

Knowledge Brief

Are Minority Youths Treated Differently in Juvenile Probation?

While many studies have examined disproportionate minority contact at the front end of the juvenile justice system, few have examined disparities deep within the system—in particular, differences in how minority youths are treated while on probation. This study examined juvenile probation at three sites with different mixes of white, Hispanic, and black youths. **The researchers explored whether judges set different conditions of probation and ordered different services for youths of different racial or ethnic groups, and whether probation officers treated youths differently according to their race or ethnicity.** They found varying answers, with no systematic pattern of discrimination. One possible explanation is the constraints, both real and perceived, on the responses of probation officers, who may feel their only option in many situations is detention. The findings also underline the importance of collecting data throughout the system, to try to understand the reasons for the differences across different sites.

Background

Minority youths in nearly every state are far more likely than white youths to be arrested, detained, prosecuted, incarcerated, put on probation, or transferred to adult centers. According to the Office of Juvenile Justice and Delinquency Prevention, the 2008 violent crime arrest rate for black youths was five times that for white youths, six times that for American Indians, and 13 times the rate for Asians. The overrepresentation of youths of color in the justice system is commonly known as “disproportionate minority contact,” or DMC.

While many studies have looked at DMC at the front end of the juvenile justice system, few have examined

disparities deep *within* the system—and, in particular, differences in how minority youths are treated while on probation. Bridges and Steen (1998) documented racial disparities within probation, focusing on how probation officers view the causes of a youth’s crime, their assessment of the risk of re-offending, and their sentence recommendations. Only one previous study, however, has looked at characteristics of the youths that might contribute to disparities in treatment. Smith, Rodrigues, and Zaltz (2009) found that even after accounting for factors such as neighborhood income, living with or without a parent, age, gender, type of offense, and prior referrals, black youths were,

on average, four times as likely as white youths to be documented as “non-compliant” with the conditions of their probation. It thus appears that the racial disparities found at other levels of juvenile processing also exist in probation decision-making. However, given the small size of the Smith study and the variation in juvenile justice practices across different regions, a broader investigation seemed warranted.

Researchers examined juvenile probation in three different jurisdictions in two states: Louisiana and Washington. Washington provided a rural site with white and Hispanic youths on probation, and an urban site with white, Hispanic, and black youths. The Louisiana site, in an urban district, included black and white youths.

The researchers sought answers to two major questions:

- Do judicial decision-makers set different conditions of probation and order different services for youths of different races and ethnic groups?
- Do probation officers treat youths differently according to their race or ethnicity? Are there differences in how often they’re reported for probation violations, in the kinds of violations for which they’re reported, in the sanctions they receive, and in the amount of contact they have with the probation officer? (Not all questions could be studied at all three sites.)

Where possible, the researchers also collected information on personal characteristics that might influence any differences they found, including, age, gender, type of offense, prior violations, family history of arrest, and whether the youth lived in a single-parent home.

Do race and ethnicity affect the conditions of probation a youth is given?

The data in this section are drawn primarily from youths who later violated the rules of probation. Only the

rural Washington site included all youths who received probation.

At the urban site in Washington state, black youths received fewer months on probation than white or Hispanic youths.

In Louisiana, where the length of probation is up to the discretion of individual decision-makers, black youths overall received shorter sentences than white youths. However, when researchers controlled for the individual characteristics, race was no longer related to the length of probation.

Washington, in contrast, uses sentencing guidelines that set ranges of probation time according to the number of prior offenses and the severity of the crime. Here the differences in probation time were primarily related to the number of charges: youths received sentences for each charge, so more charges led to more total probation time, but generally less time per charge. At the urban site, black youths received fewer months overall and less time per charge than did white or Hispanic youths; this held true with and without control variables. Charge-level data wasn’t available for the rural site, and there were no racial differences in the total months of probation received.

At the rural Washington site, white youths may be more likely than Hispanic youths to receive intensive probation services.

In the rural Washington site, the most common types of probation programs were general community supervision and Consolidated Juvenile Probation (similar to the former, but with more services). Without controls, there were no differences in assignment to these two programs. When control variables were included, however, Hispanic youths were more likely to be assigned to community supervision and white youths to Consolidated Juvenile Probation.

In Louisiana, youths were ordered to serve either regular or intensive probation. There were no racial differences, with or without control variables.

Black youths were less likely to be assigned to community service and more likely to receive confinement. But white youths received longer confinement. While specific probation services and sanctions vary across jurisdictions, in general they can include confinement (time in detention, work crew, or electronic monitoring), community service, sex offender therapy, anger management training, mental health services, drug or alcohol treatment, counseling, family therapy, or educational services.

