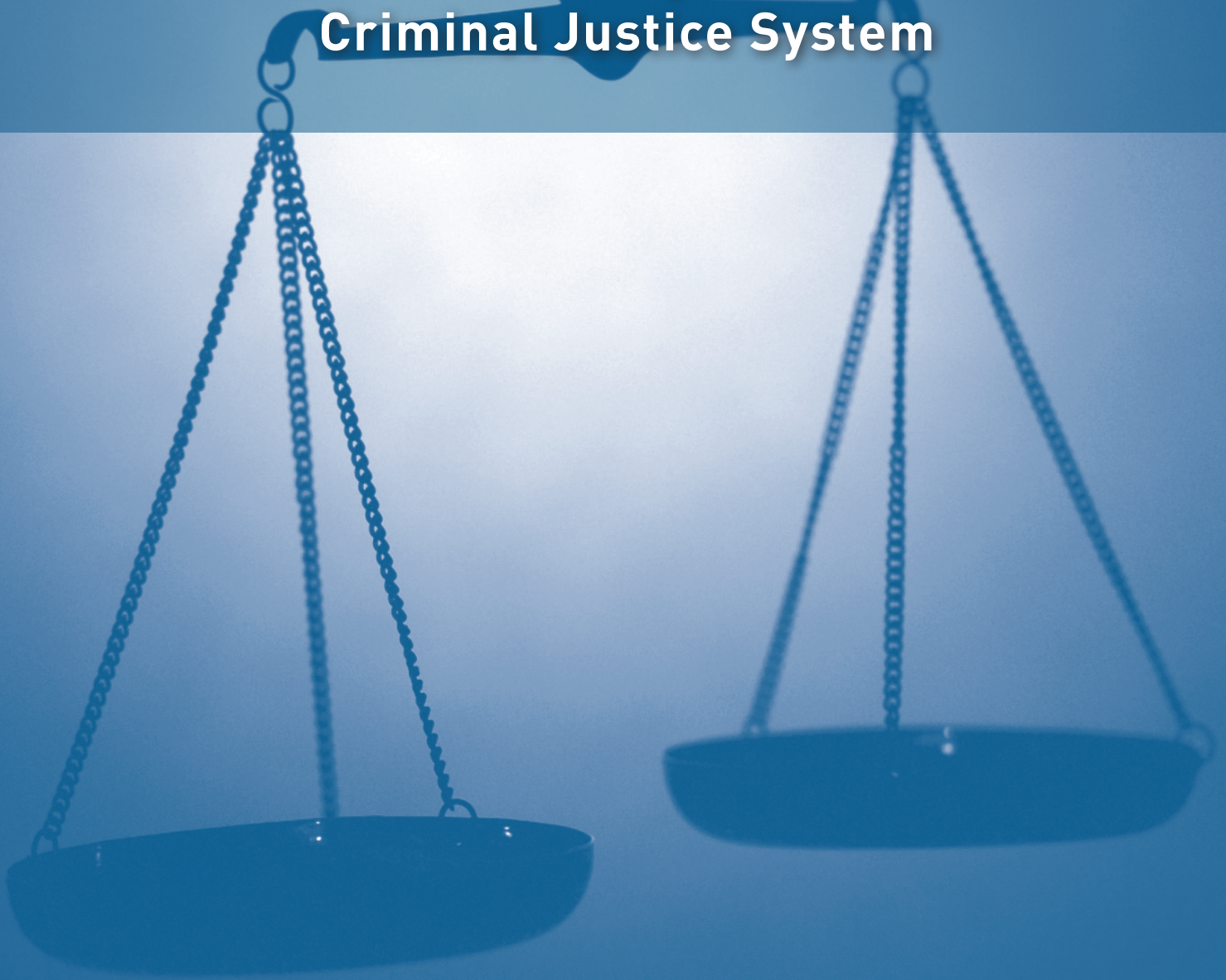


# BALANCING THE SCALES OF JUSTICE:

An Exploration into How Lack of Education,  
Employment, and Housing Opportunities  
Contribute to Disparities in the  
Criminal Justice System



A Report by the ACLU of Northern California  
and the W. Haywood Burns Institute



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## COUNTY PROFILES

County-level data from Alameda, Fresno, and Los Angeles Counties were analyzed for purposes of this study.

