

# Life, Liberty, and the Pursuit of Justice: Examining Racial and Ethnic Disparities in the Justice System

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A presentation for

Busting Myths, Breaking Barriers: Developing Culture and  
Linguistic Responsiveness to Reduce Disparity Across  
Behavioral Health and Health Systems

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# Criminal Justice Officials and Decision Making

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Racial/ethnic disparities attributed to:

- **Internal factors** (e.g., personal characteristics of individual - antisocial personality, lack of remorse, refusal to admit guilt, or refusal to cooperate with officials)
- **External factors** (e.g., within the environment - delinquent peers, a dysfunctional family, drug or alcohol use, or poverty)

Link between:

- Offender's potential for rehabilitation and external factors
- Threatening groups and racial minorities, the unemployed, poor, and the young

# The Role of Racial/ethnic Stereotypes

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Perceptions of Blacks as violent, repeat offenders

Attributions that link Latinos to gangs, drugs, and crime

- Citizenship status, language barriers, and possible unfamiliarity with the criminal justice system can lead to ethnic stereotypes that present Latinos as lazy and irresponsible. Demuth (2003)

# The Role of Racial/ethnic Stereotypes

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Language and cultural barriers may also produce stereotypes that serve to disadvantage American Indians

- Stereotypes which depict American Indians as “outsiders” and prone to drug and alcohol abuse may result in more punitive treatment by the justice system

People of Middle Eastern or Arab descent must fight images that depict them as extremists and terrorists.

# Policing Practices

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Racial minorities are arrested, stopped and questioned, shot at, and killed by police at higher rate than their proportion in the population.



# Policing Practices

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The Arizona Department of Public Safety settled a racial profiling case with 11 Latinos who claimed to have been stopped by officers simply because of the color of their skin

- DPS agreed to be the first state in the country to routinely collect and monitor data on all traffic stops.

# Courts and Sentencing Processes

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The race of the defendant affects bail, charging, plea bargaining, and sentencing decisions

- Three factors produce harsher sentences—young, black, males—than for any other age-race-gender combination.
- Studies highlight “the high cost of being black, young, and male”



# Courts and Sentencing Processes

## “Three Strikes” Laws:

- Studies show the disproportionate number of Black males impacted by the law and its minimal effect on crime



## Death Penalty:

- Offenders who murder Whites are more likely to be sentenced to death than those who murder African Americans
- Many studies have shown that African Americans convicted of murdering Whites receive the death penalty more often than Whites who murder Whites

# Courts and Sentencing Processes

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## War on Drugs

- Federal crack-cocaine sentencing disparities: 100-to-1 ratio
- Supreme Court and the United States Sentencing Commission
  - Mandated sentencing reform of drug cases



# Corrections

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## War on Drugs

- In 1998, 21% of all state inmates were imprisoned for drug offenses
- Black and white Americans use illicit drugs at about the same rate, but blacks are 10 times more likely to be imprisoned on drug charges
- One of every three African American males and one of every 18 African American females born today could expect to be imprisoned at some point in his or her lifetime

# Victimization

- Young, black low-income and unemployed males are the most frequent victims of violence
- Older, white upper-class women are least likely to be victimized
- Study of incarcerated women in Baltimore found jailed women were more than 33 times more likely to have been attacked prior to incarceration than mainstream women (Dugan & Castro, 2006)



# Reducing Over-crowding and Drug Offenses

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## Re-entry Programs

### Challenges:

- Coordination of services between prisons and community organizations.
- Finding affordable housing and employment
- Few resources within the community to address their health and psychological problems

# Re-entry Programs

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## White Males:

College courses in prison enable them to continue their education post-release



# Re-entry Programs

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## **Black Males:**

Vocational training programs are crucial to gaining lawful employment



# Re-entry Programs

## Latino/as:

Greater responsiveness to the issues of poverty, low education, cultural barriers (i.e., family and language), and mental health problems



# Mandatory Drug Treatment

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Arizona was the first state to pass a mandatory drug treatment law for low-level drug offenders.

- Proposition 200: mandates 1<sup>st</sup> and 2<sup>nd</sup> time nonviolent offenders convicted of personal possession or use of a controlled substance be sentenced to probation and drug treatment

# Mandatory Drug Treatment

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## **Treatment utilization and race/ethnic disparities:**

- Longshore et al. (1992): Blacks and Hispanic drug-using arrestees are significantly less likely to receive substance abuse treatment than Whites
- Warner and Leukefeld (2001): Whites were more likely than non-whites to utilize alcohol and drug treatment.

# Mandatory Drug Treatment

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## Evaluation of California's mandatory drug treatment law:

- Duration in programs and completion rates were lower for African Americans, Hispanics, and Native Americans than Whites and Asian/Pacific Islanders
- Recommendations:
  - Improving cultural competence in assessment and treatment of drug offenders
  - Race/ethnic matching between staff and clients
  - Hiring staff who are bilingual
  - Training staff in cross-cultural awareness and skill

# Substance Abuse Treatment In Prison

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California spends \$143 million a year on addiction treatment for inmates on ineffective drug treatment programs that **do not** reduce recidivism

- Prisons rarely followed the therapeutic-community guidelines of separating treatment participants from the general prison population
- Prison lockdowns often disrupt treatment
- Group counseling programs put too many inmates with each counselor

# **Intersections of Race, Ethnicity, Gender, and Crime**

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## **Research Projects:**

- 1. Arizona Arrestee Reporting Information Network (AARIN)**
  - Substance abuse among arrestees in Maricopa County
- 2. Juvenile Court Processes in Arizona**
  - Gender and culturally responsive treatment
  - Family dysfunction and paternal incarceration

