

APPENDIX

The estimates reported in Part III.B at times relied, by necessity, on crude data. Although we strived for the most accurate information possible, at times we had to rely on proxies to make our estimates.

Table 1 below reports the racial breakdown of Annual DNA collection for each state. It shows, for each state, the racial breakdown of the DNA collected annually, the racial demographics of each state based on the 2010 US Census, and for each race, the percentage of the population whose DNA is collected annually. The table shows that for most states, the percentage of non-White people whose DNA is collected annually is greater than that of White people. This is most evident for the Black population, which consistently showed the greatest levels of disparity.

Racial Breakdown of Annual DNA Collection for Each State
(Key: B = black; H = Hispanic; A = Asian; N = Native American; W = White)

State	Racial Breakdown of Annual DNA Collection	State Demographics	Percentage of Each Race with DNA Collected
AL	46% B (18,253), 54% W (21,292)	26.8% B, 4.2% H, 1.4% A, 0.7% N, 66% W	1.4% B, 0.7% W
AK	7.6% B (914), 2.8% H (23 604), 3% A (365), 43.1% N (5,191), 43.5% W (5,237)	3.9% B, 7% H, 6.3% A, 14.8% N, 61.5% W	3.2% B, 0.7% H, 0.8% A, 4.7% N, 1.2% W
AZ	12.6% B (9,313), 32% H (23,604), 0.5% A (358), 8.2% N (6,041), 46.6% W (34,353)	4.8% B, 30.7% H, 3.4% A, 5.3% N, 55.8% W	2.8% B, 1.1% H, 0.2% A, 1.6% N, 0.9% W
AR	42.3% B (4,401), 2.7% H (275), 0.04% A (4), 55% W (5,715)	15.7% B, 7.2% H, 1.6% A, 1 % N, 73.1% W	0.9% B, 0.1% H, 0.01% A, 0.3% W
CA	25% B (141,488), 37.6% H (213,361), 0.4% N (2,177), 37% W (210,144)	6.5% B, 38.8% H, 14.7% A, 1.7% N, 38% W	5.6% B, 1.4% H, 0.3% N, 1.4% W
CO	12.8% B (28, 486), 24% H (53,778), 0.03% A (61), 0.08% N (189), 63.1% W (140,920)	4.5% B, 21.3% H, 3.2% A, 1.6% N, 68.7% W	11.4% B, 4.6% H, 0.03% A, 0.2 % N, 3.7% W
CT	25.5% B (2,250), 18.1% H (1,591), 56.4% W (4,968)	11.6% B, 15.4% H, 4.6% A, 0.5% N, 68.2% W	0.5% B, 0.3% H, 0.2% W
DE	79.9% B (9,399), 5.6% H (660), 14.5% W (1,701)	22.4% B, 9% H, 3.9% A, 0.7% N, 63.2% W	4.4% B, 0.8% H, 0.3% W

FL	34.8% B (280,152), 0.5% H (4,338), 0.6% A (4,420), 0.1% N (1,074), 64% W (514,348)	16.8% B, 24.5% H, 2.8% A, 0.5% N, 55.3% W	8.1% B, 0.1% H, 0.8% A, 1% N, 4.5% W
GA	54.5% B (9,851), 2.4% H (433), 0.4% A (72), 0.05% N (9), 42.1% W (4,682)	31.7% B, 9.4% H, 4% A, 0.5% N, 53.9% W	0.3% B, 0.04% H, 0.02% A, 0.02% N, 0.1% W
HI	4.6% B (516), 4.6% H (516), 21.6% A (2,399), 42.1% N (4,682), 27.1% W (3,018)	2.6% B, 10.4% H, 37.3% A, 9.9% N, 22.9% W	1.4% B, 0.4% H, 0.5% A, 3.3% N, 0.9% W
ID	3% B (244), 16.2% H (1,300), 3% N (244), 77.8% (6,253)	0.8% B, 12.2% H, 1.5% A, 1.7% N, 82.5% W	1.8% B, 0.6% H, 0.9% N, 0.5% W
IL	58.2% B (18,094), 12.6% H (3,906), 29.3% W (9,094)	14.7% B, 16.9% H, 5.5% A, 0.6% N, 61.9% W	1% B, 0.2% H, 0.1% W
IN	24.8% B (3,591), 2.8% H (398), 72.4% W (10,479)	9.6% B, 6.7% H, 2.1% A, 0.4% N, 80% W	0.6% B, 0.1% H, 0.2% W
IA	20.8% B (4,793), 3.3% H (751), 0.9% A (199), 1.1% N (253), 74% W (17,021)	3.5% B, 5.7% H, 2.4% A, 0.5% N, 86.7% W	4.4% B, 0.4% H, 0.3% A, 1.6% N, 0.6% W
KS	26.8% B (13,016), 0.1% A (62), 0.3% N (142), 72.8% W (35,318)	6.3% B, 11.6% H, 2.9% A, 1.2% N, 76.4% W	7% B, 0.1% A, 0.4% N, 0.6% W
KY	29.3% B (34,762), 5.1% H (5,993), 1% N (1,199), 64.7% W (76,716)	8.3% B, 3.4% H, 1.4% A, 0.3% N, 85.1% W	9.4% B, 4% H, 9% N, 2% W
LA	65.8% B (10,840), 4% H (657), 30.2% W (4,972)	32.5% B 5% H, 1.8% A, 0.8% N, 59.1% W	0.7% B, 0.3% H, 0.2% W
ME	7.1% B (226), 2% H (65), 2% N (65), 88.9% W (2,846)	1.4% B, 1.6% H, 1.2% A, 0.7% N, 93.6% W	1.2% B, 0.3% H, 0.7% N, 0.2% W
MD	62.8% B (34,835), 0.7% A (372), 0.1% N (77), 36.4% W (20,207)	30.5% B, 9.5% H, 6.5% A, 0.6% N, 52% W	1.9% B, 0.1% A, 0.2% N, 0.7% W
MA	18.5% B (2,712), 15.6% H (2,288), 65.9% W (9,681)	8.4% B, 11.2% H, 6.6% A, 0.5% N, 73.5% W	0.5% B, 0.3% H, 0.2% W
MI	33.4% B (85,888), 0.1% H (357), 0.4% A (946), 0.5% N (1,347), 65.5% W	14.2% B, 4.9% H, 3% A, 0.7% N, 75.6% W	6.1% B, 0.1% H, 0.3% A, 1.9% N, 2.2% W

