

# RACIAL AND ETHNIC DISPARITIES

W. Haywood Burns Institute

October 7, 2015



Supported by the John D. and Catherine T. MacArthur Foundation

# The W. Haywood Burns Institute (BI)

---

## *Our Mission*

- The Burns Institute works to eliminate racial and ethnic disparity in the justice system by building a community-centered response to reducing justice system involvement for people of color.

## *Our Expertise*

- Facilitate community and system stakeholders through a data-driven process aimed at creating community-based alternatives to secure detention.
- Experience in consulting with over 75 jurisdictions nationwide to reduce racial and ethnic disparities in the justice system.

## *Our Role in Phase I of Safety and Justice Challenge*

- Provide Technical Assistance to SJC Coordinators.

# BI Strategy for Reducing Racial and Ethnic Disparities

## 1. Identify Disparities

- Identify whether and to what extent racial and ethnic disparities exist

## 2. Identify, Analyze and Strategize around a “Target Population”

- Identify target population to focus the work.
- “Dig deeper” into target population to learn more about policy, practice, and/or procedure and other factors contributing to disparities.
- Strategize around how policy, practice, and/or procedure change might result in reductions in disparities.
- Pilot or adopt policy change

## 3. Measure Progress

- Monitor Effectiveness of Policy Change
- Document changes in disparities

Ongoing process

# Questions

## Identification

- (1) What are best practices in identifying and recording race and ethnicity (particularly for Latino and Native American)?
- (2) Should we calculate the RRI? What considerations should we be mindful of?
- (3) What do we do when there are disparate outcomes for a demographic but a small number of individuals is affected?

## Target Population

- (1) We see disproportionality, but we don't know why. What do we do from here?
- (2) What if our reform strategy will positively impact a higher proportion of *White* adults and therefore increase the disparity gap?
- (3) What caveats should we consider in utilizing risk assessment instruments?
- (4) Data revealed that people of color have longer lengths of stay in jail- how do we analyze this?

## Context

- (1) How do we address resistance?
- (2) How and when do we engage the community?

# Step 1: Identify Disparities

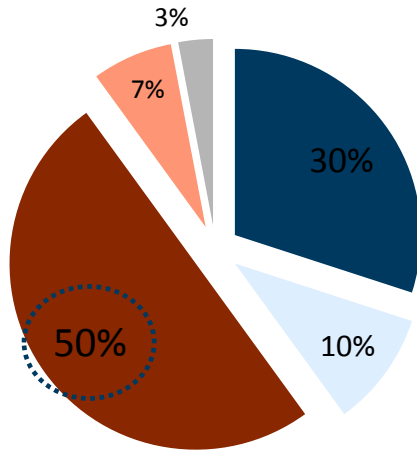
## Three Key Components to Identifying Racial and Ethnic Disparities

---

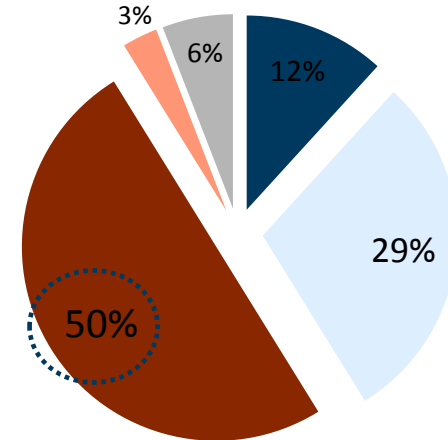
1. Accurate data on system involvement at key decision making points.
  - Accurate identification and recording of race and ethnicity at key criminal justice decision making points.
    - Is there a practice of asking adults to self identify?
    - Do you have a strategy to count Hispanic/Latinos accurately?
    - Do you consider local context (such as national origin or tribal affiliation) when creating racial and ethnic categories?
    - Do departments and agencies across the system use the same protocol?
2. Accurate data on changing demographics of adult population.