# Research Project #1

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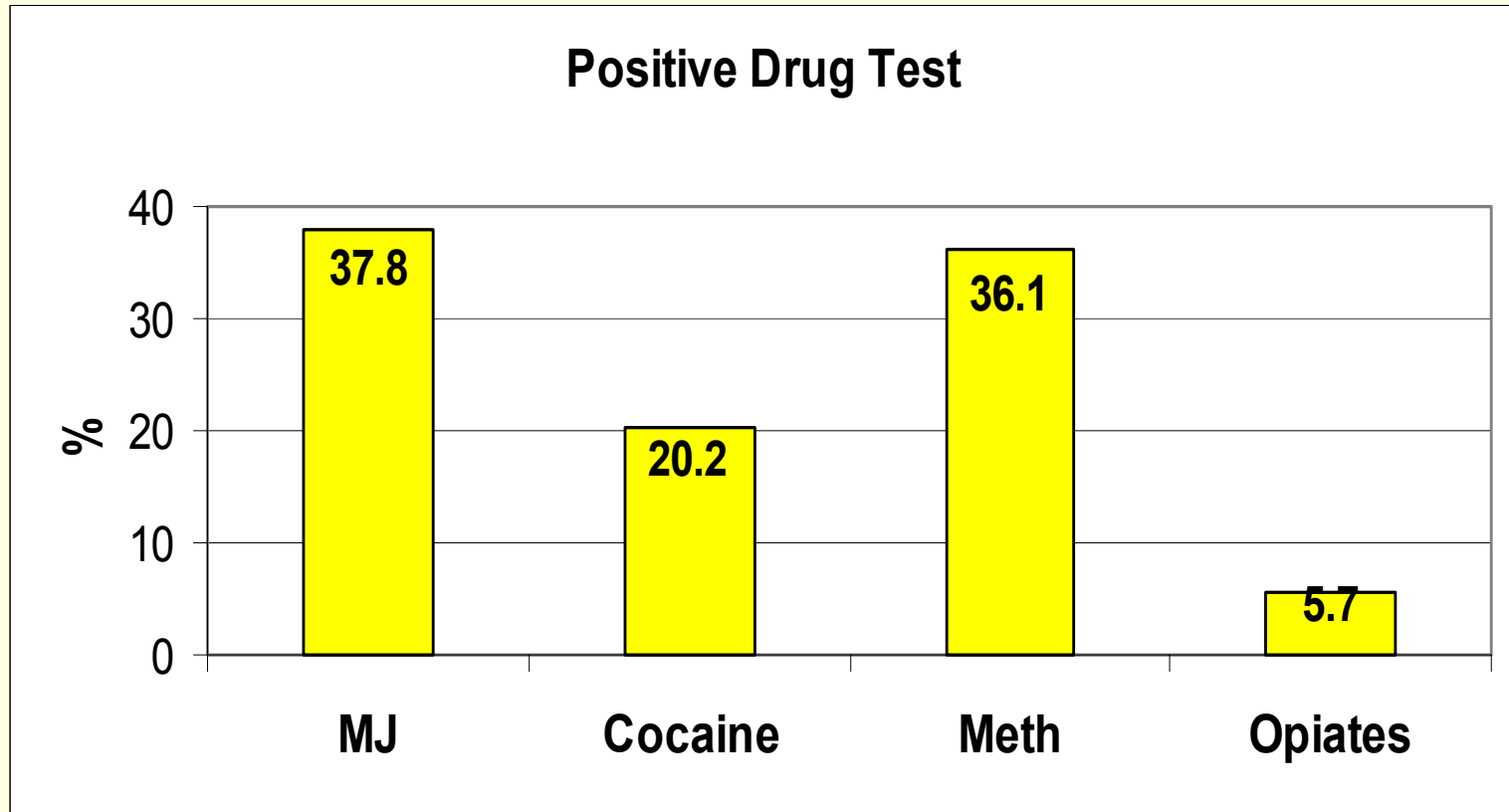
## Arizona Arrestee Reporting Information Network (AARIN) (2007-present)

- Funded by Maricopa County based on NIJ's ADAM Program
- Began data collection January 2007

