


COMMUNITY TRENDS

FALL 2021



**EQUITY AND
CRIMINAL JUSTICE**
THE CRADLE TO PRISON
PIPELINE IN INDIANAPOLIS

Authors: Rebecca Nannery, Erik Steiner, Sarah Smith, Unai Miguel Andres, Jay Colbert, Matt Nowlin



Equity and Criminal Justice: The Cradle to Prison pipeline in Indianapolis

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This report was produced by The Polis Center at IUPUI for the SAVI Community Information System. Access this report and related digital-only content at <https://www.savi.org/equity-data-hub/>.

SAVI is a powerful data platform and strategic partner for anyone looking to leverage information to improve Central Indiana. Powered by The Polis Center at IUPUI, we are committed to using data to strengthen our communities and address their biggest challenges. SAVI Community Trends Reports are made possible by funding from Marion County Public Health Department, United Way of Central Indiana, Lilly Endowment, Inc., and IUPUI.

Cover photo: IndyStar

ADDRESSING INEQUITIES present in our modern-day justice system is an important priority for reducing systemic inequality. Imprisonment of its residents impacts our entire community. A child who grows up in a neighborhood where many residents are imprisoned is more likely to become imprisoned themselves and earn less income in adulthood. Their children, in turn, are more likely to grow up in a single-parent household and become imprisoned.

It is well known that racial disparities exist within policing and the jail and prison systems. Black Hoosiers are twice as likely to be jailed and 4.5 times as likely to be imprisoned as their white peers. However, these disparities exist long before an individual is imprisoned. From the place and situation into which a child is born, to the discipline and juvenile justice policies in their school and community, a person's childhood experience influences their likelihood of being involved in the criminal justice system.

This report examines a concept called the "cradle to prison pipeline." It is a review of some of the basic statistics at each stage of this pipeline: childhood, school, juvenile justice, early adulthood, and imprisonment. For each stage, we present basic trends and disparities across race, place, gender, and other demographic variables.

Research has shown that highlighting racial disparities can actually increase support¹ for policies that perpetuate inequality, such as "stop and frisk." With caution, this report maintains a focus on disparities, particularly between Black and white residents, because those are indicative of problems within systems and not the inherent criminality of individuals or populations. In fact, our city has seen improvement in racial disparities at the same time as we made systemic changes like diversion programs and juvenile detention alternatives. But there is still work to do. After improving for seven consecutive years (2002-2009), the disparity between Black and white jail rates has remained consistent for the last decade. Black residents are three times as likely to be imprisoned as white residents.

THE CRADLE TO PRISON PIPELINE

A child's social and economic environment influences their life course, but nowhere is this circumstance more apparent than with individuals who cross paths with the criminal justice system as they mature. Economic, racial, social, and educational inequities, all linked to a child's neighborhood, lead too often to a developmental path that moves from cradle to prison.

Where children grow up and the circumstances of their childhood both introduce risk factors that result in greater likelihood of discipline within the school system, more encounters with the juvenile justice system, and, in adulthood, greater involvement with the criminal justice system. Key equity-related risk factors include growing up in a low-income neighborhood, race and ethnicity, gender, and physical and mental disability.



Childhood

The neighborhood in which a child is born influences their economic opportunity as adults.

Key results: Children growing up in neighborhoods with low rates of education and high rates of incarceration, unemployment, and single-parent families are more likely to be incarcerated in adulthood.



School Disciplinary Action

Schools play a role in delivering consequences for student behavior, which then primes them for exposure or exposes them to the juvenile justice system.

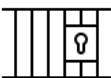
Key results: Children of color and children with disabilities are disproportionately impacted by school disciplinary action across Marion County school districts.



Juvenile Crime

Juveniles interface with the criminal justice system; disparities persist among those charged with crimes.

Key results: Black and Hispanic/Latino youth are charged with crimes at increasingly higher rates than white youth.



Jail and Prison

The neighborhood in which a child is born influences their economic opportunity as adults.

Key results: Children growing up in neighborhoods with low rates of education and high rates of incarceration, unemployment, and single-parent families are more likely to be incarcerated in adulthood.



CHILDHOOD

Overall Statistics

Children born in Indianapolis are more likely to be incarcerated as adults than in other cities.

2.6%

Of children born in Marion County in the 1980s were incarcerated by 2010.



The average for all U.S. counties is 1.2 percent.

1.8%

Of children born in the Indianapolis region in the 1980s were incarcerated by 2010.



The average for all U.S. regions is 1.2 percent.

Disparities

The demographics and economic conditions into which a child is born have a big influence on their likelihood of being incarcerated as adults. Black men born to low-income families represent an intersection of three demographic groups that are all at higher risk for incarceration. Fifteen percent, about one-in-six, of these men are incarcerated in adulthood. The following data reflect Polis analysis of data from the Opportunity Atlas. It represents individuals who grew up in Indianapolis in the 1980s. The rate of incarceration is as of April, 2010.

Percent of people who grew up in Indianapolis and were incarcerated as of April, 2010



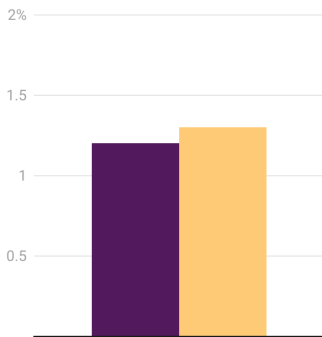
Source: Polis Center analysis of data from Opportunity Atlas

Geography

The city, county, and even neighborhood where a child grows up influences their likelihood of being incarcerated. The most important factors are the share of single-parent families, the unemployment rate, the share of people with a Bachelor's degree, and the incarceration rate in the community during their childhood.

Children growing up in counties with a low share of college-educated adults (bottom quarter) are 7 percent more likely to be incarcerated than children growing up in counties with a high share of college-educated adults (top quarter).

■ High ■ Low

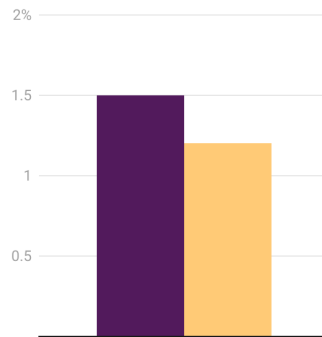


Percent of population with a Bachelor's degree



Children growing up in counties with a high share of single-parent families (top quarter) are about 30 percent more likely to be incarcerated than children growing up in counties with a low share of single-parent families (bottom quarter).

