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Criminal Justice System Responses to Black Victimization

SUMMITTED TO:
**Department of
Public Safety**

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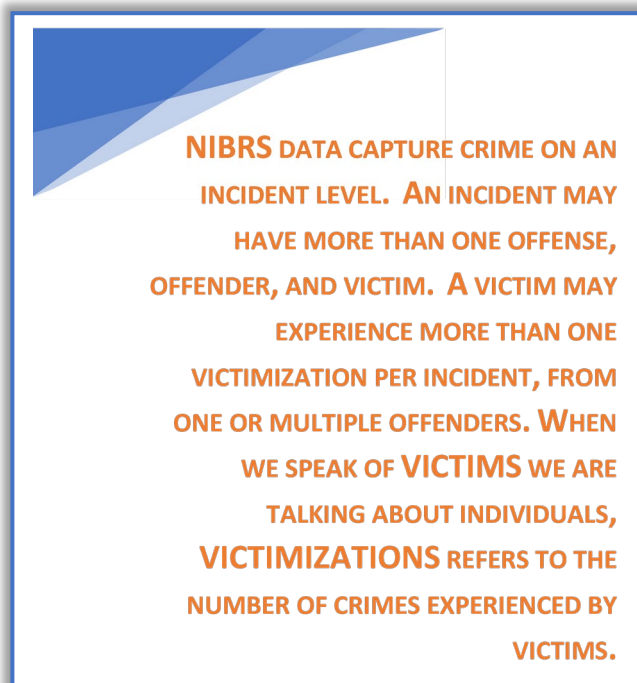
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Introduction

From 2015-2019 Black people in Vermont were more likely to experience violent crime than White people in Vermont. This paper explores the circumstances and the criminal justice system response to violent crime against Black individuals. To do so, we use two data sources: the National Incident Based Reporting System (NIBRS) and the Vermont Court Adjudication Database maintained by Crime Research Group (CRG). This paper focuses on the experience of Black victims¹ and mentions White victims only when there is a divergence in patterns or responses that highlight specific policy needs to reduce Black victimization. For example, efforts to reduce violence against women will have lesser impact on Black victimization. This is because Black men make up the majority of Black victims of violence. White women make up the majority of victims of White victims of violence. This will be discussed more fully below. It is mentioned here to frame the readers' attention as to when White victimization is referenced and when focusing policy discussions on Black experiences will benefit all Vermonters.



Victimization Rates

A victimization rate refers to how many crimes a group of people experience compared to their population. Two rate calculations are used here: the rate per 1,000 of the population and the relative rate. Table 1 shows the rate of victimizations Black and White Vermonters per 1,000 experiences.

¹ For a discussion on the limitations of using NIBRS data to discuss the experience of people of color in Vermont see here: https://www.crgvt.org/uploads/5/2/2/2/52222091/final_nibrs_data_limitations.pdf