	(168,422)		
MN	25.6% B (39, 743), 2.7% A (4,129), 5.1% N (7,912), 66.7% W (103,741)	6% B, 5.2% H, 4.9% A, 1.3% N, 81% W	12% B, 1.5% A, 11% N, 2.3% W
MS	59.6% B (6,328), 0.9% H (91), 39.5% W (4,193)	37.6% B, 3.1% H, 1.1% A, 0.6% N, 57% W	0.6% B, 0.1% H, 0.3% W
MO	31.4% B (3,701), 1.1% H (130), 0.4% A (50), 0.2% N (20), 66.9% W (7,882)	11.8% B, 4.1% H, 2% A, 0.6% N, 79.8% W	0.5% B, 0.1% H, 0.04% A, 0.1% N, 0.2% W
MT	1.9% B (47), 1% A (24), 17.4% N (428), 79.7% (1,961)	0.6% B, 3.6% H, 0.8% A, 6.6% N, 86.5% W	0.8% B, 0.3% A, 0.6% N, 0.2% W
NE	23.1% B (566), 11.4% (279), 0.5% A (11), 4.6% N (112), 60.5% W (1,483)	5% B, 10.4% H, 2.3% A, 1.4% N, 80% W	0.6% B, 0.1% H, 0.03% A, 0.4% N, 0.1% W
NV	28.5% B (1,602), 21.3% H (1,201), 2.4% A (135), 1.8% N (101), 46% W (2,590)	9.3% B, 28.1% H, 8.5% A, 1.6% N, 50.7% W	0.6% B, 0.2% H, 0.1% A, 0.2% N, 0.2% W
NH	6.4% B (40), 0.5% A (3), 0.5% N (3), 92.6% W (578)	1.5% B, 3.4% H, 2.6% A, 0.2% N, 91% W	0.2% B, 0.01% A, 0.1% N, 0.1% W
NJ	52.8% B (9,444), 8.4% H (1,499), 1.3% A (225), 0.1% N (22), 37.5% W (6,708)	14.8% B, 19.7% H, 9.7% A, 0.6% N, 56.2% W	0.7% B, 0.1% H, 0.03% A, 0.04% N, 0.1% W
NM	6% B (157), 52% H (1,363), 11% N (288), 31% W (813)	2.6% B, 48% H, 1.7% A, 10.5% N, 38.4% W	0.3% B, 0.1% H, 0.1% N, 0.1% W
NY	51.8% B (68,684), 31.6% H (41,970), 3.7% A (4,939), 12.9% W (17,116)	17.6% B, 18.8% H, 8.8% A, 1% N, 56% W	2% B, 1.1% H, 0.3% A, 0.2% W
NC	52.3% B (12,270), 0.05% A (11), 0.1% N (31), 47.5% W (11,138)	22.1% B, 9.1% H, 2.8% A, 1.6% N, 63.8% W	0.6% B, 0.02% N, 0.2% W
ND	9.2% B (2,983), 0.3% H (92), 0.6% A (178), 15.1% N (4,893), 74.5% W (24,363)	2.4% B, 3.5% H, 1.4% A, 5.5% N, 85.8% W	16.4% B, 0.4% H, 1.7% A, 11.7% N, 3.8% W

OH	36.2% B (26,015), 0.6% H (402), 0.03% A (25), 0.02% N (17), 63.2% W (45,454)	12.7% B, 3.6% H, 2.1% A, 0.3% N, 79.8% W	1.8% B, 0.1% H, 0.01% A, 0.1% N, 0.5% W
OK	26.7% B (2,841), 7.7% H (815), 10.8% N (1,147), 54.9% W (5,853)	7.8% B, 10.1% H, 2.2% A, 9.1% N, 66.5% W	0.9% B, 0.2% H, 0.3% N, 0.2% W
OR	10.2% B (515), 16.3% H (824), 3.1% N (154), 70.4% W (3,552)	2.1% B, 12.7% H, 4.4% A, 1.8% N, 76.6% W	0.6% B, 0.2% H, 0.2% N, 0.1% W
PA	40.6% B (4,159), 9.7% H (991), 49.7% W (5,088)	11.7% B, 6.8% H, 3.4% A, 0.4% N, 77.4% W	0.3% B, 0.1% H, 0.1% W
RI	25.4% B (3,672), 20.3% H (2,941), 54.3% W (7,852)	7.9% B, 14.4% H, 3.6% A, 1% N, 73.9% W	4.4% B, 1.9% H, 1% W
SC	54% B (3,752), 46% W (3,203)	27.6% B, 5.5% H, 1.6% A, 0.5% N, 63.8% W	0.3% B, 0.1% W
SD	7.3% B (2,961), 0.7% A (287), 29.6% N (12,028), 62.5% W (25,411)	1.8% B, 3.6% H, 1.4% A, 8.9% N, 82.9% W	19% B, 2.4% A, 15.6% N, 3.5% W
TN	35.9% B (14,544), 0.5% H (213), 0.3% A (127), 0.1% N (40), 63.2% W (25,620)	17.1% B, 5.2% H, 1.8% A, 0.4% N, 74.4% W	1.3% B, 0.1% H, 0.1% A, 0.2% N, 0.5% W
TX	31.2% B (22,169), 32.8% H (23,267), 36% W (25,519)	12.5% B, 38.8% H, 4.7% A, 1% N, 43% W	0.6% B, 0.2% H, 0.2% W
UT	5.4% B (5,993), 0.1% H (141), 2.4% A (2,597), 5.9% N (6,466), 86.2% W (94,992)	1.3% B, 13.7% H, 2.5% A, 1.5% N, 79% W	15% B, 0.03% H, 3.4% A, 14.1% N, 3.9% W
VT	10.7% B (295), 0.9% A (25), 0.4% N (11), 88% W (2,423)	1.3% B, 1.8% H, 1.6% A, 0.4% N, 93.3% W	3.6% B, 0.3% A, 0.4% N, 0.4% W
VA	50.5% B (6,249), 2.4% H (294), 47.1% W (5,836)	19.7% B, 9% H, 6.5% A, 0.5% N, 62.7% W	0.4% B, 0.04% H, 0.1% W

