

Minority over-representation (MOR) in the adult justice system: Ongoing study



Presentation to the Commission on Criminal and Juvenile Justice

Colorado Department of Public Safety
Division of Criminal Justice
Office of Research and Statistics

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DCJ has several data bases to explore MOR

- We will provide you with information on MOR and gender as time allows
- We have an appendix in the upcoming CCJJ report focused on MOR
- Data are challenging and sometimes incomplete, making analysis difficult
- We will track the impact of drug law reforms on ethnicity and gender
- We will conduct analyses for the task forces by ethnicity when possible

DCJ has several data bases to explore MOR

- Today
 - Describe the sample
 - Briefly review placements to probation and DOC by ethnicity/race
 - Disparity by placement & data challenges
 - Ethnic/racial disparities across various measures of criminogenic need and criminal history
 - Employment, residential stability, education at arrest
 - Offense history and LSI scores

2006 Court Data Sample

- 3,254 case files reviewed and data collected by hand by DCJ research team
- 10% of cases in 10 Judicial Districts (JD) with the most number of adult CR filings in CY 2006
- Stratified this sample by placement (DOC and Probation), technical violations, and escape cases.
- Today looking at DOC and probation cases only

Colorado Division of Criminal Justice April 2008

APPENDIX 2006 Sample

JD	Court Loc		Frequency	Percent	JD Total Percent
1	24	Gilpin	29	0.9	
1	30	Jefferson	390	12.0	12.9
2	16	Denver	423	13.0	13.0
4	21	El Paso	512	15.7	
4	60	Teller	32	1.0	16.7
8	29	Jackson	2	0.1	
8	35	Larimer	172	5.3	5.3
10	51	Pueblo	184	5.7	5.7
17	1	Adams	423	13.0	
17	80	Broomfield	33	1.0	14.0
18	3	Arapahoe	337	10.4	
18	18	Douglas	74	2.3	
18	20	Elbert	16	0.5	
18	37	Lincoln	29	0.9	14.0
19	62	Weld	230	7.1	7.1
20	7	Boulder	178	5.5	5.5
21	39	Mesa	190	5.8	5.8
			3254	100.0	100.0

Note: 5 out of the 17 court locations were rural counties (Gilpin, Jackson, Teller, Elbert, and Lincoln).

CJ placement and ethnicity 2008/2009

	American Indian	Asian	Black	Hispanic	White
General Population					
Colorado Adult Population 2008	1.1%	2.7%	5.0%	24.1%	67.1%
Sentence					
Probation	0.6%	1.0%	11.4%	9.5%	76.4%
ISP	0.6%	1.1%	17.1%	9.9%	70.7%
Jail	1.0%	0.6%	9.0%	11.2%	76.7%
Probation and Jail	0.7%	0.6%	8.1%	11.9%	77.9%
Community Corrections	0.7%	0.2%	14.0%	7.3%	77.1%
DOC	0.6%	0.7%	17.5% (17.0%)	35%* (12.1%)	44.0%* (68.0%)

Is there a difference in data collection?
(Judicial data in parens)

Sources: Colorado Demographer's Office, Department of Local Affairs: 2008 population estimate; FY 2009 criminal court filing data extracted from ICDN via CIASS

