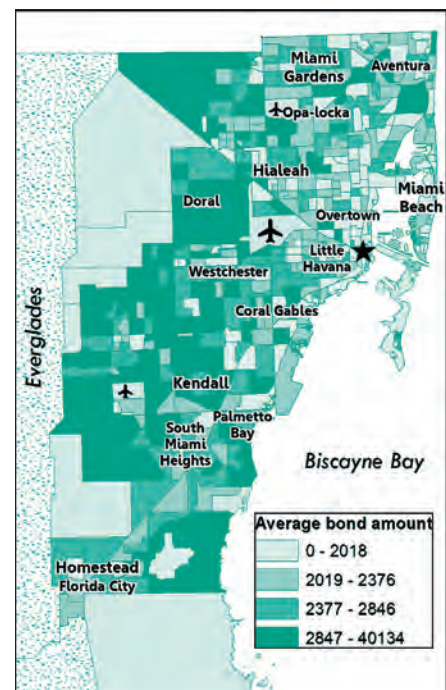
**Figure 21A. Pretrial Detention Rate**



**Figure 21B. Pretrial Detention Time**



**Figure 21C. Average Bond Amount**





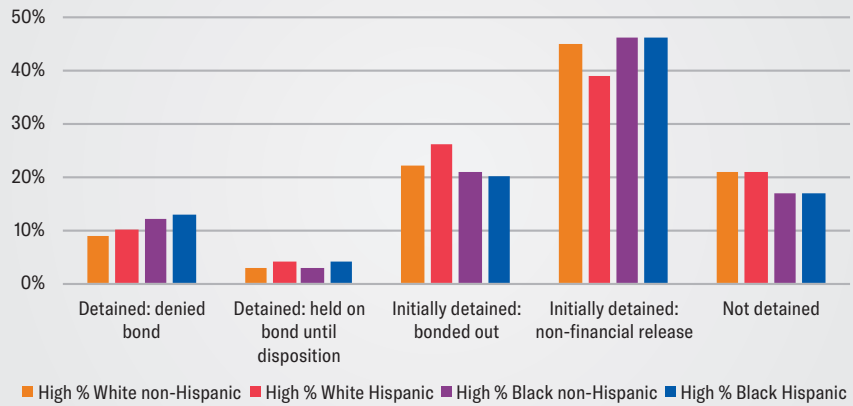
mately have their bonds lowered as a result of their attorneys advocating for bond reductions or because a larger proportion of arrests in low-income areas are for lower-level crimes. This may also reflect the fact that because Black defendants are in jail for longer, on average, more opportunities arise for their bond amounts to be reduced as a result of requests by their attorneys and/or of paring down their charges by prosecutors.

Figures 22 through 24 summarize pretrial detention and bond statistics by neighborhood racial and ethnic composition. Pretrial detention occurs least often for defendants arrested in White neighborhoods and most often for defendants arrested in Black neighborhoods. Similar to our individual defendant findings, defendants arrested in Black Hispanic and non-Hispanic neighborhoods are slightly more likely to be denied bond than defendants arrested in White neighborhoods.

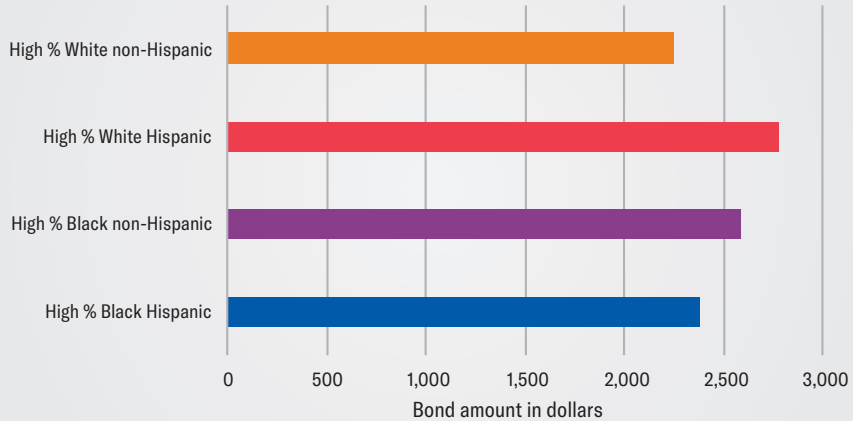
Financial release is generally less common than nonfinancial release, although there are racial and ethnic disparities at this decision point within the Miami-Dade criminal justice system. Defendants arrested in White Hispanic neighborhoods also experience the lowest percentage of nonfinancial release and the highest rates of bonding out. Consistent with our maps, the average bond amount is also highest for defendants arrested in White Hispanic neighborhoods and lowest for defendants arrested in White non-Hispanic neighborhoods.

While individual defendant findings indicate that both Black non-Hispanic and Black Hispanic defendants spend more time in pretrial detention, these patterns are slightly less dramatic at the neighborhood level.<sup>26</sup> While defendants arrested in Black neighborhoods still spend the longest in pretrial detention, this average is closer to ten days for defendants arrested in Black Hispanic neighborhoods and nine and a half days for Black non-Hispanic neighborhoods.

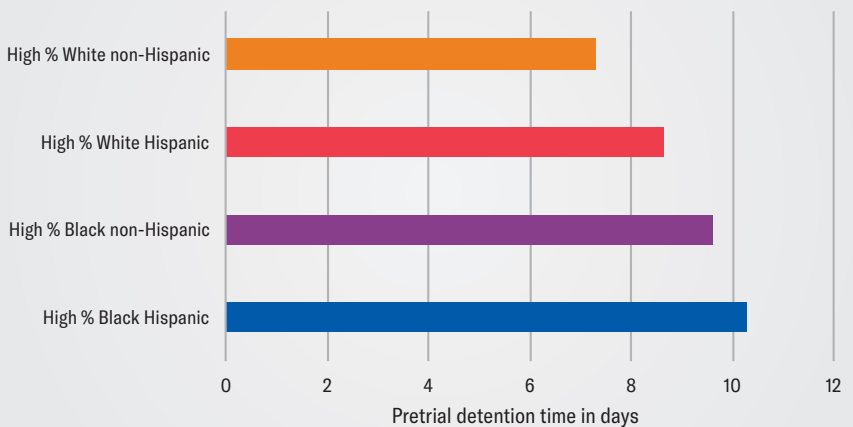
**Figure 22. Pretrial Detention and Bond by Neighborhood**



**Figure 23. Bond Amount by Neighborhood**



**Figure 24. Pretrial Detention Time by Neighborhood**



<sup>26</sup> Again, we cap the number of days in jail at forty to avoid the undue influence of outliers and because a defendant must be released from jail if no charges are filed after forty-one days.

## CHARGING AND DISPOSITION

*Race and ethnicity impact the severity of initial charges, whether charges are dropped, and the overall rate of conviction*



JEFF BORG

## Key Findings

**CHARGING.** The severity of charges decreases more significantly from arrest to filing versus filing to final charges, highlighting patterns of overcharging by police departments. However, racial disparities in arrest-charge severity still carry through to racial disparities in filing and final charge.

**CONVICTION.** A higher percentage of cases with Black defendants result in conviction, regardless of ethnicity. Black Hispanic defendants are convicted at a rate that is over five and half times higher than their share of the county population, and Black non-Hispanic defendants are convicted at a rate that is two and a half times higher than their population share.

**PLEA BARGAINING.** This is driven by higher rates of plea bargaining for all cases in our data set among Black non-Hispanic and especially Black Hispanic defendants and by lower rates of nolle prosequi decisions for Black defendants.

**DRUG OFFENSES.** Black defendants are more likely to be charged and convicted of drug offenses than are White defendants.

This section presents charging decisions across three different points in the criminal justice process: the initial charges at arrest (arrest charge); the charges filed by the prosecutor (filing charge); and then if the defendant is convicted, the final charge of conviction at disposition (final charge). Therefore, charging is not a “stage” in itself, but rather represents decisions made at multiple stages by multiple criminal justice actors.

For felonies, initial arrest charges are written up by the police, and after

reviewing the case in a prefiling conference, the state attorney’s office decides which charges, if any, to move forward with at the filing stage. In misdemeanor cases, the police initially decide which charges to bring, and prosecutors often use the arrest form itself as the filing charging document. In both felony and misdemeanor cases, the state attorney’s office can decide not to file whatever charges were put forward by the police (called “no file” or “no action”). In addition to deciding whether to file charges initially (or not), the state attorney’s office can subsequently decide to discontinue prosecution (called “nolle prosequi,” which is the

Black defendants

tend to be charged and convicted

of more serious crimes.

shortened term for nolle prosequi).<sup>27</sup>

If a defendant’s case results in a conviction, generally through a guilty plea (and rarely through a trial), his or her final charge is the charge of conviction. If the conviction arises from a plea bargain, this results from negotiations in felony cases between the prosecutor and the defense attorney and, in most misdemeanor cases, between the prosecutor and the defendant (as most misdemeanor defendants do not have counsel).<sup>28</sup> Nolle prosequis often occur upon the completion of a pretrial diversion program, which is typically given only to defendants with less serious charges and no criminal history.

Although there can be multiple charges in a case, we examine the most severe charge filed because we believe that the severity of the most serious charge is a better indicator of the ultimate outcome of a case than the number of separate charges. There are six categories of charge severity, in order of highest to lowest severity as follows: (1) life- or capital-felony and first-degree

felonies; (2) second-degree felonies; (3) third-degree felonies; (4) first-degree misdemeanors; (5) second-degree misdemeanors; and (6) ordinance violations.

This section also examines the disposition or outcome of cases. We include seven substantive disposition categories, including: (1) no file or no action (the prosecution declined to file charges); (2) nolle prosequi (the prosecution decided to drop the case after initially filing charges); (3) dismissal (charges were filed by the prosecutor but were later dismissed by the judge); (4) acquittal (the defendant was not convicted at trial); (5) plea (the defendant was convicted by entering a guilty plea); (6) guilty trial (the defendant was convicted at trial); and (7) adjudication with-

hold (the defendant received a withhold-of-adjudication disposition

by plea or judge’s decision).<sup>29</sup>

Adjudication withhold dispositions technically do not give defendants formal criminal “convictions” on their records. However, these dispositions carry significant collateral consequences.<sup>30</sup> They are most commonly given to first-time offenders, who are often sentenced to probation or jail time. For these reasons, we consider adjudication withhold dispositions as a separate disposition category, and we include them as such in the sentencing section. Strictly speaking, no files / no actions, nolle prosequis, dismissals, acquittals, as well as withhold adjudications, are not considered convictions, whereas pleas (to something other than an adjudication withhold) and guilty trial verdicts are considered convictions.

Overall, the data show a major reduction in severity of charges from the arrest stage to the filing and final disposition stages for all racial and ethnic groups. In fact, in 21 percent of all cases, the prosecutor declines to file charges at all (no file / no action),

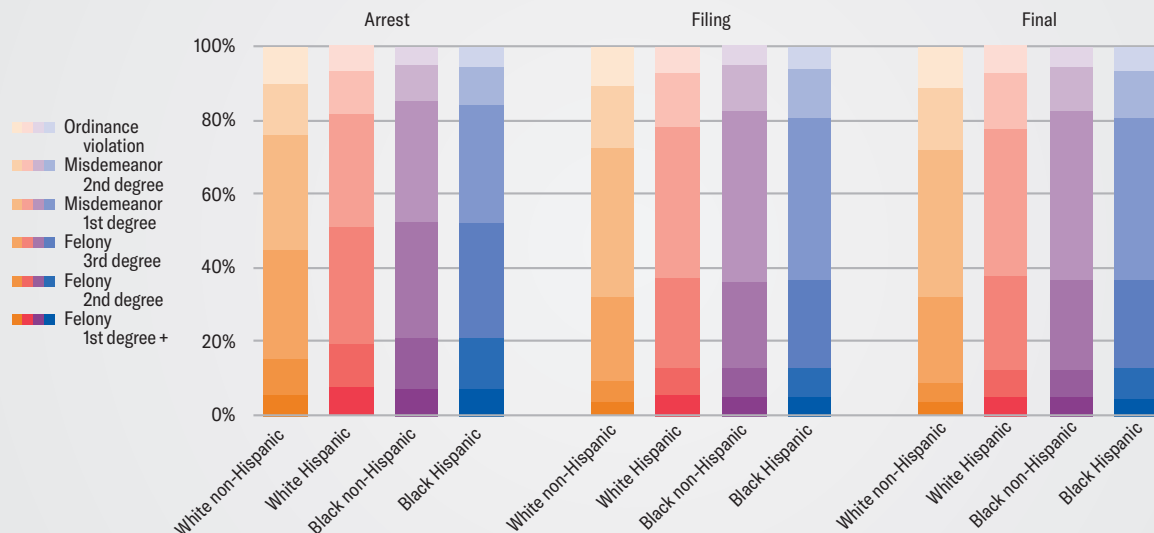
<sup>27</sup> While “nolle prosequi” is the formal Latin term for this decision, we opt for the term “nolle prosequi” because the latter is colloquially used to describe this process in Miami-Dade County.