WA	18.6% B (1,376), 14.4% H (1,070), 5.2% N (382), 61.9% W (4,585)	4.1% B, 12.4% H, 8.4% A, 1.9% N, 69.8% W	0.5% B, 0.1% H, 0.3% N, 0.1% W
WV	28% B (955), 6% H (205), 1% N (34), 65% W (2,218)	3.6% B, 1.5% H, 0.8% A, 0.2% N, 92.3% W	1.5% B, 0.8% H, 0.9% N, 0.1% W
WI	37.3% B (3,482), 1.2% A (111), 5.1% N (478), 56.3% W (5,253)	6.6% B, 6.6% H, 2.8% A, 1.1% N, 81.9% W	0.9% B, 0.1% A, 0.8% N, 0.1% W
WY	3.9% B (129), 14.4% H (484), 7.7% N (258), 74% W (2,482)	1.4% B, 9.9% H, 1% A, 2.7% N, 84% W	1.6% B, 0.8% H, 1.6% N, 0.5% W

Table 1. The racial breakdown of the DNA collected annually for each state. The first column shows the racial breakdown of the annual DNA collected by percentage and total count. Column 2 shows racial breakdown of the state population. Column 3 shows, for each race, the percentage of the population whose DNA is collected annually.

In the text, we provide the general methodology and difficulties that we faced in compiling the data used for our findings. However, every state presented their own unique problems for us in coming up with our estimates. The following breaks down the laws of each state that triggers DNA collection, the sources we relied on for the data used, and the difficulties faced for each state. Note that every state's data collected is based on a single year as opposed to a total over a large span of time. Furthermore, the collection was performed in the summer of 2017, so the data used is what was most recent at that time.

Alabama

AL Code § 36-18-25 (2013) requires DNA submissions for all felony and sex crime misdemeanor convictions, and from people arrested for all felonies and sexual offenses. For convictions, the data used was the prison admission data disclosed in the Department of Corrections Annual Report from 2014.¹ The arrest data used was disclosed in the Alabama Law Enforcement Agency Crime Report of 2014.²

¹ <http://www.doc.state.al.us/docs/AnnualRpts/2014AnnualReport.pdf>

² <http://alea.gov/documents/documents/CrimeInAlabama-2014.pdf>

Difficulties: The lack of conviction data led to the use of prison admissions data. Specifically, there was neither disclosure of felony conviction data or sexual misdemeanor data. Second, the data was divided into only white and black, and thus, data concerning other races is unknown.

Alaska

AK Stat § 44.41.035 (2014) requires DNA submissions for all felony and sex crime misdemeanor convictions, and from people arrested for all felonies and crimes against a person. For felony convictions, the data used was the total prison admission data for 2014 along with an estimate on the racial proportion based on the Prison Policy Initiatives data based on current prison population percentages.³ The sexual crime misdemeanor conviction data was estimated based on the disclosure of sex crimes reported in 2015 in Alaska.⁴ The data on arrests for felonies and crimes against a person was disclosed in a 2015 Crime in Alaska Annual Report.⁵

Difficulties: We were unable to find conviction data specifically and thus had to rely on prison admission data. Furthermore, the prison admission data found did not include the racial makeup of the admissions, thus requiring us to estimate based on the racial makeup of the current prison population. Lastly, the sex crimes disclosed by the state did not specify which of these crimes had led to convictions.

Arizona

AZ Rev Stat §13-610 (2016) requires DNA submission for all felony and sex crime misdemeanor convictions, and for arrests for certain dangerous and serious offenses and for certain misdemeanors. For conviction data, we used the prison admission data from 2015, along with the racial makeup found the Prison Policy Initiatives data.⁶ The arrest data was found in the Crime in Arizona Report of 2014.⁷

Difficulties: The lack of conviction data led to the use of prison admission data and an estimate on the racial makeup based on the current prison population. For the arrest data, the total arrestees were divided into different

³ <https://www.bjs.gov/content/pub/pdf/p14.pdf> p. 10;

<https://www.prisonpolicy.org/profiles/AK.html>

⁴ <https://dps.alaska.gov/getmedia/5f0157ad-3f97-4798-8198-89de9ead6e2c/Supplemental-Crime-in-Alaska-Report>

⁵ <https://dps.alaska.gov/getmedia/fd4b27c3-7660-4527-9d88-fcbaf6438cf0/2015-CIAK-Revised-02-08-2017> p. 55-56

⁶

https://corrections.az.gov/sites/default/files/REPORTS/Inmate_Population/inmate_population_fact_sheet_as_of_06-30-2015.pdf; <https://www.prisonpolicy.org/profiles/AZ.html>

⁷ https://www.azdps.gov/sites/default/files/media/Crime_In_Arizona_Report_2014.pdf p.

racess, but were also separately divided into Hispanic and non-Hispanic categories. It is thus uncertain what the actual number of Latino Hispanics there are, as there could be other races that were also listed under Hispanic.

Arkansas

AR Code §12-12-1109 requires DNA submissions for all felony and sex crime misdemeanor convictions. AR Code §12-12-1006 requires DNA submissions for those arrested for capital murder, first degree murder, kidnapping, rape, and first and second-degree sexual assault. For conviction data, prison admission and racial makeup data was used from 2015.⁸ The arrest data was provided by the state under a report on the race of persons arrested in 2015.⁹

Difficulties: Specific information on sexual misdemeanor convictions were not found. The prison admission data may not encompass those convictions as many may not lead to prison time. For arrest data, the racial makeup did not include Hispanics.

California

CA Penal Code §296 requires DNA submissions for all felony and sex crime misdemeanor convictions and for any arrest for a felony. Data concerning felony convictions and felony arrests were found in the 2014 version of Crime in California.¹⁰ For felony convictions, the number provided in the report did not provide the racial makeup; thus, the prison population racial makeup from Prison Policy Initiative was used.