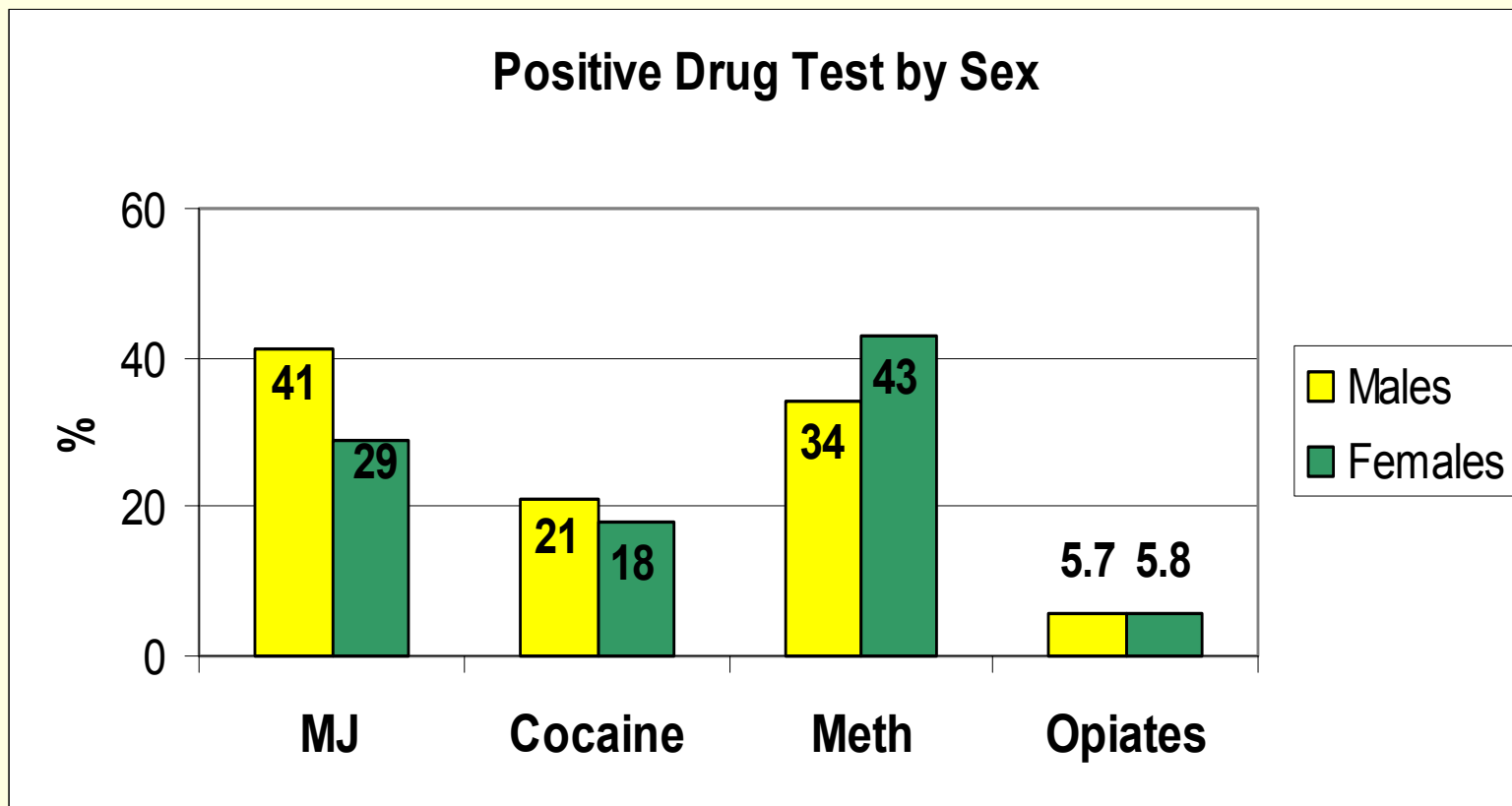
## Data Collection

- 4th Avenue Jail
- Glendale
- Mesa
- South East Juvenile Complex
- Durango Juvenile Detention Facility

