

Race and the Probability of Arrest*

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Abstract

Although blacks are arrested disproportionately for most types of violent crimes, disagreement persists as to the extent to which official arrest data are indicative of differential offending behavior or selection bias on the part of law enforcement personnel. Using data from the National Incident-Based Reporting System (NIBRS), we assess the effect of an offender's race on the probability of arrest for 335,619 incidents of forcible rape, robbery, and assault in 17 states during 1999. The baseline model for these comparisons is the equiprobability hypothesis that relative to violation frequency as reported by crime victims, the likelihood of arrest for white and black offenders is roughly equal. Multivariate logistic regression results show that the odds of arrest for white offenders is approximately 22% higher for robbery, 13% higher for aggravated assault, and 9% higher for simple assault than they are for black offenders. An offender's race plays no noteworthy role in the likelihood of arrest for the crime of forcible rape. These findings suggest that the disproportionately high arrest rate for black citizens is most likely attributable to differential involvement in reported crime rather than to racially biased law enforcement practices.

The relationship between race and arrest remains a topic of contentious debate. While blacks constitute about 12.8% of the population, they accounted for 38% of the arrests for violent crimes and 31% of the arrests for property crimes in 2000 (Federal Bureau of Investigation 2001; U.S. Census Bureau 2001). Although it is readily acknowledged that blacks are arrested in numbers far out of proportion to their numbers in the population, considerable disagreement exists as to what this finding exactly means. Social scientists have proffered two major explanations. The first and most broadly solicited explanation employs normative theories to explain the overrepresentation of

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black citizens in official arrest statistics. Normative theories view the enforcing of criminal laws as unbiased, with little or no consideration being given to the offender's race or other demographic characteristics. These type of theories purport to explain most of the disparity in arrest statistics between blacks and whites to differences in criminal involvement. It is argued that racial differences in arrest patterns occur primarily because blacks violate the law more frequently and commit more serious crimes than do whites.

Normative theories typically emphasize the nexus between social factors and crime to explicate differences in crime patterns between the races. The social factors most highlighted in the literature include poverty, economic inequality/deprivation, social disorganization, segregation, and family structure (Wilson & Petersilia 2002). Constitutional factors such as intelligence have also been adduced as engendering race differences in criminal behavior, but research on this topic is highly controversial (Fischer et al. 1996; Herrnstein & Murray 1994).

An alternative explanation for the differential arrest patterns of whites and blacks focuses on racially biased law enforcement practices. This perspective draws from conflict theory, which posits that the elevated arrest rate for black citizens is the consequence of discrimination by police. Conflict theorists view society as consisting of groups with differing and conflicting values and maintain that the state is organized to represent the interests of citizens who are wealthy and powerful. Criminal law is conceived as an instrument to protect the interests of the elite, and the severity of criminal sanction is based to a large degree on extralegal factors such as race and social class (Turk 1969; Quinney 1977). Consequently, groups that challenge the status quo are more apt to be subjected to criminalization, arrest, and increased incarceration compared to groups that are perceived as less menacing. The conflict perspective thus suggests that blacks and other racial minorities will be more susceptible to biased law enforcement practices in order to ensure they are brought under state control (Greenberg, Kessler & Loftin 1985). As Chambliss (1969:86) points out, blacks are "more likely to be scrutinized and therefore to be observed in any violation of the law and more likely to be arrested and discovered under suspicious circumstances."

It is also asserted that blacks, especially young black males, face a higher probability of arrest because the police have a negative perception of them. Disparaging labels such as "delinquents," "dope addicts," and "welfare pimps" are used frequently to depict black males (Gibbs 1988:2). Black males also epitomize an aggressive behavior style that is perceived by many whites to be threatening (Tittle & Curran 1988). The media often acts to render these stereotypes more negative. In his study of local news broadcasts, Entman (1992) reports that violent crimes committed by blacks comprise a substantial portion of the coverage of news stories that centrally feature blacks. He reports that that blacks are not only more likely than whites to be characterized as criminal

offenders in news stories about violent crime, but that they are also more likely to be depicted as physically intimidating, a pattern also noted by Jamieson (1992) in national network portrayals. This general stereotype of blacks, especially young black males, as being dangerous and criminally inclined is thought to compel police to monitor and arrest black citizens more frequently than warranted based on their actual criminal behavior.