Difficulties: Data on sex crime misdemeanor convictions were not found. The racial makeup of convictions had to be estimated based on the current prison population. For felony arrests, about 6% of the arrestees were listed under “Other.” There was no data on convictions or arrests of Asians even though they make up a large percentage of the population in the state.

Colorado

CO Rev Stat §16-23-103 (2016) requires DNA submission for all felony and sex crime misdemeanor conviction and any felony arrest. Prison admission data was used for convictions from the 2015 Statistical Report of the Colorado Department of Corrections.¹¹ Felony arrests were found from the Report attached to enactment of the Community Law Enforcement Action

⁸ https://adc.arkansas.gov/images/uploads/Statistical_Information_2015_rev1.pdf

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https://www.acic.org/Websites/acic/images/pdfs/2015_RaceSexPersonsArrested_State.pdf

¹⁰ <https://oag.ca.gov/sites/all/files/agweb/pdfs/cjsc/publications/candd/cd14/cd14.pdf> (p. 53 for convictions, p. 34 for arrests)

¹¹ <https://drive.google.com/file/d/0B21TrpBx507cczBTWVduZFRXYzQ/view> p. 20-21

Reporting Act.¹²

Difficulties: Sex crime misdemeanor convictions could not be found. Prison admission data was used due to difficulty in finding conviction data.

Connecticut

CT Gen Stat §54-102g (2012) requires DNA submissions for all felony and sex crime misdemeanor convictions, and those arrested for serious felonies who had prior felony convictions. Prison admissions from 2015 were used in lieu of felony convictions, along with the present prison racial makeup to estimate the racial makeup of the admissions.¹³ No data was found for felony arrests for prior convicts.

Difficulties: There was no disclosed data on arrestees who had prior convictions. Prison admission data had to be used in lieu of conviction data.

Delaware

29 DE Code §4713 (2017) require DNA submissions for all felony and sex crime misdemeanor convictions. Prison admissions from 2015 was used instead of convictions.¹⁴

Difficulties: Prison admissions data was used in lieu of convictions. There was no data specifically for sex crime misdemeanor convictions.

Florida

FL Stat §943.325 (2016) requires DNA submissions for all felony and sex crime misdemeanor convictions. It also requires DNA submissions for convictions for stalking, voyeurism, acts concerning obscene materials, and gang-related offenses. DNA submissions are also required for felony arrests. Prison admissions data from 2015 is used in lieu of felony convictions, along with the prison population current racial makeup.¹⁵ Arrest data for 2015 was found in the Florida Department of Law Enforcement Arrest Data.¹⁶

Difficulties: The Florida statute requires DNA submissions for enumerated misdemeanor convictions, of which there is no specific data for. These cannot be assumed to be included in the prison admissions data as many of these misdemeanors would likely not lead to prison time. For felony

¹² <http://cdpsdocs.state.co.us/ors/docs/reports/2016-SB15-185-Rpt.pdf> p.17 (Table 2.2)

¹³ <https://www.bjs.gov/content/pub/pdf/p14.pdf> p.10 ;

<https://www.prisonpolicy.org/profiles/CT.html>

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http://www.doc.delaware.gov/assets/documents/annual_report/DOC_2015AnnualReport.pdf p. 16, 18

¹⁵ http://www.dc.state.fl.us/pub/annual/1415/FDC_AR2014-15.pdf p.27;

<https://www.prisonpolicy.org/profiles/FL.html>

¹⁶ <http://www.fdle.state.fl.us/FSAC/Data-Statistics/UCR-Arrest-Data.aspx> (Arrests by Jurisdiction, Offense Type, and Race 2015)

convictions, prison admission data had to be used instead. The document providing prison admission data used white, black, and other to differentiate the newly admitted. Since there is a large population of Hispanics in Florida, the current prison population racial makeup from the Prison Policy Initiative was used instead to include Hispanics in the data. The arrest data also does not include Hispanic as a category.

Georgia

GA Code §35-3-160 (2014) requires DNA submissions for all felony convictions. Prison admissions data for 2016 was used in lieu of felony convictions.¹⁷

Difficulties: There was a lack of actual conviction data.

Hawaii

HI Rev Stat §844D-31, 39 (2011) requires DNA submissions for felony and sex crime misdemeanor convictions. Prison admission data from 2015 was used instead of convictions.¹⁸ To determine the racial makeup, multiple sources were required to get the most accurate picture. The Disparate Treatment of Native Hawaiians in the Criminal Justice System provided the racial distribution in 2009 for Hawaiians, Asians, Whites, and Others.¹⁹ However, because the others category was 21.9%, we also used the Prison Policy Initiative data to pull out the percentage of blacks and Hispanics from others.²⁰ This still left the category of others as 13.9%.

Difficulties: Prison admissions data was used over convictions. Sex crime misdemeanor convictions data was not available. The category of others still included 13.9% whose race is not specified.

Idaho

ID Code §19-5506 (2016) requires DNA submissions for all felony convictions. Prison admissions data from 2014 is used in lieu of convictions, along with the current racial makeup of the prison population.²¹

Difficulties: Actual felony conviction data was unavailable.

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http://www.dcor.state.ga.us/sites/all/themes/gdc/pdf/Profile_inmate_admissions_CY2016.pdf p. 6

¹⁸ <https://dps.hawaii.gov/wp-content/uploads/2016/12/PSD-ANNUAL-REPORT-2015.pdf> p.13

¹⁹ http://www.justicepolicy.org/uploads/justicepolicy/documents/10-09_rep_disparatetreatmentofnativehawaiians_rd-ac.pdf p.32

²⁰ <https://www.prisonpolicy.org/profiles/HI.html>

²¹ https://www.idoc.idaho.gov/content/document/annual_report_fy14_0;
<https://www.prisonpolicy.org/profiles/ID.html>

Illinois

730 ILCS §5/5-4-3 (2013) requires DNA submissions for all felony and sex crime misdemeanor convictions and for arrests for first degree murder, home invasion, predatory criminal sexual assault of a child, aggravated criminal sexual assault, or criminal sexual assault. However, for arrests, expungement of the DNA is automatic if the arrestee is not convicted. Thus, arrest data is not necessary for our estimates. Prison admission data from 2013 was used in lieu of convictions.²²

Difficulties: Prison admission data was used due to lack of convictions data.