Table 1: Victimization Rates per 1,000 of Population

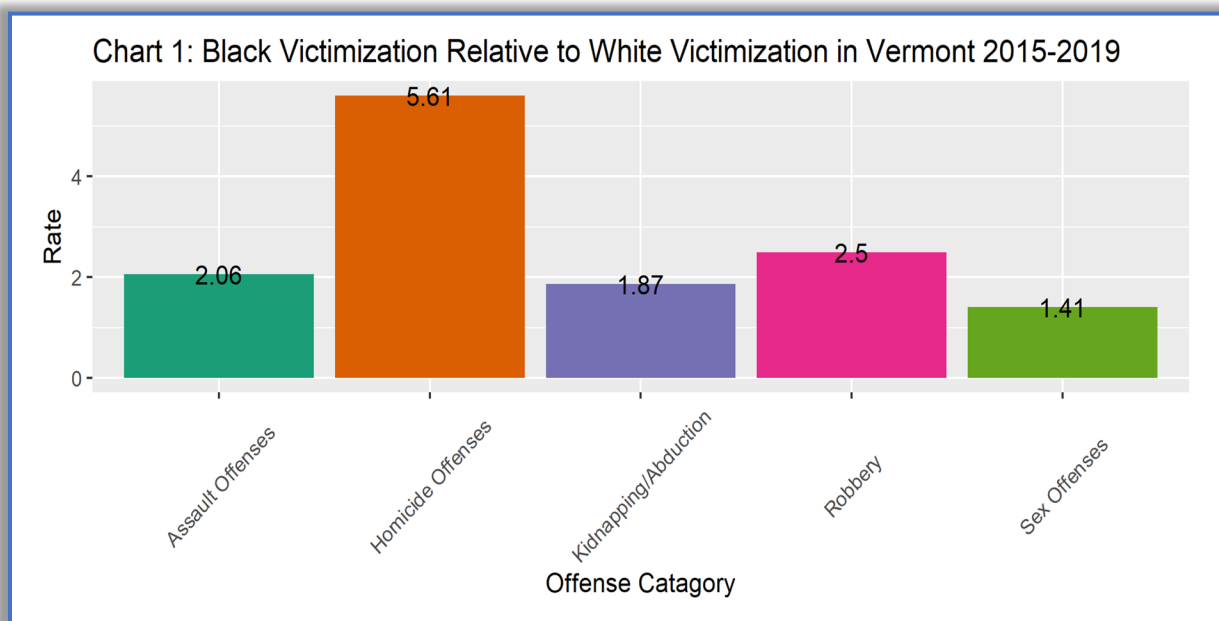
Statewide 2015-2019

	Black Victimizations	White Victimizations	Black Rate	White Rate
Assault Offenses	841	17407	58.31	28.35
Homicide Offenses	12	91	0.83	0.15
Kidnapping/Abduction	21	478	1.46	0.78
Robbery	31	528	2.15	0.86
Sex Offenses	60	1807	4.16	2.94

Black people experience all violent crime at a higher rate than White people. Black people in Vermont experience 58 assaults per 1,000 of the population. Assault offenses include aggravated assaults, simple assaults, and domestic assaults. Homicide offenses include intentional homicide and manslaughter. Homicides are rare events in Vermont. However, Black people experience more per 1,000 than White people. Sex offenses include rape, incest, and molestation.

The rate per 1,000 population is only one measure of victimization. The relative rate of Black victimization to White victimization shows the disproportionate impact crime has on Black people in Vermont. The relative rate is calculated by taking the rate of the victimization of the whole population of the group (not the rate per 1,000 people as seen above). All things being equal, the relative rate should be 1. That is, Black people and White people *should* experience crime at the same rate.² Below, Chart 1 illustrates the relative rate for violent crime categories.

² The relative rate for many property crimes is close to 1, including Destruction of Property, Theft Offenses (excluding motor vehicle thefts), and Stolen Property Offenses.



Black Vermonters are 5.6 times more likely to be murdered than White Vermonters, 2.5 times more likely to be robbed, and 2.06 times more likely to be assaulted. Black people also experienced more sexual assaults and kidnappings. Why Black people experience more crime is not the focus of this paper. A different study applying criminological theory to the data is needed. This paper focuses on the characteristics of the offenses, Black victims of crime, and the response to that crime.

The Victims

There were 965 Black victims during the study period. The average age was 29 years. Males were 59.79% of the victims, while females were 40.10%.³ This proportion is reversed from White victims of violence, where 60% of White victims are female. This means that violence prevention efforts aimed at women's victimization will have less of an impact on Black victimization.

NIBRS data records whether the victim was a resident of the reporting police agency's jurisdiction. Black victims were overwhelmingly victimized in their town of residence.⁴ However, about 40% of victims in Addison County were not residents of the responding

³ NIBRS records sex, not gender. There was one victim of unknown sex.

⁴ For ease of language, town of residence is used to denote that the victims were residents in the reporting agencies' jurisdiction. State Police are supposed to record the resident status based on towns served by the barracks reporting.

jurisdiction. This was the largest percentage of any race captured in the data. In Rutland, Bennington, and Windham counties, that number of out of jurisdiction Black victims was about 10% of the total.

The Offenses

Homicides

Homicides of Black people differ from the homicides of White people. White homicide victims were more likely to be killed by intimate partners or family members and were more likely to be female, compared to Black victims who were more likely to be male and killed by friends or acquaintances. This means that policies developed based on the more common White victimization will have minimum impact on Black homicide rates. It is worth repeating that the Black community experiences homicide at 5.6 times the rate of the White community.

There were 12 homicides of Black victims recorded during the study period. Only one was an intimate partner homicide, she was also the only Black female killed.⁵ Black males were more likely to be killed by friends/acquaintances or strangers. Five homicides occurred in a residence. Seven homicides occurred in public settings such as streets or bars. Firearms were used in all the homicides, all but one were committed with handguns. No homicides were determined to be bias motivated. Only one offender was suspected of using alcohol, none were suspected of using drugs at the time of the homicide.

Policies to reduce the victimization rate among the Black population should focus on violence prevention strategies that reduce public harm from handgun violence.