The Hindelang Study

The most impressive large-scale quantitative study to evaluate the validity of these two competing explanations was undertaken over twenty years ago by Michael Hindelang (1978). In his groundbreaking research, Hindelang compared race-specific arrest data derived from the UCR with reported offender data drawn from the National Crime Victimization Survey (NCVS) to ascertain the convergence of these two data sets in terms of the relative amount of crime committed by both blacks and whites. He used arrest data from the UCR because it is at this point in the criminal justice process that information about the race, sex, and age of offenders is first recorded.¹ The NCVS contains data on the race of the offender as determined by the crime victim. Hindelang analyzed four crimes for which offenders and victims must come into contact and, thus, allow for the potential identification of the offender's race. These were rape, robbery, aggravated assault, and simple assault.

Hindelang (1978:99) theorized that, "if there are substantial biases in the UCR data for any reason, we would expect, to the extent that victimization survey reports are unbiased, to find large discrepancies between the UCR arrest data and victimization survey reports on the racial characteristics of offenders." His results showed that 62% of the robbery victims in the NCVS reported their assailants to be black, whereas 62% of the people arrested for robbery during the same year by police were also black. However, although Hindelang showed that data drawn from the UCR and NCVS did converge for the crime of robbery, he still evinced some evidence of racial bias in the arrest sanction for the crimes of rape and assault. Specifically, he found that blacks were overrepresented by about 10 percentage points in the UCR arrest data for the crimes of rape, aggravated assault and simple assault.

Although these findings were consistent with the differential arrest hypothesis, Hindelang speculated that the observed dissimilarities between the UCR and the NCVS were in large part due to the fact that crimes involving black offenders were less apt to be reported to police than crimes involving white offenders. A supplemental analysis that only considered those crimes reported to the police by crime victims showed that these slight discrepancies in arrest patterns diminished substantially. Although the NCVS and UCR did

not converge perfectly, Hindelang felt confident to conclude that blacks comprise a larger proportion of criminal offenders than their representation in the general population would warrant.

Hindelang's innovative study has had a profound impact on the field. Since its publication in 1978, approximately 160 studies have cited Hindelang's work mostly to justify the use of race-specific arrest rates as a surrogate measure of race-specific criminal offending. However, it is important to recognize that while Hindelang's research has furnished us with a great deal of valuable information, any conclusions drawn from his study must be tempered by the limitations of his data sources. One shortcoming relates to whether the UCR and the NCVS measure the same phenomenon. A plethora of researchers find sizable differences between relative crime levels reported in the UCR and those obtained from the NCVS for 26 central cities (Booth, Johnson & Choldin 1977; O'Brien 1983; O'Brien, Shichor & Decker 1980). Longitudinal analyses also show that for a variety of criminal offenses the UCR and NCVS trend in completely opposite directions (see O'Brien 1985).

Additionally, because Hindelang analyzed only aggregate data, we cannot definitely say on the basis of his study whether blacks are more likely than whites to be arrested by police for similar types of crimes. All we are able to conclude from his work is that his findings are not consistent with the idea that blacks are more apt to be arrested by police than are whites. Taken in total, these problems compel us to seriously question whether the general absence of a race-arrest effect in Hindelang's research is not idiosyncratic to his reliance on the UCR and NCVS.

Our charge in this article is to resume where Hindelang halted. Using data from the NIBRS, we attempt to determine the extent that black overrepresentation in official arrest statistics is explained by differential offending or by differential selection into the criminal justice system via arrests by police. NIBRS represents the next generation of crime data and it is designed to replace the nearly 70-year-old UCR. The intent of NIBRS is "to enhance the quantity, quality, and timeliness of crime statistical data collected by the law enforcement community and to improve the methodology used for compiling, analyzing, auditing, and publishing the collected crime data" (Federal Bureau of Investigation 2000:1). NIBRS is unique because rather than being restricted to a group of eight Index crimes that the summary-based program uses, it gathers information from individual crime reports recorded by police officers at the time of the crime incident for 57 different criminal offenses. The information collected by police typically includes victim and offender demographics, victim/offender relationship, time and place of occurrence, weapon use, and victim injuries. Because NIBRS is capable of producing more detailed and meaningful data than that generated by the traditional UCR, it is a valuable tool in the study of crime.²