For a discussion of this county-level data, please see *Balancing the Scales of Justice: County Profiles* at: [www.aclunc.org/docs/racial\\_justice/balancing\\_the\\_scales\\_of\\_justice\\_county\\_profiles.pdf](http://www.aclunc.org/docs/racial_justice/balancing_the_scales_of_justice_county_profiles.pdf).

## ACKNOWLEDGMENTS

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Assistance with data analysis was provided by Nathan Woods and Daniel Cooper.

We thank Saneta deVuono-Powell, former Racial Justice Project Fellow, for her extensive work on this study for nearly two years. We also thank Audrey Grace and Evonne Silva for their assistance in administering interviews.

This publication is made possible by the generous support of the Race, Gender and Human Rights Fund of the Women's Foundation of California, Rosenberg Foundation, and Fund for Nonviolence.

## EXECUTIVE SUMMARY

At a time of growing need, California continues to slash basic safety net programs and underfund public education and other critical services. The state's criminal justice system, however, does not turn anyone away. It has evolved into society's catchall institution. As a result, California's criminal justice system has experienced historic growth and a correlating mass incarceration of racial and ethnic minorities over the past 30 years. Consequently, people of color are disproportionately represented in the criminal justice system, and the number of women in the criminal justice system is increasing at a disproportionate rate. Systemic bias within the criminal justice system contributes to this disproportionality, but it is not the sole cause of the expansion of the system and the disparities within the system. Instead, the racial, ethnic, and gender disparities found within our criminal justice system are created—in part—by external socio-economic factors.

External socio-economic factors, including adequate educational, employment, and housing opportunities, protect privileged individuals from contact with the criminal justice system. However, for those living in concentrated areas of poverty, especially racial and ethnic minorities, lack of access to basic necessities such as quality education, employment, and housing, increases the likelihood of criminal justice system contact. Moreover, the interventions meant to address socio-economic inequities are failing and as a result the criminal justice system is assuming the responsibilities of these failed governmental programs and agencies. With significant budget cuts for all social service institutions, the number of individuals served and the scope of available services continues to decrease.

Socio-economic inequities contribute to disparities in the criminal justice system. Yet, due to a lack of data and research, it is impossible to measure the force and impact of these external factors on criminal justice system involvement and the extent to which they exacerbate the systemic and institutional bias and racism within the criminal justice system.

## METHODOLOGY

The American Civil Liberties Union of Northern California (ACLU-NC) and the W. Haywood Burns Institute (BI) conducted this exploratory pilot study to examine how interlocked socio-economic factors operating outside the justice system encourage, enforce, and complement patterns of disproportionate criminal justice system involvement for people of color and women. Emphasis was not placed on testing precise hypotheses, but rather on outlining operable research questions, identifying relevant criminal justice and socio-economic statistics related to the research questions, and conducting preliminary analyses of the available statistics. Specifically, this study explored the relationship between extra-judicial factors of education, employment, and housing and the disparities in the criminal justice system in three California counties: Alameda, Fresno, and Los Angeles. The goal was to identify critical variables and to generate possible lines of inquiry about the relationships among these overlapping, unanalyzed factors and their effect on communities of color and women in California.

The study is comprised of three distinct data sources that were analyzed and form the basis for this report. The first data source is relevant social science literature that discusses the problem, prevalence, and contributors to racial, ethnic, and gender disparities found at various points in our criminal justice system, from police stops to filing charges to incarceration. The literature review also explores whether and to what extent communities of color and women experience inequities in access to education, employment, and housing. The second data source is county-level statistics broken down by race, ethnicity, and gender regarding (1) education, employment, and housing status and (2) critical points of contact throughout the juvenile and adult criminal justice systems. This data provides context for the ways in which these extra-judicial factors may contribute to disproportionate system contact. Third, interview data were collected from individuals with previous criminal justice contact to explore the relationship between an individual's criminal justice involvement and extra-judicial factors that may contribute to criminal justice system involvement.

## FINDINGS

Society cannot afford to ignore the failings of our broken schools and social service institutions and rely upon the criminal justice system to absorb responsibility. There is an urgent need to remedy our state's ever-expanding criminal justice system and the racial, ethnic, and gender disparities that exist within it. In order to reduce overreliance on the criminal justice system as well as reduce or eliminate racial, ethnic, and gender disparities, the interlocked factors operating outside the criminal justice system must be addressed, while still holding the criminal justice system accountable in its own right.