Indiana

IN Code §10-13-6-10 (2017) requires DNA submissions for all felony convictions. Prison admission data from 2014 was used in lieu of conviction data.²³

Difficulties: Prison admission data was used due to lack of convictions data.

Iowa

IA Code §81.2 (2016) requires DNA submissions for all felony, sex crime misdemeanor, and aggravated misdemeanor convictions. Iowa's Criminal and Juvenile Justice Planning Division provides a database, called the Easy Access to Adult Criminal Data, which discloses all conviction data for each year and the racial makeup of those convicted.²⁴ The 2016 conviction data from the database was used for our analysis.

Difficulties: None.

Kansas

KS Stat §21-2511 (2013) requires DNA submissions for all felony and sex crime misdemeanor convictions and felony and misdemeanor arrests. Prison admission data from 2016 was used in lieu of convictions.²⁵ Total arrest data from 2014 was used in the analysis.²⁶ For racial makeup, the only racial percentages found were for Shawnee County, and it only divided the arrests by black and white.²⁷ Those percentages were used as an estimate for the racial makeup of all arrests for the state.

²² <http://www.icjia.org/cjreform2015/research/illinois-prison-overview.html>

²³ <http://www.in.gov/indoc/files/2014DOCAnnualReport-Stats.pdf> p.60-61

²⁴ <https://disposedcharges.iowa.gov>

²⁵ <https://www.doc.ks.gov/publications/Reports/2016> p.10 - 11

²⁶ <https://drive.google.com/file/d/1gTc4F1GYp5pTdSoEsU5UT8Br90vjiD2q/view> p. 41

²⁷ <http://cjonline.com/news-local/2015-12-21/arrest-rates-race-show-wide-disparities-topeka-nationally>

Difficulties: Prison admissions data was used due to a lack of conviction data. The racial makeup of Kansas arrests was unavailable; instead, Shawnee County's arrest racial makeup was used as an estimate for the whole state. For Shawnee County's data, the arrests were only divided into white and black.

Kentucky

KY Rev Stat §17.170 (1996) requires DNA submissions for all felony and sex crime misdemeanor convictions. Conviction statistics for 2012 were used for the analysis.²⁸ The data did not contain the racial makeup of the convictions, so the current prison racial makeup percentage was used.²⁹

Difficulties: The racial makeup of the felony convictions was not available in the public data, so the prison racial makeup was used. Sex crime misdemeanor convictions data was available, but the racial makeup of the convictions was unavailable.

Louisiana

LA Rev Stat § 15:609 (2011) requires DNA submissions for all felony and sex crime misdemeanor convictions, for convictions for certain enumerated misdemeanors such as battery of a police officer, simple battery, and simple assault, and arrests for all felonies and for the same enumerated misdemeanors. Prison admission data from 2015 was used in lieu of conviction data, along with the racial makeup of the current prison population.³⁰

Difficulties: Prison admission data was used due to lack of conviction data. The racial makeup of the current prison population was used due to a lack of racial makeup of the 2015 prison admission data. Though arrest data was found, the data did not provide the racial makeup of the arrestees.

Maine

25 ME Rev Stat § 1574 (2017) requires DNA submissions for all felony and sex crime misdemeanor convictions. Felony convictions from January 2013 to September 2013 was used for the analysis.³¹ The conviction data for the year was estimated based on the convictions for the months provided. The conviction data did not include the racial makeup, so the current prison

²⁸ <https://justice.ky.gov/Documents/Sourcebook/Sourcebook2012Content.pdf> p.101 - 106

²⁹ <https://www.prisonpolicy.org/profiles/KY.html>

³⁰

<http://www.doc.la.gov/media/1/Briefing%20Book/Jan%202017/recid.admis.rels.jan.17.pdf> p.66; <https://www.prisonpolicy.org/profiles/LA.html>

³¹ <https://cpb-us-w2.wpmucdn.com/wpsites.maine.edu/dist/2/115/files/2018/06/2014-Maine-Crime-and-Justice-Databook-lanezqt.pdf> p. III-6;

population racial makeup was used.³²

Difficulties: The felony conviction data did not include the racial makeup of the convictions. Sex crime misdemeanor conviction data was unavailable.

Maryland

MD Public Safety Code Ann. §2-504 (2009) requires DNA submissions for all felony and sex crime misdemeanor convictions, all convictions for burglary in the 4th degree and breaking and entering of a motor vehicle, and arrests for crimes of violence, burglary, and attempt to commit burglary. Prison admission data from 2013 was used in lieu of convictions.³³ Burglary arrests and crimes of violence arrests for 2014 was used.³⁴

Difficulties: Prison admission data was used due to lack of conviction data. For sex crime misdemeanor convictions and convictions for breaking and entering of a motor vehicle, arrest data was found, but not conviction data. The admissions data only included black and white, with 126 listed under others.

Massachusetts

MA Code Chapter 22E §3 (2006) requires DNA submissions for all felony convictions. Felony convictions for 2011 was used.³⁵

Difficulties: 3% of convictions were labeled as others instead of their race.

Michigan

Mich. Comp. Laws §750.250m (2006) requires DNA submissions for all felony and sex crime misdemeanor convictions, and for violent felony arrests. Prison admission data for 2015 was used in lieu of conviction data.³⁶ The admissions data was divided into white and non-white; for the non-white data, the prison population racial makeup data was used to further distinguish the races.³⁷ Arrest data for the enumerated violent felony arrests for 2015 was used.³⁸

Difficulties: Prison admission data was used due to a lack of conviction

³² <https://www.prisonpolicy.org/profiles/ME.html>

³³ <https://www.dpscs.state.md.us/publicinfo/publications/pdfs/DOC2013AnnualRpt.pdf> p.41

³⁴ https://mdsp.maryland.gov/Document%20Downloads/2014_MD_Crime_UCR.pdf p. 119

³⁵ <http://www.mass.gov/courts/docs/admin/sentcomm/fy2011survey.pdf> p. 10, vi

³⁶ https://www.michigan.gov/documents/corrections/MDOC_2015_Statistical_Report_-_2016.08.23_532907_7.pdf p. B-55

³⁷ <https://www.prisonpolicy.org/profiles/MI.html>

³⁸ https://www.michigan.gov/documents/corrections/MDOC_2015_Statistical_Report_-_2016.08.23_532907_7.pdf p. A-38

data. The prison admissions data was divided into white and non-white, so prison racial makeup data was used for the non-white prisoners. The arrest data did not include Hispanics, so Hispanics were likely added into the White or Black category. Sex crime misdemeanor conviction data was unavailable.