# Rate vs. Percent

Hope County Population (2014)



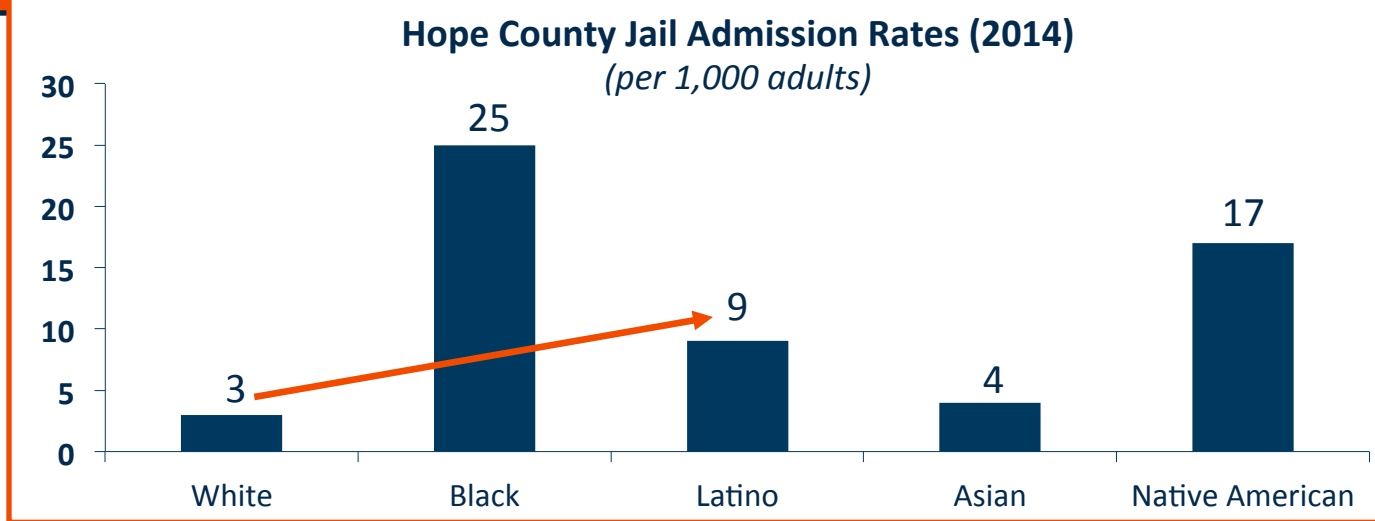
Hope County Jail Admissions (2014)



	White		Black		Latino		API		Nat. Am.		Total
	#	%	#	%	#	%	#	%	#	%	
Pop.	30,000	30%	10,000	10%	50,000	50%	7,000	7%	3,000	3%	100,000
Jail	100	12%	250	29%	425	50%	25	3%	50	6%	850

When we compare the percentage of Latino adults in the population and the percentage of Latino adults in the jail population, it appears that Latino adults are not overrepresented.

# RATE VS. PERCENT



**But...** When we compare the rate at which Latino adults are jailed to the rate at which White adults are jailed, we note that Latino adults are **jailed at 3 times the rate** of White adults.

## How are rates calculated?

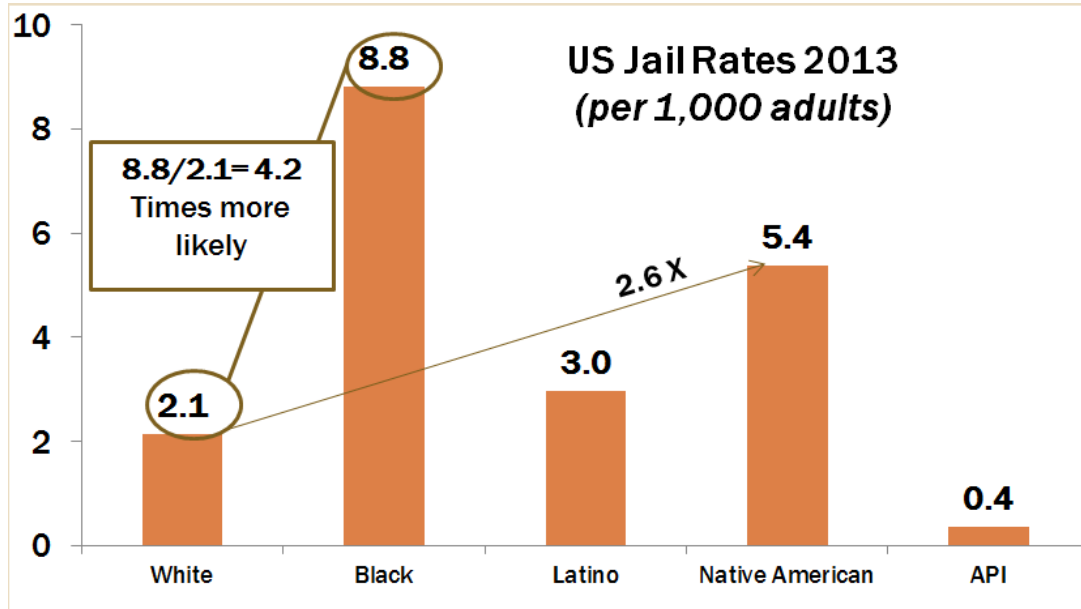
$$\frac{\text{Number in Jail}}{\text{Number in Population}} = \frac{425}{50,000} = .009$$