The overarching finding of this study is that relevant education, employment, and housing data disaggregated by race, ethnicity, gender, and age are not being collected, maintained, or analyzed by county-level agencies and governmental programs in a standard and consistent manner. The lack of data may have a far-reaching and devastating impact on communities of color and women. This study finds that lack of access to education, employment, and housing disparately impacts communities of color and women, which contributes to involvement in the criminal justice system.

ACLU-NC and BI presumed that county-level trending data regarding education, employment, and housing would be available because county officials need this type of information to evaluate how their policies and programs impact people of color and women. Research quickly revealed that county-level agencies often do not collect, maintain, or analyze the necessary education, employment, and housing data disaggregated by race, ethnicity, gender, and age. To the extent that they do collect such information, they do not do so in a consistent manner. The result is local policy makers are funding, staffing, and otherwise implementing services without assessing the impact on people of color and women. If county-level agencies and governmental programs are not maintaining data on how their services positively or negatively impact communities of color and women, these agencies and programs may be unwittingly contributing to criminal justice system involvement down the line or missing opportunities to address such disparities.

While social service agencies face unique and challenging problems, there is no excuse for not collecting and analyzing data annually for the purpose of evaluating how programming impacts people of color and women. The failure to collect these data in a consistent manner is not merely a bureaucratic oversight but has a devastating impact on communities of color. In the current atmosphere of limited resources, public service agencies can no longer afford to be ignorant about who they serve and the affect their policies have on those they serve. The cumulative impact of failed social service interventions has serious consequences for communities, because individuals who are denied services or receive inadequate services have an increased likelihood of contact with the criminal justice system.

California's criminal justice system is overwhelmed and its costs are skyrocketing. People of color are disproportionately subject to criminal justice interventions, and the number of women in the criminal justice system is increasing at a disproportionate rate. State and local policy decisions underlying the swelling criminal justice system and its disproportionality are being made without necessary and relevant data. Communities must decide whether to invest in meaningful interventions and preventions to stem the flood of individuals into the criminal justice system or whether to continue to allow the criminal justice system—and its burgeoning costs—to remain the only social service we are willing to fund.



## KEY FINDINGS AND RECOMMENDATIONS

### COUNTY-LEVEL EXTRA-JUDICIAL DATA COLLECTION

#### Research Finding:

- Key extra-judicial education, employment, and housing data disaggregated by race, ethnicity, gender, and age are not being collected, maintained, or analyzed by county-level agencies in a consistent or standard fashion. Given the lack of consistent and standard county-level collection of data disaggregated by race, ethnicity, gender, and age when formulating policy, state and county officials fail to adequately take into account how California law and local policies regarding education, employment, and housing disparately impact communities of color.

#### Policy Recommendation:

- Improve and standardize county data collection in the domains of education, employment, and housing to enable state and local officials to formulate data-driven decisions, which could improve the efficacy of policy as well as reduce or eliminate racial, ethnic, and gender disparities.

### CRIMINAL JUSTICE

#### Research Findings:

- **Finding One:** While some key decision-making data are tracked throughout the criminal justice system, there is a lack of data regarding other critical criminal and juvenile justice system contacts disaggregated by race, ethnicity, and gender, making it difficult to ascertain whether and to what extent disparities exist or are exacerbated as people of color and women penetrate the system.
- **Finding Two:** Racial and ethnic disparities exist in the criminal justice system in the counties explored in this project, even when controlling for offenses. For example, while research indicates that rates of drug use are not significantly different between Whites and people of color, rates of arrest, conviction, and prison sentences are significantly higher for people of color than for Whites.<sup>1</sup>

#### Policy Recommendations:

- **Recommendation One:** Improve and standardize county data collection regarding critical criminal and juvenile justice system contacts to enable state and local officials to formulate data-driven decisions, which could improve the efficacy of policy as well as reduce or eliminate racial, ethnic, and gender disparities.
- **Recommendation Two:** Examine data sources related to drug delivery arrest rates to determine why people of color are overrepresented.

