

The Measurement Divide: Analyzing Hispanic-White State Imprisonment Disparities in the U.S.

Methodology and Data Sources

The analysis, entitled [The Measurement Divide: Analyzing Hispanic-White State Imprisonment Disparities in the U.S.](#) (referred to in the remainder of this document as the “main analysis”), uses two primary sets of national-level data on the racial and ethnic composition of state prison populations in the U.S. Both data sources are compiled and disseminated by the Bureau of Justice Statistics (BJS) and are described in detail below.

This supplemental methodology report provides detail on how the state and federal sources differ in their classification and measurement of race and ethnicity, and, as a consequence, how analyses derived from each source lead to different estimates of the disparity between Hispanic and non-Hispanic White¹ people, and plausibly different conclusions about the extent of and trends in this disparity measure.

THE “STATE” DATA SOURCE

State data on the race and ethnicity of the state prison population are drawn from two BJS programs: The National Prison Statistics (NPS)² and the National Corrections Reporting Program (NCRP).³

Through the NPS, BJS collects aggregate counts of the prison population on December 31st of each year. These values are drawn from administrative records and describe admissions and releases during the past year, as well as the sex, race, and ethnicity of the prison population. The NPS counts of the race and Hispanic origin of persons depend upon the categories that state departments of corrections have in their administrative data systems and how these data are obtained by administrators. Some corrections departments’ databases do not allow for reporting multiple races or Hispanic origin, and some states have been unable to adjust how they collect race and ethnicity data due to limitations in their information systems which prevent them from recording data for persons who identify with a race and Hispanic ethnicity and/or for those who identify

¹ All references to White people refer to non-Hispanic White individuals, even though the “non-Hispanic” modifier is not used.

² Bureau of Justice Statistics. (2022). *National prisoner statistics, [United States], 1978-2021*. Inter-university Consortium for Political and Social Research [distributor], 2022-12-19. <https://doi.org/10.3886/ICPSR38555.v1>

³ Bureau of Justice Statistics. (2022). *National corrections reporting program, 1991-2020: Selected variables*. Inter-university Consortium for Political and Social Research [distributor], 2022-11-28. <https://doi.org/10.3886/ICPSR38492.v1>

with more than one race. In addition, some states have individuals self-identify their race and ethnicity during prison admission, some gather this data from arrest or court documents that accompany an individual to prison admission, and others have prison officials visually identify and record an incarcerated person's race and ethnicity.

Through the NCRP, BJS obtains individual-level data on all persons entering or leaving state custody and post-release supervision. The data reflect admissions, a census of all individuals held on December 31 of each year, releases, and entry and exit from post-release supervision throughout the year and provide demographic and criminological information on each person. The NCRP data include measures of race and ethnicity, but across states, data on race are not consistently reported for those who are classified as being of Hispanic origin. The same concerns about the measurement of race and Hispanic origin that apply to the NPS also apply to the NCRP.

THE "FEDERAL" DATA SOURCE

To produce estimates of the number of persons in prison and their demographic characteristics, BJS uses data from its periodic surveys of persons in prison, the Survey of Prison Inmates (SPI)⁴ in conjunction with the NPS and NCRP data. The SPI is a period survey of nationally representative samples of people incarcerated in state and federal prisons. Through the SPI, BJS obtains self-report data on race and ethnicity, and the survey allows respondents to self-identify more than one racial and ethnic category. BJS uses the self-reported race and Hispanic origin information collected through the SPI to adjust the data on race and ethnicity that obtained from the NPS and the NCRP. BJS publishes annual estimates of the number of persons in state and federal prisons by race, Hispanic origin, and sex using this method.⁵ The main analysis uses published BJS data from the year-end reports to generate the "federal" data estimates.

The BJS adjusts the NPS and NCRP data on race and ethnicity to align estimates with guidance published by the Office of Management and Budget (OMB) and required of federal agencies in reporting on race and ethnicity.⁶ According to OMB guidance, race and ethnicity represent sociopolitical constructs that are best measured by self-

⁴ Bureau of Justice Statistics. (2021). *Survey of prison inmates, United States, 2016*. Inter-university Consortium for Political and Social Research [distributor], 2021-09-15.

