

*Minority Overrepresentation
in the Criminal Justice
System*

Report from the Minority
Overrepresentation in the
Criminal Justice System
Working Group to the CCJJ

Participating Agencies

- Department of Corrections
 - Division of Adult Parole & Community Corrections
 - Office of Planning and Analysis
- Division of Behavioral Health
- Division of Probation Services
- Division of Youth Corrections

Literature Review

- Throughout the U.S., more African Americans are arrested, incarcerated, denied early parole, and re-arrested than would be expected given their representation in the overall population.
- There is some evidence that Hispanics are also overrepresented in the criminal justice system, but many government agencies do not collect ethnicity data.

What Colorado Has Done to Reduce
Minority Overrepresentation

- Juvenile Justice and Delinquency Prevention (JJDP) Council
- Cultural Competency Training
- Translators
- Program Development
 - Restorative Justice
 - Specialty Courts
 - OJJDP Recommended Programs

JJDP Council

- In FY 2008, arrest and commitment to DYC were the decision points with the most adverse impact against African American and Hispanic youth.
- Since 1996, the JJDP Council has funded the Minority Family Advocacy Program.

Cultural Competency Training

- Judicial offers a 7-hour Introduction to Cultural Competency training; 2-3 times annually & as requested; to be mandatory
- DOC requires all staff to attend a 1-hour Discrimination/Workplace Harassment class and a 2-hour Cultural Awareness class.

Translators

DOC

- Written and verbal translation is provided by GlobeLink Foreign Language Center.
- DOC employees or contract workers can provide verbal translation if approved by the appointing authority.
- Offenders may NOT be used as translators.

Courts

- On-site and telephone translators are available for over 50 languages
- Printed and electronic materials are available in many languages

Structured Decision-Making Processes

- Parole and Probation have both started developing structured decision-making processes to help decide the consequences of parole/probation violations.
- Structured decision making tools can reduce minority overrepresentation because they are unbiased.

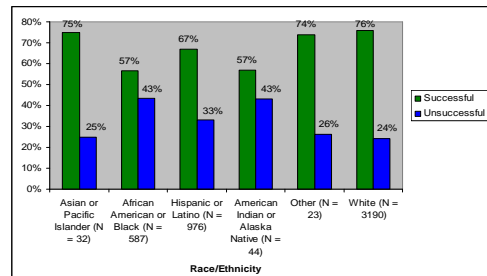
Program Development

- Restorative Justice
- Specialty Courts
- OJJDP Recommended Programs

Current Results from Colorado

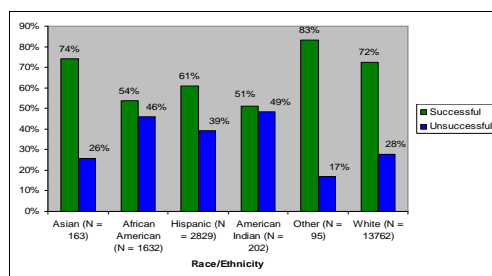
- Examined probation and parole outcomes by race/ethnicity
- Described staff diversity at DOC, Probation, and courts

Juvenile Probation Termination Types in CY 2008



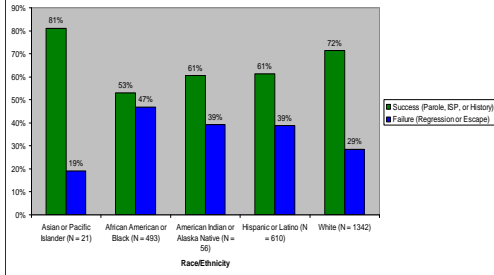
N = 4,852

Adult Probation Termination Types by Race/Ethnicity in CY 2008



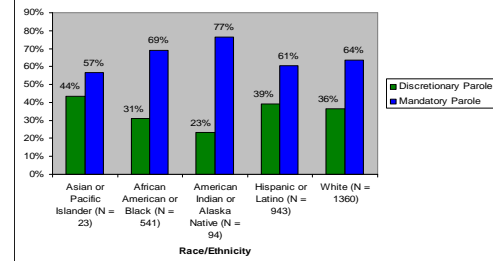
N = 18,683. Unsuccessful terminations included revocations for technical violations, new crimes, and absconding.

Adult Community Corrections Termination Type by Race/Ethnicity, CY 2008



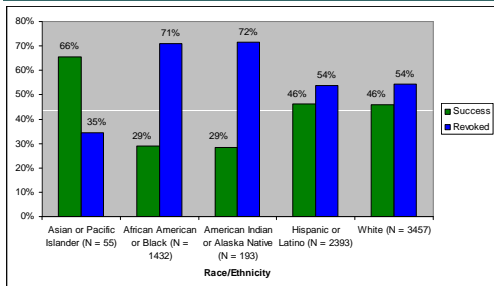
N = 2522

Mandatory vs. Discretionary Parole by Race/Ethnicity, Jan 1 - May 1 2009



N = 2961. Previous data could not be used because offenders with mandatory releases whose release date was on a weekend were coded as discretionary releases.