### EDUCATION

#### Research Findings:

- **Finding One:** Students who have law enforcement presence on campus are more likely to be arrested, arrested at a young age, expelled, and suspended. These negative consequences occur regardless of whether the police presence in school is perceived as positive, neutral, or harassing.

- **Finding Two:** Graduation rates are significantly lower for those who are justice system-involved than for the county as whole. Countywide graduation rates are consistently lower for students of color than for White students.
- **Finding Three:** Students who reported having had a quality education are significantly more likely to graduate from high school and significantly less likely to be suspended. Fifty-two percent of the students who reported a quality education attributed the quality of their education to their own intelligence or motivation to learn, rather than the quality of their teachers or schools.

### Research Recommendations:

- **Recommendation One:** Collect and analyze quantitative and qualitative data on the effects of police presence on public school campuses. For example, comparing arrest, suspension, and expulsion rates between schools with police on campus to schools without police presence would show what effect, if any, police presence has on these outcomes. Additionally, the analysis should compare whether police on campus are trained in working with youth and whether this training impacts rates of arrest, suspension, or expulsions. Finally, the analysis should explore the efficacy of alternatives to policing in schools; emerging qualitative data shows that schools that have reduced or eliminated their police presence have not only improved safety but also academic performance.
- **Recommendation Two:** Analyze successful programs aimed at increasing the graduation rate for juvenile justice system-involved youth to determine elements of successful programs for replication in other contexts. Similarly, analyze early intervention programs designed to increase the graduation rates of students of color.
- **Recommendation Three:** Analyze how students' perceptions of their own educational aptitude influence their educational experience. Students who perceive themselves as intelligent and motivated learners may also perceive their education experience to be better than their peers.

## EMPLOYMENT

### Research Findings:

- **Finding One:** In each of the three counties explored, unemployment rates are significantly higher among people of color than they are among Whites. System-involved interviewees experienced unemployment at significantly higher rates than the county averages. Sixty-three percent of interviewees were unemployed at the time of their interview, and 47% were unemployed at the time of their most recent arrest. Thirty-two percent of interviewees cite unemployment as the reason for their most recent arrest.
- **Finding Two:** Ninety-six percent of interviewees indicated that their criminal records limited employment opportunities, and 37% reported that their record prevented them from applying for a job.
- **Finding Three:** In all counties explored, countywide median incomes are significantly lower for people of color than for Whites. Fifty-nine percent of system-involved interviewees reported earning inadequate income, and 21% of interviewees indicated that they turned to crime to supplement their income.

### Research Recommendations:

- **Recommendation One:** Determine why unemployment rates are higher among individuals with system involvement by interviewing employers about their perceptions of people with criminal records and the frequency with which they rely on criminal background checks or self-disclosure of criminal records to screen out potential employees. Additionally, analyze whether employers are more likely to hire an individual who has expunged his or her criminal record.
- **Recommendation Two:** Examine under what circumstances individuals with criminal records self-select out of employment opportunities and whether participating in a re-entry program, obtaining job readiness assistance, or expunging their criminal record increases the likelihood that individuals will apply for jobs.



- **Recommendation Three:** Analyze why individuals turn to crime in order to supplement their income to understand what specific factors, such as lack of employment opportunities or high earning potential, motivate people to engage in criminal activity.

## HOUSING

### Research Findings:

- **Finding One:** Criminal justice system involvement negatively impacts housing opportunities. Forty-seven percent of interviewees reported that their involvement in the criminal justice system has had a negative impact on their housing opportunities.
- **Finding Two:** In each of the three counties explored, system-involved interviewees experience more housing stability as youth than as adults. Forty-eight percent of all interviewees had a history of homelessness and 18% had been evicted. Home ownership among all system-involved interviewees is significantly lower than among the county average, and White residents were significantly more likely to own their homes than residents of color. Moreover, few interviewees lived in safe neighborhoods. Forty-eight percent of interviewees reported personal safety was a major concern in their community. Thirty-seven percent of interviewees reported living in a high crime area, and 39% reported a heavy police presence in their community.
- **Finding Three:** Seventy-one percent of system-involved interviewees reported experiencing rent burden, defined by spending at least 30% of their monthly income on rent.

