Examining Racial Disparities in the Sixth Judicial District of Iowa’s Probation Revocation Outcomes

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Summary
The Urban Institute examined racial disparities in the probation revocation rates in Iowa’s Sixth Judicial District (SJD) Department of Correctional Services. Urban found that black probationers in our sample were revoked at significantly higher rates than both white and Hispanic probationers. Our analyses found that disparities in revocation outcomes persisted after controlling for available legal and demographic factors. A little over half of the black-white disparity in revocation rates was attributable to group differences in characteristics other than race. The SJD remains committed to addressing racial and ethnic disparities in the probation revocation process and have begun monitoring disparate outcomes at the management level in response to the study findings.

Introduction
Racial and ethnic disparities in the American criminal justice system are a well-documented phenomenon, but differences between groups are greatly pronounced in Iowa, where those identifying as black, Hispanic, and white are incarcerated at rates of 4,200, 764, and 309, respectively, per 100,000 residents. Less is known, however, about disparities in probation outcomes both in Iowa and throughout the country. But probation outcomes are important given that probation is the least restrictive and by far the most common form of criminal justice sanction. Probation failure often serves as a gateway to deeper and more extensive criminal justice involvement, such as incarceration. Within Iowa, approximately 42,000 individuals are under correctional supervision—or 1 in 54 adults—and probationers make up more than half of this population.

With funding from the Public Welfare Foundation, the Urban Institute (Urban) examined probation outcomes in Iowa’s Sixth Judicial District to determine the degree of disparity in probation revocation outcomes and the drivers of that disparity. We find evidence that racial and ethnic disparities persist after controlling for available legal and demographic characteristics. In this brief, we also discuss the approach the department had previously undertaken to address racial and ethnic disparities as well as new efforts in response to the findings.

Site Context
The Sixth Judicial District is one of eight judicial districts in Iowa. The SJD’s Department of Correctional Services provides community-based correctional supervision to a six county area with a total population of approximately 423,000. The SJD comprises Benton, Iowa, Johnson, Jones, Linn, and Tama counties, which include two metropolitan areas (Iowa City and Cedar Rapids) and the Meskwaki Settlement.

The SJD employs approximately 60 community supervision officers with caseloads that include both parolees and probationers. An estimated 3,250 probationers and 300 parolees are under the supervision of the SJD at any given time. To improve the probation process, the agency has undertaken a strategic effort to implement evidence-based and effective practices. The department, for example, uses a validated risk assessment tool—the Iowa Risk Assessment—to determine the intensity of supervision for probationers. Probationers scoring at a moderate-to-high risk level on this instrument are then assessed using another validated instrument—the LSI-R—to determine specific case plan goals. To further meet the needs of its clients, the SJD uses specialized caseloads for many groups, including those diagnosed with mental illness and sex offenders. The SJD also operates three residential facilities and refers clients to different employment, mental health, and substance abuse services.

In the event of a probation violation, supervision officers in the SJD have the ability to file an application for revocation to the court, with an accompanying recommendation for prison. These filings typically occur after the discovery of a major violation (e.g., arrest for an aggravated misdemeanor or felony) or, in some instances, as a result of a minor violation or a series of minor violations. Probation and parole officers can also use a continuum of intermediate sanctions in response to violations of supervision conditions. These sanctions include community interventions such as residential substance abuse treatment or more correctional interventions, such as placement in one of the three residential correctional facilities or specialized programming (Drug Treatment Court).
Efforts to Address Racial Disparity in the Sixth Judicial District

SJD’s Department of Correctional Services has recognized that the disproportionate representation of blacks in the criminal justice system is an area of concern that needs to be evaluated and addressed. Despite accounting for only 4 percent of the total population in the SJD, those identifying as black make up 14 percent of the probation population, 24 percent of the parole population, and 32 percent of the prison population (table 1). Hispanics are also overrepresented in the correctional system but in far lower proportions than their black counterparts.

