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
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 underrepresented
  - 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.

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