In the urban Washington site, black youths were more likely than their white counterparts to receive confinement days (as were Hispanic youths, but only when control variables were considered). However, when white youths did receive confinement, the sanction was longer than for black or Hispanic youths (with and without control variables). There were no differences in the likelihood of receiving any community service hours; however, among youths who did receive these, black youths received fewer hours than white youths; there were no differences between white and Hispanic youths.

There were no differences among youths receiving drug treatment or counseling services. (These data were not available in the rural Washington site.)

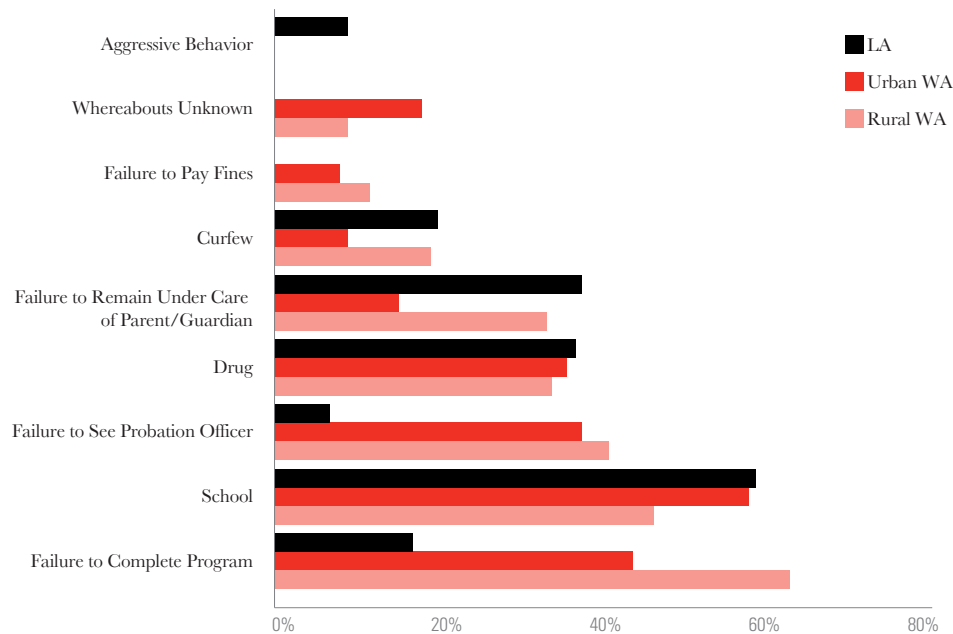
In Louisiana, there were no differences in youths assigned to that site’s most common services: drug treatment and mental health treatment/counseling. White youths were more likely to be referred by probation officers to mental health services, and to receive those services; but the difference disappeared when the control variables were taken into account.

Once a youth is on probation, are there racial or ethnic differences related to violations?

There are very few racial or ethnic differences in the types of probation violations youths commit.

There are many ways in which youths can violate their probation, including curfew violations, failure to remain under their parents’ care, school violations, drug violations, failure to attend assigned programs or treatments, gang violations, and failure to pay court fines.

Types of Probation Violation by Site



Probation violation descriptions varied across sites and some types of violations were not observed in all three sites. Youths can have more than one type of violation.

figure 1

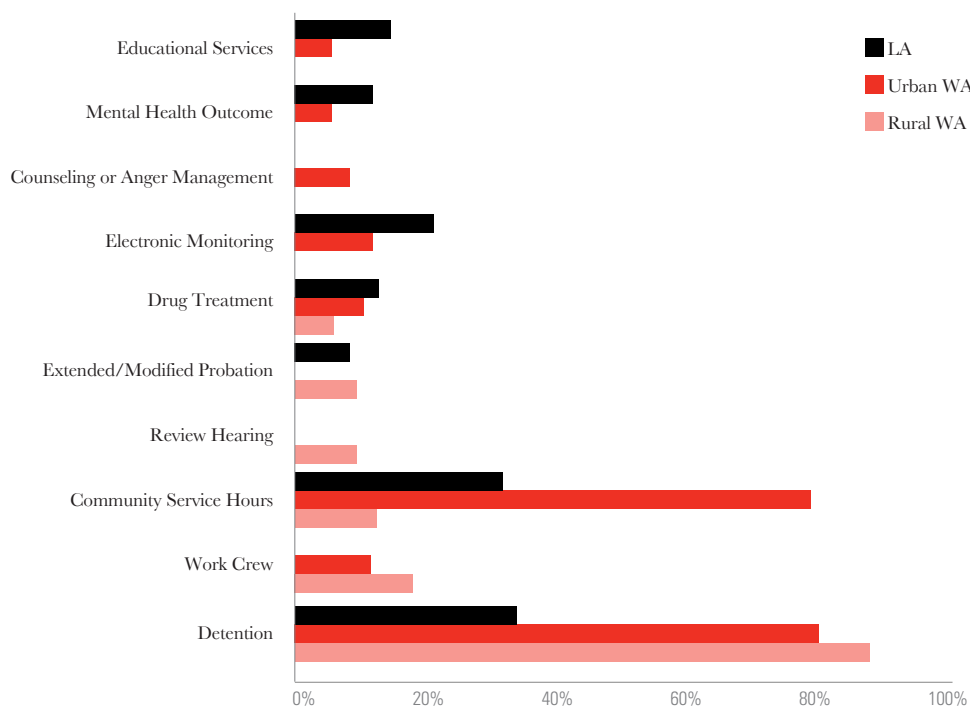
Overall, the researchers found very few racial or ethnic differences in the types of violations for which youths were cited. In the rural Washington site, white youths were more likely to be cited for failure to remain under their parents' care. In Louisiana, no racial or ethnic differences were found.