Table 1. Racial and Ethnic Makeup of the Correctional Population in the Sixth Judicial District of Iowa

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</thead>
<tbody>
<tr>
<td>White</td>
<td>88%</td>
<td>80%</td>
<td>65%</td>
<td>66%</td>
</tr>
<tr>
<td>Hispanic</td>
<td>2%</td>
<td>3%</td>
<td>6%</td>
<td>4%</td>
</tr>
<tr>
<td>Black</td>
<td>4%</td>
<td>14%</td>
<td>24%</td>
<td>32%</td>
</tr>
</tbody>
</table>

Sources: Percent of SJD population statistics calculated by aggregating county-level information from the 2010 US census. Parole and probation statistics calculated from SJD’s Department of Correctional Services FY 2012 Annual Report’s new admissions data. Prison data was provided by the Iowa Department of Corrections for the prison population on May 31, 2013.

Note: Percentages for black and white prisoners include prisoners identifying as Hispanic.

The SJD has implemented many policies and practices designed to mitigate the observed racial and ethnic differences in outcomes. For example, the Affirmative Action Equal Employment Opportunity (AAEEO) Committee was formed in 1984. The AAEEO conducts biannual assessments of staff makeup and focuses its efforts on increasing diversity amongst the staff in the SJD. The SJD uses trainings and activities to address disparity in the probation process. All staff are required each year to participate in cultural competency programs and to complete cultural sensitivity e-learning modules. In addition to trainings, the SJD established Ethnic Fest in 1992 because of a recommendation by the AAEEO Committee. This annual activity was developed as an opportunity for staff to learn about different ethnicities, cultures, and populations they serve in an informative and interactive way. The hope is that this knowledge strengthens the relationship and understanding between supervision officers and probationers.

In 2002, the SJD formed the Racial Disparity and Cultural Competence Committee (RDCC) as another avenue to address disparate outcomes. The RDCC was established as a subcommittee to the Intermediate Sanctions Committee (ISC), which is a collaboration of criminal justice stakeholders who meet regularly to discuss and propose changes to the criminal justice system to improve its effectiveness and efficiency. The ISC recognized the important nature of disparity in the SJD’s criminal justice system and recommended the formation of the RDCC to devote resources and efforts to specifically target and address this issue. The RDCC is composed of probation officers, supervisors, and sometimes external advisors when appropriate. In the past, the RDCC has recommended that the SJD should provide trainings on poverty, crime, substance abuse, and motivational interviewing. Moreover, in addition to conducting trainings with the staff, the committee has collaborated with the AAEEO to work with a consultant to review department policies and make suggestions on implementing practices that would improve cultural competency in the district. One such policy change has been the inclusion of cultural competency questions during the employment interview process.

Finally, the Cultural Competency Advisory Board was established in May 2009. It is one of the seven official advisory boards of the SJD. Advisory boards allow for collaboration with the department’s community partners on important issues. The Cultural Competency Advisory Board is composed of community members who have devoted significant amounts of time to addressing cultural competency issues that exist in SJD's communities. Since the development of this committee, the department has taken steps to examine hiring diversity and cultural competency practices.
Data and Methodology

While the SJD has been committed to addressing disproportionate minority representation in the criminal justice system, disparate outcomes have persisted. Consequently, the SJD decided to collaborate with the Urban Institute research team to further examine how the department might reduce disproportionate minority representation in the criminal justice system.

Urban conducted interviews with probation stakeholders to better understand the SJD’s context, probation practices, perceptions of disparity and bias in the criminal justice system, and suggestions for SJD’s disparity reduction efforts. The research team conducted 15 interviews with SJD staff—including probation officers, supervisors, and members of leadership—as well as a judge in district. The team also conducted a focus group with the RDCC.