### Research Recommendations:

- **Recommendation One:** Explore the obstacles to housing faced by system-involved individuals, such as rental background checks, limits on public assistance, or loss of rent control or foreclosure due to incarceration.
- **Recommendation Two:** Examine the factors that prevent system-involved individuals from having stable housing as adults.
- **Recommendation Three:** Analyze the extent to which affordable housing is available and the requirements for obtaining access to affordable housing in specific communities with high rent burden to determine what system barriers may exist.

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<sup>1</sup> Katherine Beckett et al., *Race, Drugs, and Policing: Understanding Disparities in Drug Delivery Arrests*, *Criminology*, 44(1) 105 (2006) (finding that Seattle's disproportionately high drug delivery arrest rate for people of color, especially Blacks, was attributable to law enforcement's focus on crack offenders and outdoor drug use as well as a concentrated police presence in racially diverse areas).

## INTRODUCTION

Individuals living in economically marginalized, segregated communities where schools are underperforming, unemployment is high, and homeownership is low are more likely to have contact with the criminal justice system. It is a reality that many racial and ethnic minorities are relegated to areas of extreme and concentrated poverty. In such areas, access to the basic necessities of adequate education, employment, and housing are scarce or nonexistent. It would be difficult for anyone to achieve in the face of these steep obstacles. Popular culture, media reports, and our own experiences tell us that those who face these challenges are most at risk of further alienation from society by being pulled into the criminal justice system.

Education, employment, and housing are three basic necessities that when denied drive individuals into the criminal justice system. For example, a quality education is one of many protective factors often unavailable to individuals in areas of concentrated poverty. Too many schools located in these communities face numerous problems, including extreme resource constraints, overly-harsh discipline practices, and over-reliance on law enforcement—all factors that contribute to pushing youth out of school and into the juvenile justice system. Similarly, lack of access to meaningful employment and quality housing create circumstances in which individuals are more likely to interact with law enforcement or enter the criminal justice system, particularly as the social safety nets created to address the socio-economic inequities created by poverty fail these individuals.

The failure to fund and support adequate interventions or safety nets to prevent or address the circumstances that lead many to criminal justice system involvement has contributed to the overcrowding of our prison system. In contrast to social service institutions that can choose to deny services to individuals, the criminal justice system does not turn anyone away and has evolved into society's catchall institution as a result of other failed governmental policies, programs, and agencies.

The phenomenon of the criminal justice system as the ultimate taxpayer funded social service agency is fraught with both social and fiscal problems, not the least of which is its racial, ethnic, and gender disparities. The well-documented disparities in the criminal justice system are often attributed solely to systemic bias within the criminal justice system, yet the reality is that the failure of other protective factors significantly contributes to the racial, ethnic, and gender disparities in the criminal justice system. However, there has been little to no documentation or research regarding how the decline of traditional social service interventions impacts communities of color and women. Moreover, there has been little to no analysis regarding how the decline of social services has led to an over-reliance on criminal justice intervention and has increased disparities within the criminal justice system. Notwithstanding the critical consequences, lack of data and research make it impossible to measure the force and impact of external inequities on criminal justice system involvement and the extent to which they exacerbate the systemic and institutional bias and racism within the criminal justice system.

The American Civil Liberties Union of Northern California (ACLU-NC) and the W. Haywood Burns Institute (BI) conducted this pilot study in order to examine how three interlocked factors operating outside the justice system encourage, enforce, and complement patterns of disproportionate criminal justice system contact for people of color and women. Specifically, this study explored the relationships among disparities in the extra-judicial factors of education, employment, and housing and the criminal justice system in three California counties: Alameda, Fresno, and Los Angeles. The goal of the study was to identify extra-judicial variables and examine trending data to determine whether and which key variables drive disproportionate criminal justice system contact in California.

*"We can continue to pay taxes for the public sector to develop and build bigger juvenile justice facilities to hold more minority youth. Or, we can choose to pay taxes for public and private sector development of quality education, career employment, community development, the revitalization of the inner city, quality child care, and those other support services that represent positive alternatives to construction.*

*We do not have the option of not choosing: the question is which alternative will we choose?"*

**– Coalition for Juvenile Justice, *A Delicate Balance* (1988).**



## Part I

# METHODOLOGY: A THREEFOLD APPROACH

There is a substantial body of research regarding the existence of racial and ethnic disparities within the criminal justice system, but there is little research examining the interlocked factors operating *outside* the criminal justice system that encourage, enforce, and complement patterns of criminal justice system involvement. The extra-judicial factors examined in this study were organized into three domains: education, employment, and housing.<sup>1</sup> The goal was to identify critical variables and to generate possible lines of inquiry about the relationships among these overlapping, largely unanalyzed factors and their effect on communities of color in California.