Sex Offenses

There were 60 sex offense victimizations reported during the study period. Black victims were overwhelmingly women, assaulted by people they knew and assaulted in a residence. Personal weapons (hands, feet, teeth) were used in most of the assaults. Victims sustained either minor injuries or no injuries. Four offenders were suspected of using alcohol during the commission of the offense.

⁵ CRG normally does not report out actual numbers when there is a chance that a person could be identified. This homicide received widespread media coverage, especially because the Lethality Assessment Protocol was not used in her case. The Lethality Assessment Protocol is an evidence-based tool that can reduce domestic violence homicide. The victim's name was Anako Lumumba. Her accused killer is awaiting trial.

Assaults

There were 841 assaults committed against Black people in Vermont during the study period. As with homicides, the proportion of male and female victimizations is reversed from White victims. Sixty percent of Black victims of assault were male. Eighty percent of White victims of assault were female. Although there were no differences in the proportions of assaults that were committed by intimate partners, Black men accounted for 33% of the intimate partner victims compared to 20% of White men, making Black men 1.5 times more likely to experience intimate partner violence compared to White men.

About half of all the assaults took place in a residence.⁶ Half occurred in public spaces including streets, parking garages, parks, and at educational institutions. Personal weapons were used in 40% of the assaults. Only 3% of the assaults involved a firearm. Victims of assaults suffered minor or no injuries. Less than one percent of victims suffered more serious injuries.

Robbery

There were 31 Black victimizations due to robbery during the study period. Black men experienced 90% of the victimizations.⁷ About half the robberies were perpetrated by people known to the victim and about half were perpetrated by strangers. Firearms were used in half of the robberies. Victims reported minor or no injuries sustained during the robbery. A majority of robberies took place in a residence. This is different than White victimizations, where a majority of robberies occurred on a street or at a convenience store.

Kidnapping/Abduction

The NIBRS definition of kidnapping is: “The unlawful seizure, transportation, and/or detention of a person against his/her will, or of a minor without the consent of his/her custodial parent(s) or legal guardian.” This corresponds to the crimes of kidnapping (13 V.S.A. § 2405) unlawful restraint (13 V.S.A. § 2407) and custodial interference (13 V.S.A. § 2451).

There were 21 kidnapping/abductions of Black victims during the study period. Nearly all the victims were female and nearly all were over the age of 19. They suffered little or minor injuries during the crime. When weapons were used, they were mostly personal weapons. Fewer

⁶ Sixty-one percent of Whites were assaulted in a residence.

⁷ White men experienced 53% of the victimizations due to robbery.

than 5 victimizations involved firearms. Seventy percent of the victimizations occurred in a residence. The remaining victimizations occurred in public.

The Criminal Justice System Response

Police Response

NIBRS records exceptional clearances and arrests. Exceptional clearances are case closure events that are not arrests. These include: the offender is deceased, the State's Attorney declined prosecution, the victim refused to cooperate, the offender was in custody elsewhere, and if the offender was a juvenile and therefore there was no custodial arrest. Because exceptional clearance codes are reported out based on the incident, more granular analysis is not possible when there are multiple offenses, victims, and/or offenders. There were 965 violent crime incidents where at least one victim was Black. Ninety-five percent of them did not have an exceptional clearance. The victim declined to participate in about 2% of cases and in 1.5% the prosecution declined the case (for a reason other than lack of probable cause). These rates were similar to the rates for violent incidents involving White victims.

Arrests are reported on the arrestee level. An incident can have more than one arrestee. There were 965 violent crime incidents with at least one Black victim. Arrests were made in 580 incidents, for a clearance rate of 60%. This is higher than the national average of 48% clearance rate for violent crimes.⁸ National statistics do not break out clearance rate by race of the victim involved in the offense. The clearance rate for crimes of violence involving White victims in Vermont is also 60%.

The total number of people arrested for crimes against Black victims was 1,015. It took an average of 180 days from the incident date to the arrest. Forty arrests were made on the day of the crime. Eighty-two percent of people arrested for a crime of violence against Black people were from the Vermont jurisdiction in which they were arrested. Two hundred and seventy-one women were arrested, and 744 men were arrested. Black arrestees were more likely to be taken into custody (50%) than White arrestees (37%); this difference was statistically significant ($P = .000$). The most common arrest offense was for assault offense (792), followed by Robbery

8. <https://arresttrends.vera.org/clearance-rates>

offenses (40), and 21 arrests for sex offenses. There were 17 arrests for Homicides and 17 arrests for kidnapping/abductions. The remaining arrests were for non-violent crimes.