<sup>28</sup> Defendants in misdemeanor and ordinance violation cases who do not have legal representation can be particularly adversely impacted by prosecutorial decisions in charging and in seeking dispositions (especially including the imposition of fines and fees).

<sup>29</sup> We recognize that dismissals by a judge are rather rare events in Miami-Dade County.

<sup>30</sup> For example, a defendant who receives a withhold of adjudication is counted as having a conviction for purposes of immigration violations, public housing section 8 vouchers, student loans, sentencing enhancements under federal law, or sex-offender registration requirements.

**Figure 25. Crime Severity Charges by Race and Ethnicity**



suggesting over-charging in a substantial number of criminal cases.

White non-Hispanics are charged with the least severe crimes at all three stages compared with the other racial and ethnic groups, and they are disproportionately convicted of ordinance violations at a higher rate than the other racial/ethnic groups. In contrast, Black defendants tend to be charged and convicted of more serious crimes, and they are disproportionately convicted at much higher rates compared with their relative county population share. Black defendants are significantly more likely to enter a plea deal and less likely to have their cases no filed / no actioned or to have their charges dropped by the prosecution (nolle prossed) than are White defendants, regardless of ethnicity. Black defendants are also disproportionately convicted of drug crimes compared with the other groups.

### Literature Review

Charging decisions play a crucial role in determining sentencing outcomes, and thus, it is important to understand racial and ethnic disparities in charging (Stith, 2008). Prosecutors have significant discretion in terms of both the severity and number of charges they can file (Lynch, 2016; Rehavi & Starr,

2014), providing them with considerable bargaining power (Petersen & Lynch, 2013; Pfaff, 2017). Charging decisions, especially at initial screening, dramatically shape case outcomes and explain a large portion of sentencing disparities (Bushway & Piehl, 2007; Rehavi & Starr, 2014; Shermer & Johnson, 2010). Rehavi and Starr (2014) estimate that initial charging disparities account for roughly half of the Black-White sentencing disparity at the federal level.

While prosecutorial charging has been relatively understudied, the limited research on charging has found racial and ethnic disparities (Rehavi & Starr, 2014). Black defendants face significantly more severe charges than do Whites, even after controlling for other case characteristics (Crow & Johnson, 2008), and these initial decisions contribute to sentencing disparities later in the system (ACLU, 2014). Black-White charging disparities are especially pronounced in drug trafficking, where prosecutors have considerable discretion (Mustard, 2001).

### Charging and Disposition

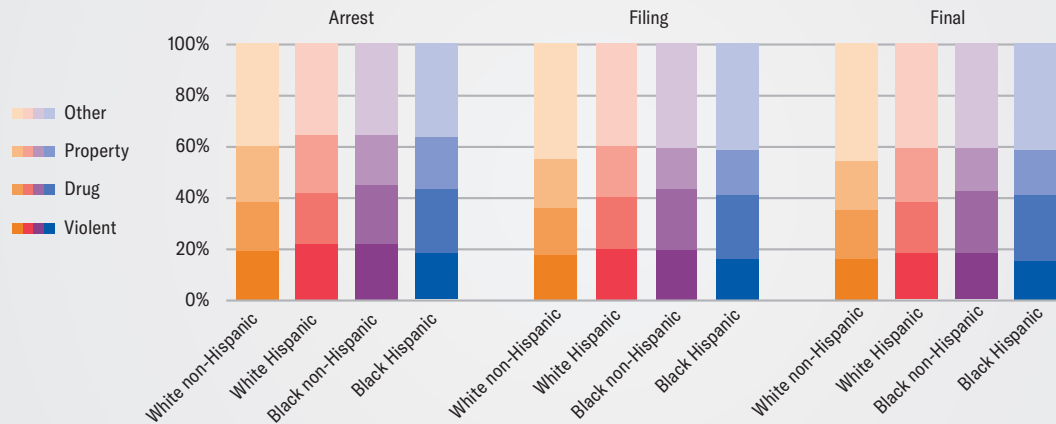
Figure 25 displays crime severity at each charging stage by race and ethnicity for the most serious charge. The percentage of cases with more serious

charges decreases significantly from arrest to filing rather than from filing to final charge. This is particularly the case for felonies, which comprise about half of the arrest charges but are reduced to about one-third of the filing charges. In part, this may be because felony defendants have counsel who are likely to negotiate for reduced charges.

Racial disparities in filing and final charging severity are largely driven by arrest charges. Figure 25 suggests that White non-Hispanic defendants are charged with less serious crimes throughout the process. This is evidenced by the presence of fewer felony charges in White non-Hispanic cases, by relatively higher rates of ordinance violations, and by less serious misdemeanor charges than other groups. Black defendants are charged with a larger proportion of serious crimes (and, in particular, more serious felony charges) at arrest than White Hispanic defendants, but these tend to be reduced in filings and final charges. This could be attributable to the fact that Black defendants are more often arrested for drug charges, many of which are pared down by prosecutors upon the filing of charges in court or ultimately reduced at disposition as a result of plea bargains.

Figure 26 displays four crime categories at each stage of charging for the

**Figure 26. Crime Type by Race and Ethnicity**

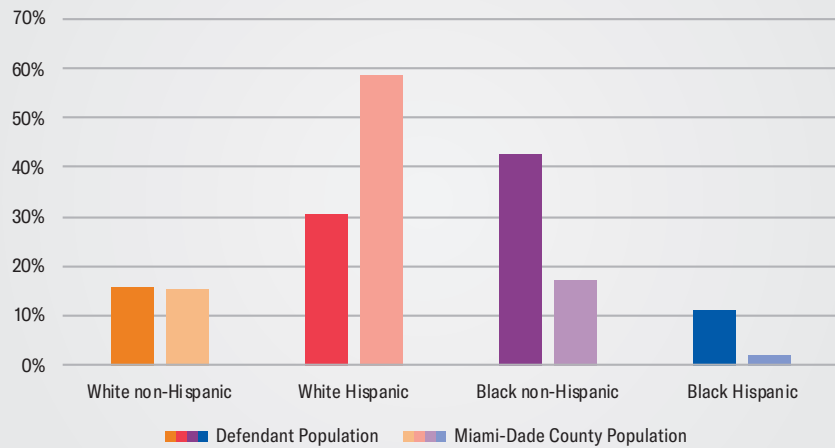


most serious crime. Black Hispanics and Black non-Hispanics are more likely to be charged with drug crimes, which does not change substantially at the stage of final conviction. White Hispanic and, to a lesser degree, Black non-Hispanic defendants are charged with violent crimes at a higher rate throughout the process. White non-Hispanics are more likely to be charged with “other” crimes, such as ordinance violations.

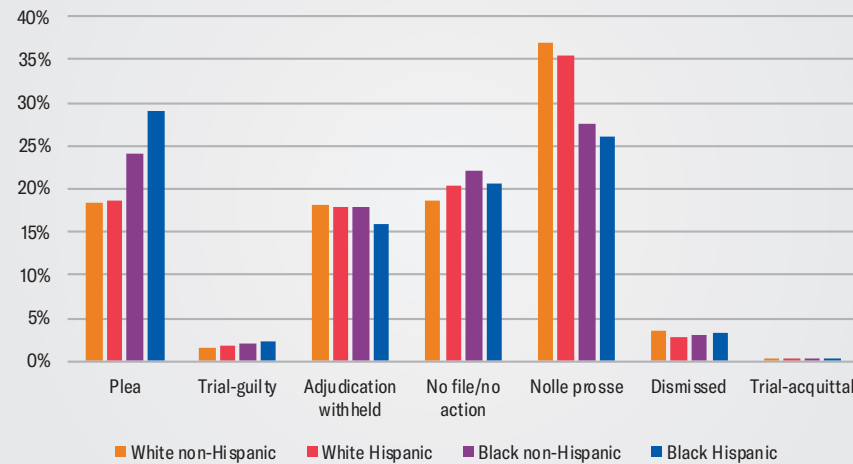
Figure 27 compares the racial and ethnic composition of cases that result in a conviction relative to the county’s population. Black defendants are significantly overrepresented among those convicted relative to their proportion of the county population. This is especially true for Black Hispanics, whose representation among those convicted is over five and a half times their proportion in the county population. In contrast, White Hispanic defendants are underrepresented in convictions by about half relative to their proportion of the county population. This figure suggests that any observed disparities at the sentencing stage may be partially due to disparities in conviction rates.

Figure 28 illustrates more specific dispositions by race and ethnicity. Over half the cases in our data set exit the system as a result of the prosecution deciding to no file / no action or to nolle prosequere the case. White defendants receive a substantially higher rate of nolle prosequere — almost 10 percent higher than that received by Black

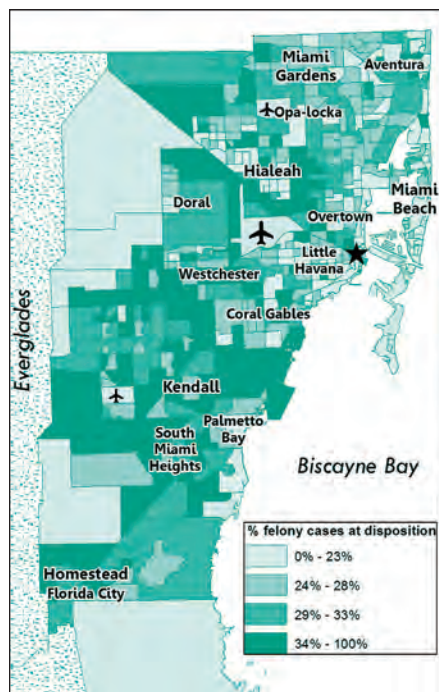
**Figure 27. Convicted Defendant and County Populations by Race and Ethnicity**



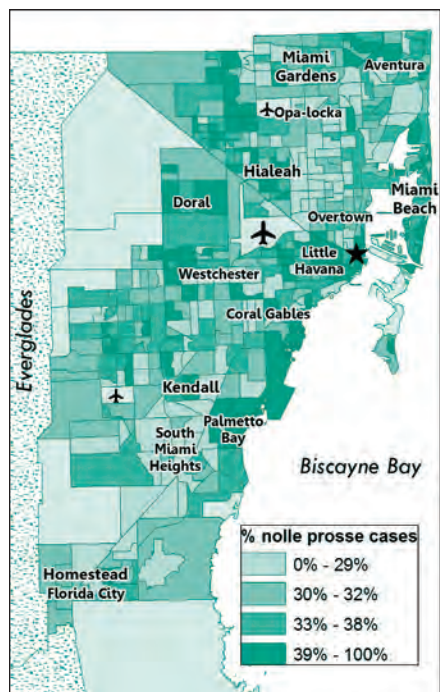
**Figure 28. Disposition by Race and Ethnicity in Conviction Rates**



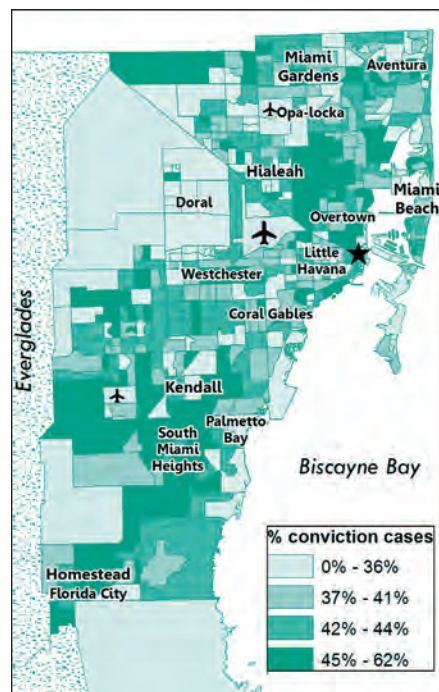
**Figure 29A. Charging and Disposition / Percent Felony Cases**



**Figure 29B. Charging and Disposition / Percent Nolle Prose Cases**



**Figure 29C. Charging and Disposition / Percent Conviction Cases**



Hispanic and Black non-Hispanic defendants. This higher rate of nolle proesses for White defendants may reflect higher rates of participating in pretrial diversion — which is typically available only to defendants with less serious charges and no criminal history — because the usual reward for successfully completing a diversion program is the entry of a nolle proesse.<sup>31</sup>

The fact that Black defendants are less likely to have their cases nolle proessed likely drives racial disparities in conviction rates. In contrast, Black defendants (both Hispanic non-Hispanic) are much more likely to be convicted through a plea deal compared with White defendants (both Hispanic and non-Hispanic). Black Hispanic defendants are slightly less likely to have their cases resolved through an adjudication withhold than are the other groups, which may be due to crime severity and/or criminal history.<sup>32</sup> Other outcomes, including trials as well as dismissals granted by judges, are rare for all groups.