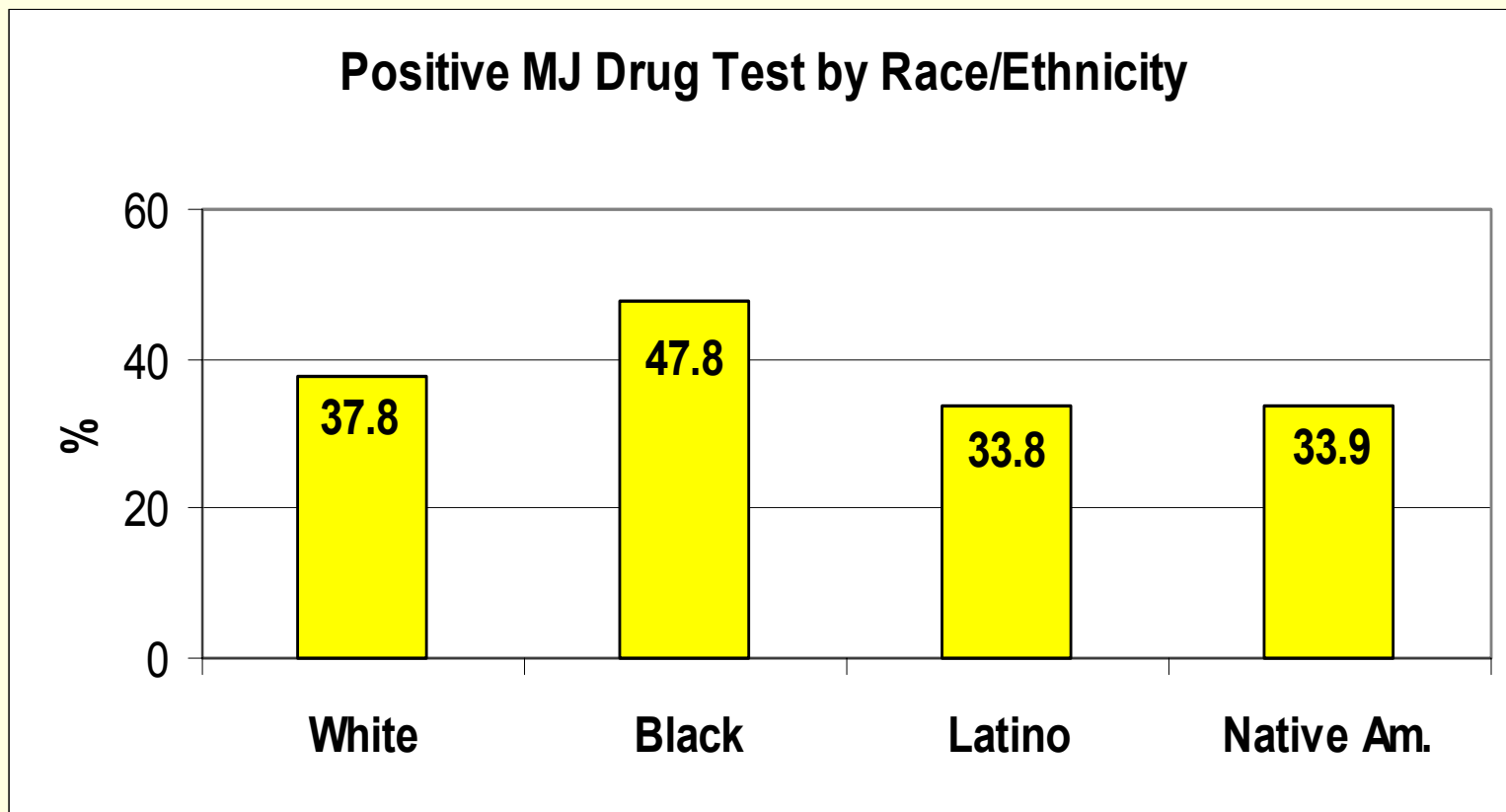
# UA Results Among Arrestee Population



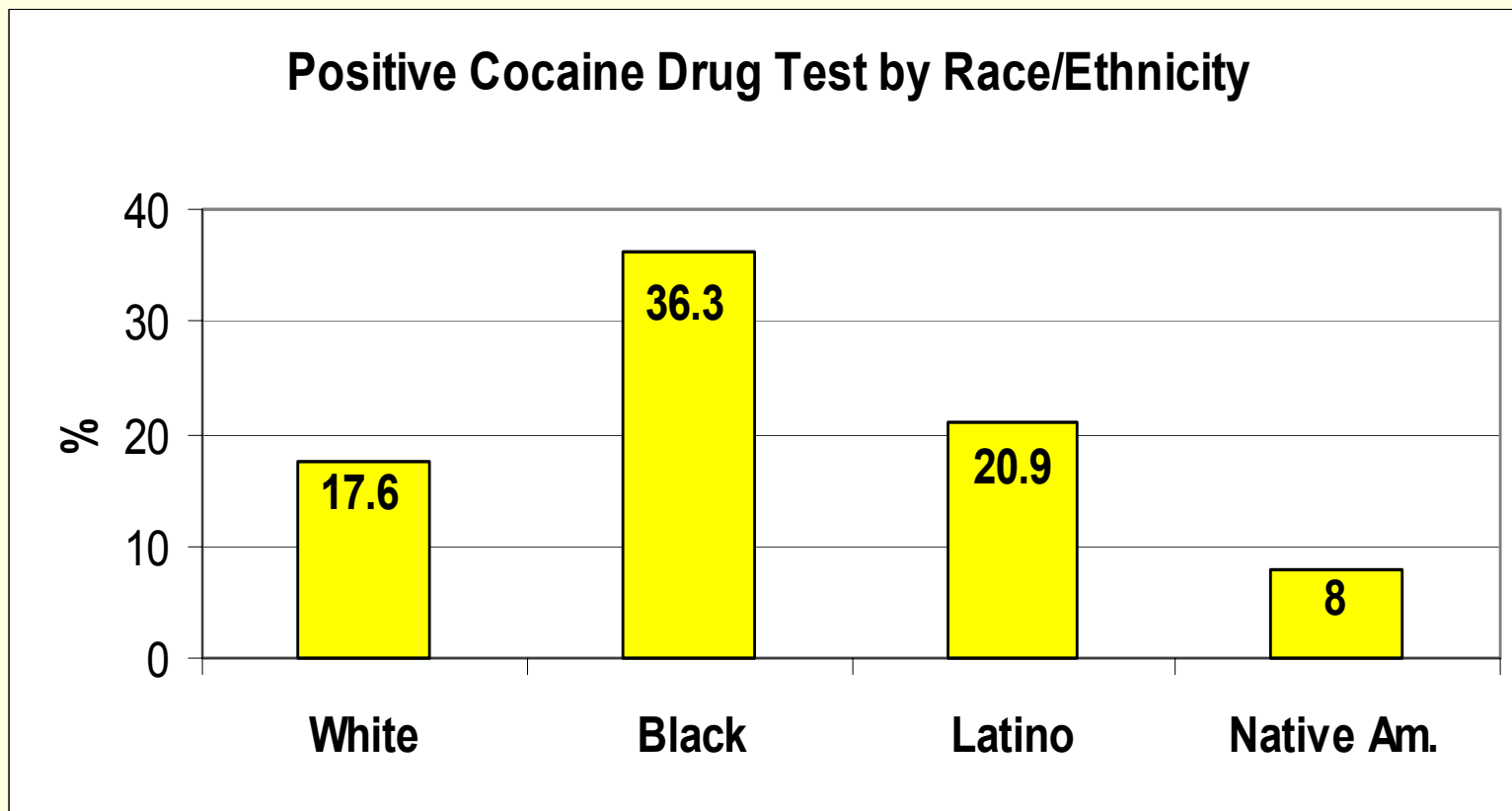
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