* From DOC's Annual Statistical Report, FY2009

Most serious crime

Most Serious Crime Type	Ethnicity			Total
	Black (n=625)	Hispanic (n=285)	White (n=2478)	
OTHER VIOLENT	0% (0)	0.4% (1)	0.1% (2)	0.1% (3)
MISC MISDEMEANORS	0% (0)	0% (0)	0.1% (3)	0.1% (3)
ARSON	0.2% (1)	0% (0)	0.2% (5)	0.2% (6)
OTHER SEX CRIME	0.2% (1)	0% (0)	0.4% (11)	0.4% (12)
KIDNAP	0.2% (1)	1.8% (5)	0.5% (12)	0.5% (18)
CUSTODY/CONTRABAND	0.5% (2)	1.1% (3)	0.6% (15)	0.6% (20)
ALCOHOL	0.2% (1)	0.7% (2)	0.7% (17)	0.6% (20)
MURDER	0.2% (1)	1.4% (4)	0.7% (17)	0.7% (22)
SEX OFF FAILURE TO REG	1.1% (5)	1.4% (4)	0.8% (19)	0.9% (28)
MISC INCHOATE	0.2% (1)	1.8% (5)	1% (24)	0.9% (26)
ROBBERY	1.4% (6)	1.4% (4)	1.4% (34)	1.5% (44)
WEAPONS	1.8% (8)	3.2% (9)	1.4% (35)	1.6% (52)
FRAUD	1.8% (8)	0.4% (1)	2% (49)	1.8% (58)
SEX ASSAULT	3% (13)	3.5% (10)	1.5% (38)	1.9% (61)
MISC MOTOR VEHICLE	1.6% (7)	1.8% (5)	2% (50)	1.9% (62)
OTHER NON-VIOLENT	2.3% (10)	1.1% (3)	3.8% (95)	3.4% (108)
CRIMINAL TRESPASS	3.7% (16)	4.9% (14)	3.6% (90)	3.8% (120)
OTHER ASSAULT	2.8% (12)	2.5% (7)	4.3% (107)	3.9% (126)
MV THEFT	1.8% (8)	4.2% (12)	4.3% (106)	3.9% (126)
BURGLARY	4.8% (21)	4.9% (14)	5% (125)	5% (160)
FORGERY	7.4% (32)	6.3% (18)	8% (199)	7.8% (249)
AGGRAVATED ASSAULT	9.4% (41)	11.9% (34)	7.4% (183)	8.1% (258)
ESCAPE	24.8% (108)	12.3% (35)	11.9% (295)	13.7% (438)
THEFT	10.8% (47)	7.4% (21)	15.4% (381)	14% (449)
DRUGS	19.5% (85)	26% (74)	22.8% (566)	22.7% (725)
Total	100.0%	100.0%	100.0%	100.0%

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Employment at arrest

Probation	Ethnicity			Total (N=1252)
	Black (n=147)	Hispanic (n=198)	White (n=1007)	
Fulltime employed	15.6%	28.6%	27.2%	26.0% (325)
Part time/sporadic/seasonal employment	7.5	11.2	8.1	8.3 (104)
Unemployed	76.9	60.2	64.6	65.7 (823)
Total	100.0	100.0	100.0	100.0

DOC	Ethnicity			Total (N=1359)
	Black (n=184)	Hispanic (n=135)	White (n=1040)	
Fulltime employed	14.7%	14.8%	18.6%	17.7%
Part time/sporadic/seasonal employment	3.3	9.6	6.3	6.2
Unemployed	82.1	75.6	75.2	76.2
Total	100.0	100.0	100.0	100.0

Education at arrest

Probation	Ethnicity			Total (N=1039)
	Black (n=135)	Hispanic (n=84)	White (n=820)	
Less than High School	27.4% (37)	59.5% (50)	28.2% (231)	30.6% (318)
High School diploma	24.4 (33)	19.0(16)	26.5 (217)	25.6 (266)
GED	28.1 (38)	8.3 (8.3)	24.5 (201)	23.7 (246)
Some college	15.6 (21)	11.9 (10)	15.1 (124)	14.9 (155)
College plus	4.4 (6)	1.2 (1)	5.7 (47)	5.2 (54)
Total	100.0%	100.0%	100.0%	100.0%

DOC	Ethnicity			Total (N=1210)
	Black (n=173)	Hispanic (n=125)	White (n=912)	
Less than High School	31.8% (55)	53.6% (67)	30.5% (278)	33.1% (400)
High School diploma	27.2 (47)	13.6 (17)	20.5 (187)	20.7 (251)
GED	21.4 (37)	24.0 (30)	30.5 (278)	28.5 (345)
Some college	16.8(29)	8.0(10)	16.2 (148)	15.5 (187)
College plus	2.9 (5)	0.8 (1)	2.3 (21)	2.2 (27)
Total	100.0%	100.0%	100.0%	100.0%

Residential stability in year prior to arrest

Probation	Ethnicity			Total (N=823)
	Black (n=106)	Hispanic (n=70)	White (n=647)	
Continuously resided at same address	52.8%	64.3%	49.5%	51.2% (421)
Has moved 1 or 2 times	34.0	22.9	33.5	32.7% (269)
Has moved 3 or more times	5.7	5.7	7.6	7.2% (59)
Transient/homeless	7.5	7.1	9.4	9% (74)
Total	100.0%	100.0%	100.0%	100.0%

DOC	Ethnicity			Total (N=1012)
	Black (n=141)	Hispanic (n=113)	White (n=758)	
Continuously resided at same address	27%	34.5%	33.8%	32.9%
Has moved 1 or 2 times	53.9	48.7	46.3	47.6
Has moved 3 or more times	10.6	5.3	9.0	8.8
Transient/homeless	8.5	11.5	10.9	10.7
Total	100.0%	100.0%	100.0%	100.0%