The SJD also provided the Urban Institute research team with data on all individuals under probation supervision in the jurisdiction between January 1, 2006 and December 31, 2010. In addition to revocation outcomes, the data included demographic information, assessment results, sentencing charge, criminal history, and probation indicators. Only black, white, and Hispanic probationers and those who were not placed on court-mandated self-supervision at the outset of their probation were included the final sample (N = 6,990).7

To assess the relationships between race and ethnicity and probation revocation outcomes, the research team conducted two types of statistical analyses: logistic regression and the Blinder-Oaxaca decomposition method (B-O method). Both techniques included a host of control variables for group differences that were derived from the data provided by the SJD.8

Findings

Qualitative Interviews

Many stakeholders within the SJD participated in qualitative interviews with the Urban Institute research team. When asked about their perception of racial and ethnic bias in the criminal justice system generally, many of the interview respondents stated that bias was present. One interviewee described his experience with individuals in the justice system as such:

“There is individual and institutional bias [within the criminal justice system]. In some cases, some people can be blatant about it. Often times I encounter people who have blatant biases that they voice when they are comfortable around people...Then there are some people who might talk one way, but try to treat people fairly.”

When bias was said to occur, respondents most often believed that it was present at the front end of the system—that is, in decisions related to arrest or charging. Some interviewees discussed sources of disparity other than race and ethnicity. Poverty, for example, was identified as one of leading contributors to differential outcomes in the criminal justice system. Additionally, some respondents believed disparate outcomes in the system were just one part of a larger picture of interconnected systems, such as the foster care system, that contribute to racial disparities. Finally, a few respondents felt that there was bias or a lack of cultural sensitivity in the revocation process. One probation officer discussed his/her perception of bias within the process:

“Sometimes if there is a minority violating their probation, I have seen that they have gotten less rope than a white person for the same thing...I’ve seen white clients and black clients do the same thing, and I’ve seen different outcomes.”

One theme that emerged from the interviews was the tension between what respondents described as “midwestern values” and “urban values”. Respondents believed that those with midwestern values may perceive some behavior by those from urban areas as an indication of criminality, even though the behavior was not inherently criminal. The respondents believed that this perception stemmed from misunderstandings and different social norms. One probation officer, for example, stated that people
from Chicago “don’t realize that you can’t drink beer here [in the street]. Then they get in trouble and can’t pay the fine. Now they are in the criminal justice system.” For many respondents, this tension was epitomized by the perception (by some people, not necessarily the respondents) of an influx of gang members or low-income individuals from Chicago who were moving to Iowa and committing crimes. Because this discussion was such a common theme in the interviews, a subsequent data request was made to include city of birth in the analyses. Within our sample, the vast majority of probationers born in Chicago were black. Chicago as city of birth may not be a completely accurate measure of the city an individual moved from, but can shed some light on this tension.

Quantitative Analyses

While the qualitative interviews offer meaningful insight into the perceptions of racial and ethnic disparity amongst stakeholders in the SJD, the quantitative portion of this study examines whether disparities in probation outcomes were present and, if so, the potential contributors to these disparities. The majority of probationers in the sample were non-Hispanic white (80 percent), followed by non-Hispanic black (17 percent) and Hispanic (4 percent). In total, 25 percent of probationers in the sample experienced a probation revocation, and rates for the three racial and ethnic groups were quite different: 39 percent of black probationers were revoked compared with 23 percent of white probationers and 19 percent of Hispanic probationers (figure 1).

Figure 1. Revocation Rates by Race and Ethnicity

Bivariate tests indicated that the differences in revocation rates between the three groups were statistically significant. In addition to being revoked at a higher rate, a higher proportion of black probationers were supervised at the highest intensity level (67%) compared with white (47%) and Hispanic (45%) probationers. On average, black probationers also had more prior convictions than Hispanic and white probationers in the sample (8 versus 5 and 6, respectively).

The logistic regression results indicated that, after controlling for observable group differences, the odds of revocation were 32 percent lower for white probationers when compared with their black counterparts. Moreover, relative to black probationers, the odds of revocation were 46 percent lower for Hispanic probationers. Both findings were statistically significant (p < .001). Other factors had statistically significant relationships with the odds of revocation. Age, being female, drug-related sentencing charge,
Explain racial disparities in the Sixth Judicial District of Iowa's probation revocation outcomes. The odds of revocation were lower for those without a high school degree or equivalent when compared with those whose highest educational attainment was at the high school level. Notably, having been born in Chicago was not a statistically significant predictor of revocation.