x 1,000

= 9 Latino adults in jail per 1,000 Latino adults in the population

	White	Black	Latino	API	Nat. Am.
Adult Population	30,000	10,000	50,000	7,000	3,000
Jail	100	250	425	25	50
Rate	3	25	9	4	17

# Step 1: Identify Disparities



*Disparity Gap (Relative Rate of Admission)*

- Black adults are 4.2 times more likely to be admitted as White adults.
- Latino adults are 1.4 times as likely to be admitted as White adults.

	White	Black	Latino	Native American	API
2013 Rate per 1,000	2.1	8.8	3.0	5.4	0.4
Times More Likely		4.2	1.4	2.6	.2



# Defining the Problem:

## Whether disparities exist vs. why disparities exist.

---

### 1. Whether Disparities exist:

#### ***Over-representation of people of color in the justice system***

- Example: Black adults are more than four times as likely to be admitted to jail than White adults.

### 2. Why Disparities exist:

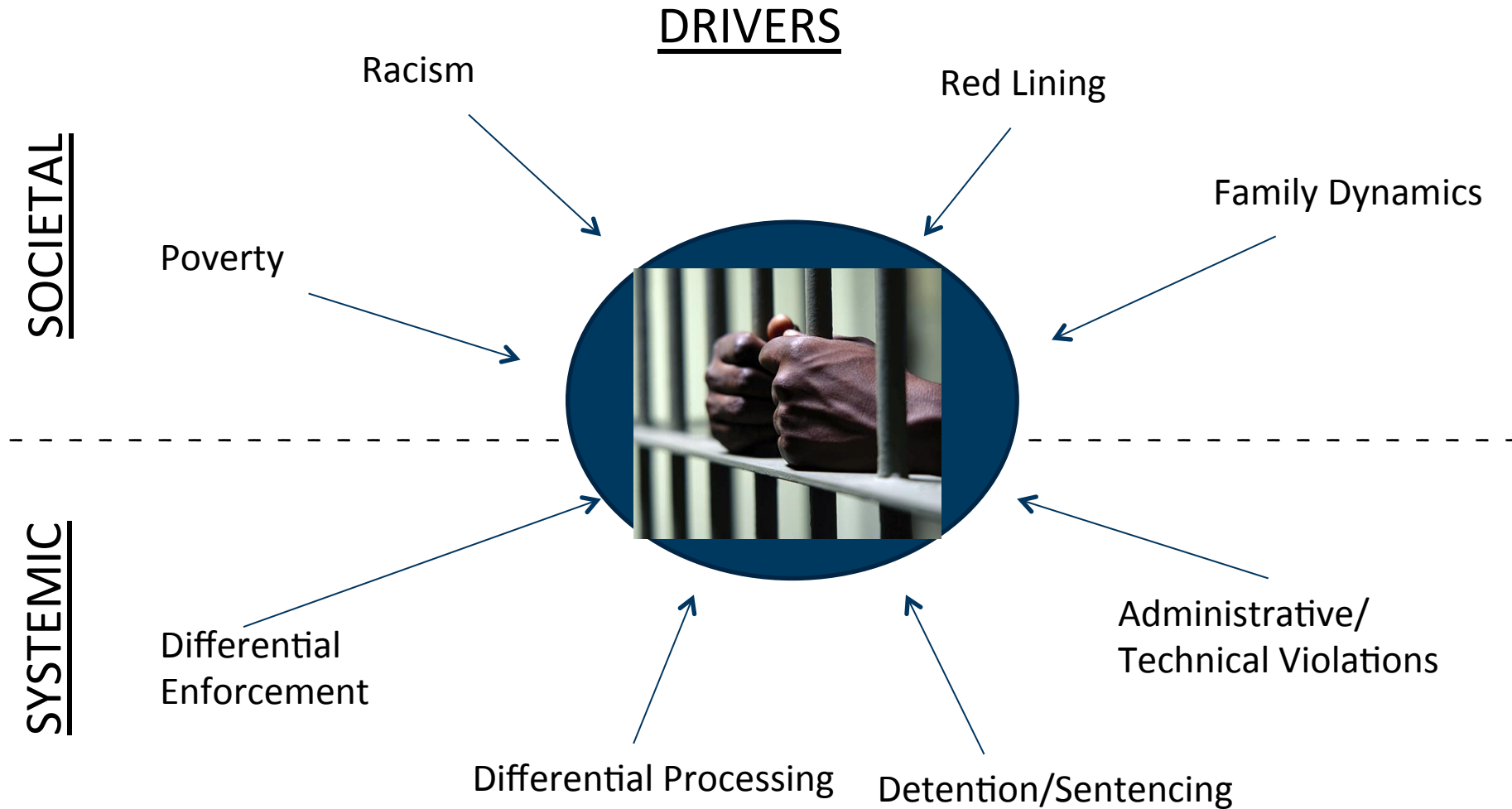
#### ***The unnecessary and inappropriate entry and deeper “advancement” of People of Color into the justice system***