Court Response

Arrests from the years 2015-2019 were tracked into the Court Adjudication Database.⁹ Three hundred and thirty-seven eligible incidents were identified in the NIBRS data. Two hundred and sixty-two (80%) were found in the Court adjudication database. This led to 302 individual dockets. Only 5 dockets of the 302 did not have a crime of violence charged on the docket. This indicates that authorities are believing Black victims of violence reports that they have experienced violent victimization. There were 214 guilty charges representing 162 dockets and 144 incidents. Of the original 262 incidents tracked into the court data, the conviction rate of 144 incidents was 54%. This was lower than the 64% conviction rate for incidents against White victims and the difference was statistically significant at $p=.002$, meaning it is not likely that chance explains this difference at all. Exploring the factors that contribute to this disparity, unfortunately, are beyond the scope of this project. Further research into those factors should, at the minimum, include the criminal histories of the defendants, but also should perhaps try to acquire data on victim impact statements, victim participation in the criminal process and other factors, and socio-economic status of victims and offenders.

Conclusion

This study aimed to use administrative data to highlight the experience and draw attention to how Black people are victimized in Vermont and how the criminal justice system responds. Black Vermonters are more likely to experience violent victimization than White Vermonters. Further, violence against Black people looks different than violence against White people. Black men are more likely to be victims, whereas White victims of violence are largely female. Programs that focus on male victimization and especially the unique needs of male victims of intimate partner violence should be explored.¹⁰

⁹ When CRG wrote the grant, neither Covid nor the change of Case Management system of the courts in 2020 had been anticipated. Because violent felonies can take over a year to be resolved in the courts, CRG limited the analysis to arrest years that may have been resolved by Dec 31, 2019.

¹⁰ https://vawnet.org/sites/default/files/assets/files/2017-07/NRCDV_TAG-ServingMaleSurvivors-July2017.pdf provides some best practices for agencies to consider.

Given the prevalence of violence against Black Vermonters, programs that have been shown to reduce violence in the community should be explored by policy makers. The Bureau of Justice Statistics has a checklist for creating, maintaining and evaluating community based violence reduction strategies.¹¹ School-based programs such as Too Good for Violence, have had positive reductions in violence against young people through their schooling years.¹² Communities That Care is another program focused on youth and has been shown to reduce crime and substance use among the community participants.¹³ Cure Violence, is a public health approach and uses violence intervention specialists (not police). Cure Violence has shown promising results in reducing homicides and assaults in Chicago.¹⁴

The above programs aim to interrupt violence and help access services and support in resolving conflicts. They do not, however, address some of the structural barriers to safety that some victims experience.¹⁵ Housing insecurity is closely related to violent victimization, especially in intimate partner and family violence, and crime rates in general.¹⁶ Vermont's tight housing market and the continued disparity Black Vermonters experience in the housing market¹⁷ is likely contributing to Black victimization.

Crimes against Black victims were cleared and prosecuted at the same rate as crimes against Whites. There is disparity, however, in the conviction rates. This needs to be explored. It was beyond the scope of this study to delve into the factors contributing to this disparity. Future research should be conducted to explore this disparity.

Missing from this analysis is the voice of the victims themselves. Administrative data cannot capture whether someone felt they were treated with dignity and respect by the criminal justice system. This is an important voice that needs to be heard. Further qualitative analysis is needed to center the conversation around the experience and needs of victims of color.

¹¹ <https://bja.ojp.gov/doc/cvi-implementation-checklist.pdf>

¹² <https://crimesolutions.ojp.gov/ratedprograms/240>

¹³ <https://www.communitiesthatcare.net/>

¹⁴ <https://crimesolutions.ojp.gov/ratedprograms/205>

¹⁵ The reviewer draft of this report did not include structural barriers. The author is grateful to Xusana Davis the Director of Racial Equity for reminding her of the impact of housing insecurity on victimization.

¹⁶ Ellsworth, J. T. (2021). Housing and criminality: The effect of housing placement on arrests among chronically homeless adults. *Journal of Social Distress and Homelessness*, 0(0), 1–12. <https://doi.org/10.1080/10530789.2021.1897935> and Braithwaite, J. (2021). Housing, crises and crime. *Journal of Criminology*, 54(1), 34–46. <https://doi.org/10.1177/00048658211011500>

¹⁷ <https://www.vtaffordablehousing.org/post/fair-housing-month-housing-inequality-in-vermont>

This study shows the importance of doing specific race-based analysis when analyzing crime statistics in an overwhelmingly White state. Relying on the aggregate statistics alone results in policies that will not help Black victims of crime. Focusing on the experience of Black victimizations can help identify programs and policy areas that will help their victimization, as well as all Vermonters.