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A Comparative Perspective on Minority Groups, Crime, and Criminal Justice

'Minorities and crime' is likely to remain a topical subject in Western countries for years to come. In many countries, the proportion of non-nationals in prison is high, and increasing, and members of some minority groups are much more likely than nationals to be arrested, convicted, and sentenced. In many countries, the majority groups are becoming less tolerant of minorities and more likely to blame them for a variety of social problems. In some countries, there is evidence that members of minority groups are treated more harshly than majority-group defendants at several points in the justice system, including pre-trial detention, case dismissal, and sentencing. Some disparities (notably in pre-trial detention) often result from application of even-handed policies that systematically disadvantage minority defendants; some are harder to explain.

In many countries, rightist political parties are promoting harsh anti-minority and anti-immigrant policies. Such parties are often rightly disparaged as 'nativist', 'bigoted', and 'xenophobic', but the sentiments they express are influencing policy everywhere. Laws making legal immigration harder, deportation easier, and social welfare support less available to immigrants are being proposed and enacted in many countries.

The connection of crime with minority groups in the public mind presents particular challenges. In places where crime rates have been rising or fear of crime is high, a perceived association between crime and minority groups has unfortunate effects. It creates stereotypes in the minds of citizens and officials, including police, that predispose them to be suspicious of minority persons. When a crime has occurred, stereotypes may cause people to suspect a minority person under circumstances where a non-minority person would not have been suspected. They may also make police less likely to believe a minority person's denial. Presumably for these reasons, there is credible evidence in many countries that minority persons are more likely to be stopped by the police, and in some countries that police are more likely on the same evidence to arrest minority than non-minority persons.

Conversely, minority citizens often resent the stereotypes, and their greater likelihood of being stopped (and arrested, where that is true), and as a result to feel greater animosity to-

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2. In this report, I use the word 'suspect' in the English-language sense of 'a person about whom the police are suspicious', and not as a synonym for arrestee. European scholars writing in English often use the word 'suspect' to mean 'a person who has been arrested' or, in other words, as a synonym for 'arrestee'.
ward the police than do non-minority persons, and greater alienation from the legal system. This has a number of undesirable side-effects. It may make police encounters with suspects more emotionally-charged and foster conflicts. More importantly, there is evidence from several countries, including the Netherlands, England, and the United States, that minority defendants are less likely to co-operate with the justice system (e.g., by pleading guilty or appearing for trial) and that such non-co-operation results in harsher sentences. Thus a vicious spiral; higher minority crime rates lead to stereotypes about minority groups, which lead to a greater likelihood they will be stopped by the police, which leads to hostility, alienation, and non-co-operation, which leads to harsher sentences.

There are things that can be done to lessen some minority groups’ over-involvement in crime, the influence of stereotypes, and disparities in official decision-making. Some involve adoption of long-term strategies and some involve short-term policy changes. None by itself will make a big difference. Together, in the long term, they can make a big difference.

Unfortunately, however, many of the things that can make a difference are likely to be politically controversial and, as a result, may not be feasible. For example, credible Swedish research suggests that social welfare policies targeted at improved assimilation of immigrants can reduce the criminality of immigrants’ children well below levels that would otherwise be predicted.3 In some countries, including the United States, however, such policies would be very controversial because they would provide assistance to immigrant children that is not provided to native children and because generous social policies in relation to immigrants would be seen as providing undesirable incentives to both legal and illegal immigration. Refusing to provide public education and other public services to children of illegal aliens, as California’s infamous 1994 Referendum 187 would require, would predictably increase crime rates among those children in their later lives, but in American politics that is seen by some as a lesser evil than spending public funds on the children of illegal aliens. European traditions of more generous and humane social welfare policies might lessen these political problems but they are likely to exist in some form.

Happily, some of the things that can be done to reduce stereotypes and unwarranted disparities are not so controversial. For example, active recruitment of minority citizens into the police, the prosecution service, the judiciary, and the corrections system can help reduce the social distance between minority citizens and justice system institutions; the effects of stereotypes will also diminish. Likewise, careful research can show whether and how official policies are inadvertently causing unwarranted disparities (for example, in pre-trial detention); the criteria that are causing the problem can be reconsidered and sometimes changed without frustrating achievement of the goals that use of the criteria sought to achieve. One US example was the realization that use of socio-economic factors in making parole release decisions systematically disadvantaged minority defendants; the unintended disparities were reduced by eliminating the socio-economic status variables and looking solely to criminal record information.4