The B-O method offers an alternative approach to examining bias and the contributors to disparity. While the logistic regression estimated whether the odds of revocation were different for the racial and ethnic groups after controlling for other factors, the B-O method estimates the sources of disparity. This method breaks down the difference in revocation rates into a portion that can and cannot be explained by group differences included in the model. Using these results, policymakers can understand why a particular disparity exists and where to target disparity-reduction efforts.

Table 2. Statistically Significant Blinder-Oaxaca Decomposition Results

<table>
<thead>
<tr>
<th>Revocation rate difference (percentage points)</th>
<th>Black–White Comparison</th>
<th>Black–Hispanic Comparison</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contribution of group difference (percent)</td>
<td>15.7</td>
<td>19.7</td>
</tr>
<tr>
<td>Risk supervision category</td>
<td>52</td>
<td>44</td>
</tr>
<tr>
<td>Prior convictions</td>
<td>2</td>
<td>Education 3</td>
</tr>
<tr>
<td>Drug problem</td>
<td>2</td>
<td>Intervention referral 2</td>
</tr>
<tr>
<td>Employed</td>
<td>2</td>
<td>Felony charge 1</td>
</tr>
<tr>
<td>Violent charge</td>
<td>1</td>
<td>Employed 1</td>
</tr>
<tr>
<td>Age</td>
<td>0</td>
<td>Alcohol problem -1</td>
</tr>
<tr>
<td>Gender</td>
<td>0</td>
<td>Marital status -2</td>
</tr>
<tr>
<td>Felony charge</td>
<td>-1</td>
<td>Drug charge -3</td>
</tr>
<tr>
<td>Alcohol problem</td>
<td>-1</td>
<td>Age -4</td>
</tr>
<tr>
<td>Drug charge</td>
<td>-2</td>
<td>US citizenship -8</td>
</tr>
<tr>
<td>Education</td>
<td>-6</td>
<td></td>
</tr>
</tbody>
</table>

Note: Differences in birth city, military service, marital status, program referral, and US citizenship were not statistically significant contributors to the black–white disparity. Differences in gender, birth city, military service, violent charge, number of prior convictions, and drug problem were not statistically significant contributors to the black–Hispanic disparity. Statistically significant contributions may be listed as zero due to rounding.

Table 2 highlights the findings from the B-O method models for the black–white and black–Hispanic pairings. The raw difference in revocation rates between white and black probationers was 15.7 percentage points. The relevant control variables accounted for 51 percent of the gap (or 8.0 percentage points), leaving 49 percent of the disparity (7.8 percentage points) unexplained by group differences in the model. The results suggested that if black and white probationers had the same average characteristics along the variables in our model, then the difference in revocation rates would have been about 8 percentage points smaller. In this scenario we would still expect to observe a revocation rate difference of 7.8 percentage points.

The group difference making the greatest contribution to the black–white revocation disparity was assessed level of risk, which explained approximately 52 percent of the gap (or 8.2 percentage points). This was expected given that black probationers were assessed at higher risk, and those with higher levels of risk were substantially more likely to be revoked. The number of prior convictions and having a drug problem were the second and third largest contributors to the original gap. These variables accounted for 2.0 and 1.9 percent of the observed disparity, respectively. Group differences with negative contributions (e.g., education) indicated that the original gap between black and white probationers would have been larger if the two groups had the same average characteristics along these factors. Differences in whether probationers were born in Chicago did not contribute to the black–white disparity.
The difference between black and Hispanic probationers was 19.7 percent and to the disadvantage of black probationers. The B-O method applied to the black–Hispanic gap showed that group differences captured in our model accounted for 35 percent of the gap (6.8 percentage points). About 65 percent of the disparity (12.8 percentage points) could not be explained by group differences. The largest contributor to the gap was risk assessment, which accounted for 44 percent of the disparity, followed by education (3 percent), and intervention referral (2 percent). Again, differences in whether probationers were born in Chicago did not contribute to the disparity.