■ High share ■ Low share

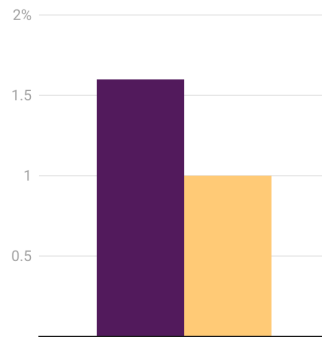


Percent of families with single parent



Children growing up in counties with a high unemployment rate (top quarter) are more than 50 percent more likely to be incarcerated than children growing up in counties with a low unemployment rate (bottom quarter).

■ High ■ Low

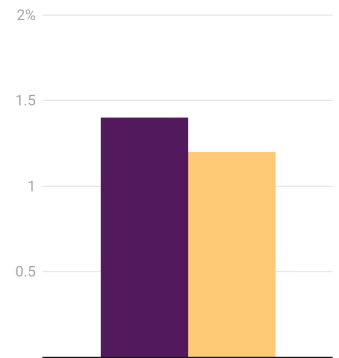


Unemployment rate (2015)

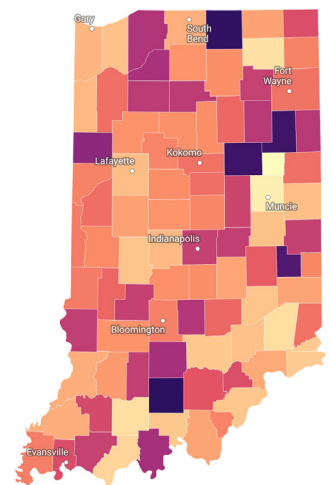
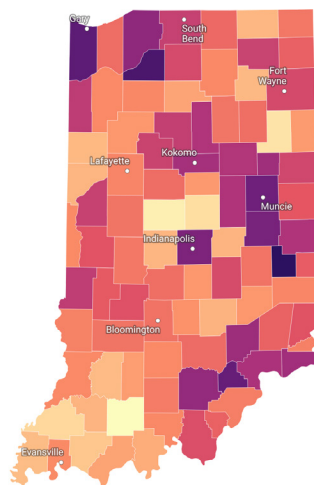
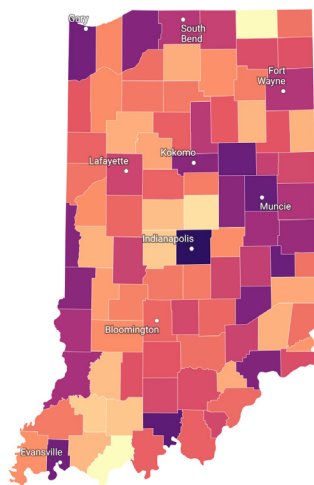
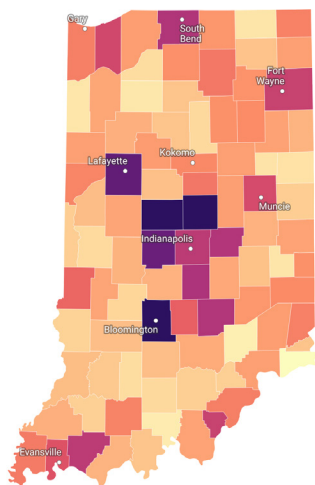


Children growing up in counties with a high incarceration rate (top quarter) are 15 percent more likely to be incarcerated than children growing up in counties with a low incarceration (bottom quarter).

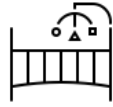
■ High ■ Low



Incarcerated people per 100,000 population



Source: Polis Center analysis of data from Opportunity Atlas and Vera Institute



Childhood factors and risk of imprisonment

A child's race, gender, household income, adverse child experiences, and neighborhood factors, including percent single-parent households, employment level, education level, and imprisonment rate, are most strongly correlated with imprisonment in adulthood.

Black men growing up in Indianapolis in the 1980s were seven times more likely to be imprisoned as adults than white men, and children from low-income households were six times more likely to be imprisoned as adults than children from high-income households. Men were 10 times more likely to be imprisoned as adults compared to women.

Polis Center analysis of data from the Opportunity Atlas² indicates four key neighborhood indicators that relate to imprisonment. Family structure, community employment levels, neighborhood education level, and neighborhood imprisonment rates. General crime rates, median household incomes, income inequality, and segregation rates in an area played less of a role when considered in combination with the other variables.

The above findings suggest a strong negative feedback loop of imprisonment affecting communities over time: Imprisonment rates of the community in which a child grew up were strongly correlated with adult imprisonment rates. This cycle of generational imprisonment may continue in communities unless it is interrupted.

While further study is needed, when examining subgroups of race and class, we found some evidence for a "minority effect" where differences in outcomes could partially be explained by whether an individual's characteristics were in the minority in their community. The highest imprisonment rates for white men were in Black communities, and vice versa. Meanwhile, individuals growing up in low-income households tended to have better outcomes when they were embedded in lower-income communities.

Research has demonstrated that children of color experience more traumatic events than white children, increasing their likelihood of entering the criminal justice system. Adverse childhood experiences (ACEs)³ are traumatic events that occur in childhood, and can include abuse, neglect, lack of a strong emotional support system, and poor parental mental health or parental imprisonment. Exposure to violence and poor social capital in one's neighborhood are also potential ACEs. Children who experience ACEs are more likely to have behavioral and mental health challenges, adopt risky behaviors,

and have poor physical and mental health outcomes into adulthood. They are also more likely to be imprisoned as adults - one study found that offenders⁴ have four times the number of ACEs of the adult male population overall.

A 2018 survey⁵ found that in Indiana, two-thirds of respondents reported at least one ACE stemming from childhood, with Black, multi-racial, and Hispanic/Latino Hoosiers disproportionately represented among these. While 60 percent of white children experienced ACEs, that rate was 72 percent for Black children and 70 percent for Hispanic children. These disparities can help explain why people of color are overrepresented in the criminal justice system—their childhood experiences may leave them with trauma and lacking life skills to succeed as adults compared to those without these experiences.

The neighborhood where you grow up has a substantial influence on your chances of being incarcerated. In Grace Tuxedo, pictured here, 5.8 percent of low-income children growing here in the 1980s were incarcerated in 2010. Just a block away in Bosart Brown, only 3.1 percent of low-income children were incarcerated in 2010.