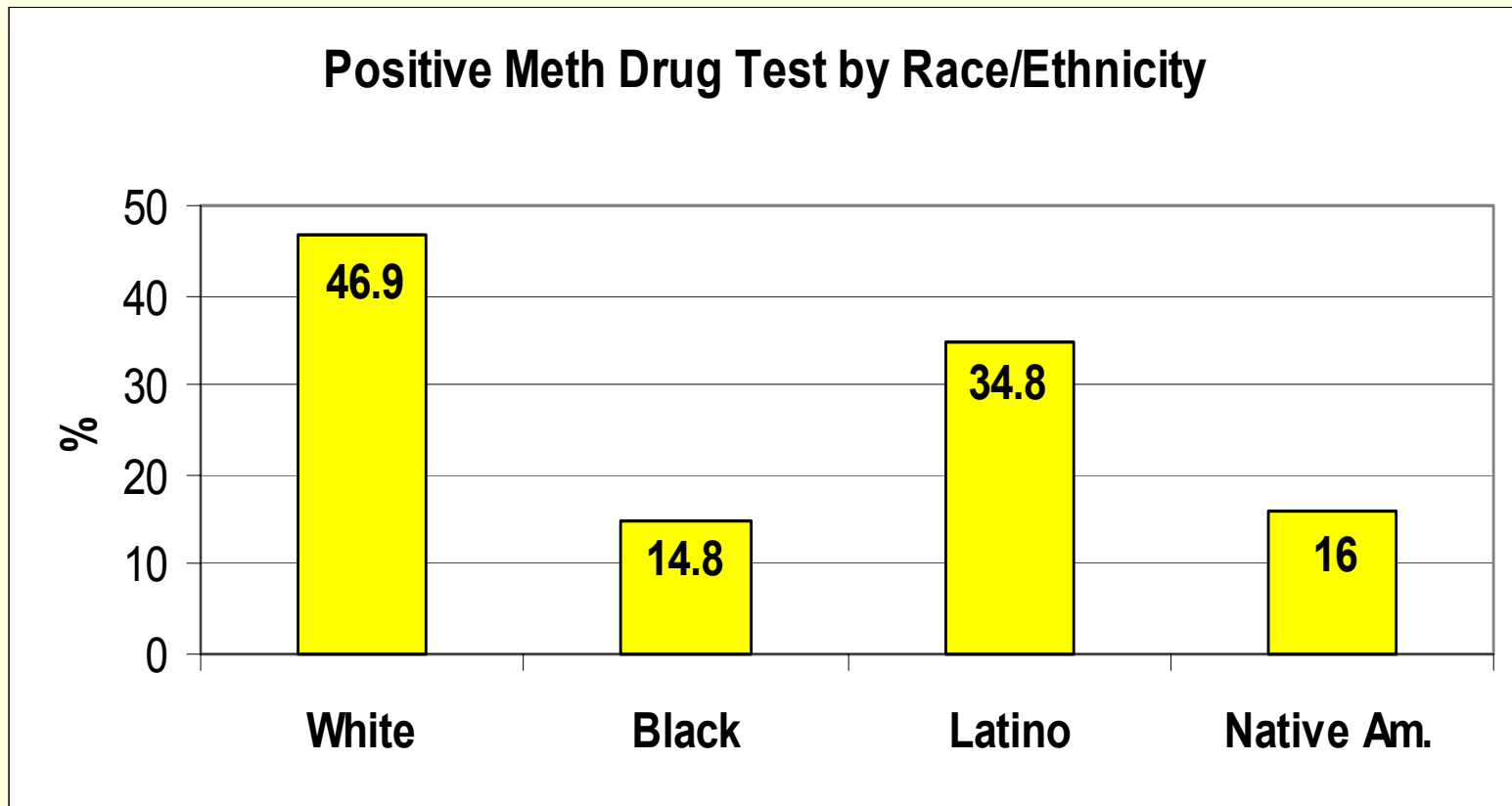
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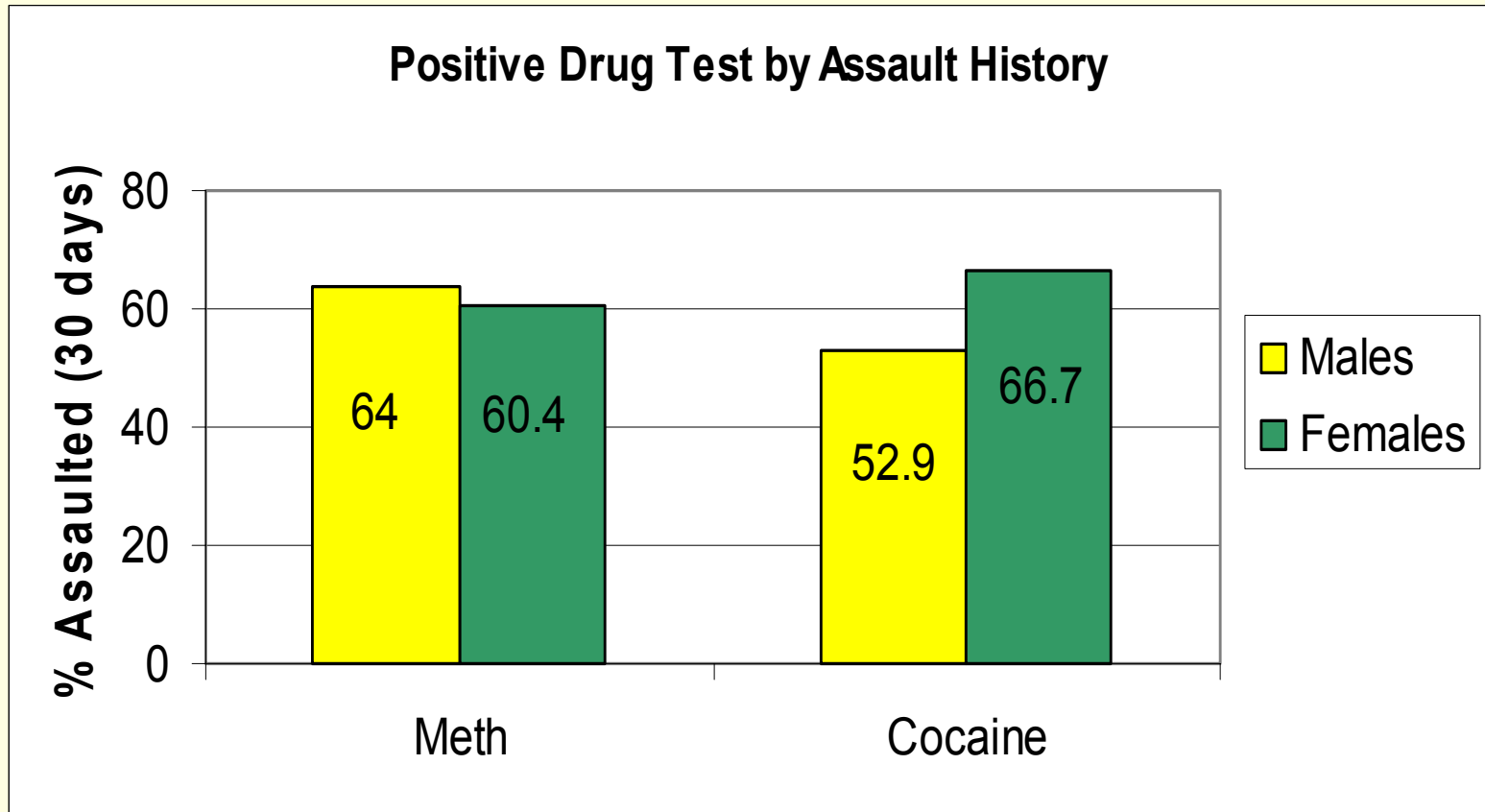
# UA Results Among Arrestee Population