NIBRS data are well suited for our intentions because it is possible to link a reported crime incident to a subsequent arrest that was heretofore not feasible with the UCR. The ability to merge crime incident data with arrest data enables researchers to calculate the actual probability of arrest by race for crimes communicated to the police where the victim is able to identify the race of the offender. This is the most appropriate strategy for evaluating the discriminatory use of the arrest sanction because the police can only act upon illegal behaviors that come to their attention. These data also afford us the opportunity to examine how the arrest sanction is influenced by a number of salient factors about which Hindelang lacked data, such as whether the victim was injured, the race of the victim, the victim/offender relationship, and weapon use.

Data

The data used in this study were obtained from the NIBRS for 2,852 reporting jurisdictions in 17 states for 1999.³ In 1999, reports to police included a total of 11,357 forcible rapes, 22,961 robberies, 81,743 aggravated assaults, and 308,340 simple assaults. We restrict our study to these four offenses because it is in these types of crimes that the victim is confronted by the criminal offender and hence is able to get some indication of the offender's race and other demographic characteristics. It was necessary to exclude crime incidents in which there were multiple offenders and/or victims from the analysis. The exclusion of these cases is necessary because it is extremely difficult to estimate a probability of arrest in incidents where there were two or more offenders and/or victims and because there could be white and black offenders in the same crime incident.⁴ Our final sample comprised 9,551 forcible rapes, 12,315 robberies, 60,249 aggravated assaults, and 253,504 simple assaults where there was one offender and one victim. Of these crimes, approximately 25% of the forcible rapes, 16% of the robberies, 44% of the aggravated assaults, and 42% of the simple assaults resulted in an arrest.⁵

Our independent variable of theoretical interest is the race of the offender as "perceived" by the crime victim. If the criminal offender is judged to be white, he or she is coded one and zero if black. The offender was reported to be white in 63% of the forcible rapes, 21% of the robberies, 56% aggravated assaults, and 65% of the simple assaults.⁶ Although the validity of these figures relies on the victim's accuracy in identifying the offender's race, the determination of an offender's racial characteristics by victims is reported to be extremely accurate (Hindelang 1981:471).

Although our primary objective is to assess the influence of an offender's race on the likelihood of arrest, the multivariate model we develop allows us

TABLE 1: Percentage Distributions of Descriptive Characteristics of Crimes, Offenders and Victims by Type of Violent Crime, 1999

	Forcible Rape	Robbery	Aggravated Assault	Simple Assault
Offender arrested				
0 = No	75.4	84.0	55.5	58.5
1 = Yes	24.6	16.0	44.5	41.5
Offender white				
0 = No	24.1	42.9	31.8	27.9
1 = Yes	63.3	21.3	56.5	64.9
Missing data	12.6	35.9	11.7	7.2
Victim white				
0 = No	17.0	26.0	30.2	23.9
1 = Yes	78.8	53.4	66.1	73.1
Missing data	4.2	20.6	3.7	3.0
Offender male				
0 = No	1.5	3.9	19.7	21.0
1 = Yes	92.1	62.4	71.3	74.2
Missing data	6.3	33.7	9.0	4.8
Victim male				
0 = No	98.2	27.5	44.6	64.3
1 = Yes	1.8	54.9	54.7	35.2
Missing data	0.0	17.6	0.8	0.5
Offender stranger				
0 = No	78.7	54.9	78.1	85.8
1 = Yes	8.2	27.8	9.6	5.7
Missing data	13.1	17.3	12.3	8.4
Multiple offenses				
0 = No	95.5	97.1	96.3	97.0
1 = Yes	4.5	1.9	3.7	3.0
Residence				
0 = No	28.2	84.6	43.4	34.8
1 = Yes	71.8	15.4	56.6	65.2
Serious injury				
0 = No	94.7	78.0	75.2	100.0
1 = Yes	5.3	5.9	24.8	0.0
Missing data	0.0	16.1	0.0	0.0
Offender substance abuse				
0 = No	86.9	96.2	83.3	84.7
1 = Yes	13.1	3.8	16.7	15.3
Deadly weapon				
0 = No	90.9	51.0	42.5	97.3
1 = Yes	3.7	42.0	54.6	0.0
Missing data	5.4	7.0	2.9	2.7
Offender's age				
Mean years	28.5	27.5	30.6	30.1
Missing data	14.7	43.9	13.7	8.4
Victim's age				
Mean years	20.8	34.6	30.2	29.1
Missing data	1.7	18.9	3.9	2.9
Total N	9,551	12,315	60,249	253,504