### Charging by Neighborhood

Figure 29 displays the percentage of cases resulting in specific charging decisions and dispositions at the neighborhood level. Neighborhoods with larger White populations in the southwestern part of Miami-Dade County have the highest proportion of defendants with maximum felony charges at disposition. Similarly, neighborhoods with the highest proportion of cases that are nolle proessed are concentrated in downtown and in White areas in the southwest such as Coral Gables, Kendall, and Palmetto Bay. In contrast, neighborhoods with the highest proportion of cases resulting in convictions are clustered in Black areas such as Overtown, Liberty City, and Florida City / Homestead, and to a lesser extent in Miami Gardens.

Figure 30 summarize charge severity across the criminal justice system by neighborhood racial and ethnic composition. Similar to the individual-level results, charges tend to be reduced most significantly from the arrest stage to subsequent stages (filing and final

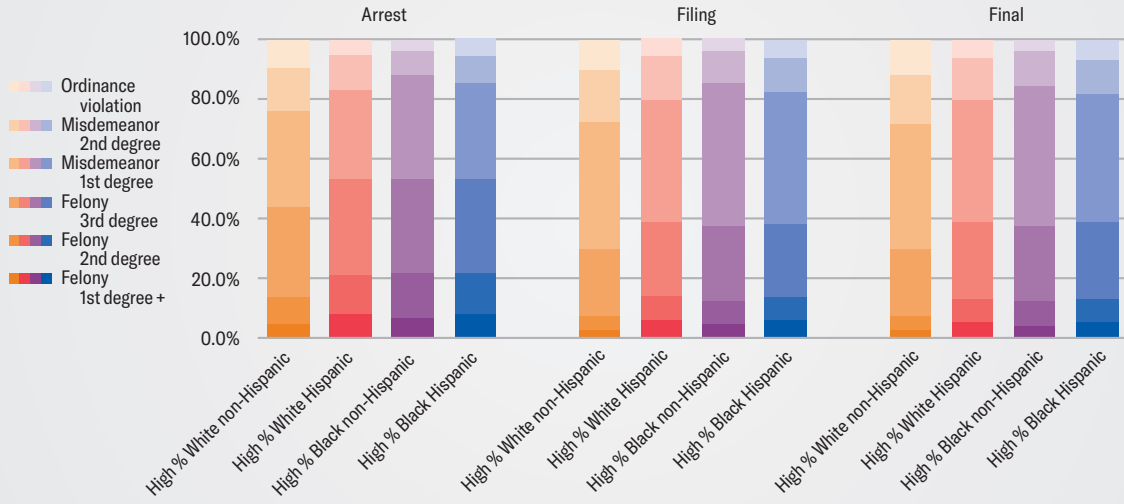
disposition). While the severity of charges is reduced significantly for all neighborhoods from the arrest to the final disposition, defendants arrested in neighborhoods with a higher concentration of White non-Hispanic residents have a higher percentage of ordinance and misdemeanor charges, although this neighborhood disparity decreases at final disposition.

Figure 31 depicts general crime types across the criminal justice system at the neighborhood level. Defendants arrested in Black neighborhoods are more likely to be charged with drug crimes, whereas defendants arrested in White neighborhoods are more likely to be charged with property crimes. In addition, defendants arrested in White non-Hispanic neighborhoods are more likely to be arrested for low-level offenses such as ordinance violations than are those arrested in other neighborhoods. Accordingly, defendants arrested in these White non-Hispanic areas are generally convicted of less serious crimes. While there are also shifts in terms of crime types from the arrest to filing phases, changes that occur

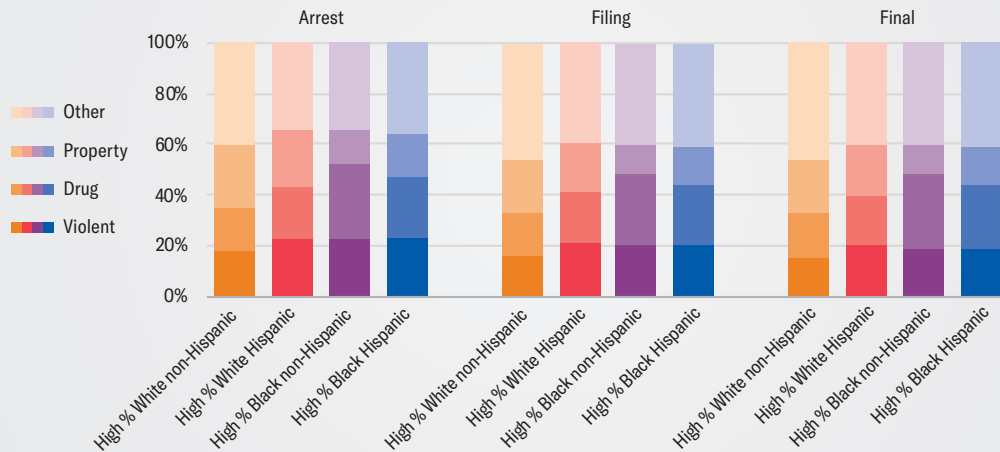
<sup>31</sup> According to Table 1, White defendants have less serious criminal histories than Black defendants do.

<sup>32</sup> In light of the racial/ethnic disparities in arrests, we have identified in this report (see text after Table 1) that it is possible that a defendant's criminal history may be partially a function of his or her race/ethnicity due to racial/ethnic profiling.

**Figure 30. Crime Severity Charges by Neighborhood**



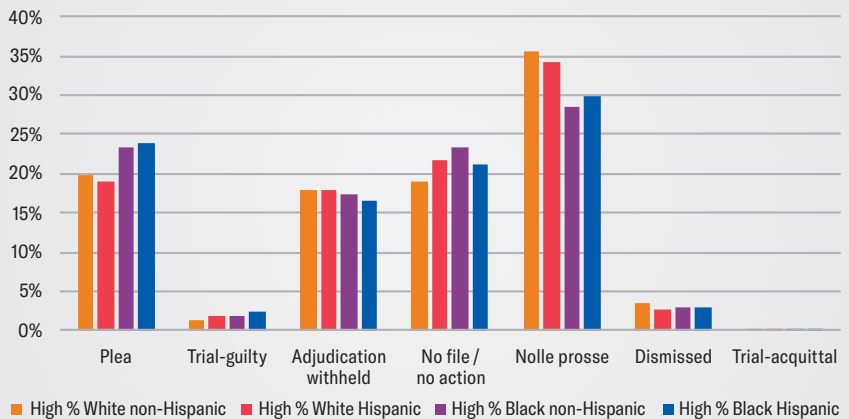
**Figure 31. Crime Type by Neighborhood**



generally in these White non-Hispanic areas pertain to less serious crime types—property crimes and ordinance violations.

Figure 32, which summarizes disposition type by race and ethnicity at the neighborhood level, generally mirrors patterns at the individual level. Defendants arrested in Black neighborhoods are convicted at higher rates through plea bargaining than those arrested in White neighborhoods, regardless of ethnicity. This pattern is driven by the fact that defendants arrested in White neighborhoods are more likely to have their cases not filed, no actioned, or nolle prossed than those from Black neighborhoods.

**Figure 32. Disposition by Neighborhood**



## SENTENCING

*Race and ethnicity affect who gets credit time-served, diversion, or probation, and who goes to jail or prison and for how long*



SIRTRAVELA.OT



## Key Findings

**INCARCERATION.** Black Hispanic defendants serve jail or prison sentences at a rate over six times greater than their share of the county population, and Black non-Hispanic defendants are incarcerated at a rate about two and a half times greater than their county population share.

**PROBATION.** Black defendants are also less likely to receive probation sentences and are also slightly more likely to receive credit for time served compared with White defendants.

**TIME SERVED.** Credit time served is the most common sentence for all defendants, followed by probation.

### LONG SENTENCES.

Black non-Hispanic defendants receive the longest prison sentences. Black non-Hispanics, on average, are sentenced to prison sentences that are between ten months and a year longer than sentences received by any other group.

**NEIGHBORHOODS.** Defendants arrested in Black Hispanic neighborhoods are the most likely to be incarcerated, producing pockets of incarceration-generating areas within the county.

This section analyzes the sentences of defendants who are convicted or who receive an adjudication-withheld disposition. We examined five types of sentences: (1) prison; (2) jail; (3) probation; (4) diversion; and (5) credit for time served and fines. We define incarceration as any sentence remanding defendants to a state prison or a county jail.

Prison sentences are sentences of incarceration of a year, or more, to be served in a state prison. Jail sentences are sentences of less than a year to be served in a county jail. In addition, there are several types of sentences that do not involve incarceration, including probation, in which defen-

dants are placed under supervision in the community for a defined period of time, and diversion or participation in a rehabilitation program. Credit for time served is a sentence for the amount of time a defendant has already served in jail in pretrial detention awaiting final disposition of his or her case.<sup>33</sup>

The findings in this section suggest that Black Hispanic and Black non-Hispanic defendants receive more severe sentences than any other group. Specifically, Black Hispanic defendants are most overrepresented in terms of receiving a prison or a jail sentence compared with their representation in the county population (in that they are incarcerated at over six times the rate of their population share). But Black non-Hispanic

Black defendants

receive more severe sentences

than any other group.

defendants receive the longest prison sentences compared with all other groups by at least ten months. At the neighborhood level, we find that prison sentence lengths are highest in Black Hispanic communities.

## Literature Review

Nationwide, Black men are currently imprisoned at a rate that is nearly six times greater than the rate of White men, and Black women are imprisoned at about twice the rate of White women (The Sentencing Project, 2017). In Florida (Herald Tribune, 2016) and elsewhere (Spohn, 2000), Black and Hispanic defendants face considerably greater chances of incarceration than White defendants and receive longer sentences than their white counterparts (Spohn, 2000).

Similar patterns have been found in other states and at the federal level (Steffensmeier, Painter-Davis, & Ulmer, 2016; U. S. Sentencing Commission, 2014), with Black defendants receiving 20 percent longer sentences (ACLU,

2014; U. S. Sentencing Commission, 2014). Differences in offense severity cannot explain these racial and ethnic differences (Baumer, 2013; Sutton, 2013). Intersectional dynamics are also at work, with minority defendants being viewed as fitting stereotypical descriptions of a “dangerous offender” (i.e., young, male, violent offender, etc.) receiving harsher punishments (Doerner & Demuth, 2010; Kautt & Spohn, 2002; Spohn & Holleran, 2000; Spohn & Sample, 2008).

Such disparities are often compounded from earlier decisions, with defendants who are detained pretrial receiving harsher punishments (Demuth, 2003; Rodriguez, 2010; Wooldredge et al., 2016). Most of these studies focus on carceral sentences (prison/jail) or sentence length (Baumer, 2013; Ulmer, 2012); fewer studies have examined other sentencing outcomes such as probation, fines, and variant punishments.

Racial and ethnic disparities in sentencing have also been found at the neighborhood level. In many urban areas, incarcerated offenders are disproportionately drawn from a small number of Black and Hispanic communities suffering from economic disadvantage and racial-residential segregation, producing incarceration “hotspots” and “million-dollar blocks” due to the high cost of incarceration (Clear, 2008; Sampson,

## CONSISTENT WITH PRIOR RESEARCH

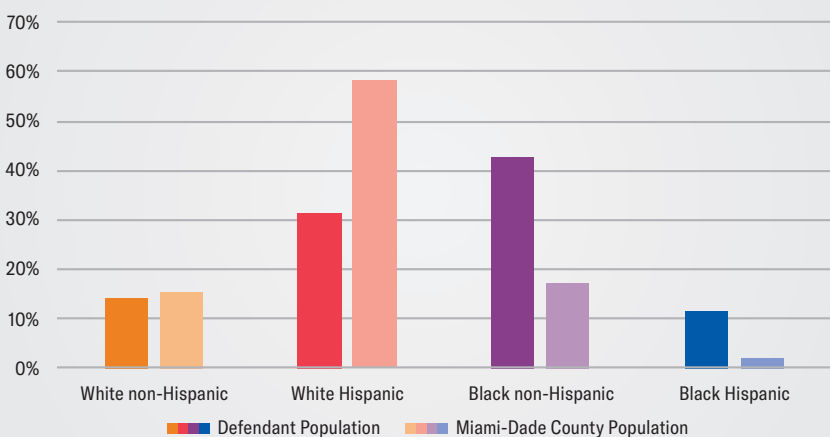
In line with research from other locales, we find incarceration rates concentrated in economically disadvantages and racially segregated areas, producing incarceration “hot spots.”