There are no differences in the likelihood of receiving any warning, but white youths may receive more warnings. In both Washington sites and in Louisiana, white, black, and Hispanic youths were equally likely to receive at least one informal, verbal warning from their probation officer; this held true with and without control variables. However, when controlling for variables, white youths who did receive a warning were more likely to receive multiple warnings.

Race and ethnicity affect the number of days in detention for a violation, but the effects differ across sites. While race did not play a role in the type of response to a violation, it did play a role—though an inconsistent one—in the severity of the response. The most common response by far was detention.

At both Washington sites, white youths received more days in detention than did minorities, while in Louisiana it was Hispanic youths who received the most days. Interestingly, at the rural Washington site, younger white youths were given fewer detention days than older white youths, controlling for individual variables; this was not true for Hispanic youths. Similarly, in Louisiana, younger black youths received fewer days of detention than older black youths. At the urban Washington site, the opposite was true: younger black youths received

Responses to Probation Violation by Site



Specifics regarding probation violation responses varied across sites and some responses were not observed in all three sites. Also, due to lack of relevant data, estimates for LA are conservative.

figure 2

more days of detention than older black youths; however, this was not true for Hispanic or white youths.

At the urban Washington site, Hispanic youths received the most days of electronic monitoring, white youths the fewest. At the urban Washington site, there was no racial or ethnic difference in the likelihood of receiving any electronic monitoring days, with or without control variables. However, among the youths who did receive electronic monitoring days, the researchers found that Hispanic youths received more days than black youths, who in turn received more days than white youths. These relations were true with and without control variables. Electronic monitoring days did not vary by race and ethnicity in Louisiana.

Contacts by probation officers do not vary by race and ethnicity. Probation officers routinely record their contacts and attempted contacts with youths and their families. Though the accuracy of these notes is not known, the researchers did look at the relation between race/ethnicity and the reported contacts. In both the urban Washington site and Louisiana, with and without control variables, the number of attempted and successful contacts did not vary by race.

It is difficult to predict which youths will violate their probation soonest. Youths whose probation officers make many contact attempts apparently violate their probation sooner than others, across all groups. It's not clear, however, whether there is a causal relationship—or in which direction it might operate. Youths who received fewer informal warnings also were formally reported for violations sooner than those who receive more warnings. The timing of the violation varied by race and ethnicity, but differently at different sites: at the urban Washington site, black youths were reported soonest,

then Hispanic youths, then white youths; in Louisiana, white youths were reported sooner than black youths. The researchers did not investigate this question at the rural Washington site.

Surprising results offer few clear guidelines.

Given the undisputed minority overrepresentation at other points in the juvenile and adult justice systems—a pattern that has also been found in the adult probation system—the researchers were surprised to find no clear pattern of systematic discrimination among juveniles on probation. These youths receive very similar condition of probation, are cited for similar violations at similar rates, and receive similar responses. What are we to make of this?

One possible explanation is the constraints, both real and perceived, on probation officers. Their options are limited, and particularly when it comes to responding to violations, the go-to response is detention. Across all sites, more than 68 percent of youths received time in detention after their first probation violation was filed. The study did not address whether or not this is appropriate. However, the researchers suggest that the system should offer more alternatives and help probation officers find the best response for each youth, with the goal of holding every offender accountable in the most effective way.

It is also important to note that while this study found no overall pattern of discrimination, there are clearly racial or ethnic disparities on some points—though they are not the same across the different jurisdictions. This underlines the importance of collecting data at all sites, along the entire continuum of the juvenile justice system, to see where disparities exist, and to try to understand and mitigate their causes.

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This brief is one in a series describing new knowledge and innovations emerging from Models for Change, a multi-state juvenile justice initiative. Models for Change is accelerating movement toward a more effective, fair, and developmentally sound juvenile justice system by creating replicable models that protect community safety, use resources wisely, and improve outcomes for youths. The briefs are intended to inform professionals in juvenile justice and related fields, and to contribute to a new national wave of juvenile justice reform.