Minnesota

MN Stat § 299C.105 (2016) requires DNA submissions for all felony and sex crime misdemeanor convictions and arrests for an enumerated set of felonies and misdemeanors, such as murder, manslaughter, assault, and sex crimes. Prison admission data of 2015 was used in lieu of felony conviction data.³⁹ The arrest information used was for all arrests in 2015, as the data available did not divide the arrests into specific offenses.⁴⁰

Difficulties: Arrest data was used due a lack of conviction data. Sex crime misdemeanor conviction was unavailable. In the arrest data, Hispanic was used as an ethnicity instead of a race. Thus, it is likely the category includes some whites and blacks, and conversely, the percentages of whites and blacks likely include some Hispanics. The arrest data does not have Hispanic as its own race.

Mississippi

MS Code § 47-5-183 (2013) requires DNA submissions for all felony convictions. Prison admissions data of 2012 was used in lieu of conviction data.⁴¹

Difficulties: Conviction data was unavailable. The prison admissions data only had whites, blacks, and Hispanics.

Missouri

MO Rev. Stat § 650.055 (2011) requires DNA submissions for certain felony convictions, such as offenses against the person, burglary, and sexual offenses, and sex crime misdemeanor convictions. Those arrested for similar offenses must also submit DNA. Prison admission data of 2015 was used in lieu of conviction data.⁴² Arrest data for the enumerated felonies from 2015

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https://www.doc.state.mn.us/pages/files/6914/3826/9238/Minnesota_Department_of_Corrections_Adult_Inmate_Profile_07-01-2015.pdf

⁴⁰ <https://dps.mn.gov/divisions/bca/bca-divisions/mnjis/Documents/2015-Minnesota-Uniform-Crime-Report.pdf>

⁴¹ <http://www.mdoc.ms.gov/Admin-Finance/Documents/Annual-Reports/2012/14%20-%20Admissions%20-%20General%20Characteristics.pdf> p.84

⁴²

<https://ia800402.us.archive.org/25/items/2015MOOffenderProfile/2015MOOffenderProfile.pdf> p. 61

was used.⁴³

Difficulty: Felony conviction data was unavailable. The prison admission data does not divide up the data into separate offenses. The arrest data does not include Hispanic.

Montana

MT Code §44-6-103 (2017) requires DNA submissions for all felony convictions. Prison admission data from 2014 was used in lieu of felony convictions. Prison admission data of 2014 was used in lieu of convictions.⁴⁴

Difficulties: Felony conviction data was unavailable.

Nebraska

NE Code §29-4106 (2017) requires DNA submissions for all felony and certain misdemeanor convictions. Prison admission data from 2014 was used in lieu of felony convictions.⁴⁵

Difficulties: Felony and misdemeanor conviction data was unavailable.

Nevada

NV Rev Stat §176.09123 (2013) requires DNA submissions for all felony and certain misdemeanor convictions. DNA submissions are also required for all felony arrests. Prison admission data of 2013 was used in lieu of conviction data.⁴⁶

Difficulties: Felony and misdemeanor conviction data was unavailable. Arrest data for all felonies with the racial makeup included was also unavailable.

New Hampshire

NH Rev Stat §651-C:2 (2015) requires DNA submissions for all felony and sex crime misdemeanor convictions. Prison admission data of 2014 was used in lieu of conviction data.⁴⁷

Difficulties: Felony and sex crime misdemeanor conviction data was

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https://www.msdp.dps.missouri.gov/MSHPWeb/SAC/data_and_statistics_ucr_query_back_up.html (database - at the time, used year 2015, arrest report, statewide)

⁴⁴ <https://cor.mt.gov/Portals/104/Resources/Reports/2015BiennialReport.pdf> p.A-8, A-16

⁴⁵

https://corrections.nebraska.gov/sites/default/files/files/46/2014_ndcs_annual_report_reduced.pdf p.37

⁴⁶

http://doc.nv.gov/uploadedFiles/docnv.gov/content/About/Statistics/Annual_Abtracts_by_Fiscal_Year/fy2013.pdf p. 35, 39

⁴⁷ <https://www.nh.gov/nhdos/divisions/publicinformation/documents/annual-report-2014.pdf> p.15 -16

unavailable.

New Jersey

NJ Rev Stat §53:1-20.20 (2016) requires DNA submissions for all felony and certain misdemeanor convictions. DNA submissions are also required for arrests for enumerated offenses, such as murder, manslaughter, and sexual offenses. Prison admissions for 2012 was used in lieu of convictions. To find the prison admissions, we first found data on the change in prison population for 2012.⁴⁸ We then got data for the number of releases in 2012.⁴⁹ The 2012 admissions would then be the number of releases plus the change in population. We then used the prison population racial makeup to estimate the racial makeup of the admissions.⁵⁰ We used arrest data of 2014 for the enumerated offenses.⁵¹

Difficulties: Felony and misdemeanor convictions data was unavailable. For arrest data, Hispanic was not listed as a race.

New Mexico

NM Stat §29-16-6 (1996) requires DNA submissions for all felony and sex crime misdemeanor convictions. NM Stat §29-3-10 (2016) requires DNA submissions for all felony arrests. Prison admission data from 2015 was used in lieu of convictions, along with the current racial makeup of the state prison population.⁵²

Difficulties: Felony and sex crime misdemeanor conviction data was unavailable. The racial makeup of the new prison admissions was unavailable. Though total arrest data was available, the racial makeup of this data was not.