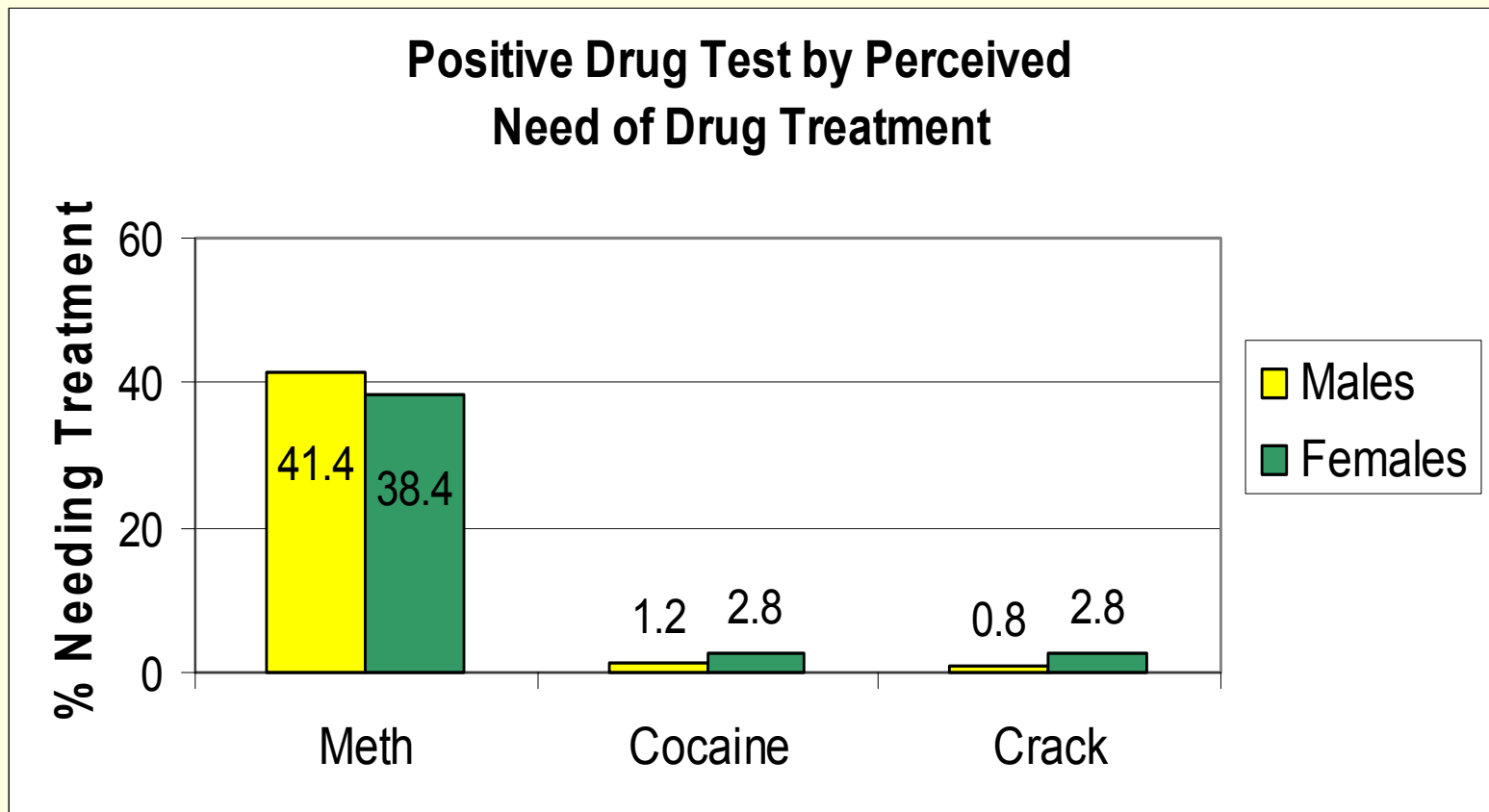
# UA Results Among Arrestee Population



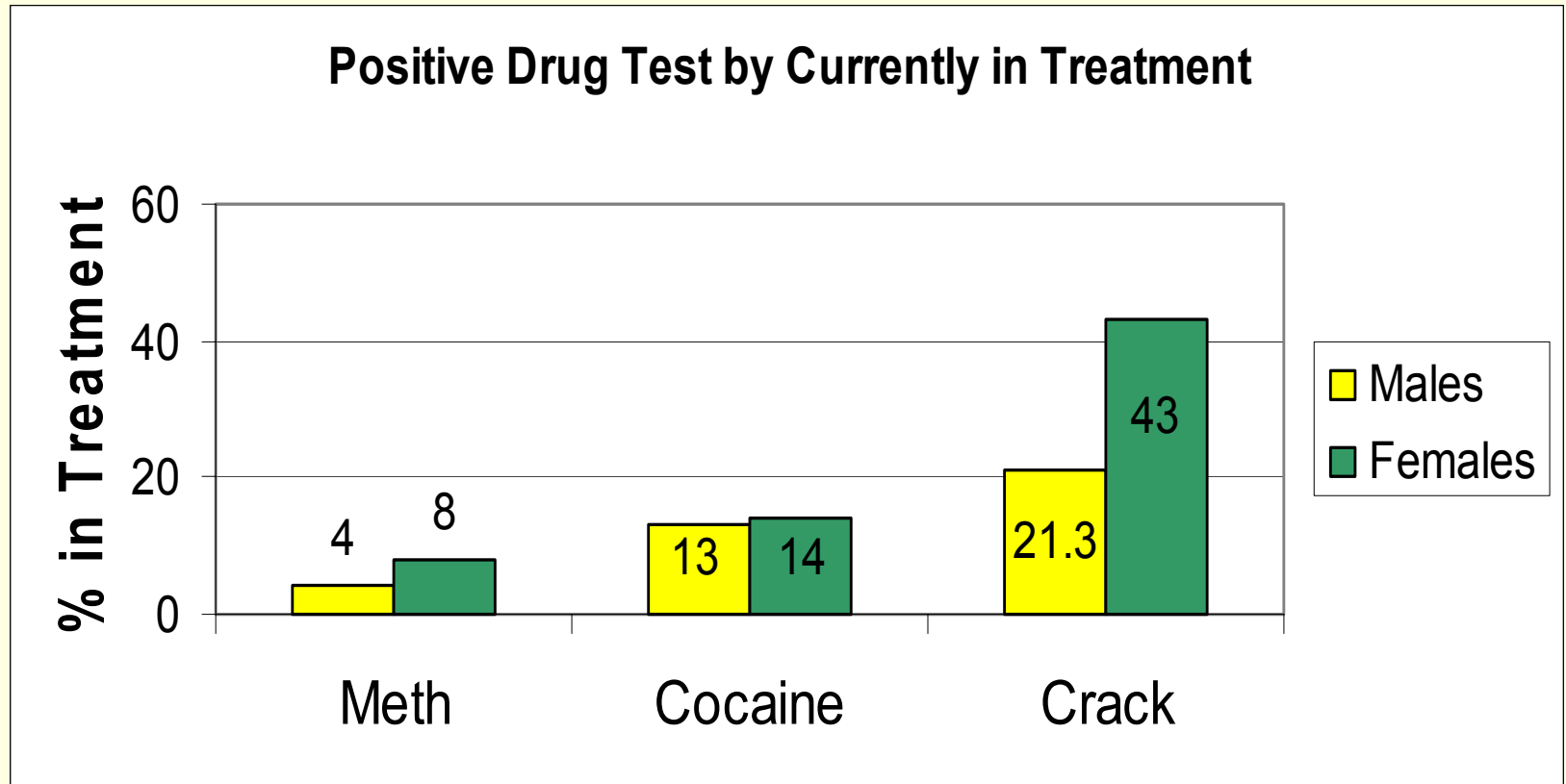
# Drug Use, Gender, and Victimization



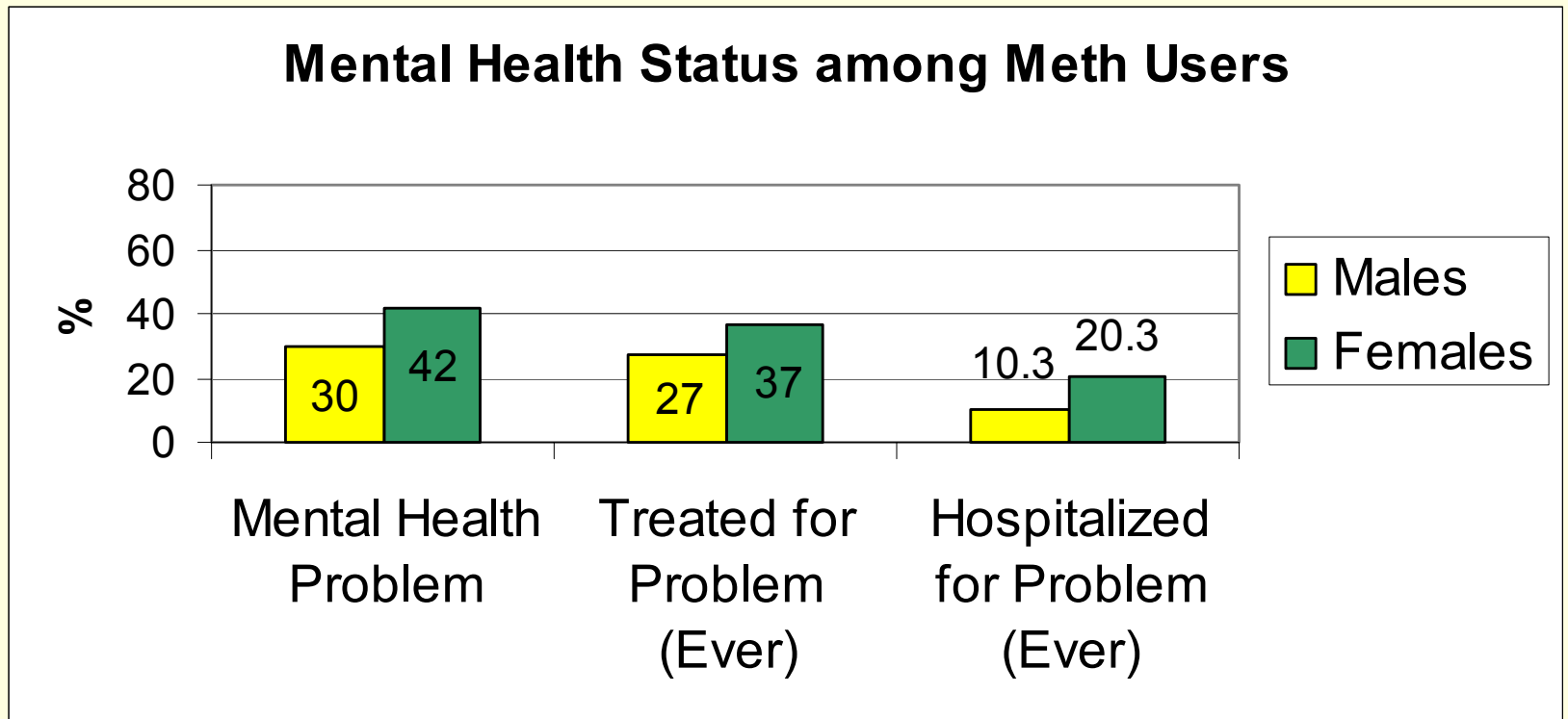
# Drug Use, Gender, and Treatment



# Drug Use, Gender, and Treatment



# Drug Use, Gender, and Mental Health



# Research Project #2

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## Juvenile Court Processes in Arizona

- Funded by Maricopa County and NIJ

## Data Sources

- Official Juvenile Court and Probation Data
- Social Case Files of Youth
- Interviews with Probation Officers

# Gender and Culturally Responsive Treatment

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## Rate of delinquent involvement:

- 1) Black boys
- 2) White boys – Black girls
- 3) White girls

## Few gender and culturally specific programs

Prior victimization and lack of appropriate treatment compounds efforts aimed at addressing girls' delinquency and health-related problems (e.g., pregnancy, drug & alcohol addiction, eating disorders, and STDs)

# Gender and Culturally Responsive Treatment

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Gender differences have been most consistently observed in cases involving status offenses.

- Self-report data show that girls and boys commit status offenses in roughly the same numbers, yet the proportion of girls arrested and referred to juvenile court for status offenses is higher than that of boys.



# Gender and Culturally Responsive Treatment

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Belknap et al. (1997) attribute the differential treatment of girls to stereotypes held by professionals

- Rosenbaum & Chesney-Lind (1994) found that case files routinely included notes about girls' physical appearance and sexuality, but not those about boys
- Kempf-Leonard and Sample's (2000) survey of juvenile and family court judges discovered that "manipulative or deceitful actions" influenced case processing for girls but not boys

# Study Results

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## Finding #1:

Juveniles had similar needs and should not be treated or approached any differently based on gender.

- “Most children—girls or boys—face the exact same problems.”