to discern the impact of other variables on the arrest sanction. If these additional variables are not controlled for, any observed relationship between an offender's race and the probability of arrest might be spurious. The control variables measure criminal offense characteristics, offender characteristics and victim characteristics. Criminal offense characteristics account for whether the victim suffered a serious injury during the course of the crime, whether a deadly weapon was used in the crime, and whether the offender perpetrated less serious ancillary crimes during the commission of the primary offense. Criminal offense characteristics also include the relationship between the victim and offender and the location of the crime. The offender characteristic variables, in addition to the offender's race, include the age of the offender, the gender of the offender, and whether the offender was under the influence of drugs and/or alcohol during the commission of the crime. The variables measuring victim characteristics comprise the race, age, and gender of the crime victim. Table 1 provides the summary statistics and codings for the variables included in the study.

Bivariate Analyses

We begin by examining the bivariate relationship between an offender's race and the likelihood of arrest for all the forcible rapes, robberies, aggravated assaults, and simple assaults reported to the police. Crime incidents in which the victim was unable to identify the race of the offender were excluded from the analyses.⁷ The differential arrest hypothesis predicts that controlling for crimes reported to the police, black citizens have a greater chance of being subjected to arrest. Looking simply at the two-way relationships presented in Table 2, we see that there is a consequential association between the race of the offender and the prospect of arrest for robbery, as 807/2,620 (31%) of the robberies with white offenders and 1,132/5,278 (21%) of the robberies with black offenders are cleared by arrest ($\chi^2 = 82.705, p < .001$).

Inspection of this table also reveals that aggravated assaults and simple assaults involving white offenders are significantly more likely to be cleared by arrest. Whites have about a 10% greater chance of being arrested for both aggravated and simple assault. Only for the crime of rape do blacks have an enhanced proclivity to be arrested by police. There is about a 28% chance of arrest for blacks, whereas whites have a 27% probability of arrest. This 1% difference, however, is not statistically significant ($\chi^2 = .694, p = .405$). These bivariate results are interesting because it appears that whites are more likely than blacks to be arrested by police. Such findings tend to cast doubt on the differential arrest thesis, which theorizes that black criminal offenders have a markedly higher prospect of arrest than do whites.

TABLE 2: Offenses Known and Clearances by Arrest by Race of the Offender, 1999

	Crimes (N)	Arrests (N)	Cleared (Percentage)
Forcible rape			
Offender white	6,043	1,642	27.2
Offender black	2,304	647	28.1
Robbery			
Offender white	2,620	807	30.8
Offender black	5,278	1,132	21.4
Aggravated assault			
Offender white	34,055	18,095	53.1
Offender black	19,137	8,141	42.5
Simple assault			
Offender white	164,543	76,966	46.8
Offender black	70,646	26,022	36.8

Note: The total number of crimes reported within each offense category is less than the totals reported in Table 1 because missing data were excluded from this analysis.

However, given that prior research reports that a victim's race is often important in determining severity of criminal sanction, we felt it prudent to assess whether a victim's race interacts with a criminal offender's race in predicting the probability of arrest. It is often argued that when blacks victimize whites, the high value attached to a white victim and the racial fears of authorities engender severe treatment (Black 1976). The race of the victim is reported to play an important role in the punishment of rapists (LaFree 1980), robbers (Thomson & Zingraff 1981), murderers (Kleck 1981) and other types of criminal offenders (Myers 1979). Table 3 shows the likelihood of arrest for white-on-white crimes, white-on-black crimes, black-on-black crimes, and black-on-white crimes. The results presented in this table indicate that the police are most disposed to effectuate an arrest for aggravated assaults and simple assaults involving white offenders and white victims. These findings run counter to much of the literature suggesting that blacks who victimize whites are more likely to be sanctioned severely by the state because of the elevated status of white victims in our society. In contrast, the odds of a black offender being arrested for raping a black is higher than for any other of the other victim/offender racial combinations. Visual inspection of Table 3 also reveals that white-on-black robberies have the greatest likelihood of arrest.