New York

NY Exec L §995-C (2014) requires DNA submissions for all felony and misdemeanor convictions. Felony convictions from 2011 were used for the analysis.⁵³ Misdemeanor convictions for 2011 were also used.⁵⁴

⁴⁸ https://www.state.nj.us/corrections/pdf/annual_report/2015_Annual_Report.pdf p. 33

⁴⁹ https://www.state.nj.us/corrections/pdf/offender_statistics/2012_Release_Recidivism_Report.pdf p. 13

⁵⁰ https://www.state.nj.us/corrections/pdf/offender_statistics/2012/By%20Ethnicity_Race%202012.pdf p. 1

⁵¹ https://www.njsp.org/ucr/2014/pdf/2014_uniform_crime_report.pdf p. 50

⁵² <http://nmssc.unm.edu/reports/2016/new-mexico-prison-population-forecast-fy2017-fy2026.pdf> p.10 -11; <https://www.prisonpolicy.org/profiles/NM.html>

⁵³ <https://www.ncjrs.gov/pdffiles1/nij/grants/247227.pdf> p. 203

⁵⁴ *Id.* at p. 214.

Difficulties: N/A.

North Carolina

NC Gen Stat §15A-266.4 (2013) requires DNA submissions for all felony and sex crime misdemeanor convictions. Prison admissions data from 2014 was used in lieu of convictions.⁵⁵

Difficulties: Felony and sex crime misdemeanor convictions were unavailable. The data only divided the admissions between white, black, and other.

North Dakota

ND Century Code §31-13-03 (2013) requires DNA submissions for all felony and sex crime misdemeanor convictions, and for all felony arrests. Prison admission data from 2015 is used in lieu of convictions, along with the racial makeup of the current state prison population.⁵⁶ Arrest data from 2015 was used.⁵⁷

Difficulties: Felony and sex crime misdemeanor conviction data was unavailable. The racial makeup of the prison admission data used was unavailable.

Ohio

Ohio Rev Code §2901.07 (2015) requires DNA submissions for all felony and sex crime misdemeanor convictions, and for all felony arrests. Prison admission data from 2015 was used in lieu of convictions.⁵⁸ For arrest data, two different sets of data had to be combined from different years. Arrest data for violent crimes and prison crimes from 2010 was used.⁵⁹ Drug crimes arrest data from 2012 was used from a different source.⁶⁰ To get the racial makeup of the three sets of arrest data, the racial makeup of different types of crimes in 2009 was used.⁶¹ These percentages were applied to the arrest data to come up with the total arrests for black and white people.

Difficulties: Felony and sex crime misdemeanor conviction data is

⁵⁵ <http://randp.doc.state.nc.us/pubdocs/0007073.PDF> p. 12

⁵⁶ https://docr.nd.gov/sites/www/files/documents/statistics/factsheets/2015_FACT_SHEET.pdf p. 2; <https://www.prisonpolicy.org/profiles/ND.html>

⁵⁷ <https://attorneygeneral.nd.gov/sites/ag/files/documents/2015-CrimeReport.pdf> p. 35-36

⁵⁸ <http://drc.ohio.gov/Portals/0/Reentry/Reports/Annuals/Annual%20Report%202015.pdf?ver=2016-08-03-152549-077> p. 37

⁵⁹ <https://ucr.fbi.gov/crime-in-the-u.s/2010/crime-in-the-u.s.-2010/tables/10tbl69.xls>

⁶⁰ <http://www.dispatch.com/content/stories/local/2013/09/18/drug-arrests-dwarf-those-for-other-crimes.html>

⁶¹ http://www.publicsafety.ohio.gov/links/ocjs_statistics.pdf p. 33

unavailable. The racial makeup for the arrests only involved white and black, no other races.

Oklahoma

74 OK Stat §74-150.27a (2015) requires DNA submissions for all felony and sex crime misdemeanor convictions, as well for other misdemeanors, such as assault and battery, domestic abuse, and stalking. DNA submissions are also required for arrested undocumented aliens. Prison admission data from 2014 was used in lieu of conviction data.⁶²

Difficulties: Felony and misdemeanor conviction data was unavailable. Arrest data for undocumented aliens was unavailable.

Oregon

OR Rev Stat §137.076 (2011) requires DNA submissions for all felony and sex crime misdemeanor convictions. Prison admission data from 2013 was used in lieu of convictions, along with the current racial makeup of the state prison population.⁶³

Difficulties: Felony and sex crime misdemeanor conviction data was unavailable. The racial makeup of the admission data used was unavailable.

Pennsylvania

44 PA Cons Stat §2316 (2017) requires DNA submissions for all felony and sex crime misdemeanor convictions. Prison admission data from 2014 was used in lieu of convictions.⁶⁴

Difficulties: Felony and sex crime misdemeanor conviction data was unavailable. The racial makeup of the admissions only included black, white, and other.

Rhode Island

RI Gen L §12-1.5-8 (2014) requires DNA submissions for all felony and sex crime misdemeanor convictions. Prison admission data from 2016 was used in lieu of convictions.⁶⁵

Difficulties: Felony and sex crime misdemeanor conviction data was unavailable.

⁶² <http://doc.publishpath.com/Default.aspx?shortcut=agency-wide-2014-annual-report#inmatepop>

⁶³ https://www.oregon.gov/doc/RESRCH/docs/admissions_county_20130630.pdf;
<https://www.prisonpolicy.org/profiles/OR.html>

⁶⁴

<https://www.cor.pa.gov/About%20Us/Statistics/Documents/Reports/2014%20Annual%20Statistical%20Report.pdf>

⁶⁵ <http://www.doc.ri.gov/administration/planning/docs/FY15%20Population%20Report.pdf>
p.10, 12

South Carolina

SC Code §23-3-620 (2012) requires DNA submissions for all felony and sex crime misdemeanor convictions. Certain arrests also require DNA submissions, but they are automatically expunged. Prison admission data from 2016 was used in lieu of conviction data.⁶⁶

Difficulties: Felony and sex crime misdemeanor conviction data is unavailable. The admissions data only divided the race by black and white.

South Dakota

SD Codified L §23-5A-6 (2013) requires DNA submissions for all felony and sex crime misdemeanor convictions. SD Codified L §23-5A-5.2 (2013) requires DNA submissions for arrests for felonies, crimes of violence, and sex offenses. Offender data from 2012 was used as a representation of convictions.⁶⁷ Group A crime arrests were used to represent arrests.⁶⁸

Difficulties: Sex crime misdemeanor conviction data was unavailable. Hispanics were considered an ethnicity and not a race, so they were not included in the racial makeup.