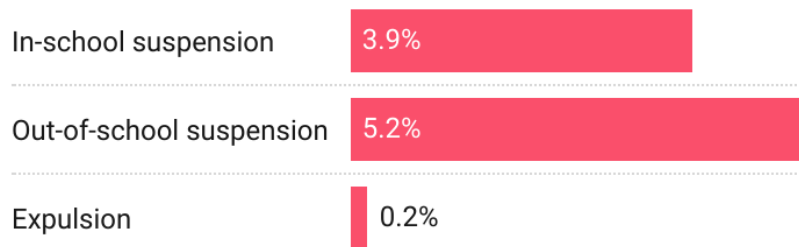




SCHOOL DISCIPLINARY ACTION

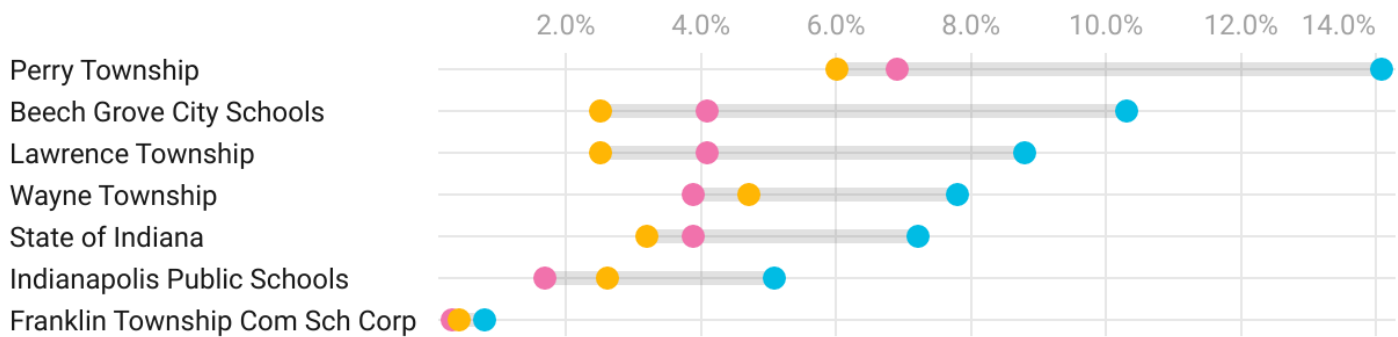
Overall Trend

Percent of students of **all races** receiving suspension or expulsion

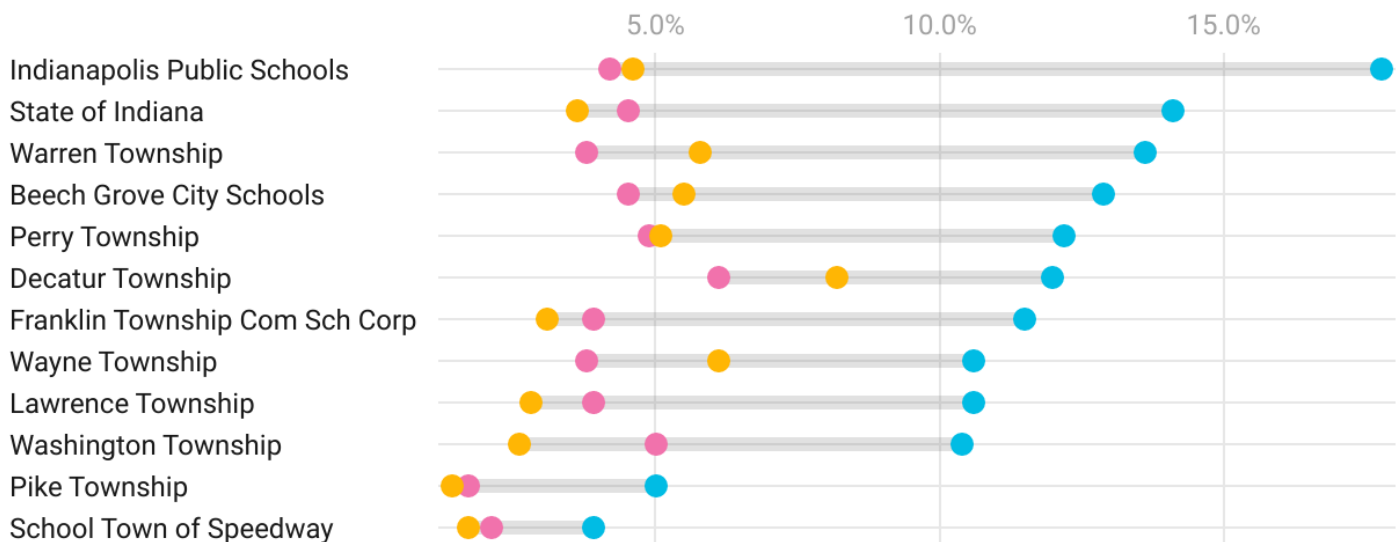


Disparities

In-school suspension rates for **white**, **Black** and **Latino** students



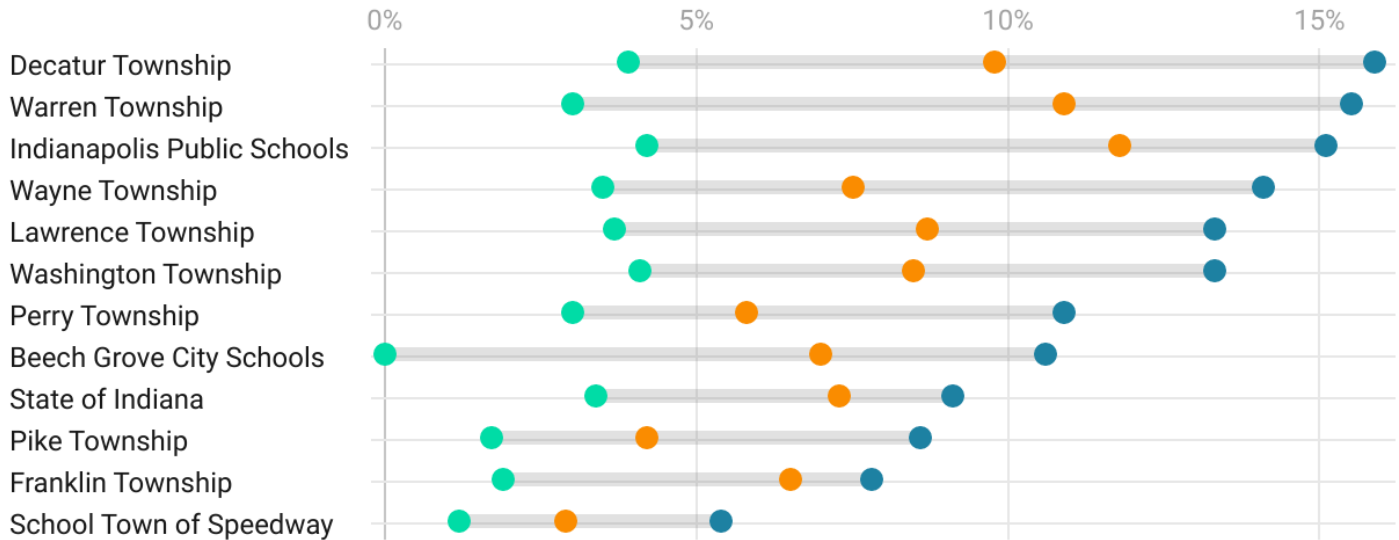
Out-of-school suspension rates for **white**, **Black** and **Latino** students