TABLE 3: Offenses Known and Clearances by Arrest by Race of the Offender and Race of the Victim, 1999

	Crimes (N)	Arrests (N)	Cleared (Percentage)
Forcible rape			
White-on-white	5,733	1,538	26.8
White-on-black	128	25	19.5
Black-on-black	1,376	415	30.2
Black-on-white	884	217	24.5
Robbery			
White-on-white	1,733	486	28.0
White-on-black	154	47	30.5
Black-on-black	2,122	425	20.0
Black-on-white	2,377	467	19.6
Aggravated assault			
White-on-white	31,608	16,701	52.8
White-on-black	1,261	544	43.1
Black-on-black	15,248	6,356	41.7
Black-on-white	3,576	1,600	44.7
Simple assault			
White-on-white	156,261	73,117	46.8
White-on-black	4,310	1,441	33.4
Black-on-black	53,733	19,167	35.7
Black-on-white	15,798	6,296	39.8

Note: The total number of crimes reported within each offense category is less than the totals reported in Table 1 because missing data were excluded from this analysis.

Logistic Regression Analyses

It is important to realize that the findings presented in Tables 2 and 3 are only suggestive at best. When considering allegations of pervasive racial discrimination by police, a distinction is warranted between evidence of unadjusted and adjusted racial disparities. Adjusted disparities account for the presence of certain situational factors relating to the probability of arrest, such as whether the offender physically injured the victim or whether the offender used a weapon in the commission of the crime. The failure of a statistical analysis to account for these types of relevant case factors introduces a sizable risk of erroneous inferences about the effect of an offender's race on the arrest decision. A multivariate method is required to discern whether an offender's race influences the probability of arrest independently of other factors. We use logistic regression for this purpose because it is appropriate for analyzing a dichotomous dependent variable and allows use of both categorical and

continuous independent variables. The regression coefficients from a logistic regression can also readily be translated into easily interpretable odds indicating the change in the likelihood of the dependent variable (probability of arrest) given a unit shift in an independent variable, holding other variables constant.

Table 4 presents the logistic regression models for the likelihood of arrest in forcible rape, robbery and assault cases.⁸ In addition to the offender's race and control variables, each of the models includes a logit-based "hazard rate" variable to account for the exclusion of crime incidents with multiple offenders and/or victims (Berk 1983; Heckman 1979).⁹ We also incorporate dummy controls for the 17 states and for each of the independent variables with missing data in the models. The missing data variables were created following the procedure suggested by Cohen and Cohen (1983). This procedure assumes that if values on an independent variable are missing randomly, then the mean of the dependent variable for cases with missing values will be similar to the mean of valid cases. For each variable that was missing some data, we created a corresponding dummy variable that indicated which cases were missing (1 = missing, 0 = observed). We then recoded crime incidents that were missing on the variable to the mean of that variable so that they would not be discarded from the analysis. The coefficients associated with the dummy coded state variables and the missing indicator variables are not presented in Table 4, but are available on request.¹⁰

We adopt the .01 significance level as the criterion for deciding which relationships warrant analysis. It is important to remember that since our data set is not a sample, but contains all reported crimes and arrests with complete information, tests of statistical significance are not applicable in the traditional sense. But we felt the need for some quantifiable standard, and find no compelling justification for why our data set cannot be envisioned as a random sample from a hypothetical universe of cases (Henkel 1976). Others also make a convincing argument that significance tests can be meaningfully employed in such situations as an indication of the probability that a random process model generated an observed association (Winch and Campbell 1969). Additionally, because the number of cases included in our data set are extremely large, many small differences in the expectation of arrest among the independent variables may turn out to be statistically significant. Therefore, when determining a variable's impact on the likelihood of arrest, emphasis should not only be placed on the level of statistical significance but also on the direction and magnitude of the coefficients, as well as the consistency of a variable's effect across offense categories.