Tennessee

TN Code §40-35-321 (2010) requires DNA submissions for all felony and sex crime misdemeanor convictions and felony arrests. Prison admission data of 2014 was used in lieu of convictions.⁶⁹ Arrest data from 2015 was used.⁷⁰

Difficulties: Felony and sex crime misdemeanor conviction data was unavailable. The arrest data did not include the Hispanic race.

Texas

TX Gov't Code §411.1471 requires DNA submissions for all felony and sex crime misdemeanor convictions. DNA submissions are also required for arrests if arrestee had a prior conviction; however, the submissions were automatically expunged. Prison admission data of 2014 was used in lieu of convictions.⁷¹

⁶⁶

http://www.doc.sc.gov/research/SystemOverview/ADM_REL_FromBASEPOP_FY16.pdf

⁶⁷ <https://atg.sd.gov/docs/CSD2012.pdf> p. 44

⁶⁸ *Id.* at 53.

⁶⁹ <https://www.tn.gov/content/dam/tn/correction/documents/StatisticalAbstract2014.pdf> p.

33

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<https://www.tn.gov/content/dam/tn/tbi/documents/tibrs/Crime%20In%20Tennessee%202015.pdf> p. 8, 10

⁷¹ https://www.tdcj.state.tx.us/documents/Statistical_Report_FY2014.pdf p. 2

Difficulties: Felony and sex crime misdemeanor conviction data was unavailable.

Utah

UT Code §53-10-404 (2006) requires DNA submissions for all felony, sex crime misdemeanor, and class A misdemeanor convictions. DNA submissions are also required for most felony arrests. Prison admission data from 2016 was used in lieu of convictions.⁷² As the data only provided the admission for the first quarter of the year, that number was extrapolated for the entire year. The racial makeup of the prison population as of 2017 was used.⁷³ Arrest data of 2015 was used.⁷⁴ The data only gave the racial makeup for Group B arrests, which are not felonies, so we used that racial makeup for the total Group A arrests.⁷⁵

Difficulties: Felony and misdemeanor conviction data was unavailable. The racial makeup for felony arrests had to be extrapolated from the racial makeup of arrests for lesser offenses. Hispanic was not a race for arrests; given the high percentage of Hispanic prison admissions, they are likely mixed in with other categories.

Vermont

20 V.S.A. § 1932 (2017) requires DNA submission for all felony and sex crime misdemeanor convictions. DNA submission is also required for felony arrests, but expungement is automatic. Prison admission data of 2014 is used in lieu of convictions.⁷⁶

Difficulties: Felony and sex crime misdemeanor conviction data is unavailable. The data does not include Hispanic as a race.

Virginia

VA Code §19.2-310.2 (2006) requires DNA submissions for all felony and sex crime misdemeanor convictions. DNA submissions is also required for felony arrests, but expungement is automatic. Prison admission from 2014 was used in lieu of convictions.⁷⁷

⁷²

<https://justice.utah.gov/Documents/CCJJ/Justice%20Reinvestment%20Initiative/JRI%202016%20Annual%20Report.pdf> p. 8

⁷³ https://crbiprod.utah.gov/cognos10/cgi-bin/cognos.cgi?b_action=xts.run&m=portal/cc.xts&m_tab=i49FF9376626A452880347AFE8B4111 (the data changes in real time)

⁷⁴ https://site.utah.gov/dps-criminal/wp-content/uploads/sites/15/2016/09/2015-Preliminary-Crime-in-Utah-Report9_8_2016.pdf p. 4

⁷⁵ *Id.* at p. 83.

⁷⁶ <http://www.doc.state.vt.us/about/reports/ff-archive/facts-figures-fy2014/view> p. 64

⁷⁷ <https://vadoc.virginia.gov/About/facts/research/new->

Difficulties: Felony and sex crime misdemeanor conviction data is unavailable.

Washington

WA Rev Code §43.43.754 (2005) requires DNA submission for all felony and sex crime misdemeanor convictions. Prison admission data from 2014 was used in lieu of convictions and the current racial makeup of the state prison population was used.⁷⁸

Difficulties: Felony and sex crime misdemeanor conviction data was unavailable. The racial makeup for the prison admissions was unavailable.

West Virginia

WV Code §15-2B-6 (2012) required DNA submissions for all felony and sex crime misdemeanor convictions. Prison admission data from 2014 was used in lieu of convictions and the current racial makeup of the state prison population was used.⁷⁹

Difficulties: Felony and sex crime misdemeanor conviction data is unavailable. The racial makeup for the prison admissions was unavailable.

Wisconsin

WI Code §973.047 (2011) requires DNA submissions for all felony and crimes of sexual contact convictions. Arrestees must also submit DNA, but they are expunged automatically. Prison admission data from 2016 was used in lieu of convictions.⁸⁰

Difficulties: Felony and crimes of sexual contact conviction data was unavailable.

Wyoming

WY Stat §7-19-403 (1997) requires DNA submissions for all felony convictions. Cleared offenses data from 2015 was used in lieu of conviction data and the current racial makeup of the state prison population.⁸¹

Difficulties: Felony conviction data was unavailable, and the racial

[statsum/offenderpopulationtrends_fy10-fy14.pdf](#) p. 3

⁷⁸ <https://www.bjs.gov/content/pub/pdf/p14.pdf> p. 10;

<https://www.prisonpolicy.org/profiles/WA.html>

⁷⁹ http://www.wvlegislature.gov/legisdocs/reports/agency/C02_FY_2014_2726.pdf p. 62;

<https://www.prisonpolicy.org/profiles/WV.html>

⁸⁰ <https://doc.wi.gov/DataResearch/InteractiveDashboards/DAIAdmissions2000to2016.pdf>

p. 7

⁸¹

<https://docs.google.com/a/wyo.gov/viewer?a=v&pid=sites&srcid=d3lvLmdvdxkY2ktLS1wdWJsaWN8Z3g6YzI4ODdkY2RlNzRhOGNj> p. 14;

<https://www.prisonpolicy.org/profiles/WY.html>

makeup of the cleared offenses data was unavailable.