Source: Polis Center analysis of data from Indiana Department of Education, 2019-2020 school year

Out-of-school suspension rates for **low-income students, English learners, and students with disabilities**

● English Learners ● Low-income ● Students with Disabilities



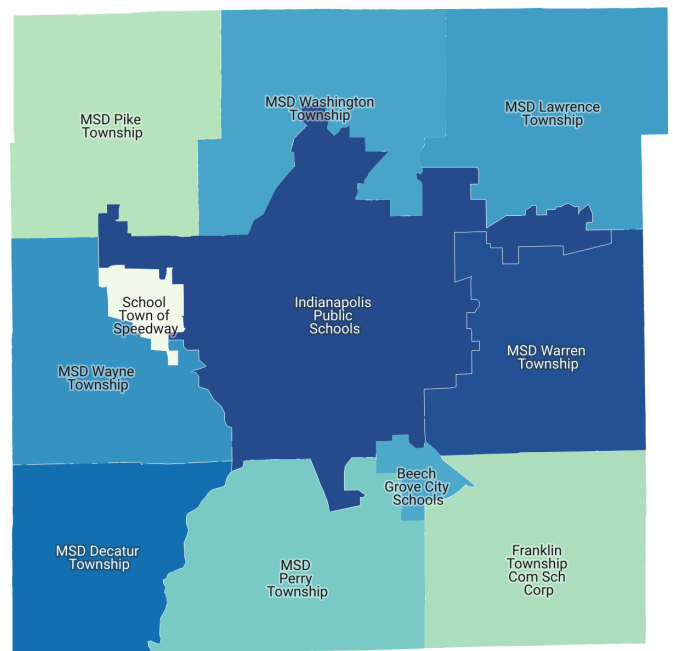
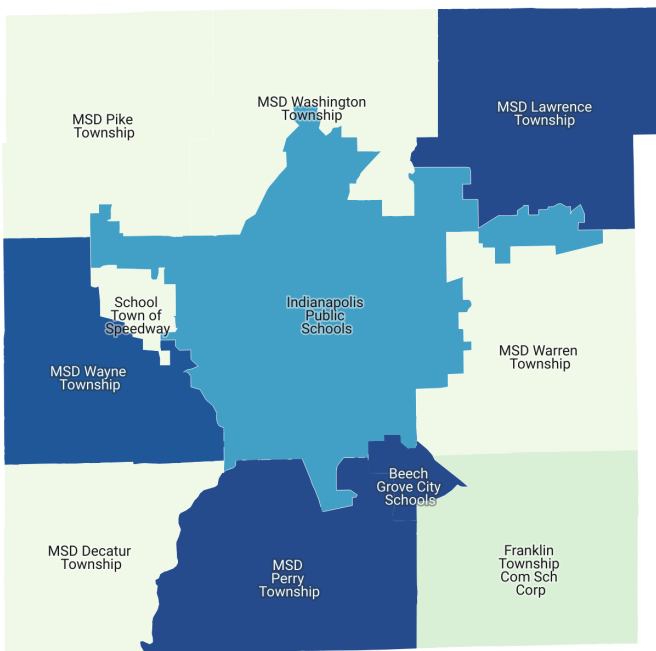
Geography

Lawrence, Wayne, and Perry Townships have the highest in-school suspension rates. For out of school suspensions, the highest rates are in Indianapolis Public Schools and Warren Township. These figures do not include charter schools.

Percent of students receiving in-school suspension



Percent of students receiving out-of-school suspension





Policy background

The zero-tolerance policies⁶ of the 1990s led to the escalation of consequences for students who committed minor infractions in school. These students are disproportionately Black, low-income, and/or have disabilities, as shown in local data. These policies can academically marginalize students, as well as directly or indirectly put them into contact with the juvenile or adult justice systems. This connection is what is commonly known as the “school to prison pipeline.”

The Gun Free Schools Act of 1994 (GFSA) enacted mandatory expulsions and law enforcement referrals for firearm activity in and around schools. Broadening of the GFSA expanded these punishments to apply to other kinds of weapons and blurred disciplinary action handled within the schools versus those requiring police involvement. Zero-tolerance policies were further expanded to include various behavioral issues, including alcohol/drugs, fighting, threatening behavior, and disruption. The GFSA is still in effect and continues to have an impact. The result of these policies is more student suspensions and expulsions from school.

Removing children from school for even a few days disrupts their education and can provide increased opportunities for them to get into trouble. Studies⁷ have shown a child who has been suspended is more likely to be retained in grade, drop out, commit a crime, and interface with the juvenile justice system⁸.

Suspension rates in Marion County

In Marion County school districts, between 2.5% and 10.2% of students receive an out-of-school suspension. During the 2019-2020 school year, Indianapolis Public Schools and Warren Township led all school districts with 10% of students receiving an out-of-school suspension. Beech Grove Schools, Lawrence, Perry, and Wayne townships had the greatest percentage of students who received an in-school-suspension, at six percent of the school population. Neither type of suspension optimizes student learning outcomes; however, out-of-school suspension can place the burden of childcare on families, rather than providing support to students within the school setting.

Racial disparities

Across school districts, Black students consistently received in-school suspensions more frequently than white students. Rates for Latino students were also disproportionately high in some districts. Lawrence Township schools had the greatest disproportionalities of in-school suspensions. Compared to white students, the in-school suspension rate was 3.5 times higher for Black students and 1.5 times higher

for Latino students.

Similarly, Black students were consistently assigned out-of-school suspensions at greater rates than white students in all districts for which there was data, while Latino students were disproportionately represented in some of these districts. Black students in Indianapolis Public Schools and schools in Lawrence and Washington townships received out-of-school suspensions at four times the rate of white students at these schools. This is similar to disparities in Indiana overall. Latino students attending Washington Township schools were twice as likely as white students to receive out-of-school suspensions.

Expulsions are rarer than suspensions as a means of school discipline, as they are a last resort. As a result, data on expulsions may be suppressed due to low counts. However, students of color are disproportionately expelled in two different Marion County school districts. In Franklin Township schools, Black students are 6.5 times more likely to be expelled than white students. Latino students are 3.5 times more likely to be expelled. Rates are similar in Washington Township, where Black students are expelled at six times the rate of white students and Latino students are expelled at three times the rate of white students.