This study is comprised of a literature review, an analysis of county-level statistical data, and interviews. Three distinct data sources were used to evaluate what, if any, impact the extra-judicial factors of education, employment, and housing have on criminal justice system involvement. The literature review consisted of relevant social science literature that discusses the problem, prevalence, and contributors to racial, ethnic, and gender disparities found at various points in our criminal justice system, from police stops to filing charges to incarceration. The literature review also included an exploration of whether and to what extent communities of color and women experience inequities in access to education, employment, and housing. The statistical data consisted of county-level statistics regarding significant points in the juvenile and adult criminal justice systems broken down by race, ethnicity, and gender. County-level statistics specifically related to education, employment, and housing were reviewed. As discussed below, both sets of county-level data revealed significant racial, ethnic, and gender disparities. The interviews consisted of standardized interviews of individuals in three counties with previous criminal justice system contact to explore the relationship between access to adequate education, employment, and housing and criminal justice involvement.

This study was designed to be exploratory rather than inferential.<sup>2</sup> Emphasis was not placed on testing precise hypotheses, but rather on outlining operable research questions, identifying relevant extra-judicial and criminal justice data related to the research questions, and conducting preliminary analyses of the available statistics.

## A. LITERATURE REVIEW

The literature review included publications containing data and/or policy recommendations related to a series of education, employment, or housing variables that potentially drive disproportionate criminal justice contact.<sup>3</sup> The relevance and inclusion of publications in the review was determined by the topic of the publication, the scope and source of data included in the study, and the year of publication. The literature review was limited to articles published between 1980 and 2009, and preference was given to California-specific articles.

## B. COUNTY STATISTICS

The study examined whether and to what extent disproportionality exists in Alameda, Fresno, and Los Angeles counties, which were selected because, collectively, the racial, ethnic, and gender disparity issues they face are representative of statewide problems.<sup>4</sup>

### 1. Extra-Judicial Domains

The first step in investigating disparities related to opportunities in education, employment, and housing was to generate a comprehensive list of variables associated with each. The list included factors the ACLU-NC and BI believed to be closely related to more or less opportunity in each domain. Additionally, the ACLU-NC and BI believed counties maintained data on the factors identified, and that such data would be easily accessible disaggregated by race, ethnicity, gender, and age over a ten-year span. (See Appendix A: Extra-Judicial Factors Explored for a complete list of variables collected for this study).

Research quickly revealed that data were not readily available at the county level for the extra-judicial domains for several reasons. First, counties did not consistently maintain data on all factors intended for study. Some county departments and agencies associated with education, employment, and housing services conducted *ad hoc* analyses on certain factors for discrete time periods, but did not maintain regular statistics. Second, county departments and agencies did not consistently collect data in a way that could meaningfully generate

reports disaggregating the data by race, ethnicity, gender, or age. Third, there was no consistency in the methodology for collecting data in similar departments or agencies between counties.

Thus, a decision was made to obtain data from sources that maintained common data disaggregated by race, ethnicity, and gender in a uniform format over a five-to ten-year span for each county being investigated. Sources that collected data within these parameters included the California Department of Education (CDE) and the American Community Survey (ACS) conducted by the U.S. Census Bureau.<sup>5</sup> Data collected for each county included:

- **Education Data**

Data on graduation rates, high school dropout rates, and University of California and California State University (UC/CSU) eligibility rates were collected from CDE from 1995-2005. These data were disaggregated by race, ethnicity, and gender. These data were analyzed to determine whether and to what extent youth of color and girls were more or less likely to graduate from high school, drop out of high school, and be UC/CSU eligible at graduation. Analyses were also conducted to determine whether there were any notable patterns in these educational factors.

In addition, educational attainment data were collected from ACS from 2000-2007. Analyses were conducted to determine whether and to what extent any disparities in educational attainment existed among people of color and women.

