

Racial Bias and Probation: Research Findings and Real World Strategies

Managing Your Most Dangerous Offenders Conference

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Workshop Overview

- Bias and disparity in context
- Probation revocation study findings
- Strategies for seeking to mitigate bias
- Facilitated discussion

Disparity and Bias

- Disparity
 - Differences in outcomes by race and ethnicity, regardless of cause
- Bias
 - Differential treatment of individuals based on race and ethnicity:
 - Conscious
 - Unconscious (“implicit bias”)

Disproportionate Minority Representation in Justice System

	% U.S. Population	% Adult Probation Population	% Parole Population	% Jail Population	% Prison Population
White (non-Latino)	61	55	44	48	31
Latino	18	13	16	14	23
African American	13	30	38	35	34

Sources: U.S. Census Bureau 2017; Zheng 2018; Carson 2018; Kaeble and Bonczar 2016

There are communities and agencies working directly to address disproportionate minority contact.

Bias Impacting Decision-Making Is Widespread

- Research finds racial bias in:
 - Job callbacks (Bertrand and Mullainathan 2004; Pager et al. 2009)
 - Recommendation of cardiac catheterization (Schulman et al. 1999)
 - Showing apartments to rent and houses for sale (Turner et al. 2013)
 - Evaluations of writing quality (Reeves 2014)

Why This Issue Matters

- Racial/ethnic disparities in justice outcomes
 - Moral and ethical implications
 - Justice system legitimacy is important for crime control
 - Jurisdictions undertaking efforts to address
- Probation revocations
 - More adults under probation supervision than in jail, prison or on parole combined
 - Represents a “fork in the road” for justice-involved

Primary Research Questions

- Do racial and ethnic disparities exist in probation revocation rates?
 - What is the extent of the problem?
- To what extent can observed disparities be explained by group differences?
 - What can we say about the nature of the problem?

Study Sites Varied on Multiple Dimensions

Four probation departments

- Regional variation
- Demographic variation
- Willingness to participate

	Dallas County	Iowa's 6 th JD	Mult. County	NYC
Study Sample	56,011	6,990	11,923	31,095
Supervision Officers	200-300	~60	~110	600-700
Probationer to Officer Ratio	~183	~58	~38	~33
Probation and Parole		X	X	
Sample: % Af-Am Probationers	39%	17%	20%	47%
Sample: % Latino Probationers	30%	4%	10%	38%
Sample: % White Probationers	32%	80%	70%	15%

Large Disparity between Black and White Probationers

	Dallas	Iowa 6th	Mult.	NYC
Revocation Rates				
African American Revocation Rate	34%	39%	4%	14%
Latino Revocation Rate	20%	19%	2%	10%
White Revocation Rate	22%	23%	2%	7%
Revocation Rate Disparity				
African American-White	12%	16%	2%	7%
Latino-White	-2%	-4%	0%	3%
African American-Latino	14%	20%	2%	4%

Study Takes Two Analytical Approaches

- Outcome analyses
 - Logistic regression
 - Constructed best site-specific model
 - Blinder-Oaxaca decomposition
 - Intuitive results: Breaks down the raw disparity between groups into that explained or not explained by dependent variables
 - Estimates model separately for each group in pair
 - Reflects interactions between explanatory variables and race/ethnicity
 - Qualitative interviews across all four sites
 - N=50