- Example: People of color are involved in the justice system for low level and/or technical reasons.

#### ***Disparate Treatment of People of Color***

- Example: People of color who are “similarly situated” to White adults are nevertheless treated more harshly.

# Acknowledge justice system control



# Step 2: Target Populations

---

## What is a “target population”?

- ☐ Pretrial detention for lower level offenses and technical violations; overrides for which alternatives exist or can be developed
- ☐ Once identified, the stakeholder group must determine what alternatives or services will protect community safety and achieve better outcomes
- ☐ Way to focus your efforts

## Examples of Target Population:

- ☐ People of Color in Jail who:
  - Were assessed as “low” or “moderate” risk on a pretrial risk tool.
  - May have scored high on a risk tool but are detained for low level offenses or “quality of life citations.”
  - Were unable to post money bail.

# The Conundrum:

---

“What if our reform strategy will positively impact a higher proportion of *White* adults and therefore increase the disparity gap?”

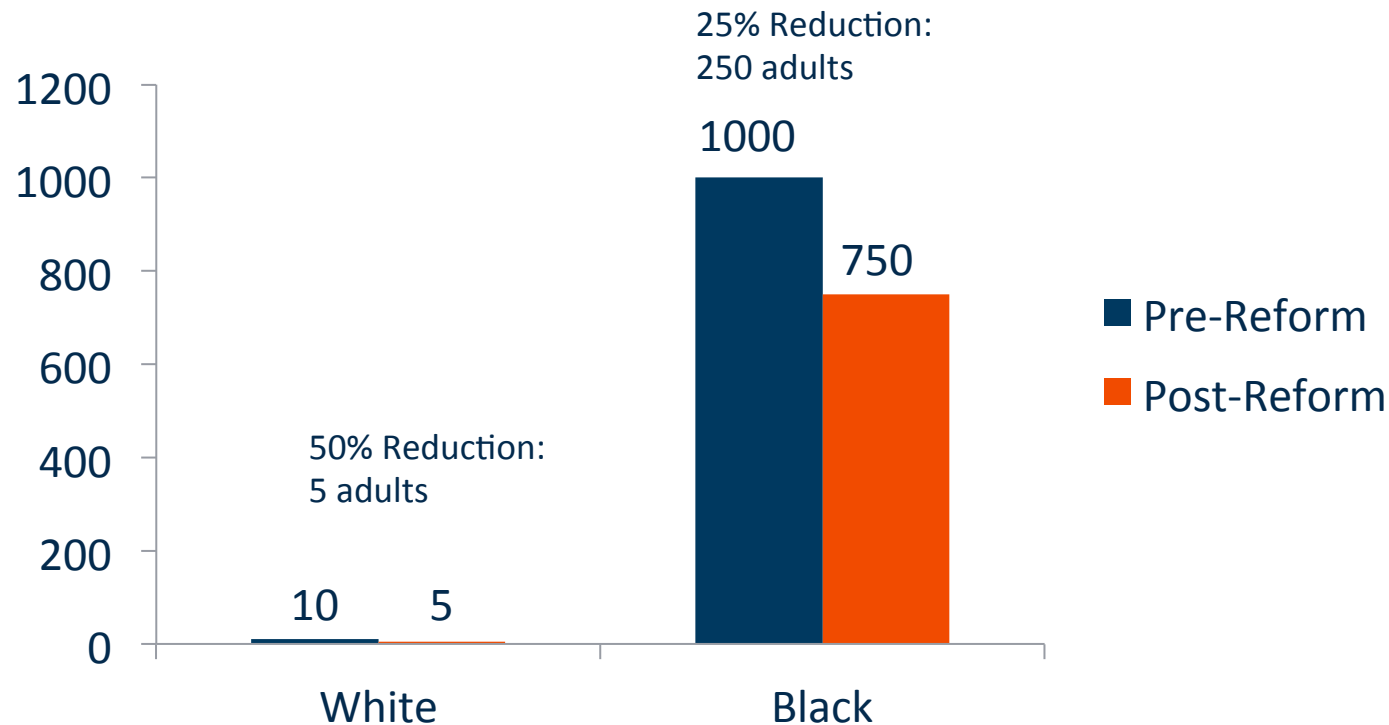
(1) Why is this your target?