<https://doi.org/10.3886/ICPSR37692.v4>

⁵ Data are published annually in the BJS *Prisoners in YYYY* series, where "YYYY" refers to the year of data covered in the report. For a description of the BJS method, see: Carson, E. A. (2018). *Prisoners in 2016* (NCJ 251149). <https://bjs.ojp.gov/content/pub/pdf/p16.pdf>

⁶ The guidance is specified in OMB Statistical Directive 15: <https://www.govinfo.gov/content/pkg/FR-1997-10-30/pdf/97-28653.pdf>; For additional details, see: The White House. (2022). *Flexibilities and best practices for implementing the Office of Management and Budget's 1997 Standards for maintaining, collecting, and presenting federal data on race and ethnicity* (Statistical Policy Directive No. 15). <https://www.whitehouse.gov/wp-content/uploads/2022/07/Flexibilities-and-Best-Practices-Under-SPD-15.pdf>

identification. For self-report surveys, separate race and ethnicity questions are the preferred method for obtaining information about a person's race and ethnicity. According to the OMB guidance, a person may self-identify as belonging to more than one racial group and may identify as Hispanic and a member of one-or-more racial groups. When a two-question format is infeasible, a single question format could be used to obtain race and ethnicity data. Here, the racial categories are defined to exclude those who identify as Hispanic and to distinguish those who identify as Hispanic (of any race) and those who identify as belonging to two-or-more races from people who identify with one race.

In the NPS, BJS requests data on race and Hispanic origin using the one-question format. However, state agencies are not mandated collect and report race and ethnicity according to the federal guidance. As described in Carson (2018), state agencies' data systems may not include all of the racial categories identified in the federal guidance, may not have a separate category for Hispanic origin, and most notably may not allow for counting those who identify as having two-or-more races. For example, in the main analysis, we estimate the number of people in prison with two-or-more races using data derived from the SPI and from the NPS. In 2016, the SPI estimate was 11% while the NPS estimate was less than 0.1%.

For statistical tabulation, the federal data on race and ethnicity reports use the following hierarchy:

- First, those who identify as of Hispanic/Latino origin are counted separately regardless of any racial categories they choose.
- Second, those who identify only as a single racial category are tabulated and reported separately by the racial category and denoted as "not of Hispanic origin." The racial categories for persons who select only one racial group are: American Indian/Alaska Native, Asian/Native Hawaiian/Other Pacific Islander, Black/African American, and White.
- Finally, those who select more than one racial category but do not identify as Hispanic are classified and counted as persons of "two-or-more races."

To create national estimates of the number of people in state and federal prison by race and Hispanic origin, BJS uses the self-report data from the SPI to adjust the NPS data to comport with OMB guidance. This process involves two steps: First, creating a constant adjustment factor that is ratio of the distribution of persons by race and Hispanic origin as reported in the NPS to the distribution derived from SPI. And second, applying this adjustment factor to subsequent years of NPS data to produce the final estimated counts of imprisoned people by race and Hispanic origin.⁷

⁷ For a discussion of modifications to this method that BJS made for the years 2004 through 2016, see: Carson, E. A. (2018). *Prisoners in 2016* (NCJ 251149). <https://bjs.ojp.gov/content/pub/pdf/p16.pdf>

DATA USED IN THE MAIN ANALYSIS

In the main analysis, we report adult imprisonment rates and Hispanic-White imprisonment rate disparity ratios. The adult imprisonment rate is defined as the number of imprisoned people divided by the adult population and multiplied by a constant of 100,000 to yield imprisonment rates per 100,000 residents. The disparity ratio is the ratio of Hispanic to White imprisonment rates.

To produce the “state” estimates, we used NPS data to generate the numerator of the imprisonment rates by obtaining the number of sentenced Hispanic and White people in prison. To produce the “federal” estimates, we used BJS’s *Prisoners in...* reports for the years 2000 through 2020 to obtain published estimates of the number of sentenced people in state prison by race and Hispanic origin. To compute the imprisonment rates, we used American Communities Survey data on the number of adults in the resident population. To compute the disparity ratios, we divided the Hispanic imprisonment rate by the White imprisonment rate.

We used the 2016 iteration of the SPI data to generate distributions of the share of persons in state prison by race and ethnicity and to generate the imprisonment rates of Hispanic persons by their selected racial groups.