<sup>33</sup> Defendants who accept plea deals for credit time served have often already been in jail for long periods of time (in some cases, for as many as two years).

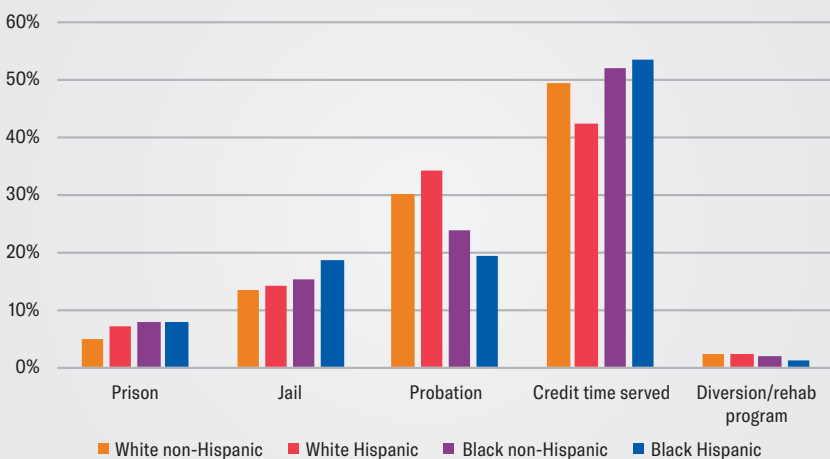


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**Figure 33. Incarcerated Defendant and County Populations by Race and Ethnicity**



**Figure 34. Sentence Type by Race and Ethnicity**



2012; Sampson & Loeffler, 2010).

However, crime rates do not fully explain the concentration of imprisonment in minority communities; in other words, differential levels of punishment do not simply reflect higher crime rates in these areas (Burch, 2014; Fagan, West, & Holland, 2002; 2004; Omori, 2017). Over time, mass incarceration further exacerbates crime and poverty in Black and Hispanic communities by increased police surveillance, by dislocating neighborhood businesses, by weakening crime-inhibiting pro-social networks, by deteriorating the local economy, by removing young adults from the labor force, and by decreasing political activity through voter disenfranchisement (Clear, 2008).

### Sentencing

Figure 33 compares the racial/ethnic proportion of incarcerated defendants to county demographics overall. Black non-Hispanics comprise the largest proportion of those incarcerated (43 percent) overall, but Black Hispanic defendants are the most overrepresented relative to their population. Black Hispanic defendants are incarcerated at a rate over six times greater than their proportion of the county population, and Black non-Hispanic defendants are incarcerated at a rate over two and a half times greater than their county population share.

White Hispanics represent the largest population in the county but are underrepresented in the incarcerated population. Relative to Figure 5, which compares the population of arrestees with the county population, Black Hispanic and Black non-Hispanic defendants comprise a larger percentage of incarcerated defendants, and White Hispanic defendants comprise a smaller percentage of incarcerated defendants. This suggests that disproportionate treatment based on race and ethnicity increases disparities as defendants move through the criminal justice system, producing accumulating disparities.

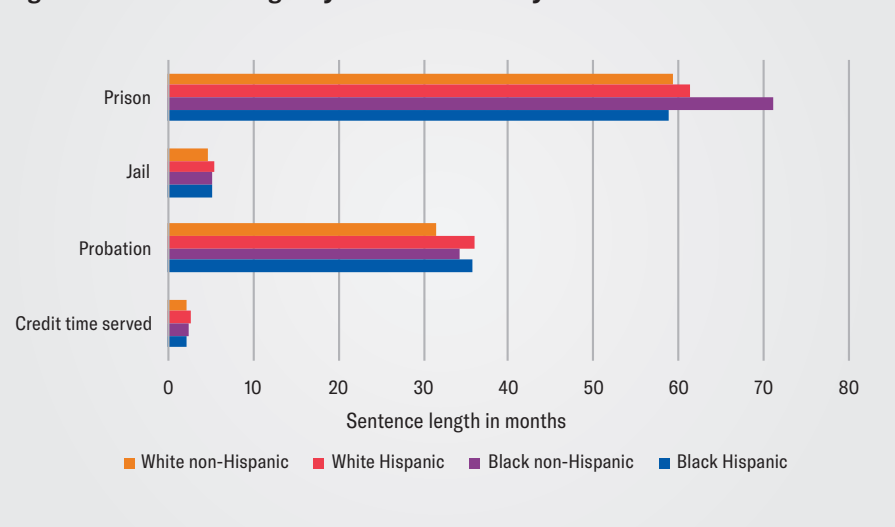
Figure 34 reflects sentence type by race and ethnicity. Credit time served is the most common sentence overall, and

probation is the second most common sentence. Black defendants (and, in particular, Black Hispanic defendants) are more often sentenced to prison or jail compared with White defendants.

In contrast, White non-Hispanic defendants are sentenced to less severe sentences, in that they are relatively less likely to be sentenced to incarceration and more likely to be sentenced to probation compared with Black defendants. White Hispanic defendants are less likely to be sentenced to credit time served and more likely to be sentenced to probation compared with all other groups.

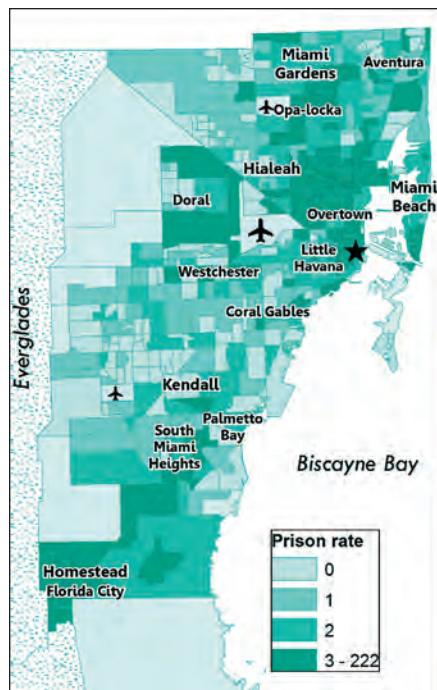
Figure 35 displays average sentence length by race and ethnicity. The mean

**Figure 35. Sentence Length by Race and Ethnicity**

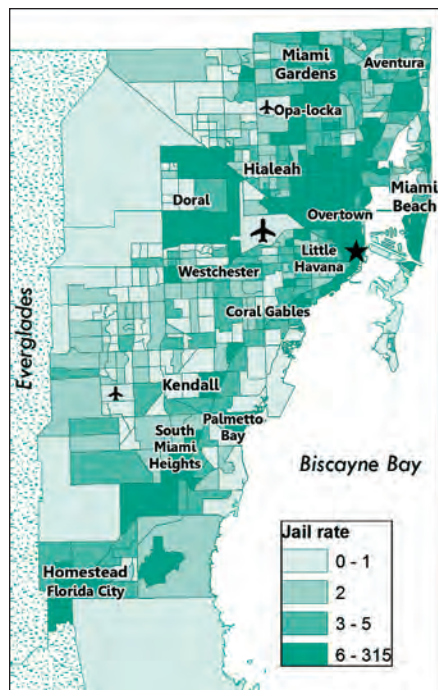


BAYLOR JOHNSON

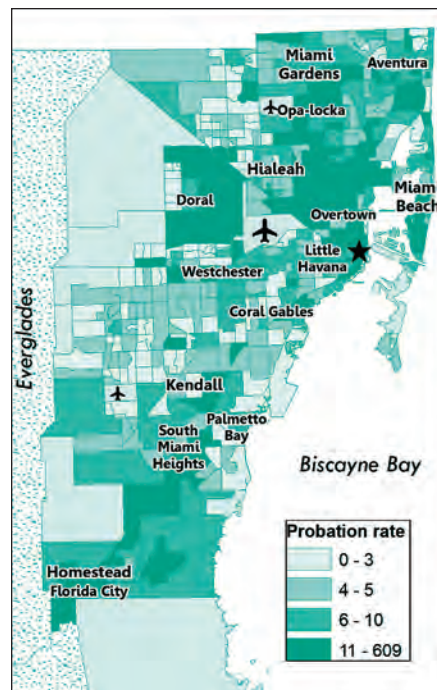
**Figure 36A. Prison Rate**



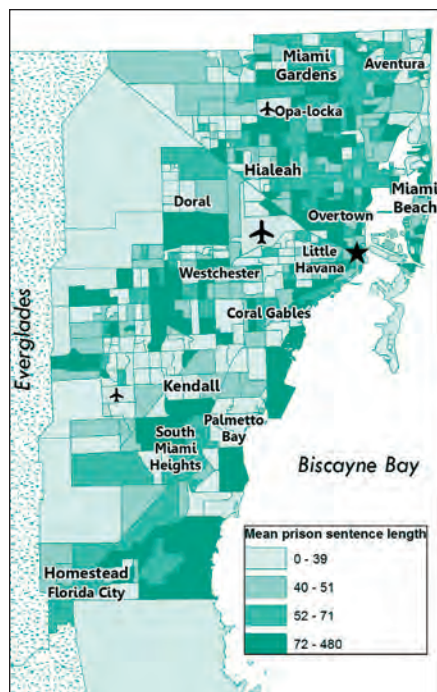
**Figure 36B. Jail Rate**



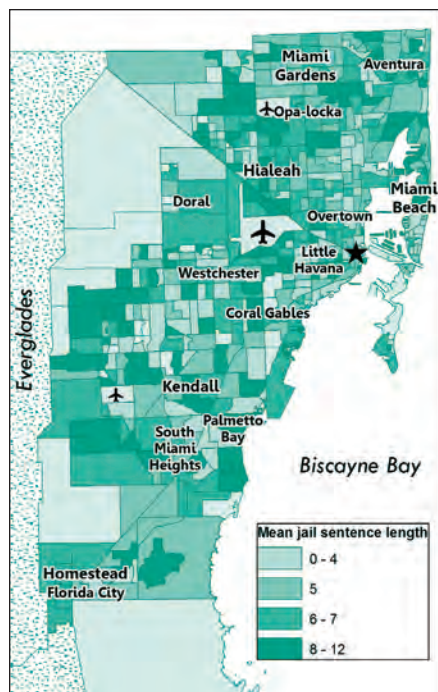
**Figure 36C. Probation Rate**



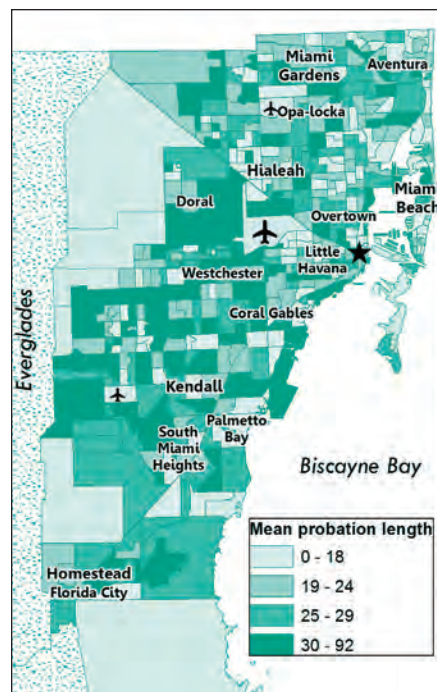
**Figure 37A. Prison Sentence Length**



**Figure 37B. Jail Sentence Length**



**Figure 37C. Probation Sentence Length**



prison sentence for all convicted defendants is just under five and a half years, and the mean probation sentence is just under three years. Representing the largest disparities in terms of sentence length, Black non-Hispanic defendants are sentenced to substantially longer prison sentences on

average (by ten to twelve months) than are any other racial and ethnic group. In contrast, White non-Hispanic defendants receive shorter jail and shorter probation sentences compared with all other groups.