Disparities by income and ability

Students with disabilities, especially those diagnosed with an emotional disturbance⁹, are more likely to be impacted by school disciplinary actions, such as suspensions¹⁰. A greater proportion of students with disabilities received either in-school or out-of-school suspensions than the total proportion of students. In Perry Township schools, 10% of students with disabilities received an in-school suspension, versus six percent of the total student population. Meanwhile, in Decatur Township schools, 16% of students with disabilities received an out-of-school suspension, in contrast with nine percent of the total student population.

Students from low-income families, defined as receiving a free or reduced-cost lunch, were also more likely than the overall student population to receive an in-school or out-of-school suspension, although not to the same extent as students with disabilities. These students more commonly received in-school suspensions in Lawrence Township, and out-of-school suspensions in Indianapolis Public Schools and Warren Township schools.

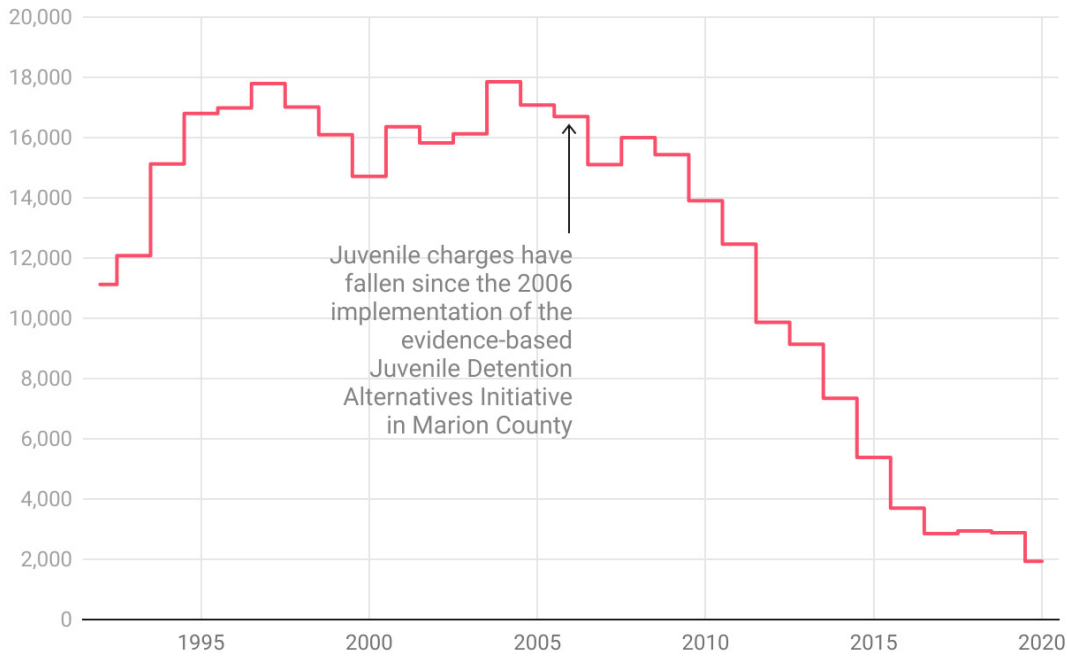
A lower percentage of English language learners (students learning English as a non-native speaker) was suspended than the percentage of all students across the school districts. Because expulsions are rare, disparities by ability, income, and language are not evident across school districts.



JUVENILE CHARGES

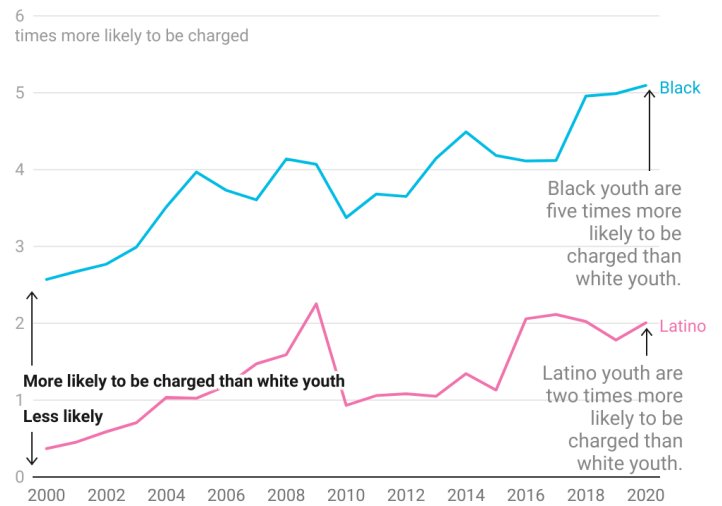
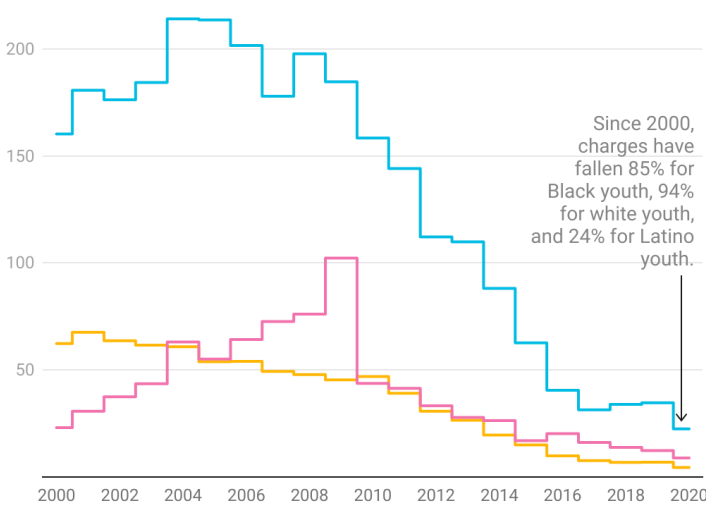
Overall Trend