\* Be intentional that your target will impact people of color

(2) Is the “increase in disparities” because there are so few White adults?

# The Conundrum:

## Impact of Target Population Policy Change:



# Analyzing Disparities at Key Decision Points



**And Note:** The analysis only provides information on the extent of the problem. You will need to “dig deeper” to understand why the disparities exist.

- **Step One:** Determine rates of system involvement at each stage of Criminal Justice Process for each racial/ethnic group.
- **Step Two:** Compare involvement of People of Color to White involvement at each decision making point. If the resulting quotient is *MORE than 1*, People of Color are involved at a higher rate. If the quotient is *LESS than 1*, People of color are involved at a lower rate.

To review the cumulative disparity, BI recommends conducting additional analysis with adult population as constant denominator to ensure disparities are not obscured at key decision points.

# Decision-Making Point Analysis

		Arrest	Case Filing	Pretrial Services	Sentences
Data To Consider	Decision Makers	Police Department Sheriff Probation			
	Decision-making Options	Divert <b>Arrest: Cite and Release</b> Arrest: Transport to County Jail			
	Policy	Booking Criteria to determine cite and release vs. booking			
	Practice	Review of data to determine whether policy is practiced. In other words, are there adults who were eligible for cite/release who were booked into Jail?			
	Statistics	For White; Black; Latino, Asian, Pacific Islander, Native American: = $\frac{\text{Adults Cite and Release}}{\text{Adults Eligible for Cite and Release according to Policy}}$			

# Institutionalizing the Process

---

- What is the process for reviewing the data regularly?
  - Who will review the data?
  - How will the co-chairs communicate with data analysts?
  - What data will you provide to your committee?
  
- Who will analyze the data and prepare it for use in a meeting or presentation?
  - How comfortable with data is your collaborative?
  
- Other Tips:
  - Limit the quantity of what you show
  - Provide data training
  - Share data ahead of time



# Community Engagement

---

- Who is “Community?”
- What are your efforts to engage?
  - Meetings: Time/Location Considerations
  - “Coach Ups”
  - Listening Forums
- Power Sharing
- Transparency

# Small Group Discussion

Identification	<ul style="list-style-type: none"><li>(1) What are best practices in identifying and recording race and ethnicity (particularly for Latino and Native American)?</li><li>(2) Should we calculate the RRI? What considerations should we be mindful of?</li><li>(3) What do we do when there are disparate outcomes for a demographic but a small number of individuals is affected?</li></ul>
Target Population	<ul style="list-style-type: none"><li>(1) We see disproportionality, but we don't know why. What do we do from here?</li><li>(2) What if our reform strategy will positively impact a higher proportion of <i>White</i> adults and therefore increase the disparity gap?</li><li>(3) What caveats should we consider in utilizing risk assessment instruments?</li><li>(4) Data revealed that people of color have longer lengths of stay in jail- how do we analyze this?</li></ul>
Context	<ul style="list-style-type: none"><li>(1) How do we address resistance?</li><li>(2) How and when do we engage the community?</li></ul>

# Contact Information

---



## **W. Haywood Burns Institute**

475 14<sup>th</sup> Street, Suite 800

Oakland, CA 94612

[www.burnsinstitute.org](http://www.burnsinstitute.org)

## **Tshaka Barrows, Deputy Director**

[tbarrows@burnsinstitute.org](mailto:tbarrows@burnsinstitute.org)

(415) 321-4100 ext. 106

## **Laura Ridolfi, Director of Policy**

[lridolfi@burnsinstitute.org](mailto:lridolfi@burnsinstitute.org)

(415) 321-4100 ext. 108