### Sentencing by Neighborhood

Figure 36 and Figure 37 display the spatial distribution of sentencing outcomes. Higher rates of prison, jail, and probation are concentrated in the Black

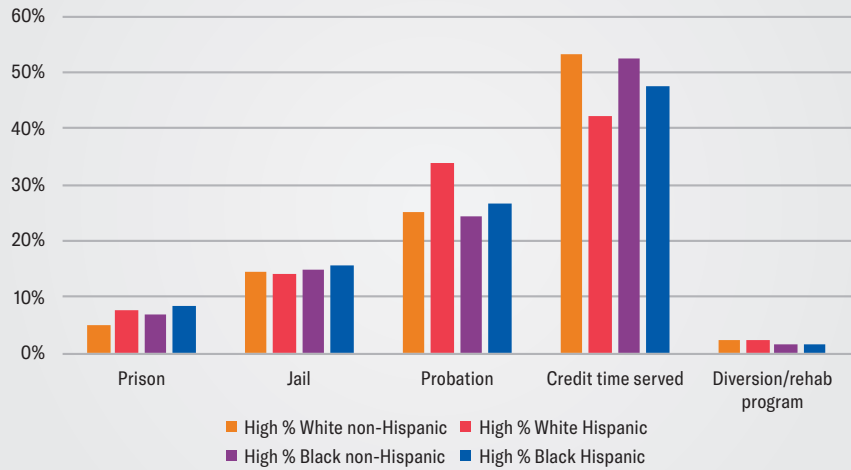
neighborhoods to the north of downtown Miami and in the southwestern parts of the county near Florida City and Homestead. The average prison sentence length is also highest in these Black neighborhoods, but average jail and probation sentence lengths are higher in Whiter areas in the southwest such as Kendall and Palmetto Bay. These maps highlight the concentration of punitive sentences in Black neighborhoods, producing punishment “hotspots” in the county.

Given the high costs of incarceration, these patterns suggest that the state likely spends millions of dollars annually on incarcerating defendants from specific Miami-Dade County neighborhoods, which is why some scholars have termed them “million dollar blocks” (Chicago’s Million Dollar Blocks, 2006).

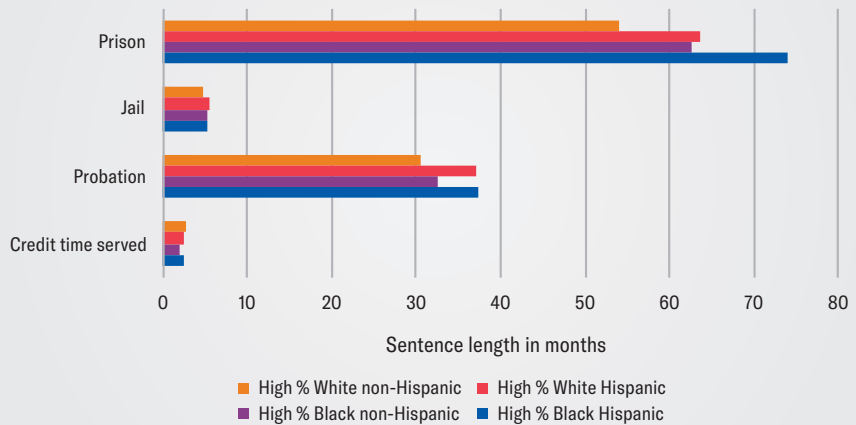
Figure 38 and Figure 39 illustrate sentencing type and sentence lengths at the neighborhood level. At the neighborhood level, defendants arrested in Black Hispanic neighborhoods (regardless of the individual defendant’s race and ethnicity) are the most disadvantaged in terms of sentencing outcomes. While less pronounced than the individual-level findings, defendants arrested in Black Hispanic neighborhoods are slightly more likely to be incarcerated compared with defendants arrested in other types of neighborhoods.

In contrast to the individual-defendant findings however, which suggest that Black non-Hispanic defendants receive the longest average prison sentences, defendants arrested in Black Hispanic neighborhoods are sentenced to the longest prison sentences. In contrast, defendants arrested in White non-Hispanic neighborhoods (regardless of the individual defendant’s race and ethnicity) are relatively less likely to be sentenced to prison, and they are more likely to be sentenced to credit time served. These defendants also are sentenced to the shortest prison, jail, and probation sentences compared with defendants arrested in other types of neighborhoods. This suggests that defendants arrested in White non-Hispanic neighborhoods may be more likely to be charged with or convicted of low-level offenses.

**Figure 38. Sentence Type by Neighborhood**



**Figure 39. Sentence Length by Neighborhood**



JOSEPH SOHM / SHUTTERSTOCK

## SUMMARY OF FINDINGS AND CONCLUSION

*Black people are overrepresented in Miami-Dade's criminal justice system, along with cases drawn from Black neighborhoods*



JEFF BORG

**T**HIS REPORT IS THE FIRST of its kind to evaluate racial and ethnic disparities in Miami-Dade County’s criminal justice system. Rather than examining one criminal justice practice or stage of the criminal justice system, our report focuses on four key decision-making stages: (1) arrest; (2) bond and pretrial detention; (3) charging and disposition; and (4) sentencing. Examining multiple stages in the system allows a more nuanced analysis of how cases are processed in Miami-Dade County, shedding light on how racial and ethnic disparities may be carried across multiple stages.

We present findings at the defendant level as well as at the neighborhood level to better understand both individual and geographical patterns. Finally, we also analyze the data by other factors, including crime type and severity, police agency, and arrests and charges for nuisance crimes.

Our findings suggest that it is important to disaggregate race and ethnicity, because Black Hispanic and White Hispanic defendants face very distinct outcomes in the Miami-Dade County criminal justice system. This analysis suggests that in the county, Black Hispanic defendants experience significantly more punitive outcomes at multiple stages than do White Hispanic defendants.

Our findings differ from the results of previous studies, which generally aggregate Hispanic defendants of various racial groups into a single group and often find that they receive more severe court punishments compared with White non-Hispanic defendants and sometimes Black non-Hispanic defendants (for a review, see Kutateladze, Lynn, & Liang, 2012).

Racial and ethnic disparities can be seen at both the individual defendant level and the neighborhood level due to the geographic concentration of arrests, prosecutions, and convictions in Black neighborhoods. Taken together, these patterns illustrate that Black Hispanic defendants tend to be the most overrep-

resented in the Miami-Dade County criminal justice system, and Black non-Hispanic defendants tend to be penalized the most severely. Not only are Black Hispanics and Black non-Hispanics overrepresented in Miami-Dade’s criminal justice system at the individual level compared with their respective county population shares, but criminal cases are also disproportionately drawn from Black neighborhoods, thus suggesting the possibility of racial profiling and over-policing of those neighborhoods.

Black defendants are denied bond, detained pretrial, and spend longer in pretrial

detention compared with White defendants. But in Miami-Dade County, it is Black Hispanics who are especially disadvantaged. Black Hispanic defendants are the most overrepresented group compared with their share of the county population at every stage. Black Hispanics are disproportionately arrested (four times more than their county population share) and incarcerated even more disproportionately (six times more than their county population share).

Regardless of ethnicity, Black defendants are more likely to be charged with drug crimes and are more likely to be convicted of any crime than are White defendants. At the sentencing stage, Black Hispanic defendants are most overrepresented in incarceration rates compared with their county population share, but Black non-Hispanic defendants receive the longest average prison sentences by ten to twelve months.

In contrast, White Hispanics are underrepresented in the criminal justice system compared with their proportion of the county population. This may be because the White Hispanic population represents by far the largest population (nearly 60 percent) in Miami-Dade County and holds signifi-

cant local economic and political power in the area.

White Hispanic defendants tend to be arrested less often for nuisance crimes, suggesting that they may be less subject to low-level policing. Their charges tend to be somewhat less severe compared with Black defendants, but more severe compared with White non-Hispanic defendants. White Hispanic defendants also have the lowest rates of being denied bond, and although they have the highest average bond amounts imposed, they also experience the highest rates of bonding out of pretrial detention.

White defendants are substantially less likely to plead guilty and to be convicted than are

Black defendants, regardless of ethnicity. Finally,

White non-Hispanics are about evenly represented

in the criminal justice system compared to their representation in the population of the county as a whole. White non-Hispanic defendants are more often homeless than those from other groups and appear to be charged with fewer and less serious crimes.

For example, alcohol- and homeless-related nuisance charges are most common among White non-Hispanic arrestees. Accordingly, White non-Hispanic defendants are the least

We find **cumulative** ethnic and racial disparities

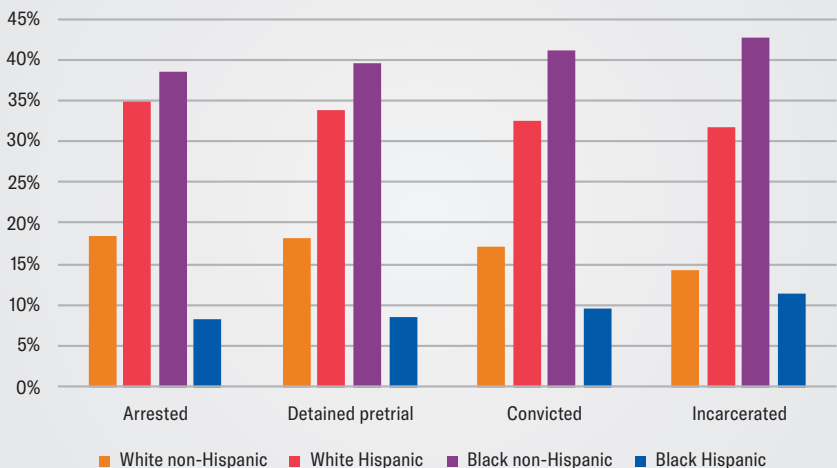
that **systematically disadvantage Blacks**

in Miami-Dade County.

## MULTIPLE STAGES

Examining multiple stages in Miami-Dade’s system allows a more nuanced analysis that sheds light on how racial and ethnic disparities may be carried across multiple stages.

**Figure 40. Defendants at Each Stage by Race and Ethnicity**



likely to receive a prison or a jail sentence, and if they are sentenced, they receive the shortest prison, jail, and probation sentences.

We see a pattern of cumulative ethnic and racial disparity that systematically disadvantages Black defendants in Miami-Dade County. Figure 40, which displays the racial and ethnic breakdown of defendants at the individual level across the criminal justice stages, illustrates this point. Black defendants are arrested at a higher rate relative to their population share of the county,

and once in the system, they are more likely than other groups to be convicted.

Thus, across multiple stages of the system, Black defendants become even more disproportionately overrepresented. For example, Black non-Hispanic defendants increase from about 38 percent of arrestees to 43 percent of those incarcerated, and Black Hispanic defendants increase from about 8 percent of arrestees to 12 percent of those incarcerated. These findings are consistent with research in other settings (Kutateladze, Andilorro, Johnson,

### EXERCISE OF DISCRETION

Racial and ethnic disparities exist at every stage of Miami-Dade County’s criminal justice system. Disparities in final disposition and sentencing are driven by early arrest and charging decisions, in which exercise of discretion is greatest.

& Spohn, 2014; Stolzenberg, D’Alessio, & Eitle, 2013; Sutton, 2013).

The opposite is true for White defendants, who tend to be filtered out of the system at a relatively higher rate through no file/no action and nolle prosequere decisions, ultimately leading them to have lower conviction and incarceration rates. Across the various stages we analyzed, the proportion of defendants who are White non-Hispanic decreases from about 19 percent of arrestees to 14 percent of those incarcerated, and White Hispanic defendants decrease from about 35 percent to 32 percent.

White Hispanic defendants are often arrested for relatively serious crimes, particularly when compared with White non-Hispanic defendants, yet both groups show a pattern of cumulative advantage as they progress through the system. As a result of various funneling mechanisms, White defendants are less likely to be incarcerated than Black defendants, and even when they are incarcerated they receive shorter sentences than Black defendants. These findings underscore the importance of examining multiple stages and the cumulative effect of those stages across the criminal justice process rather than simply looking at a single criminal justice stage or outcome.