Juvenile charges of **all races** in Marion County



Disparities

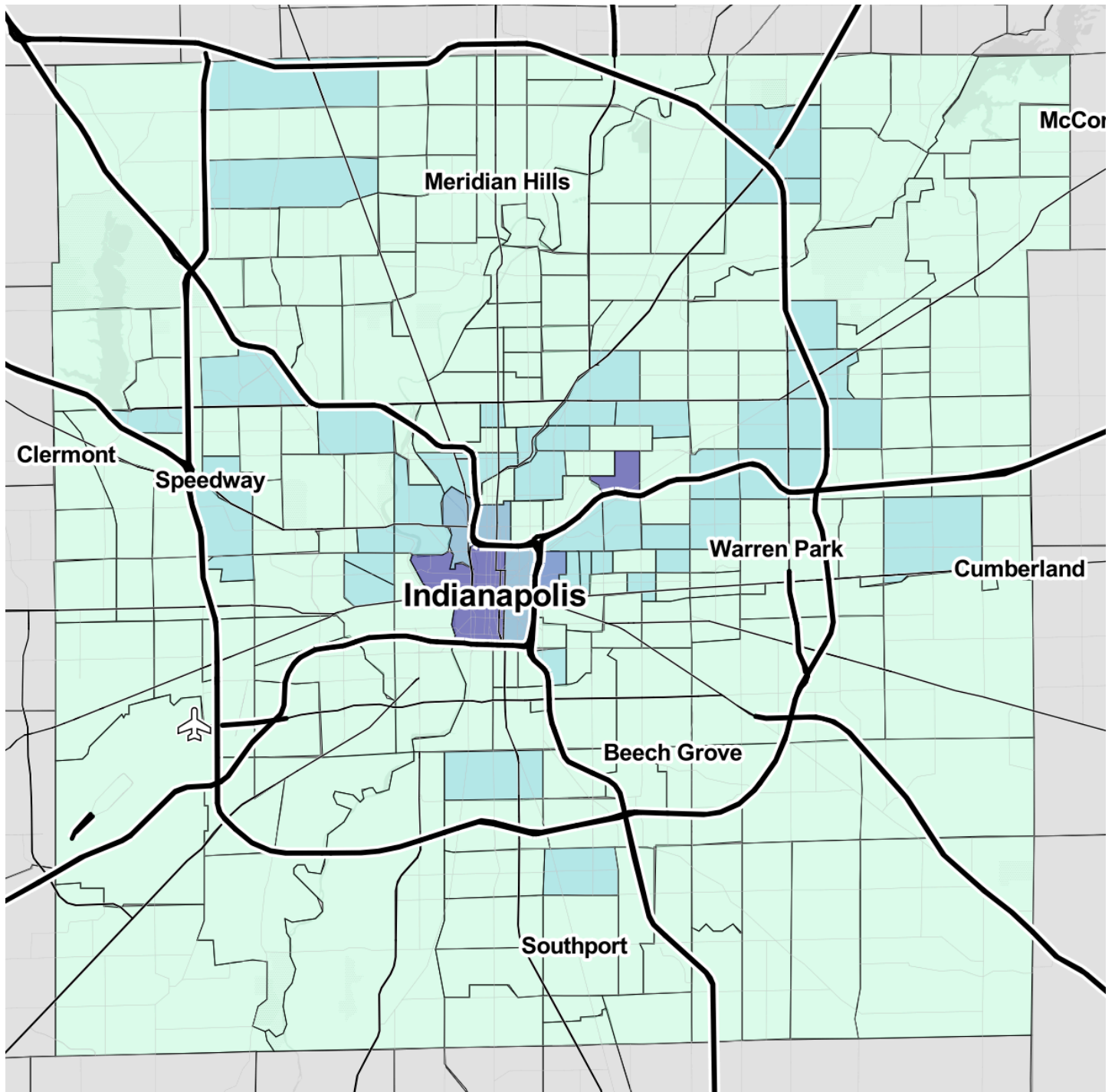
Black, **white**, and **Latino** juvenile charges per 1,000 people age 5-17



Source: Polis Center analysis of data from Marion County Superior Court via SAVI

Geography

Neighborhoods with the highest frequency of juvenile charges are downtown and northeast near 30th Street and Sherman Drive. Other areas with a high frequency of juvenile charges are adjacent to downtown, such as the Old Northside, Herron Morton, Fletcher Place, Cottage Home, and Holy Cross. Castleton Square Mall is also an area with a high concentration of juvenile charges.



Juvenile Charges per 1000 Population by Tract

- .0-27.2
- 27.2-85.4
- 85.4-289.5
- 289.5-530.9
- 530.9-2,160.0



Children and youth (referred to as “juveniles” in the justice context) ages five to 17 may also directly interact with the criminal justice system. In 2020, approximately 2,000 juvenile charges were made in connection with crimes in Indianapolis. Many of the arrests associated with these charges took place in Downtown Indianapolis, the Martindale-Brightwood neighborhood, and the Castleton Square Mall area.

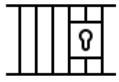
After increasing during the 1990s, the number of juvenile charges in Indianapolis reached a high of nearly 18,000 charges in 2004, but sharply declined from 2008 to present day by a whopping 90%. This decline is attributable, in part, to the 2006 implementation of the evidence-based Juvenile Detention Alternatives Initiative¹¹ in Marion County, which marked a change from a juvenile detention-based approach to the provision of community program alternatives designed to keep juveniles out of the juvenile justice system.

The decrease in juvenile charges represents a marked success. In 2000, the charge rate was higher for Black youth than white youth by nearly 100 charges per 1,000 youth. By 2020, this difference had fallen to about 20 charges per 1,000 youth. Still, a stark disparity remains. For the past five years, there have been three times the number of charges against Black youth than white youth. Because Black youth are outnumbered by white youth, this means in 2020 Black youth were five times as likely to be charged with a juvenile offense. Latino youth were two-and-a-half times as likely to be charged as white youth. This may indicate that, while improvements can be made in individual systems, bias, generational inequality, and other challenges remain. Systemic racism is a “wicked problem” that cannot be solved in one domain alone.

In Indiana, the three-year juvenile recidivism¹² rate is 29%, making it likely that youth who offend will offend again as adults. What actions can be taken to limit child and youth involvement along the pipeline to reduce the likelihood that they will continue to its end? The final section of this report will address one approach to interrupting the cycle: Restorative justice.



The new Marion County Community Justice Campus under construction in 2020. The campus will replace the current county jail and court facilities.