Hispanic probationers were revoked at a lower rate than their white counterparts (19 percent versus 23 percent, respectively). The B-O method for this group pairing (not presented) showed that the unexplained gap between these two groups was statistically significant and to the advantage of Hispanic probationers.13

Compared to black probationers, the odds of revocation were significantly lower for both white and Hispanic probationers. The logistic regression results provided evidence that racial disparities in probation revocation to the disadvantage of black probationers persisted when controlling for available factors. Moreover, the B-O method results suggested that while group differences accounted for portions of the black–white and black–Hispanic disparities, they could not explain large and statistically significant (p < .01) portions of the disparities.

Policy Implications

As discussed above, the SJD has employed many methods to address disparity, including trainings, activities, and the establishment of special committees. However, the findings indicate that despite these efforts, disparity in probation outcomes has persisted, which highlights the challenges in addressing the issue even for agencies that have made it a priority.

It should be noted that the unexplained portion of the disparity does not necessarily equate to unequal treatment, because important group differences such as violation behavior were not captured in the model. Additionally, the unexplained portion of the disparity did not include potential bias at other points in the criminal justice system that may affect probation outcomes. However, regardless of the causes of the differences in revocation rates, the disparities are significant and merit attention.

The SJD has prioritized cultural sensitivity and competency among its staff, which is reflected in its training requirements and annual learning opportunities. Our interviews indicated areas of improvement for these efforts. One area of improvement is to offer more specific information and interactive opportunities, such as client-officer roleplaying scenarios. The trainings could also be delivered in smaller groups to allow staff members who may be reticent to speak about these issues in large groups. The SJD may also wish to assess the reception and efficacy of these trainings among staff. Interview respondents remarked that staff who do not view the trainings favorably may not benefit from them. Staff may also offer suggestions to improve the cultural competency trainings. Finally, trainings could discuss perceptions of certain groups of people, such as those with “urban values”, and how these perceptions might affect supervision.

Efforts to reduce racial and ethnic disparities should attend to the group differences that contribute to disparity, not just potential bias at the particular decision point. In the white–black and black–Hispanic B-O method analysis, differences in risk assessment scores were the largest contributors to the racial disparity. These differences accounted for 52 percent of the white–black disparity and 44 percent of the black–Hispanic disparity. Differences in risk assessment results made contributions to the black–white and black–Hispanic disparity that dwarfed that of any other factor in the models.

As would be expected, risk assessment results were strongly related to revocation because they are intended to predict future criminal behavior. They also play a leading role in assigning levels of supervision intensity, with higher levels of supervision increasing the probability that probation violations will be detected (the surveillance effect). However, rather than taking the contribution of risk assessments to disparity as is, jurisdictions should examine the potential issues with using risk assessments. Risk assessments predict future behavior based on historical data, such as the number of prior arrests or
convictions. If bias exists in other decisionmaking points in the criminal justice system—as was often reiterated by our interviewees—that bias would be “soaked up” by the assessment. These events then become objective factors in such probation decisions as assigning supervision levels or choosing responses to violations.

The contribution of risk assessments to disparity in our results highlights the limitations inherent in examining racial and ethnic disparity at a single point in the justice system. To elucidate the reasons why risk assessments contribute to disparity, jurisdictions can examine how different components of a risk assessment and its scoring relate to race, ethnicity, new detected criminal behavior, and revocation. In this process, jurisdictions may discover components of the risk assessment that are proxies for race and ethnicity, but may not currently be used appropriately in decisionmaking. A couple of interview respondents wondered whether treating residential moves as a risk factor may disproportionately penalize minority probationers even if the move was a positive change.