Patterns of cumulative racial and ethnic disparity exist at the neighbor-



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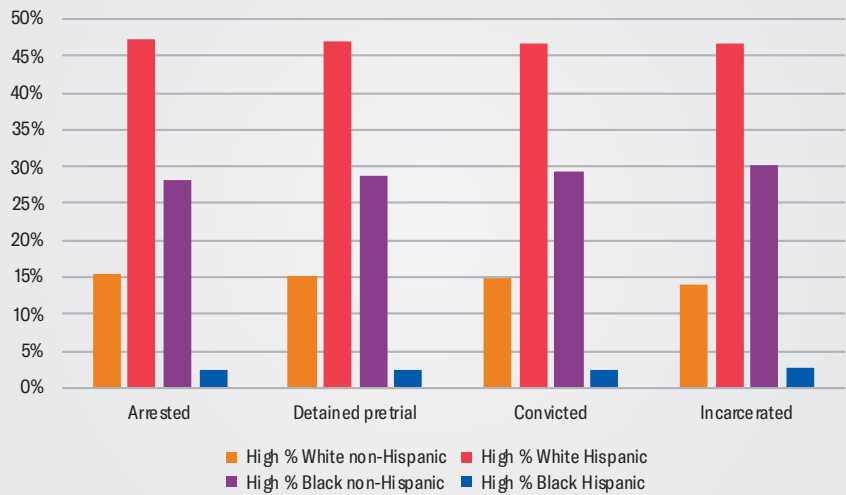


hood level as well, although the patterns are less dramatic than at the individual level. In part, this is due to the White Hispanic population in Miami-Dade County, which is reflected in Figure 41. Across the criminal justice process, the concentration of cases originating in Black Hispanic and Black non-Hispanic neighborhoods increases slightly from arrest to sentencing. The overrepresentation of Black defendants in general and the intersection of individual and neighborhood race and ethnicity help to explain these findings.

As Figure 12 in the Arrest section illustrates, Black people are disproportionately arrested, even in largely White areas. While Black arrest rates are highest in areas with a larger Black population, a disproportionate rate of Black people is also arrested in largely White neighborhoods. One potential explanation for this is that Black people are viewed as “out of place” in white areas, leading them to be racially profiled by police (Alpert et al., 2007). Arrest, pretrial detention, conviction, and incarceration rates tend to be highest in Black neighborhoods, supporting the idea of a “geographic funnel” occurring within the criminal justice system. This may be reflected in the prevalence of arrests for low-level nuisance crimes occurring in economically developing neighborhoods with large White non-Hispanic populations.

The biggest exception to this “geographic funnel” effect appears to be in Miami Beach, which has a high nuisance-crime arrest rate, but a relatively lower incarceration rate. This is likely due to the fact that Miami Beach has a large number of homeless individuals and visitors flowing into its neighborhoods who are being arrested yet not convicted for low-level offenses (especially alcohol- and homelessness-related crimes), but who are not being counted in the denominator as they do not live in the city. While Black defendants are more likely to have been arrested or convicted of a crime, prior criminal history and crime severity do not adequately explain away these individual and

**Figure 41. Defendants at Each Stage by Neighborhood**



neighborhood racial/ethnic disparities.

To examine whether racial and ethnic disparities in outcomes exist despite factors such as crime severity and prior criminal history, we performed multiple regression analyses on our outcomes that included: other defendant demographics, such as gender and U.S. citizenship; current and prior case characteristics, such as prior record, offense severity, and number of charges; and social contextual factors, such as neighborhood racial/ethnic composition and police agency.<sup>34</sup> In these multiple-regression analyses, we still found stark racial and ethnic disparities even after controlling for other factors.

### Broader Implications

This study documents racial and ethnic disparities at every stage of Miami-Dade County’s criminal justice system. It finds overall that the racial and ethnic disparities in final disposition and sentencing are driven by early arrest and charging decisions. Other studies note that these early decisions represent the points along the criminal justice continuum at which the exercise of discretion is the greatest (Fagan, et al., 2009; Pfaff, 2017).

Proactive police stops — the prover-

bial “stop and frisk” — for example, are highly discretionary (Fagan, et al., 2009). In these data, Black defendants are more likely to be arrested for drug-related crimes, especially drug-related nuisance charges, both of which tend to be the result of proactive policing (Lynch et al., 2013). This suggests that some of the racial and ethnic disparity in the Miami-Dade County’s criminal justice system may be driven by the racial profiling of Blacks for low-level drug offenses. Future research might



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<sup>34</sup> Multiple regression analyses are not presented in this report because the results from applying these statistical models were substantively similar to those presented in the report. However, regression results are available upon request.

further collect and analyze traffic-stop (and in particular, traffic-stop location) data in the county to further examine proactive police stops.

We found similar patterns in Miami-Dade’s criminal justice system with respect to early charging and prosecutorial decisions. In fact, the greatest changes in charging in the county occur between arrest and filing charges, and they appear to occur in cases with less serious crimes. Additionally, over half of all county arrests are ultimately not prosecuted, suggesting that police are engaging in aggressive tactics resulting in many more arrests than prosecutable offenses.

These findings indicate that prosecutors in Miami-Dade have wide-ranging discretion in filing charges, choosing whether or not to move forward with charges and negotiating pleas later down the line, particularly for lower-



### CUMULATIVE DISPARITIES AT EACH PHASE

Racial and ethnic disparities accumulate as defendants move through the criminal justice system, producing an increasingly Black pool of defendants at each phase.

level crimes. Such a conclusion comports with previous research (Pfaff, 2017), which finds wide discretion in prosecutorial decisions. Prior studies also point to the limited data available about prosecutors’ decisions, which is certainly

the case in this study. Future research might also collect more information about these early prosecutorial decisions.

Our findings raise concerns about the deleterious effects of mass criminal justice processing for the Black residents of Miami-Dade County. The criminal justice system is both a mirror and an engine of broader racial and ethnic disparities within the United States. Furthermore, exposure to the criminal justice system, especially incarceration, has been linked to higher levels of disease or chronic illness, joblessness, and mental illness (Alexander, 2012; Wakefield & Uggen, 2010). Individuals with a prior record are also subject to a number of “collateral consequences,” including losing the ability to vote, to obtain public housing, and to access other forms of public assistance as well as de facto barriers to employment (Alexander, 2012).

For example, an estimated 1.6 million Floridians are currently disenfranchised because of a felony record, which is more than any other state by raw numbers and more than 25 percent of all disenfranchised felons nationally (Uggen, Larson, & Shannon, 2016).<sup>35</sup> Moreover, higher rates of arrests among Black defendants and in Black neighborhoods mean that many Black residents are ensnared in Miami-Dade County’s criminal justice system, even if these charges are ultimately not prosecuted.

As a result, large numbers of the county’s Black population may unnecessarily develop an arrest record and spend time in local jails for crimes that may or may not actually be prosecuted. An arrest record could also have negative consequences, even in the absence of a conviction. Furthermore, not only are Black defendants more likely to be detained pretrial, but also they are detained pretrial for longer periods of time. This means that Black defendants are likely subject to greater financial hardships such as lost wages, lost employment, and lost housing.

Due to patterns of residential racial and ethnic segregation in Miami-Dade County, similar concerns arise in the



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<sup>35</sup> According to one estimate, more than 20 percent of Florida’s African-American population, or more than one in five African-Americans in the state, are disenfranchised due to a felony record (Shannon et al., 2017).



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neighborhood context. Because arrest and incarceration rates are higher in Black neighborhoods, the negative effects of mass incarceration may also be disproportionately borne by these areas. In addition to incapacitating large numbers of minorities, the “collateral consequences” of mass incarceration often change the community structure itself (Clear, Rose, & Ryder, 2001; Roberts, 2004; Rose & Clear, 1998; Western, 2006). This includes damages to social networks, damages to families, and other community-level harms (Clear, 2008; Roberts, 2004).

For example, mass incarceration leads to deterioration of the local economy by removing young adults from the labor force (Clear et al., 2001). Not only does this impact the individual defendant and his or her family through loss of employment, but local businesses also experience financial losses from the removal of their employees and potential customers. Furthermore,

social networks between people that might serve as referrals to new jobs are negatively impacted.

In other words, the “collateral consequences” of mass incarceration serve to weaken communities with already few resources, further increasing racial and ethnic inequality. In turn, the destabilization of Black neighborhoods because of mass policing and incarceration can actually increase crime in these areas, further perpetuating criminal justice system involvement (Clear, 2008; Roberts, 2004; Wiley & Esbensen, 2016). Moreover, mass incarceration, especially among Black men, tears apart Black families (Sykes & Pettit, 2014).

Taking all these factors together, the social and economic well-being of Black residents in Miami-Dade County is diminished because of their greater contact with the criminal justice system, likely contributing to intergenerational racial and ethnic disparities in the region.

## Conclusion

Overall, our results indicate that racial and ethnic disparities at later stages of the criminal justice process are shaped by earlier arrest, pretrial, and charging decisions. We find that Black Hispanic and Black non-Hispanic defendants are treated more punitively than White Hispanic and White non-Hispanic defendants at multiple stages of the criminal justice process. Moreover, racial and ethnic disparities accumulate as defendants move through the criminal justice system, producing an increasingly unequal pool of defendants at each phase. In Miami-Dade County, racial and ethnic disparity permeates criminal justice, shaping the trajectory of a case from arrest to sentencing.

# METHODOLOGICAL APPENDIX

*Translating the raw data into a meaningful report requires analysis and decisions*