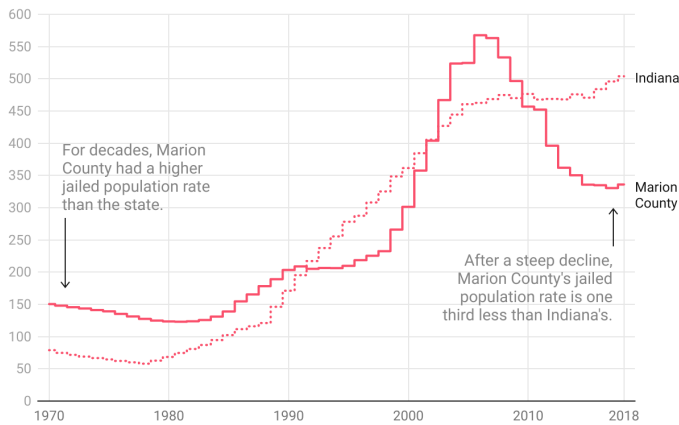
JAIL AND PRISON

Overall Trend

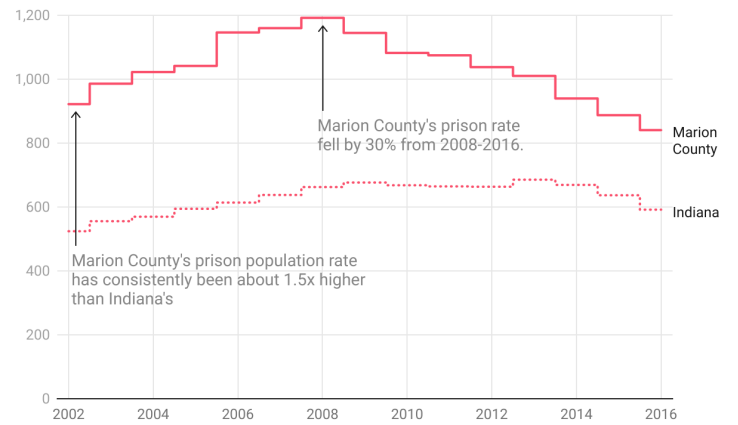
Incarceration rates for **all races**

— Marion County
..... Indiana

Jailed population per 100,000



Imprisoned population per 100,000



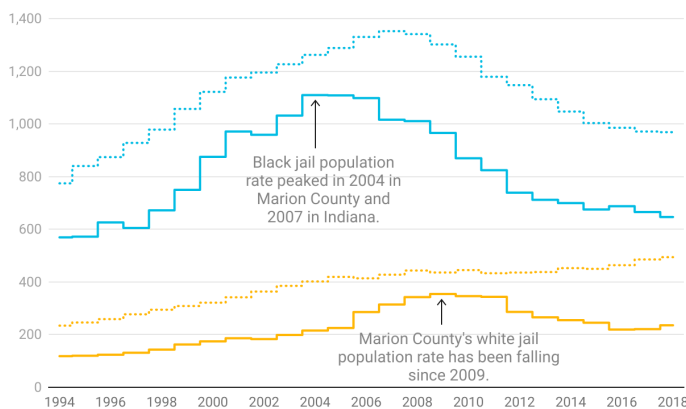
Prison population data only available from 2002 to 2016

Disparities

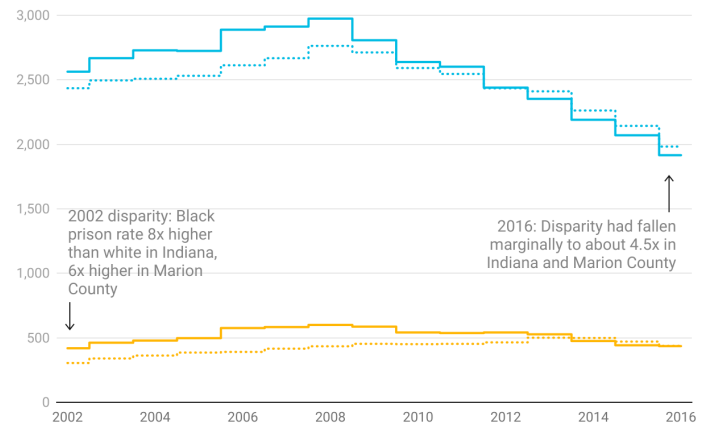
Incarceration rates for **Black**, **white**, and **Latino** residents