Adult Parole Termination Type by Race/Ethnicity, FY 2008



N = 7530

Adult Regular Parole vs. ISP-Parole by Race/Ethnicity 6/30/09

| Race/ethnicity | Regular Parole | | ISP-Parole | |
|----------------------------------|----------------|--------|------------|--------|
| | n | % | n | % |
| African-American or Black | 1313 | 16.3% | 325 | 24.4% |
| American Indian or Alaska Native | 163 | 2.0% | 44 | 3.3% |
| Asian or Pacific Islander | 73 | 0.9% | 12 | 0.9% |
| Hispanic or Latino | 2243 | 27.9% | 417 | 31.3% |
| White | 4240 | 52.8% | 536 | 40.2% |
| Total | 8032 | 100.0% | 1,334 | 100.0% |

Criteria Used to Decide an Offender's Level of Supervision

- The CPO decides parolees' levels of supervision based on parolees' LSI scores and the Parole Board's recommendations about whether the parolees should receive ISP.
- The Parole Board recommends ISP based on the following criteria:
 - Criminal record
 - Nature and circumstances of the offense for which the offender was committed to the DOC
 - Behavioral history while incarcerated
 - Participation in treatment and programs
 - Current psychological and medical evaluations
 - Risk assessment scores
 - Current parole guidelines, as set out in statute, including mitigating and aggravating factors

Diversity of DOC Staff, 6/30/09

| Race/Ethnicity | DOC staff | | Colorado Population 2000-2008 Census Estimates | |
|---|-----------|--------|--|-------|
| | n | % | n | % |
| American Indian or Alaska Native | 90 | 1.4% | 44,828 | 0.9% |
| Asian | 52 | 0.8% | 128,135 | 2.6% |
| Black or African American | 268 | 4.2% | 185,363 | 3.8% |
| Hispanic or Latino | 1188 | 18.6% | 963,831 | 19.9% |
| Native Hawaiian or Other Pacific Islander | 15 | 0.2% | 4,675 | 0.1% |
| Other | N/A | N/A | 292,123 | 6.0% |
| Unknown | N/A | N/A | N/A | N/A |
| Two or More Races | N/A | N/A | 32,312 | 0.7% |
| White | 4784 | 74.8% | 4,054,458 | 83.7% |
| TOTAL | 6397 | 100.0% | 4,844,568 | - |

Note: Percentages do not add up to 100% for the Census Estimates because people can choose one or more races and an ethnicity.

Diversity of Probation Staff, May 2009

| Race/Ethnicity | Probation Staff | | Colorado Population 2006-2008 Census Estimates | |
|---|-----------------|--------|---|-------|
| | n | % | n | % |
| American Indian or Alaska Native | 6 | 0.5% | 44,828 | 0.9% |
| Asian | 6 | 0.5% | 128,135 | 2.6% |
| Black or African American | 52 | 4.4% | 185,363 | 3.8% |
| Hispanic or Latino | 232 | 19.7% | 963,831 | 19.9% |
| Native Hawaiian or Other Pacific Islander | 5 | 0.4% | 4,675 | 0.1% |
| Other | N/A | N/A | 292,123 | 6.0% |
| Two or More Races | 0 | 0% | 32,312 | 0.7% |
| Unknown | 0 | 0% | N/A | N/A |
| White | 879 | 74.5% | 4,054,458 | 83.7% |
| TOTAL | 1180 | 100.0% | 4,844,568 | - |

Diversity of Court Staff, May 2009

| Race/Ethnicity | Court Staff | | Colorado Population 2006-2008 Census Estimates | |
|---|-------------|--------|---|-------|
| | n | % | n | % |
| American Indian or Alaska Native | 6 | 0.3% | 44,828 | 0.9% |
| Asian | 19 | 0.9% | 128,135 | 2.6% |
| Black or African American | 49 | 2.3% | 185,363 | 3.8% |
| Hispanic or Latino | 302 | 14.1% | 963,831 | 19.9% |
| Native Hawaiian or Other Pacific Islander | 3 | 0.1% | 4,675 | 0.1% |
| Other | N/A | N/A | 292,123 | 6.0% |
| Two or More Races | 2 | 0.1% | 32,312 | 0.7% |
| Unknown | 2 | 0.1% | N/A | N/A |
| White | 1757 | 82.1% | 4,054,458 | 83.7% |
| TOTAL | 2140 | 100.0% | 4,844,568 | - |

Conclusions

- Minority overrepresentation is a problem nationwide at every stage of the criminal justice system, and Colorado is no exception
- The research evidence for “what works” to reduce racial/ethnic disparity is limited. However, the following considerations have some theoretical and/or empirical support.

Evidence-Based Practices to Reduce Minority Overrepresentation

- A multimodal approach may be most effective, because many factors contribute to minority overrepresentation (Devine, Coolbaugh, and Jenkins, 1998).
- Collaboration between agencies is essential
- Considerations fall into four categories:
 - Equalizing access to services
 - Improving cultural competence
 - System change
 - Research
- Considerations from the CU law school conference on overrepresentation should be explored.

Considerations: Equalizing Access to Services

- Identify and fill gaps in services to juveniles and adults
- Prevention/Early Intervention (e.g. increase mentoring and after school programs for minority youth)
 - Diversion
 - Advocacy Programs
 - Restorative Justice
 - Specialty Courts

Considerations: Improving Cultural Competence

- Seek technical assistance to develop high quality cultural competence training with an emphasis on skill building and case management strategies.
- Collaborate with stakeholders from other agencies and invite them to develop a joint action plan.
- Recruit minority group members to serve on community and advisory boards.
- Provide culturally appropriate services grounded in the value system, traditions, and language of the group being served.

Considerations: System Change

- Review proposed and existing criminal justice legislation to determine whether it will create adverse impact.
- Adopt structured decision making instruments for parole and probation violations.

Considerations: Research

- Determine at what step in the criminal justice system does the most adverse impact occur for adult offenders*.
- Measure race and ethnicity with separate items in order to more accurately assess Latino over-representation in the criminal justice system
- After the changes are implemented, evaluate to what degree they are effective.

*For juvenile offenders, the most adverse impact occurs at arrest and commitment to DJC.