7	Non-Hispanic Black	893.13(6)(B)	misdemeanor	PETIT THEFT 1ST/100+300	nolle pros	credit time served
8	Non-Hispanic Black	893.13(6)(B)	misdemeanor	PETIT THEFT/CONSPIRE	plea	credit time served
9	Non-Hispanic Black	812.014(2)(E)	misdemeanor	GRAND THEFT 3RD DEGREE/VEHICLE	adj withheld	credit time served
10	Hispanic White	812.014(3)(A)	felony	PETIT THEFT/CONSPIRE	adj withheld	credit time served
11	Non-Hispanic White	812.014(2)(C)(6)	misdemeanor	DRUG PARAPHERNALIA/POSSESSION W/INTENT TO USE	plea	credit time served
12	Hispanic White	812.014(3)(A)	misdemeanor	DRUG PARAPHERNALIA/POSSESSION W/INTENT TO USE	nolle pros	no sentence
13	Non-Hispanic Black	812.014(3)(A)	misdemeanor	BUSINESS/CONDUCT WITHOUT LICENSE/COUNTY ORDINANCE	nolle pros	jail
14	Non-Hispanic Black	812.014(3)(A)	misdemeanor	BUSINESS/CONDUCT WITHOUT LICENSE/COUNTY ORDINANCE	nolle pros	jail
15	Non-Hispanic Black	893.147(1)	county ordinance	ALCOHOLIC BEVERAGES/DRINKING IN PUBLIC/MIAMI	trial-guilty	jail
16	Non-Hispanic Black	8A-172	municipal ordinance	ALCOHOLIC BEVERAGES/DRINKING IN PUBLIC/MIAMI	plea	jail
17	Non-Hispanic White	01-Apr	municipal ordinance	ALCOHOLIC BEVERAGES/DRINKING IN PUBLIC/MIAMI	plea	no sentence
18	Non-Hispanic Black	01-Apr	misdemeanor	ASSAULT AND BATTERY	no file/no action	prison
19	Non-Hispanic Black	784.03	misdemeanor	INDECENT EXPOSURE	trial-guilty	credit time served
20	Non-Hispanic Black	800.03	misdemeanor	COCAINE/POSSESSION	adj withheld	no sentence
21	Non-Hispanic White	893.13(6)(A)	felony	BURGLARY/ARMED - PBL	nolle pros	credit time served
22	Non-Hispanic White	810.02(2)(B)	felony	CHILD ABUSE/NO HARM/ATTEMPT/10/1/12	adj withheld	no sentence
23	Hispanic White	827.03(1)	misdemeanor	CANNABIS/POSSESSION/20 GRAMS OR LESS	nolle pros	credit time served
24	Hispanic White	893.13(6)(B)	misdemeanor	ASSAULT AND BATTERY	adj withheld	no sentence
25	Hispanic White	784.03	misdemeanor	CANNABIS/POSSESSION/20 GRAMS OR LESS	nolle pros	probation
26	Hispanic White	893.13(6)(B)	misdemeanor	ASSAULT AND BATTERY	probation hearing-violation	credit time served
27	Hispanic White	784.03	misdemeanor	CANNABIS/POSSESSION/20 GRAMS OR LESS	adj withheld	no sentence
28	Hispanic White	784.03	misdemeanor	ASSAULT AND BATTERY	nolle pros	credit time served
29	Hispanic White	784.03	misdemeanor	ASSAULT/AGGRAVATED/PRINCIPAL	plea	no sentence
30	Hispanic White	784.03	misdemeanor	CANNABIS/POSSESSION/20 GRAMS OR LESS	plea	no sentence
31	Hispanic White	784.021	misdemeanor	PETIT THEFT/CONSPIRE	no file/no action	jail
32	Hispanic White	893.13(6)(B)	misdemeanor	TRESPASS/UNOCCUPIED STRUCTURE/CONVEYANCE/ATTEMPT	plea	credit time served
33	Non-Hispanic Black	812.014(3)(A)	misdemeanor	COCAINE/POSSESSION	adj withheld	no sentence
34	Non-Hispanic Black	810.08(2)(A)	felony	FIREARM/WEAPON/AMMUN/POSN/CONVTD FELON/DELINQUENT	no file/no action	no sentence
35	Non-Hispanic Black	893.13(6)(A)	felony	COCAINE/POSSESSION	nolle pros	credit time served
36	Non-Hispanic Black	790.23(1)	felony	MURDER 2ND DEGREE/WITH A FIREARM	adj withheld	no sentence
37	Non-Hispanic Black	893.13(6)(A)	felony	DRUG PARAPHERNALIA/POSSESSION W/INTENT TO USE	no file/no action	jail
38	Non-Hispanic Black	893.13(6)(A)	felony	DRUG PARAPHERNALIA/POSSESSION W/INTENT TO USE	trial-guilty	credit time served
39	Non-Hispanic Black	782.04(2)	misdemeanor	CANNABIS/POSSESSION/20 GRAMS OR LESS	plea	no sentence
40	Non-Hispanic Black	893.147(1)	misdemeanor	ASSAULT/AGGRAVATED/PRINCIPAL	dismissed	credit time served
41	Hispanic White	893.13(6)(B)	felony	PETIT LARCENY, THEFT/MUNICIPAL ORDINANCE	adj withheld	no sentence
42	Non-Hispanic White	784.021	municipal ordinance	PETIT LARCENY, THEFT/MUNICIPAL ORDINANCE	adj withheld	probation hearing-violation
43	Non-Hispanic Black	25-25	misdemeanor	PETIT RETAIL THEFT <300/10/21/14	probation hearing-violation	jail
44	Non-Hispanic Black	812.015(8)	misdemeanor	TRESPASS PROPERTY/AFTER WARNING	nolle pros	no sentence
45	Non-Hispanic Black	812.015(8)	misdemeanor	TRESPASS PROPERTY/AFTER WARNING	nolle pros	credit time served
46	Non-Hispanic White	810.09(1)(A)(1)	misdemeanor	RESISTING OFFICER WITHOUT VIOLENCE TO HIS PERSON	nolle pros	credit time served
47	Non-Hispanic Black	843.02	felony	STOLEN PROPERTY/DEALING IN	plea	credit time served
48	Hispanic White	812.019(1)	county ordinance	ALCOHOL/CONSUME NEAR STORE SELLING ALCOHOL/CNTY O	plea	credit time served
49	Hispanic White	21-31(2)(B)(1)	felony	CONTROLLED SUBSTANCE/PURCHASE/POSN/WINT/PURCHASE	plea	credit time served
50	Hispanic White	893.13(2)(A)1	felony	CONTROLLED SUBSTANCE/PURCHASE/POSN/WINT/PURCHASE	plea	credit time served
51	Hispanic White	893.13(6)(A)	felony	COCAINE/POSSESSION	plea	no sentence
52	Hispanic White	812.014(2)(C)	felony	GRAND THEFT 3RD DEGREE/PRINCIPAL	no file/no action	no sentence
53	Non-Hispanic White	893.13(6)(A)	felony	COCAINE/POSSESSION	no file/no action	credit time served
54	Hispanic White	893.13(6)(A)	felony	COCAINE/POSSESSION	plea	jail
55	Non-Hispanic White	893.13(6)(A)	felony	PETIT THEFT TWO > CONVICTIONS	plea	prison
56	Hispanic White	893.13(6)(A)	felony	DRUG PARAPHERNALIA/POSSESSION W/INTENT TO USE	trial-guilty	probation hearing-violation
57	Hispanic White	812.014(3)(C)	misdemeanor	PETIT THEFT PREVIOUS CONVICTION	probation hearing-violation	jail
58	Hispanic White	893.147(1)	misdemeanor	DEADLY MISSILE/SHOOT, THROW/PRINCIPAL	nolle pros	no sentence
59	Hispanic White	812.014(3)(B)	felony	PETIT RETAIL THEFT <300/10/21/14	adj withheld	credit time served
60	Hispanic White	790.19	misdemeanor	PETIT RETAIL THEFT <300/10/21/14	plea	jail
61	Non-Hispanic Black	812.015(8)	misdemeanor	ASSAULT AND BATTERY	plea	no sentence
62	Non-Hispanic Black	784.03	misdemeanor	ASSAULT AND BATTERY	no file/no action	no sentence
63	Non-Hispanic Black	812.014(3)(A)	misdemeanor	PETIT THEFT/CONSPIRE	plea	no file/no action
64	Non-Hispanic Black	784.03	misdemeanor	BATTERY/ON PERSON 65 OR OLDER	plea	no file/no action
65	Non-Hispanic White	812.014(3)(A)	felony	GRAND THEFT 3RD DEGREE/PRINCIPAL	no file/no action	probation hearing-violation
66	Non-Hispanic Black	784.08(2)(C)	felony	PETIT THEFT/CONSPIRE	adj withheld	no sentence
67	Non-Hispanic Black	812.014(2)(C)	misdemeanor	BURGLARY/UNOCCUPIED DWELLING	plea	plea
68	Non-Hispanic Black	812.014(3)(A)	felony	CREDIT CARD/FORGERY/INTENT TO DEFRAUD	plea	plea
69	Non-Hispanic White	810.02(3)(B)	felony	PETIT THEFT/CONSPIRE	plea	plea
70	Non-Hispanic Black	817.60(6)(A)	misdemeanor	PETIT THEFT/CONSPIRE	trial-guilty	trial-guilty
71	Hispanic White	812.014(3)(A)	felony	GRAND THEFT 3RD DEGREE/PRINCIPAL	plea	plea
72	Hispanic White	812.014(3)(A)	felony	RESISTING OFFICER WITHOUT VIOLENCE TO HIS PERSON	plea	plea
73	Hispanic White	812.014(2)(C)	misdemeanor	PETIT THEFT/CONSPIRE	adj withheld	adj withheld
74	Non-Hispanic Black	843.02	misdemeanor	PETIT THEFT/CONSPIRE	plea	plea
75	Non-Hispanic Black	843.02	misdemeanor	RESISTING OFFICER WITHOUT VIOLENCE TO HIS PERSON	plea	plea

Note: Above is a selected sample of data for illustrative purposes. The defendant IDs are anonymized to protect privacy, and the charging, disposition, and sentencing information refers to the most serious arresting charge.

## Race and Ethnicity Measures

We employ four racial and ethnic groups throughout this report: White non-Hispanic, White Hispanic, Black non-Hispanic, and Black Hispanic. Data on defendant race comes from the Miami-Dade County Clerk of Courts and is based on information supplied in the arrest form. For the purposes of this study, we define defendants as Black if they are listed as “Black” in the Clerk of Courts’ data or White if they are listed as “White” in the Clerk of Courts’ data set.

Although there are limitations associated with government-generated racial categories such as these, this approach is commonly used in the related literature (for a discussion, see Baumer, 2013). Because Miami-Dade County criminal agencies do not collect information on ethnicity, we use the U.S. Census Bureau’s Hispanic Surname List to ascertain Hispanic origin (Word, Coleman, Nunziata, & Kominski, 2008).

This is a common approach for accurately identifying ethnicity based on names in the social sciences, including criminal justice studies (Beckett et al., 2006), with validation studies finding a strong correlation between Hispanic origin based on self-reporting and the Surname List (Elliott et al., 2009; Wei et al., 2006). Based on the Hispanic Surname List, an arrestee was classified as “Hispanic” if 75 percent or more of individuals in the Hispanic Surname List with the same name self-identified as Hispanic or if the defendant was from a Spanish-speaking nation other than Spain.

Black defendants of Dominican descent, Cuban descent, and other Afro-Hispanic groups are therefore coded as Black Hispanic if they are both listed as “Black” on the arrest form and have a last name that appears on the Hispanic Surname List or were born in a Spanish-speaking nation other than Spain. Haitians and Haitian-Ameri-

cans are coded as Black non-Hispanic unless they happen to have a name that appears on the Hispanic Surname List.

However, it should be noted that using the two methods together—relying on the A-form for racial identification and on Hispanic surnames for ethnic identification—may have unique limitations as a police officer’s identification of a person as “Black” or as “White” may be influenced by that person’s surname.

## Crime Type and Severity

Our charging coding scheme is based on the Florida penal structure (Office of the State Courts Administrator, 2016).

We determined the most serious charge at three stages (arrest, filing, and final charge)

using the offense type and degree.

With the exception of county/city ordinances, Florida offenses are broken into misdemeanors and felonies based on degree. County and city ordinances vary by jurisdiction and are typically punishable by fines. First-degree misdemeanors are punishable by jail terms of up to one year and fines up to \$1,000, while second-degree misdemeanors can result in a maximum jail term of sixty days and a fine of up to \$500. Florida does not have third-degree misdemeanors.

Capital felonies are punishable by death, whereas life felonies are punishable with a maximum sentence of life in prison without the possibility of parole. First-degree felonies are punished by up to thirty years in prison (with some exceptions) and a \$10,000 fine. Second-degree felonies are punishable by up to fifteen years in prison, fifteen years of probation, or a \$10,000 fine. Third-degree felonies are punishable by up to five years in prison, five years of probation, and a \$5,000 fine.

For each case, we determined the most serious charge at three stages

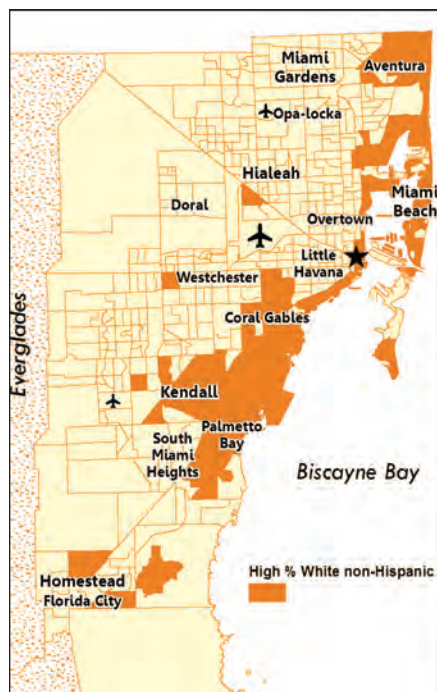
(arrest, filing, and final charge) using the offense type and degree. There were eight ordered categories of degree type and degree, ranging from the least serious county/city ordinance violations to the most serious capital felony charges. From most severe to least severe, they are: capital/life felony; first-degree felony; second-degree felony; third-degree felony; first-degree misdemeanor; second-degree misdemeanor; and ordinance violations.

In the data, some felony and misdemeanor charges were missing the degree, in which case we placed them at the bottom of their respective felony and misdemeanor levels. We then matched the penal-code statute for each charge to the sentencing-guide level based on the Florida Offense Severity Ranking Chart for felonies (Office of the State Courts Administrator, 2016), which range from one (least severe) to eight (most severe).

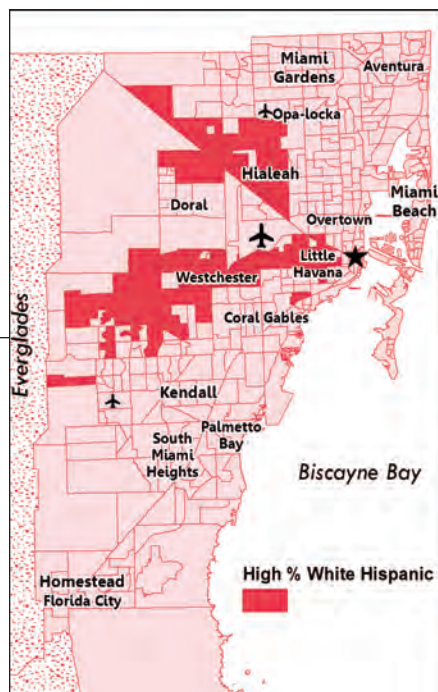
We first ranked felony charges according to the sentencing-guide level and then ranked the rest of the charges based on the type and degree. In the case of two or more charges with the same sentencing-guide level or type and degree, we used the first listed charge. In the case of final charge at conviction, we used the most serious charge that corresponded to the sentence.