Differences in drug problem rates also contributed to portions of racial and ethnic disparities, albeit in small amounts. While interview respondents believed SJD’s Intermediate Sanctions Continuum provided supervision officers the opportunity to respond effectively to violations, such as substance use, options may be limited for lower-income probationers. Residential treatment facilities were seen as an opportunity to provide stabilization, but they may require clients to pay room and board if insurance or other funding streams cannot be accessed. In the sample, black probationers had lower employment rates than white and Hispanic probationers, which may contribute to the lack of ability to pay for effective interventions. This could further explain why having a drug problem was a contributor to the white–black and black–Hispanic disparities. Expanding access to effective interventions may help to reduce disparities in revocations.

**Sixth Judicial District’s Response to Findings**

The SJD has involved the Racial Disparity and Cultural Competence Committee (RDCC) in reviewing the findings and has been working with the Urban Institute research team to develop strategies to address the disparities observed in the study. The committee has met regularly to discuss the findings and potential interventions. The RDCC is currently formulating recommendations and plans to collaborate with community partners on the Cultural Competency Advisory Board to refine and implement the recommendations.

As a preliminary step, the department will monitor the race and ethnicity of probationers who are revoked. Each month, the director holds a management team meeting to review revocations to prison. In these meetings, the names of those being revoked, their supervision officer, and their unit are noted. Because of the study, the management team will also examine and track the race and ethnicity of those being revoked.

The SJD’s willingness to participate in this project indicates how seriously they take the issue of racial and ethnic disparities in justice system outcomes. SJD Department of Correctional Services Director Bruce Vander Sanden remarked, “Disproportionate representation of African Americans in Iowa’s criminal justice system continues to be a concern to us and it will continue to be something we strive to effectively address.” The department recognizes that, for a variety of reasons, there is no panacea for addressing disparities in the criminal justice system; however, the hope is that by implementing interventions based on this study, the rate at which individuals are revoked in Iowa’s Sixth Judicial District will be more equitable across race and ethnicity.

**Notes**

1. Mauer and King 2007
2. Maruschak and Bonczar 2013
3. Pew 2009
4. This analysis is part of a multisite study examining the impact of race and ethnicity on probation revocation outcomes. See Jannetta et al. (forthcoming 2014) for results from all four study sites.

5. It should be noted that individuals placed on self-supervision are not assessed using the Iowa Risk Assessment. These probationers are typically low-risk, first time offenders who meet with a supervision officer on an as needed basis.

6. The seven advisory boards in the Sixth District are Client Services, Northern (Cedar Rapids area), Southern (Johnson area), Law Enforcement, Victims, Rural, and Cultural Competency.

7. Roughly 3,000 cases in that sample had all of the control variables populated. The remaining 3,990 cases were not missing data for all control variables. The pattern of missing data was nonrandom, which made it appropriate to use Multiple Imputation (MI) to impute the missing data given stochastic relationships with other variables in the dataset. For further detail regarding sample refinement and characteristics can be found in the final technical report, available from the authors upon request.

8. Full results are available upon request. Control variables included age, gender, marital status, whether Chicago was city of birth, employment status, U.S. citizenship, military service, violent crime, drug crime, felony crime, risk assessment score, alcohol problem, drug problem, number of prior convictions, and whether an intervention was ordered at intake. Whether Chicago was the city of birth was included in the models after key stakeholders in the SJD indicated that there was a perception within the community, media, and perhaps the department that minorities from Chicago were responsible for a disproportionate amount of criminal activity within the area. It should be noted that, despite this perception, Chicago origin did not have a statistically significant relationship with revocation outcomes in the logistic regression or Blinder-Oaxaca analyses.

9. Specifically, 41.6 percent of black probationers were born in Chicago, a proportion that was significantly greater than both white (0.9%) and Hispanic (7.4%) probationers.

10. Differences in revocation rates were statistically significant at p < .01.

11. US citizenship was statistically significant at p < .05. All other variables were statistically significant at p < .01.

12. As discussed above, it should be noted that variables explaining the gap offer critical insight into other factors that may contribute disparate outcomes. Thus, the variables explaining the difference between groups and the remaining unexplained gap are of equal interest to the research team.

13. This model can be found in the final technical report, available from the authors upon request.

References