The first model in Table 4 estimates the effects of an offender's race and the control variables on the likelihood of arrest for the crime of forcible rape. The small and nonsignificant effect of an offender's race can be interpreted as

evidence against the differential arrest hypothesis. It appears that black offenders are no more likely to be arrested for forcible rape, controlling for other factors, than are white offenders. One salient effect in this model is whether the offender perpetrated less serious ancillary crimes during the commission of the forcible rape. The presence of these ancillary offenses elevates the odds of arrest for forcible rape by approximately 210%.¹¹ The coefficients for the age of the victim and criminal offender are also noteworthy in this equation. An arrest is more apt to occur in forcible rapes involving younger victims and older offenders. Injury to the victim also increases the likelihood of arrest by about 65%.

The second model reports a discernible relationship between an offender's race and the likelihood of arrest for robbery. Being white elevates the odds of arrest for robbery by 22%. This finding also fails to support the differential arrest hypothesis. Several other factors also directly impact the probability of arrest for robbery. One strong predictor is the relationship between the victim and offender. When the victim and offender know each other, the probability of arrest is magnified. Whether the offender had been drinking or was under the influence of drugs also impacts the likelihood of arrest. The odds of arrest are 3.3 times as large for intoxicated offenders and/or drug-induced offenders as they are for offenders not under the influence of alcohol and/or drugs.

An examination of the third model reveals that the likelihood of arrest for aggravated assault varies directly with the offender's race, as reported by the victim. Being white heightens the odds of arrest for aggravated assault by 13%. Thus, relative to violation frequency as reported by crime victims, the likelihood of an arrest for aggravated assault is higher for whites than for blacks, net other factors. While the results for the offender's race variable is the most important substantively, the effects of some of the other variables are also worth noting. We again observe a rather pronounced effect of the victim/offender relationship variable on the odds of arrest. The effects of several other variables are also consequential. Net controls, the police are more likely to make an arrest in aggravated assaults with women victims, that include ancillary crimes, that result in victim injury, that include offenders under the influence of alcohol and/or drugs, and that involve older victims.

The final model also indicates an association between an offender's race and the probability of arrest for simple assault, as depicted previously in Table 2. Being white heightens the odds of arrest for simple assault by about 9%. The effect of the victim/offender variable remains stable. Controlling for other factors, simple assaults that involve nonstrangers are more likely to culminate in an arrest. Additionally, the police are more apt to make an arrest in simple assaults that involve white victims, male offenders, female victims, offenders under the influence of alcohol and/or drugs, younger offenders, older victims and that occur in a private residence. The multiple offenses variable also shows some predictive power in the simple assault equation, but in the negative

TABLE 4: Logistic Regression Coefficients Predicting Probability of Arrest, 1999

	Forcible Rape (1)	Robbery (2)	Aggravated Assault (3)	Simple Assault (4)
Offender white	-.088 (.082)	.202* (.077)	.121** (.032)	.089** (.016)
Victim white	-.073 (.092)	.049 (.077)	.085 (.034)	.191** (.017)
Offender male	-1.983 (6.918)	.101 (.128)	-.044 (.023)	.096** (.011)
Victim male	-1.886 (6.915)	-.114 (.067)	-.150** (.020)	-.211** (.010)
Offender stranger	-.235 (.109)	-.545** (.077)	-.215** (.033)	-.168** (.020)
Multiple offenses	1.132* (.385)	.277 (.208)	.613* (.193)	-.755** (.063)
Residence	.131 (.063)	.037 (.109)	-.074 (.098)	.916** (.048)
Serious injury	.503* (.174)	.311 (.223)	.128* (.042)	— ^a
Offender substance abuse	.497 (.271)	1.181** (.271)	.774** (.064)	.349** (.022)
Deadly weapon	.243 (.255)	.543 (.508)	.146 (.059)	— ^a
Offender's age	.008** (.002)	.001 (.003)	.001 (.001)	-.005** (.000)
Victim's age	-.020** (.003)	.003 (.002)	.010** (.001)	.013** (.000)
Hazard rate	-9.205 (6.481)	-7.263 (4.555)	-5.492** (1.518)	10.964** (.826)
Constant	1.772	1.588	.499	-2.801
-2 Log-likelihood	9,150.293	6,353.865	67,274.108	299,543.020

Notes: Standard errors are in parenthesis.

a The victim injury and weapon use variables were excluded from the simple assault equation because these offense characteristics are not applicable to simple assaults.