Crime types were coded in consultation with lawyers from the ACLU of Florida and the ACLU of Florida Greater Miami Chapter, and they are in line with the State Court Processing Statistics coding scheme (Bureau of Justice Statistics, 2017). Violent crimes include those that involve force or physical violence such as murder, rape, robbery, etc. The drug-offense category captures acts related to both the usage and sale of illegal substances, including manufacturing, distribution, trafficking, sale, and possession. Property crimes include larceny-theft, motor-vehicle theft, possession or sale of stolen property, and other types of property damage. Finally, crimes that did not

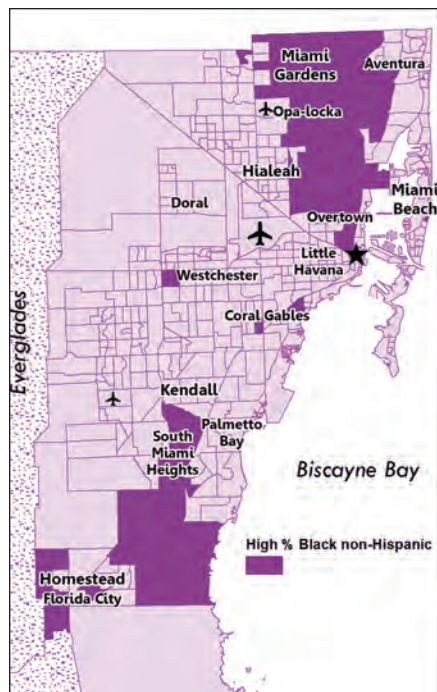
**Figure 42A. High Percent White Non-Hispanic**



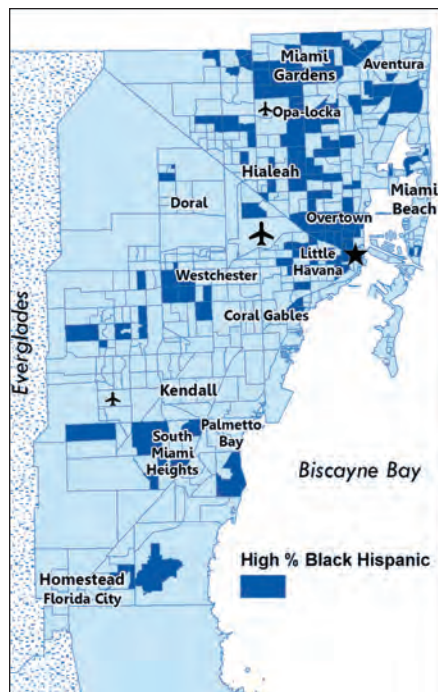
**Figure 42B. High Percent White Hispanic**



**Figure 43A. High Percent Black Non-Hispanic**



**Figure 43B. High Percent Black Hispanic**



neatly fit into one of the aforementioned crime categories were coded as “other crimes”; these include crimes such as

forgery or fraud, public-order offenses, and city or county ordinance violations.

## Neighborhood Maps and Figures

We use the term “neighborhood” throughout the report rather than Census Tract because “neighborhood” is more colloquially understood. Neighborhood-level racial and ethnic composition comes from the 2010 U.S. Census Tracts. We linked arrest locations to U.S. Census data by geocoding the addresses to Census Tracts using Geographic Information Software.<sup>36</sup> Based on the arrest-location address, census-based measures of neighborhood racial and ethnic composition were constructed. Consistent with prior academic research (Sampson et al., 2002), neighborhood-level variables were created using Census Tracts, which represent geographic units of between 1,200 and 8,000 people (U.S. Census, 2010a).

Neighborhood measures were then used to create quantile maps. Case-level data on defendants was aggregated up to the Census Tract level to construct rates for criminal justice outcomes per one thousand residents (e.g., arrest rate, incarceration rate, etc.). For example, the arrest rate for Census Tract 107 is calculated as follows: rate equals ((number of arrestees/number population total) times 1,000). Applying this formula, the arrest rate for Census Tract 107 is 34 equals ((80/2347) times 1,000).

ArcMap GIS was used to construct quantile maps of Census Tract rates and racial/ethnic demographics.<sup>37</sup> We excluded from analysis areas with small populations, which could produce artificially high rates. Such areas are rural (in or near the Everglades), with the exception of the neighborhoods encompassing three local airports: Miami International, Opa-locka, and Miami Executive airports. Quantile maps divide the data into four equal groups, falling along the distribution of the data as follows: “High,” “High-medium,” “Medium-low,” and “Low.” The corresponding maps display these quantiles with the higher quantiles in

<sup>36</sup> Geocoding involves locating an address on the earth’s surface through the use of Geographic Information Software.

<sup>37</sup> We thank Justin Stoler, University of Miami associate professor of geography, for sharing a base-map file that we used as a template for the maps displayed in this report.

**Table 2. Quantile Breakdowns by Neighborhood Race and Ethnicity**

	Low quantile		Medium-low quantile		High-medium quantile		High quantile	
	min.	max.	min.	max.	min.	max.	min.	max.
% White non-Hispanic	0.0	3.3	3.3	8.5	8.5	22.7	22.7	100.0
% White Hispanic	0.0	28.8	28.8	41.7	41.7	69.6	70.5	96.2
% Black non-Hispanic	0.0	1.9	1.9	11.5	11.5	48.6	49.6	97.1
% Black Hispanic	0.0	0.5	0.5	1.6	1.6	3.9	3.9	13.7

darker colors than the lower quantiles.

Table 2 shows the quantile breakdowns by neighborhood race and ethnicity. The exact percentages for the “High” quantile category vary across racial and ethnic groups, as the distribution depends on their county population share. For example, the “High” quantile for percentage of White non-Hispanic” ranges from 22 percent to 100 percent, while the “High” quantile for percentage of White Hispanic ranges from 70 percent to 96 percent. The interval for “High % White non-Hispanic” is much wider than the “High % White Hispanic” and starts at a lower range, as the former represents a smaller proportion of the county population. Thus there are few neighborhoods with a large concentration of Black Hispanics.

Neighborhood figures were also constructed using these quantile breakdowns. In contrast to the quantile maps, however, these neighborhood figures represent cases as the unit of analysis. The highest quantile out of four was used to construct binary indicators signifying the racial/ethnic composition of the neighborhood in which the arrest occurred. For example, a neighborhood classified as “High % White non-Hispanic” captures defendants who were arrested in neighborhoods in the fourth quantile based on the percentage of White non-Hispanic residents in the area.

In other words, this classification represents defendants arrested in neighborhoods where 22 percent to 100 percent of the residents are White non-Hispanic. Given the coding scheme we used, the neighborhood figures display

summary statistics for Census Tracts listed in the darker colors (i.e., fourth quantile) on the race/ethnicity quantile maps.

Figure 42 and Figure 43 show the neighborhoods in the fourth quantile that are considered “High” for a particular racial and ethnic group. For example, neighborhoods considered “High % White non-Hispanic” are concentrated in the northeastern areas of Aventura and Miami Beach as well as the southwestern regions of Coral Gables, Kendall, and Palmetto Bay. “High % White Hispanic” neighborhoods are concentrated in the northwestern region of the county in Doral, Hialeah, Westchester, and Little Havana.

In contrast, “High % Black non-Hispanic” neighborhoods are mostly clustered in north Miami-Dade County in Overtown, Opa-locka, and Miami Gardens as well as in the southwestern region near Homestead / Florida City. “High % Black Hispanic” neighborhoods are largely dispersed throughout the county, but are loosely clustered in areas with a larger Black non-Hispanic population such as Overtown, Opa-locka, and Miami Gardens.

### Police Agency Rates

To examine agency differences in policing we combined arrests for all crimes (i.e., felonies, misdemeanors, and ordinance violations) and then calculated race-ethnicity specific arrest rates for each agency per ten thousand residents. We present arrest rates, rather than raw arrest numbers, as the latter may be misleading if the agencies’ population is not taken into account.

### NUISANCE BEHAVIORS

These include crimes relating to homelessness, minor traffic offenses, prostitution, low-level drug crimes, alcohol, gambling, and possession of burglary tools without a burglary charge. The research team then coded these crimes as nuisance crimes.

For example, Miami Gardens may arrest more Black people than Coral Gables because 77 percent of Miami Gardens residents are Black, while only 3 percent of Coral Gables residents are Black. Thus, it is necessary to take into account each agency’s population to determine if agency differences are attributable to differences in policing behaviors or to the city/area population.

Race-ethnicity specific rates were constructed by aggregating case-level data at the agency level and merging it with city population measures from the U.S. Census. For example, the Black non-Hispanic arrest rate for Miami Gardens is calculated as follows:  $\text{rate} = (\# \text{ Black non-Hispanic arrestees} / \# \text{ Black non-Hispanic residents}) \times 10,000$ . Applying this formula, the Black non-Hispanic arrest rate for Miami Gardens is 754.9377 per 10,000 residents =  $(5936/78629) \times 10,000$ .

The one exception to this rate construction method pertains to the Miami-Dade Police Department (MDPD), because that agency polices multiple places and unincorporated areas in the county. The MDPD also contracts to provide policing to three municipalities: Miami Lakes, Palmetto Bay, and Cutler Bay. To address this complexity, we created an estimate of the population in unincorporated areas of Miami-Dade County for each racial and ethnic group by summing up all the population statistics for all cities within the county and subtracting that sum

## REPERCUSSIONS OF DETENTION

Detention pretrial for any number of days can have deleterious effects. Defendants detained, even for relatively short periods of time, may face repercussions at work, including employment termination.

from the total county population. We then added in the populations from Miami Lakes, Palmetto Bay, and Cutler Bay to obtain the estimate for the population that the MDPD polices.

### Nuisance Crimes

For nuisance crimes, lawyers in the ACLU of Florida Greater Miami Chapter identified low-level types of charges and other minor offenses that pose little or no threat to public safety and can be construed as a “disorderly behaviors.” These include crimes relating to homelessness, minor traffic offenses (e.g., driving with license suspended), prostitution, low-level drug crimes (including marijuana possession, but not other types of drug possession), alcohol (with the exception of driving under the influence), gambling, and possession of burglary tools without a burglary charge. The research team then coded these crimes as nuisance crimes and also identified the type of nuisance crime.

### Homelessness

We identified as homeless individuals anyone listed as “homeless” by police at the time of arrest. This is likely a conservative estimate of homelessness, however, because people who are criminal justice-involved may also have

unstable homes, are transient between multiple addresses, are in temporary housing, or may suffer from other types of housing insecurity. According to prior research, chronic homelessness is defined as experiencing homelessness for one year or longer, or for four homeless episodes within three years that equal twelve months or longer (Ullman, 2016). Thus, while our definition of homelessness was broader than that used for chronic homelessness, it is still likely an underestimation for these reasons.<sup>38</sup>

### Pretrial Detention

For our purposes, defendants were coded as being “detained pretrial” if they spent at least one night in jail (which is reflected in two consecutive dates of jail incarceration in our data). Defendants who are arrested, booked, and released the same day were therefore not considered detained pretrial. While some prior research has focused on pretrial detention from case initiation until final disposition only (Demuth, 2003), we utilized a broader definition to capture the fact that detention pretrial for any number of days can have deleterious effects. Defendants detained, even for relatively short periods of time, may face repercussions at work, including employment termination. And for those with children or dependents, a short stint of detention can significantly affect their ability to provide care.

In addition to coding whether a defendant was detained pretrial, we included a number of additional categories of release status. Defendants who are held in jail for less than one night are considered “not detained.” Defendants are included in the “initially detained and bonded out” category if they are detained for at least one night, issued a bond amount, and released from jail before their case is closed. Defendants with bond amounts of \$0 who are released from jail before their cases are closed are coded as “initially detained and released on nonfinancial or other conditions.” This category includes defendants who are released on their

own recognizance (ROR) and/or defendants enrolled in pretrial services that monitor and supervise defendants prior to their court proceedings (PTS).

The following category, “detained and denied bond,” includes defendants who did not have bond amounts listed, were held in jail until their cases were closed, or were charged with a non-bondable felony or with violating pretrial release conditions or probation. In other words, defendants in this category did not qualify for bond because of the charges against them or some other consideration (like prior criminal history or undocumented immigration status) and were consequently detained until their final disposition. This category may also include defendants charged while on probation for previous charges and who thus do not qualify for bond. Finally, “detained and held on bond until disposition” includes defendants who were assigned a bond but were continuously held until disposition because the defendant could not pay the bond or refused to do so.

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<sup>38</sup> We may have underestimated the number of homeless defendants even further because some may have listed a physical address on the arrest form of what was, in fact, a homeless shelter (such as Camillus House, a large shelter in Miami).



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Greater Miami

4343 West Flagler Street, Suite 400  
Miami, FL 33134-1585  
acluf.org