- “I don’t treat girls any different from boys.”
- “I don’t really see them as girls or boys.”

# Study Results

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## Finding #2:

Most probation officers understood gender specific needs and programming for girls as sex education (especially STD and pregnancy prevention), good parenting skills, and building self-esteem.

When it came to dealing with these issues, though, the only resources that the probation officers offered the girls were **Planned Parenthood** and **Parents Anonymous**.

# Study Results

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## Finding #3:

A persistent theme regarding treatment services for girls was the disconnect between girls' realities and appropriate treatment options.

## Example:

A girl whose family was homeless and living on the streets had probation violations for not attending her drug treatment and for not being in contact with her probation officer. The only option the probation officer could suggest was counseling for the family.

# Study Results

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In another case, a pregnant teen received sex education as part of her terms of probation:

- “(Girl’s name) is currently pregnant. She reports that she has used marijuana since being pregnant. She denies any other usage. (Girl’s name) and her grandmother are hopeful that they can find an adoptive family for the baby. At her doctor’s appointment on (date omitted), (Girl’s name) admitted to having an abortion in (date omitted). She is in need of life skills training and sex education.”

# Study Results

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## Finding #4:

16% of girls were referred to detention or a state institution as a means of treatment.

- “As we have no funding for a Residential Treatment Facility at this time and because we do not have one that would be appropriate to address her substance abuse issues and be secured, we feel that there is little left to recommend at this time other than that this juvenile be committed to the Arizona Department of Juvenile Corrections.”

# Study Results

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Some officers spoke at length about cultural differences and needs of the girls on their caseloads.