* $p < .01$ ** $p < .001$ (two-tailed tests)

direction. As the number of ancillary crimes rises, the likelihood of arrest decreases. Although this finding seems counterintuitive, it is most likely the result of police effectuating arrests in domestic violence cases. Approximately 70% of the arrests for simple assault without multiple offenses pertained to an offender and a victim involved in some type of domestic relationship. In contrast, the majority of simple assault incidents involving multiple offenses derived from disputes over property. It seems likely that police perceive these minor disagreements over property as less serious than domestic disputes. Additionally, many jurisdictions have mandatory arrest policies in domestic violence incidents, thereby increasing the likelihood of arrest even in relatively minor cases (Sherman 1992).

Overall, the bivariate and multivariate logistic regression results furnish little empirical evidence of systematic racial bias against blacks in the arrest decision for forcible rape, robbery, aggravated assault, and simple assault.¹² These findings suggest some rethinking of traditional held notions about the underlying causes of the elevated arrest rate for blacks. Recall that a central aspect of the differential arrest thesis is that the police are racially biased, and that this bias is a major reason for blacks having a higher arrest rate. The

differential arrest hypothesis is simply incapable of handling the disproportionate arresting of white offenders that we show to be associated with the crimes of robbery, aggravated assault, and simple assault. It is also incapable of explaining a lack of a race effect for the crime of forcible rape.

Conclusion

Debate persists as to whether the police perform their duties in a racially discriminatory fashion. The most frequently cited evidence for this assertion is the observation that blacks are arrested in numbers far out of proportion to their numbers in the general population. This observation, however, cannot in itself be taken as evidence of racial discrimination, since the elevated arrest rate for blacks may simply reflect their greater involvement in criminal activities. Because our legal system's claim to legitimacy is especially dependent on the public's perception of fairness and equity in the decision to arrest, we took a closer look at the evidence bearing on this issue.

Using data from the new NIBRS, we analyzed the effect of an offender's race, as perceived by the crime victim, on the probability of arrest for 335,619 incidents of forcible rape, robbery, aggravated assault, and simple assault in 17 states during 1999. Contrary to the theoretical arguments of the differential arrest hypothesis, and consistent with the tenants of the differential offending perspective, our analyses show that whites are considerably more likely than blacks to be arrested for robbery, aggravated assault, and simple assault. There are also no glaring differences in the data between white and black offenders regarding their chances of being arrested for forcible rape. This null finding also tends to refute the argument that racial bias in policing is affecting the arrest rate for blacks. Such findings beg the question: How can it be that whites and not blacks are more likely to be arrested for robbery and for assault, when many individuals who write about the criminal justice system assume precisely the opposite?

One likely explanation for our findings relates to black citizens' distrust of the police. In police work there are two basic ways that an individual is initially linked with the commission of a crime: (1) the police officer can observe the criminal offense and (2) a citizen can give testimony against the individual. In most cases, however, the police officer usually arrives too late to witness the criminal offense. Accordingly, the police are often forced to rely on the testimony of witnesses to gather the necessary evidence to effectuate an arrest. Our finding that whites are more likely to be arrested than blacks should be understood in this context. It is well known that blacks distrust the police more than whites (Sherman 2002; Weitzer 2000). For example, a recent national Gallup Poll showed that 36% of black citizens, as compared to 13% of white

citizens, have an unfavorable opinion of the local police (Gallup & Gallup 1999). Although speculative, this interpretation most likely explains our findings. Only future research designed to test this hypothesis can ascertain whether it is more than merely plausible and whether it actually produces the patterns we observe in this study.

Although our analyses present empirical evidence that whites generally have a higher expectation of arrest, our findings should be qualified by the fact that we analyze only certain types of crimes and cannot definitely say what the effects of an offender's race might be for other offenses. Our analyses are limited to rape, robbery, and assault because it is in these types of crimes that the victim is confronted by the offender and hence is able to infer his or her physical characteristics. Further insight into the nature and strength of the underlying structural relationship between race and the probability of arrest for other crimes such drug or property offenses must await the development of richer data sets.

