

# Blacks in Prison: Perception and Punishment

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Everyone has heard the statistics on the incarceration of Black Americans, but they bear repeating. Blacks make up nearly 40 percent of the inmates in the nation's prisons, although they are only 12 percent of the U.S. population. Some experts estimate that one in every four Black men will spend some time behind bars during his lifetime. There is no explanation for this disparity that is okay.

There are many theories about these shameful numbers, and punitive criminal justice policies certainly contribute. About half the states have some kind of habitual offender law that mandates harsh sentences for repeat offenders. In California, where Blacks make up less than 7 percent of the population and a quarter of the prison population, they make up a whopping 45 percent of those imprisoned under the state's Three Strikes Law.

There has been a lot of debate about the psychological roots of this disparity, but not nearly so much on the psychological and social consequences of this injustice. One would expect such patently unfair statistics to cause outrage, and calls for more leniency in penal laws, but is it possible that the opposite occurs? Might the blackness of the prisons lead to more, not less, punitive attitudes and policies?

That's the question that two Stanford University psychological scientists have been exploring. Rebecca Hetey and Jennifer Eberhardt knew from past research on individual stereotyping that people link blackness with violent crime. Also, the "blacker" defendants look, they more likely people are to punish them harshly. The scientists wondered if the same dynamic might be at work with institutions. That is, might the perceived blackness of the prisons increase acceptance of punitive laws and policies?

They tested this provocative idea by taking advantage of a live political issue in California. In the spring of 2012, there was a petition for a statewide ballot initiative to lessen the severity of the Three Strikes Law. California at the time had the most punitive such law in the country, a 1994 law mandating 25-years-to-life for anyone convicted of a third felony following two violent or serious felony convictions. The amendment would have allowed a life sentence only when the defendant's third strike crime was also serious or violent. In spring 2012, activists were gathering signatures needed to get the proposed amendment on the November ballot.

So as part of the study, a White experimenter approached registered California voters in a San Francisco area train station, ostensibly to take part in a study of social views. The participants watched a short video about the state prison system, showing actual mug shots of Black and White inmates as they flashed across the screen. But the scientists manipulated the ratio of Black-to-White inmates: Some saw a prison population that was 25 percent Black (the actual percentage of Blacks in the state prisons), while others saw a 45 percent ratio (the percentage of Black inmates in the state's three strike population).

So some voters saw a "more Black" prison population and others saw a "less Black" population. The

scientists then asked all the participants how they felt about the Three Strike Law. Was it too punitive? Not punitive enough? Fair as written? Finally, the voters were given the chance to look at the actual petition and, if they chose to, sign it.

The results were intriguing, if discouraging. All of the participants, whether they saw a more or less Black array of mug shots, believed that the state's prison population was significantly more Black than what they saw. But even more important, those who saw the more extreme disparity were much less likely to sign the petition than were those who saw the less extreme disparity. Indeed, fully half who saw the less Black prison population signed the petition, but only 27 percent who saw the more Black version did so. This was true regardless of whether they saw the Three Strikes Law as punitive or not. In short, the Blacker the prison population, the less willing voters were to take steps to reduce the severity if a law they acknowledged to be overly harsh.

The amendment was in the end approved by California voters, but it left a basic question unanswered: Why were some voters reluctant to change the law even if they saw the law as too punitive? Hetey and Eberhardt suspected that fear might be influencing voters' decisions. That is, perhaps the perception of a Blacker prison population leads to greater fear of crime, which in turn leads to acceptance of harsh laws. They decided to test this idea with a different law in a different part of the country.

In this case, the scientists focused on New York City's controversial "stop and frisk" program. They wanted to see if nudging New Yorkers to view the state prison population as more Black would cause them to be more concerned about crime—and more accepting of the policy. They recruited a group of New Yorkers prior to the 2013 mayoral election, in which the "stop and frisk" program was an important issue. Again, they manipulated how participants viewed racial makeup of the prison population, and then asked them several questions about the law: How worried are you that crime would be out of control without the law? Does public safety justify stop-and-frisk tactics? And so forth. Finally, they looked at a sample petition to end the stop-and-frisk policy, and indicated whether or not they would sign it.

The results echoed the California findings, including the most important one: As reported in a forthcoming article in the journal *Psychological Science*, mere exposure to statistics about racial disparities dampened citizens' inclination to jettison the law. Those who saw the prison population as more Black were much more concerned about crime, and this fear of crime kept them from signing on to reform the policy.

These findings call into question some basic assumptions about legal reform and social change. Activists often assume that bombarding the public with evidence of discrimination will motivate citizens to fight inequality. But these studies suggest otherwise. It appears that exposure to racial disparities increases acceptance of the very policies that led to injustice in the first place. In that way, the Black prisons of America have become self-perpetuating.

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