Status at Arrest

Probation	Asian (n=12)	Black (n=141)	Hispanic (n=95)	American Indian (n=6)	White (n=962)	Total (N=1216)
	None	83.3%	74.5%	83.2%	83.3%	78.4%
On Bond	8.3%	2.8%	3.2%	16.7%	5.6%	5.2%
On Probation/DJ	8.3%	16.3%	8.4%	0.0%	12.3%	12.3%
On Parole	0.0%	2.1%	0.0%	0.0%	0.4%	0.6%
ComCor Client	0.0%	0.0%	0.0%	0.0%	0.1%	0.1%
Incarcerated	0.0%	4.3%	5.3%	0.0%	2.9%	3.2%
Other	0.0%	0.0%	0.0%	0.0%	0.3%	0.2%
Total	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

DOC	Asian (n=10)	Black (n=175)	Hispanic (n=132)	American Indian (n=8)	White (n=986)	Total (N=1311)
	None	70.0%	30.9%	50.8%	25.0%	34.8%
On Bond	0.0%	5.7%	4.5%	12.5%	9.6%	8.6%
On Probation/DJ	30.0%	13.1%	14.4%	0.0%	14.1%	14.1%
On Parole	0.0%	22.3%	13.6%	25.0%	14.5%	15.4%
ComCor Client	0.0%	18.9%	7.6%	25.0%	14.8%	14.5%
Incarcerated	0.0%	8.6%	9.1%	12.5%	11.8%	11.0%
Other	0.0%	0.6%	0.0%	0.0%	0.4%	0.4%
Total	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

Probation revocation reasons

Linked to financial struggles and lack of employable skills?

	Black	Hispanic	White
Failure to submit to UA test		X	
Employment problems	X		
Failure to pay costs	X		
Did not report to PO	X	X	
Did not maintain residence	X		
Violated the law	X		
New conviction	X		
Drug use (no differences)			
Treatment noncompliance	X		

	Black	Hispanic	White	Total
New conviction	23.9%	15.7%	16.3%	17.2%

LSI need/risk and history

Probation	Ethnicity			Total
	Black	Hispanic	White	
Level of Supervision Inventory (range 0-54)	28.0	24.1	26.6	25.6
Age at 1 st arrest	21.2	19.6	22.0	23.7
Criminal History Score (range 0-4)	2.4	2.2	2.1	2.2

DOC	Ethnicity			Total
	Black	Hispanic	White	
Level of Supervision Inventory (range 0-54)	33.1	29.9	31.7	31.6
Age at 1 st arrest	20.3	19.1	20.3	20.2
Criminal History Score (range 0-4)	3.6	2.6	3.3	3.3

LSI score ranges
 Low 1-18
 Medium 19-28
 High 29-54
 Andrews and Bonta (2003)

DC's Criminal History Score calculation: (juv adjudications x .5) + (number prior youth commits) + (number of adult felony conv x 1) + (number of adult violent convictions x 1.5) + (number of adult probation revo x .75) + (number of adult parole revo x 2). Score is then collapsed into 0-4.

Recorded history

	Black	Hispanic	White	Total
Colorado state population 2008	5.0%	24.1%	67.1%	96.2%*
Probation				
Juvenile adjudications	34.8%	45.1%	46.2%	44.6%
Prior adult felony convictions	63.5	47.1	58.7	58.4
Prior adult violent convictions	51.4	37.3	35.2	37.3
Any violent history (incl. arrest, juvy)	73.8	74.6	57.6	60.9
Any drug history (incl. arrest, juvy)	59.7	48.3	60.0	58.9
Department of Corrections				
Juvenile adjudications	27.9	45.1	29.6	30.8
Prior adult felony convictions	93.0	73.8	88.9	87.9
Prior adult violent convictions	71.9	53.7	54.3	56.6
Any violent history (incl. arrest, juvy)	85.7	73.7	76.7	77.5
Any drug history (incl. arrest, juvy)	73.8	74.6	57.4	60.9

* Asians, Native Americans and other excluded for the purposes of this table.

Summary

- Blacks need skill training and employment assistance
- Blacks have higher average LSI scores—higher criminogenic needs.
 - Research shows that at least 4 criminogenic needs must be addressed to reduce recidivism
 - Blacks 50% more likely to be convicted of a new crime while on probation so these findings suggest the need to focus resources and EBP knowledge
- Blacks may need assistance finding prosocial environment: can skill training result in new social circle?
- Hispanics need educational assistance
- Early age at 1st arrest and lack of education: Are these linked for Hispanics?
- Residential stability is a very frequent problem across race/ethnicity: can community corrections play a role?
- Will changes to escape law affect MOR in prison (Blacks)?
- Will changes to drug law affect MOR in prison (Hispanics)?

Thank you