

# ***Minority Overrepresentation in the Criminal Justice System***

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

A presentation to the Colorado Commission on  
Criminal and Juvenile Justice

April 2010; Condensed & Updated April 2011

# Conclusions

---

Minority overrepresentation is  
a problem nationwide  
at every stage of the criminal  
justice system, and  
Colorado is no exception

# Conclusions: National

---

- More African Americans are arrested, incarcerated, denied early parole & re-arrested than would be expected given their representation in the overall population
- There is some evidence that Hispanics are overrepresented, but many government agencies do not collect ethnicity data

# Conclusions: Colorado

---

- African Americans are disproportionately represented among
  - Arrests
  - Charges filed
  - Convictions
  - Incarceration
  - Parole release , intensity of supervision & failure
  - Probation failure
- Some similar evidence for Hispanics

# Conclusions: Colorado

---

- Diversity of DOC Staff (6/30/09)
  - Fairly comparable to Colorado Population
  - Compared to DOC offenders, a smaller percentage of DOC staff is African American or Hispanic.

# Conclusions: Colorado

---

- Diversity of Court Staff (May 2009)
  - Fairly comparable to *Colorado* Population except the Hispanic population is under-represented
  - Court Staff Compared to *Probation* Population
    - Low on African American
    - High on White
    - Comparable on Hispanic, Asian, & American Indian

# Conclusions: Colorado

---

- Diversity of Probation Staff (May 2009)
  - Fairly comparable to *Colorado* Population
    - Low on White and Asian
  - Compared to *Probation* Population
    - Low on African American
    - High on Hispanic
    - Comparable on White, Asian & American Indian

# Conclusions

---

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.

# Questions from March meeting

---

- Are the following related to minority overrepresentation in the criminal justice system?
  - Educational opportunities
  - Employment opportunities
  - Marriage and family

# Education

---

- There is some evidence to suggest that an increase in education is associated with a reduced risk of arrest and incarceration.
  - Education increases earnings from legitimate work, which increases the opportunity cost of crime.
  - Education may increase patience.

# Education

---

- Lochner & Moretti (2004) estimate that 23% of the difference in incarceration rates for African Americans and whites is due to differences in years of education.
- Quality of education may also be associated with reduced incarceration rates.
  - Student-teacher ratios
  - Teacher quality



# Employment

---

- From 2005-2009, the unemployment rate for African Americans, Hispanics, and non-Hispanic whites was 13%, 9%, and 6%, respectively.
- A lack of legitimate employment opportunities can lead to crime, and a criminal history can be a barrier to employment.

# Concentrated disadvantage

---

- Minority groups disproportionately reside in areas of concentrated urban poverty.
- These neighborhoods tend to have poorer quality schools, fewer job opportunities, and more crime.

# Marriage and family

---

- 43% of African American adults, 34% of Hispanic adults, and 23% of non-Hispanic whites have never been married.
- There's some evidence to suggest that married people are less likely to commit crimes.
- People who have been incarcerated may also be less likely to get married.

# Marriage and family

---

- The high unemployment and high incarceration rate among African American men may contribute to the low marriage rate among African Americans.