- “Girls of color have a double whammy pretty much. They are minorities from ethnic standing. They are female from gender standing. There are different psychodynamics when you talk about different ethnic females. If you have Hispanic females—the males the machismo. If you have African American—African American females tend to be the backbone of the black culture. It’s just different. It’s different all the way down the line.”

# Study Results

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Officers tried to incorporate culturally sensitive methods in their work, but lacked training and resources

- “I’m working with a couple of young Black girls who are not with their parents. They’ve already been rejected or abandoned by their parents...I guess just picturing myself sitting in their house...I try to do it in a less threatening manner because I realize I’m even more of an outsider. Not only am I a PO and court representative, I’m a different color too. So, I put a little more time and effort into reassuring them and just kind of hanging out and letting them know that I understand what they’re going through. Or I’m trying to understand.”

# Study Results

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Racial stereotypes and misunderstandings regarding cultural differences persist:

■ “I had a Hispanic boy who had molested his cousin and their therapist was not really aware that in the Hispanic culture...cousins do have sex together, they do get married...That’s what I hear...So I think therapists need to work more on that and find out about the cultural background.”

# Youth, Families, and Court Outcomes

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Level of support provided by the family and the cooperation exhibited by parents are heavily guiding factors in juvenile court decision-making processes

- Bishop and Frazier (1996): serves to disadvantage juveniles of color since minority parents are more likely to be single working mothers, and minorities in general are less trusting of and willing to work with the justice system
- In some communities language and cultural barriers may accentuate communication difficulties, making the parents appear even less cooperative to court officials
- “Family dysfunction”

# Study Results

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Three cases below demonstrate the contexts in which court officials note dysfunction:

- “Youth is enmeshed in a highly dysfunctional family system. The extent of her mother’s instability and alcoholism must be fully addressed in order for youth to make improvement.” (White female, commitment).
- “The juvenile is a CPS ward who has been abandoned by his mother and kicked out of the home by his father. According to the juvenile, both of his parents have serious problems. He comes from a very disruptive and dysfunctional family background.” (White male, community supervision).

# Study Results

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- “Youth comes from a dysfunctional family. Her mother has been a drug user, her father is currently deported to Mexico (and there are allegations that he has sexually molested his daughters). Several of youth’s siblings and cousins are on runaway status or incarcerated.” (Hispanic female, commitment)

Interview with probation officers also revealed descriptions of dysfunctional families.

- “The families are just so dysfunctional. The parents are using themselves. Low class, no money. Twenty kids living in the home. On welfare. Just very dysfunctional.”

# Study Results

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## Commitment of Black Juveniles:

- “(Youth) has completed programs in anger management, survivors group, and chemical dependency class. (Youth) has participated in counseling for her abandonment issues and has, in fact, participated in counseling for approximately seven years. This officer believes that (youth) needs “reality therapy” at this time. I am recommending that (youth) be placed at Black Canyon facility.” (African American female, commitment).

# Study Results

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- “The juvenile’s mother made no attempt at participating in youth’s substance abuse program at PARC place, coming up with excuses as to why she could not attend. The only person who has had some consistency in the juvenile’s life is her grandmother. This officer spoke with juvenile’s grandmother about possibly taking custody of the juvenile. This officer believes that the juvenile should be committed to ADJC.” (African American female, commitment).

# Collateral Effects of Paternal Incarceration

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Children of incarcerated parents often face various school-related problems and experience behavioral and emotional problems, including low self-esteem, depression, aggressive behavior, and social withdrawal, as well as separation anxiety, confusion, and social stigma.



# Collateral Effects of Paternal Incarceration

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Studies on the living arrangements of families during the incarceration period suggest that the overwhelming majority of children of incarcerated fathers reside with their biological mother.



# Collateral Effects of Paternal Incarceration

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When mothers are incarcerated, only one-third of the children live with the biological father; the rest live with a grandparent (e.g., maternal grandmother), other family member, or in foster care.



# Study Findings

## Vulnerable state of youth :

- “Youth was removed from her mother at 6-7 years of age and had visitation with her mother until last year. She believes her parents’ rights have been severed by the state. Youth was initially placed with her grandmother, (name), where she reports that she experienced physical abuse by her grandmother. She was then removed by CPS and placed in numerous foster homes, hospital placements, residential treatment centers, and therapeutic group homes. Youth’s father relinquished his parental rights to youth in May 1999. This was very hard on youth due to the fact that she had hoped to someday return to her father’s custody.” (African American female, commitment).

# Study Findings

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## **Relationship between father's incarceration, economic struggles, and youth commitment :**

- “The family continues to be in turmoil. The father who had a restraining order issued against him for being violent with the family, came back to the home and is now in jail. The mother and children, at the present time have no income. Mom stated to this officer that she may have to sell her car to provide money to pay her electricity bill.” (White female, commitment).

# Study Findings

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- “Father provides no support to the family, and recently was released from prison. Youth is now 17 and a young adult, is beyond his mother’s control. Limits which regulate youth’s behavior are largely self-imposed.” (Hispanic male, commitment).
- “He has recently revealed to the psychologist that his father raped him when he was a young child. Youth’s father was recently released from the Perryville prison, after being imprisoned for about six months according to youth. Youth stated that his father was in prison for “drugs and theft.” “I never had a father around. I just feel different.” (Hispanic male, commitment)

# Conclusions and Future Directions

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## Racial and Ethnic Disparities in the CJS

- Federal crack-cocaine sentencing disparity
- Law enforcement focus on inner-city areas
- Greater leniency by criminal justice officials toward White offenders

# Conclusions and Future Directions

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## Substance Abuse Treatment & Racial/ethnic Minorities

- Consider how segregated neighborhoods make travel to drug treatment difficult
- Treatment centers lack, or are perceived to lack staff of color
- Stigma associated with drug treatment
- Coordination of multi-agency efforts

**Inability to properly assess the treatment needs of racial/ethnic minority drug offenders will likely result in treatment failure, continued drug use, and re-incarceration**

# Conclusions and Future Directions

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## Juveniles' Services and Treatment

- Continuum of care that includes both front-end prevention and back-end aftercare programs
- Counseling support and education around issues of sexual abuse, domestic violence, sexuality, and pregnancy
- Cultural background, language barriers, and immigration concerns are essential elements.
- Family structure, poverty, and dysfunction do not warrant punitive treatment by court
- Intergenerational effects of paternal incarceration are real and perpetuate a cycle of violence and crime

# Contact Information

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