Contextual analyses are also needed because it is plausible that the impact of an offender's race on the likelihood of arrest varies across social contexts. It is often argued that the amount of social control experienced by blacks in society is greatest in areas where the size of the black population presents a serious challenge to the political and economic power of whites (Blalock 1967; Jacobs & Wood 1999). On the basis of this research, we believe that future investigations should concentrate on multilevel studies in which police actions are nested within differing social contexts.

Finally, our findings do not negate the possibility that some individual police officers discriminate against black citizens. What the present analysis does show is that regardless of whatever discrimination is present at the arrest stage, the outcome is generally a lower chance of arrest for blacks than for whites. If there is discrimination against blacks by some police officers, then, given the observed net result, it appears that there must also be some compensating effect. It is also important to consider that although we find no evidence of racial discrimination, such discrimination may manifest itself at later stages in the legal process.

A paramount concern about racial discrimination in the administration of the justice relates to the unequal treatment of similarly situated individuals by law enforcement officials. Our findings have profound implications since they bear directly on the current debate as to whether the police perform their duties in a racially discriminatory fashion. The results of this study suggest that the disproportionately high arrest rate for black citizens is most likely ascribable to differential criminal participation in reported crime rather than to racially biased law enforcement practices. The new data presented here also suggest some caution in the pervasive practice of employing race-specific arrest rates as a surrogate measure of race-specific criminal offending, at least for the crimes of robbery, aggravated assault and simple assault.

Notes

1. Although an individual is technically not classified as an offender until convicted in a criminal court, we use the term *offender* to describe the assailant for ease of understanding.
2. For an overview of NIBRS and how the system differs from summary reporting, see the *National Incident-Based Reporting System, Volume 1: Data Collection Guidelines* (Federal Bureau of Investigation 2000). The NIBRS data are archived at the National Archive of Criminal Justice Data, University of Michigan (www.icpsr.umich.edu/NACJD).
3. The 17 states include Colorado, Connecticut, Idaho, Iowa, Kentucky, Massachusetts, Minnesota, Nebraska, North Dakota, Ohio, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, and West Virginia.
4. Criminal offenders and victims that are Asian/Pacific Islanders and American Indians/Alaskan Natives were also excluded from the study. Victims reported that these ethnic groups comprised less than 1% of all criminal offenders in 1999. These ethnic groups also represented less than 1% of crime victims. Hispanics are included in either the white or black racial categories.
5. We are unable to determine exactly whether the person arrested by police was the same individual identified by the victim as the perpetrator of the crime or whether the individual was actually guilty of the crime. However, our inability to determine these facts has little impact on our conclusions as long as the race of the offender identified by the crime victim is the same as the race of the individual arrested by police. In over 99% of the crime incidents analyzed in this study, the race of the offender identified by the victim was the same as the person arrested by the police.
6. It is important to recognize that we are not attempting in this study to ascertain the amount of crime actually perpetrated by whites and blacks. Rather, our goal is much more modest. All we are endeavoring to discern is whether the amount of race-specific crime “reported” to police is reflected in race-specific arrest data.
7. Crime victims were incapable of identifying the race of the offender in 13% of the forcible rapes, 36% of the robberies, 12% of the aggravated assaults, and 7% of the simple assaults.
8. An examination of Variance Inflation Factors (VIF) for all the estimated models indicated that multicollinearity did not vitiate our results.
9. To help protect against incorrect conclusions, we reestimated all models without the sample selection control variable. The results for these supplemental analyses were indistinguishable from those reported in Table 4.
10. We achieved basically the same results whether listwise deletion or mean substitution was used to handle the missing data.
11. The percentage change in the odds for each unit increase in the independent variable can be computed as follows: $100(e^b - 1)$.
12. Supplemental analyses (not shown) that added interactions between an offender’s race and the victim’s race failed to produce any noteworthy increase in the accuracy of

our models predicting the odds of arrest. Black offenders who victimized whites did not have a higher probability of arrest for any of the four crime categories analyzed.

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