— Marion County
..... Indiana

Jailed population per 100,000



Imprisoned population per 100,000

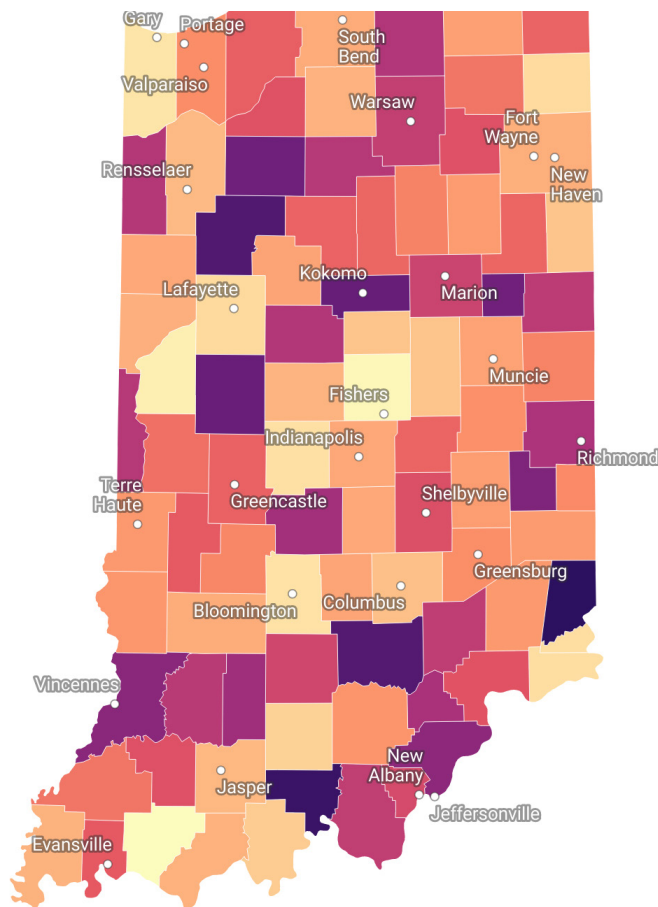


Source: Polis Center analysis of data from Vera Institute

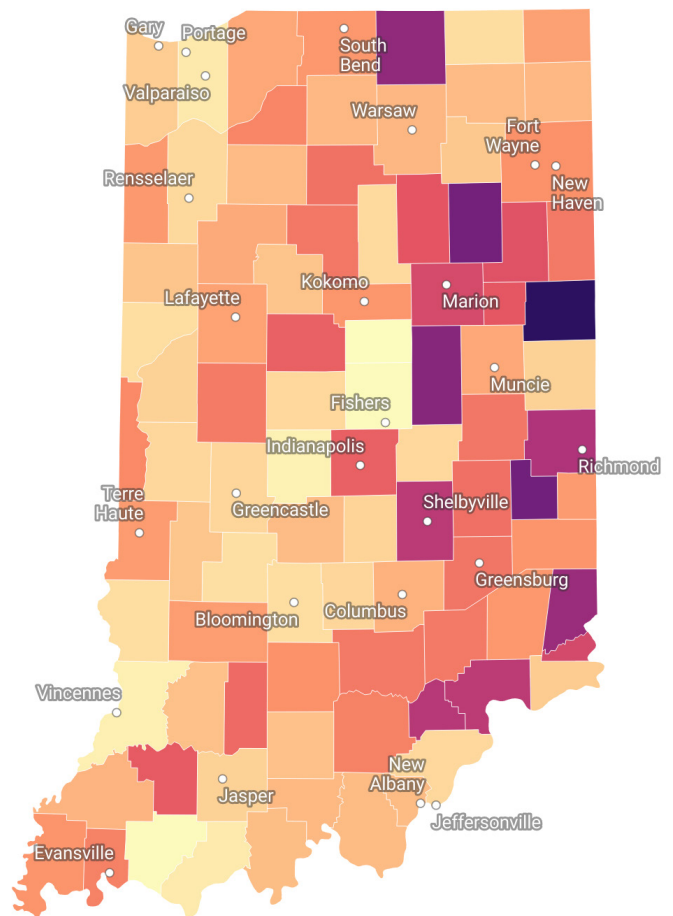
Geography

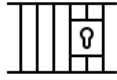
Rural areas have the highest jail population rates, including Dearborn, Crawford, Jackson, and White counties, where about 900 people or more are in jail for every 100,000 people age 15-64. Of Indiana's largest cities, Evansville has the highest jail population rate. In Vanderburgh County, the rate is 563.2. The rate is 223.7 in Lake County (Gary), 359.0 in Allen County (Fort Wayne), 176.8 in Hamilton County, and 373.7 in Marion County. Of urban counties, Howard County (Kokomo) has the highest rate, at 854.5.

Jailed individuals per 100,000 people age 15-64 (2018)



Imprisoned individuals per 100,000 people age 15-64 (2016)





The population of Hoosiers in jail has risen since 1978, when 58 of every 100,000 Indiana residents were jailed. In 2018, this rate rose to 504, a nearly nine-fold increase. Marion County experienced a similar increase in the rate of residents who were jailed until 2006. Since then, the rate of those jailed declined to 336 people for every 100,000 residents today.

The disparity between Black and white jail population rates peaked around 2000, when Black Hoosiers were jailed at five times the rate of white Hoosiers (3.5 times in Marion County). The rate of Black residents in jail declined by 28% in Indiana and 42% in Marion County. Simultaneously, the racial disparities improved: Black Hoosiers are now jailed at 2.7 times the rate of white Hoosiers (2.0 times in Marion County).

While this represents real progress, these improvements have stalled in recent years. In Marion County, the Black jail rate fell by 33% from 2004 to 2012, but only by 18% between 2012 and 2018. In Indiana, some of the improvement in racial disparities is caused by an increase in white residents in jail. There were 494 white Hoosiers in jail for every 100,000 white residents in 2018, which represents an 11% growth since 2008.

There has been moderate improvement in the disparities between white and Black imprisonment rates, but prison populations are inherently slower to change than jail populations because the length of sentences are longer. In 2002, Black residents in Marion County were six times more likely to be imprisoned than their white peers. In 2016, they were 4.4 times likely to be imprisoned. Nearly two percent, or one out of every 50 Black residents are in prison, both in Marion County and Indiana. This astounding rate is as a stark contrast with the rate for white residents, for whom the rate is 0.4 percent, or one out of every 250 white residents.

RESPONDING TO THE PIPELINE

According to the U.S. Department of Education (ED),¹³ “Teachers and students deserve school environments that are safe, supportive, and conducive to teaching and learning. Creating a supportive school climate—and decreasing suspensions and expulsions—requires close attention to the social, emotional, and behavioral needs of all students.”

ED and the U.S. Department of Justice (DOJ) have collaborated to develop alternatives to zero-tolerance approaches that support the use of school discipline practices that foster safe, supportive, and productive learning environments while keeping students in school. The overarching goal is to provide schools with effective alternatives to exclusionary discipline while encouraging new emphasis on reducing disproportionality for students of color and students with disabilities.

Zero-tolerance approaches significantly enhance the rates of suspensions and expulsions while ignoring the root cause of behaviors. Alternatives to suspensions include utilizing evidence-based, multi-tiered behavioral frameworks, such as positive behavioral interventions and supports (PBIS)¹⁴. These preventative approaches address the underlying cause or purpose of the behavior and reinforce positive behaviors. Interventions utilizing this approach have been associated with increased academic engagement, achievement, and reductions in suspensions and school dropouts. PBIS is used in over 25,000 schools across the nation, and when properly implemented, is shown to reduce behavior problems,¹⁵ improve academic performance¹⁶ and help students manage their emotions¹⁷.

These positive interventions cannot exist without investing in additional counselors and professional development for teachers and staff on how to best implement discipline, including restorative justice,¹⁸ which creates a safe space for the accused and the affected to make amends amicably. While zero-tolerance discipline approaches focus on punishment, restorative justice highlights the opportunity for prevention and intervention to address the root cause of behaviors.

Restorative justice views “harm” as a fracturing of relationships rather than something that demands punishment. A restorative justice process is a way to uncover actual needs and heal relationships via meaningful accountability. Restorative approaches allow the impacted parties to talk about what happened, how they are feeling, its impact, and

what can be done to make it right. A restorative talking circle process can begin the healing process and address the root of the harm. Creating interconnected communities in schools encourages inclusive practices and authentic engagement. Ideally, a plan to address the harm includes a path to repair the relationship and rebuild the community.

Implementing restorative justice practices in schools rather than exclusionary zero-tolerance discipline can dramatically reduce the rates at which Black students are disciplined. In a pilot restorative justice discipline program in Texas,¹⁹ six elementary and middle schools experienced a 70% reduction in in-school suspensions and a 77% reduction in out-of-school suspensions when utilizing restorative discipline practices. Creating a school environment focused on active listening, tolerance, respect, and support is essential to effectively implementing restorative justice discipline practices.

Between 2009 and 2018, students of color²⁰ became the majority of public school students, yet nationally, 79% of public school teachers identify as white and non-Hispanic.²¹ This racial and ethnic disparity between students and teachers necessitates addressing implicit bias and institutional racism to ensure racially and culturally sensitive approaches in the classroom and beyond. Implicit bias refers to the attitudes or stereotypes that affect understanding, actions, and decisions in an unconscious manner. Understanding implicit bias can help better understand how institutional racism and other forms of bias impact educational experiences.

By utilizing restorative justice practices in schools, students learn valuable social and emotional skills such as patience, empathy, active listening, and impulse control. These social and emotional skills are critical in overcoming ACEs to develop our communities into places focused on healing and breaking the cycle of the cradle to prison pipeline. Positive re-enforcement for constructive student behavior emphasizes prevention rather than punishment and attempts to interrupt the pipeline. Addressing the underlying institutional racism and classism in education is essential to dismantling the pipeline further.

END NOTES

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The racial disparities within policing and the jail and prison systems are stark. Black Hoosiers are twice as likely to be jailed and 4.5 times as likely to be imprisoned as their white peers. However, these disparities exist long before an individual is imprisoned. From the place and situation into which a child is born, to the discipline and juvenile justice policies in their school and community, a person's childhood experience influences their likelihood of being involved in the criminal justice system.

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