Available (and Usable) Data Varied by Site

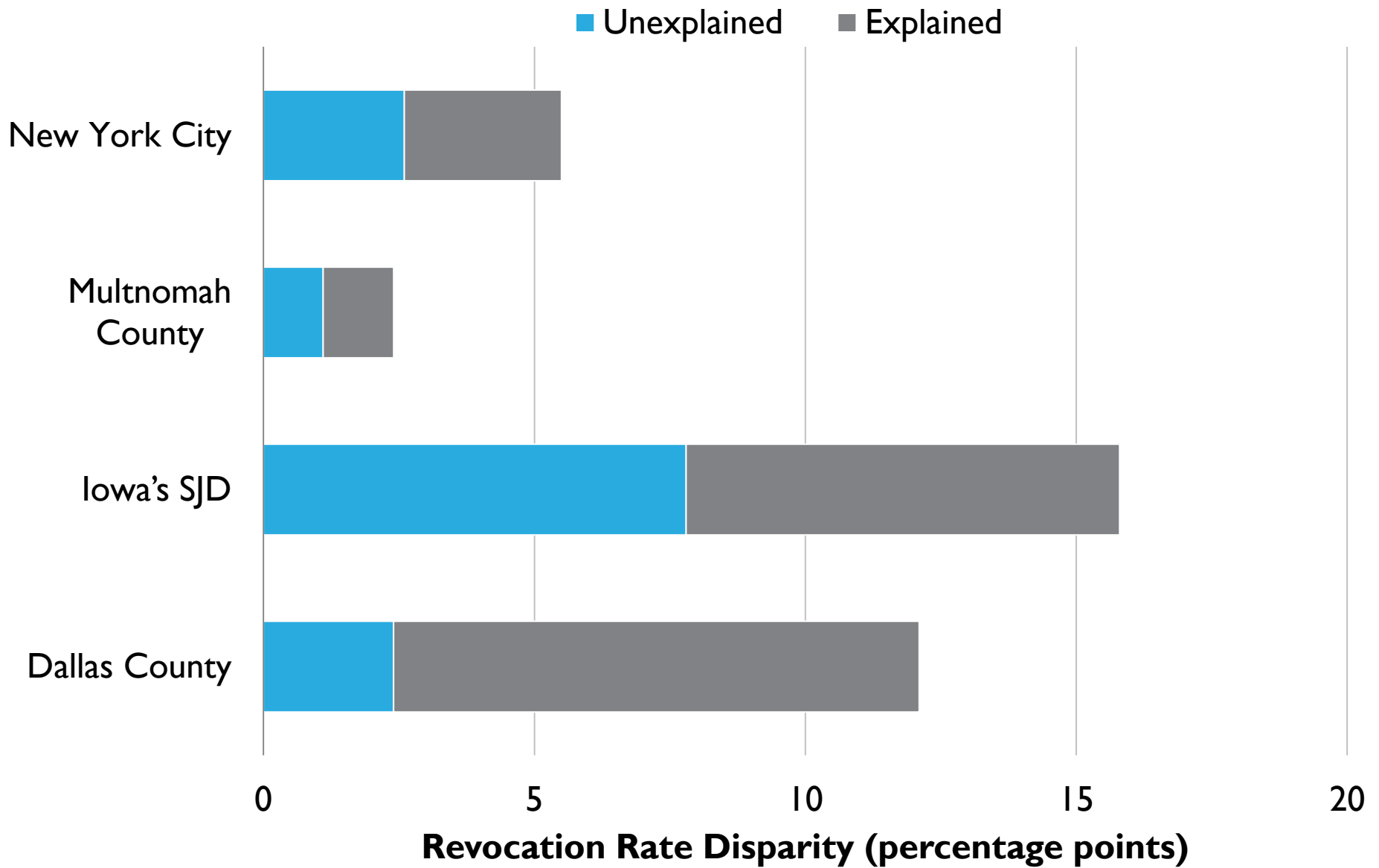
	Dallas	Iowa's 6 th	Multnomah	New York City
Age	X	X	X	X
Gender	X	X	X	X
Married	X	X		
Education	X	X		
Employed	X	X		
US Citizen		X		
Risk Level	X	X	X	
Criminal History	Risk assessment	Risk level, # prior convictions	Criminal history (scale); # prior probation terms	Prior arrest; Prior felony conviction
Current Offense	Felony, Violent, Drug	Felony, Violent, Drug	Felony, Violent, Drug, Weapons, Severity (scale)	Felony
Need Factors	Needs assessment score	Alcohol problem; Drug problem; Intervention ordered at intake		Program referral
Probation Performance	Probation violations			Re-arrest; Felony re-arrest; Court action
Other		City origin; Military service		Supervision district

Logistic Regression Model Results

Af-Am Probationers	Dallas	Iowa's 6 th	Multnomah	NYC
For White Probationers	18% lower	32% lower	36% lower	30% lower
For Latino Probationers	16% lower	46% lower	n.s.	17% lower

- Extent of criminal history and probation behavior issues highly correlated with revocation
 - Offense type results mixed
- No big surprises on other demographics
 - Age and gender predictive, etc.

Disparity Explained and Unexplained



Observations from Blinder-Oaxaca Models

- Outcomes for African American probationers are different
 - Unexplained disparity between **African American and white** revocation rates **(4/4)**
 - Unexplained disparity between **Latino and white** probationers statistically significant in no sites **(0/4)**
 - Unexplained difference between **African American and Latino** revocation rates significant **(3/4)**
- Criminal history and probation performance differences the largest and most consistent contributors to explaining observed disparity

Conclusions Across the Study

- Substantial disparity in probation revocation rates to the disadvantage of African American probationers in all sites
- Evidence regarding disparity to the disadvantage of Latino probationers was weak
- Unexplained disparity results suggest potential bias in revocation decisions
- Criminal history a primary driver of disparity in revocation rates
 - Risk assessment scores in particular
- Minimizing revocation rates reduces harm of racial disparity
 - Multnomah model

Implications for Practice

- For probation
 - Collect, monitor and discuss data on disparity
 - Substantiate what “everybody knows”
 - Communicate that this is an issue that matters
 - Continual investment in cultural competency of staff and provider partners
- For the justice system
 - Elevate disparity as a priority
 - Committees and working groups on disparity
 - Racial disparity impact statements
 - Prioritize front-end efforts to reduce disparity
- For everyone
 - Expand the disparity-reduction toolbox

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