Racial Bias and Probation: Research Findings and Real World Strategies

Managing Your Most Dangerous Offenders Conference
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Truls Neal, Multnomah County Department of Community Justice
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

<table>
<thead>
<tr>
<th></th>
<th>% U.S. Population</th>
<th>% Adult Probation Population</th>
<th>% Parole Population</th>
<th>% Jail Population</th>
<th>% Prison Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>White (non-Latino)</td>
<td>61</td>
<td>55</td>
<td>44</td>
<td>48</td>
<td>31</td>
</tr>
<tr>
<td>Latino</td>
<td>18</td>
<td>13</td>
<td>16</td>
<td>14</td>
<td>23</td>
</tr>
<tr>
<td>African American</td>
<td>13</td>
<td>30</td>
<td>38</td>
<td>35</td>
<td>34</td>
</tr>
</tbody>
</table>

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?
Four probation departments

- Regional variation
- Demographic variation
- Willingness to participate

<table>
<thead>
<tr>
<th>Study Sites Varied on Multiple Dimensions</th>
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</thead>
<tbody>
<tr>
<td>Study Sample</td>
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<tr>
<td>Study Sample</td>
</tr>
<tr>
<td>Supervision Officers</td>
</tr>
<tr>
<td>Probationer to Officer Ratio</td>
</tr>
<tr>
<td>Probation and Parole</td>
</tr>
<tr>
<td>Sample: % Af-Am Probationers</td>
</tr>
<tr>
<td>Sample: % Latino Probationers</td>
</tr>
<tr>
<td>Sample: % White Probationers</td>
</tr>
</tbody>
</table>
### Large Disparity between Black and White Probationers

<table>
<thead>
<tr>
<th></th>
<th>Dallas</th>
<th>Iowa 6th</th>
<th>Mult.</th>
<th>NYC</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Revocation Rates</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>African American Revocation Rate</td>
<td>34%</td>
<td>39%</td>
<td>4%</td>
<td>14%</td>
</tr>
<tr>
<td>Latino Revocation Rate</td>
<td>20%</td>
<td>19%</td>
<td>2%</td>
<td>10%</td>
</tr>
<tr>
<td>White Revocation Rate</td>
<td>22%</td>
<td>23%</td>
<td>2%</td>
<td>7%</td>
</tr>
<tr>
<td><strong>Revocation Rate Disparity</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>African American-White</td>
<td>12%</td>
<td>16%</td>
<td>2%</td>
<td>7%</td>
</tr>
<tr>
<td>Latino-White</td>
<td>-2%</td>
<td>-4%</td>
<td>0%</td>
<td>3%</td>
</tr>
<tr>
<td>African American-Latino</td>
<td>14%</td>
<td>20%</td>
<td>2%</td>
<td>4%</td>
</tr>
</tbody>
</table>
• 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

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

<table>
<thead>
<tr>
<th>Af-Am Probationers</th>
<th>Dallas</th>
<th>Iowa’s 6th</th>
<th>Multnomah</th>
<th>NYC</th>
</tr>
</thead>
<tbody>
<tr>
<td>For White Probationers</td>
<td>18% lower</td>
<td>32% lower</td>
<td>36% lower</td>
<td>30% lower</td>
</tr>
<tr>
<td>For Latino Probationers</td>
<td>16% lower</td>
<td>46% lower</td>
<td>n.s.</td>
<td>17% lower</td>
</tr>
</tbody>
</table>
Disparity Explained and Unexplained

New York City

Multnomah County

Iowa’s SJD

Dallas County

Revocation Rate Disparity (percentage points)

Unexplained
Explained

0
5
10
15
20
• 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 the 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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