- **Employment Data**

Data on unemployment rates, median incomes, and occupation types were collected from ACS from 2001-2007. These data were disaggregated by race, ethnicity, and gender. Analyses were conducted to determine whether and to what extent communities of color and women were more or less likely to experience unemployment or lower median incomes. Analyses were also conducted to assess whether there were any notable patterns in unemployment rates and median income variability for communities of color and women.

- **Housing Data**

Data on housing tenure and rent burden were collected from ACS from 2001-2007. These data were disaggregated by race, ethnicity, and gender. Analyses were conducted to determine whether and to what extent communities of color and women were more or less likely to own or rent their dwellings. Analyses were also conducted to deduce whether there were any notable patterns in housing tenure for communities of color and women.

## 2. Criminal Justice System

The original intent of the study was to track all critical juvenile and adult criminal justice system decision-making points, from arrest through disposition, over a ten-year span to analyze where racial, ethnic, and gender disparities existed most significantly and how these disparities changed over time. However, as with research regarding disparities in the extra-judicial domains, the study was limited by the availability of data. (*See* Appendix B: Criminal Justice Decision-Making Terms for definition of terms used in this section).

Data were not reliably available at the county level for two primary reasons. First, although counties collect and maintain publicly-available data on criminal justice system decision-making, some counties did not or were unwilling to provide these data disaggregated by descriptors such as race, ethnicity, gender, and offense. Second, counties varied significantly in their methodology for collecting local criminal justice system data. ACLU-NC and BI decided to use data collected in a standard format in a single repository. Thus, all juvenile and adult criminal justice data were provided by the California Department of Justice (California DOJ). A series of requests were made to California DOJ for all criminal justice system data that are disaggregated by race, ethnicity, and gender. California DOJ provided data regarding the following criminal justice system decision-making points for a ten-year span from 1995-2005.<sup>6</sup>

- **Juvenile and Adult Arrest Data**

For each of the three counties examined, California DOJ provided data on the total number of youth and the total number of adults arrested from 1995-2005 disaggregated by race, ethnicity, gender, classifications of misdemeanor or felony, and the offense charged. Analyses were conducted to determine whether and to what extent the arrest rates<sup>7</sup> were higher for youth and adults of color in each county and whether particular disparities in arrest rates existed for drug charges. Analyses were also conducted to note whether and to what extent any disparities in arrest rates existed for girls and women.

#### ▪ **Adult Law Enforcement Disposition Data**

California DOJ provided data on adult law enforcement dispositions from 1995-2005 disaggregated by race, ethnicity, and gender. Types of law enforcement dispositions collected include: (1) law enforcement releases, (2) complaints denied, and (3) complaints filed. Analyses were conducted to determine whether and to what extent the rate of law enforcement disposition types differed for people of color and women. Additional analyses were conducted to note whether and to what extent any particular disparities existed in law enforcement disposition types for drug charges.

#### ▪ **Adult Court Disposition Data**

California DOJ provided data on adult court dispositions from 1995-2005 disaggregated by race, ethnicity, and gender. Types of court dispositions collected include: (1) dismissals, (2) diversions, (3) acquittals, and (4) convictions. Analyses were conducted to determine whether and to what extent the rate of court disposition types differed for people of color and women. Additional analyses were conducted to note whether and to what extent any particular disparities existed in court disposition types for drug charges.

#### ▪ **Adult Sentencing Data**

California DOJ provided data on adult sentences from 1995-2005 disaggregated by race, ethnicity, and gender. Types of sentences collected include: (1) death, (2) prison, (3) Youth Authority,<sup>8</sup> (4) probation, (5) probation with jail, (6) jail, (7) fine, (8) California Rehabilitation Center, and (9) other. Analyses were conducted to note whether and to what extent the rate of sentences differed for people of color and women. Additional analyses were conducted to note whether and to what extent any particular disparities existed in the types of sentences issued for drug charges.

#### ▪ **Juvenile Probation Referral Data**

California DOJ provided data on youth probation referrals from 1995-2005 disaggregated by race, ethnicity, and gender. Included in the data were distinctions of whether it was (1) a new versus subsequent referral, (2) a detained versus non-detained referral, and (3) what type of prosecutorial action was taken (including petitions filed, accepted, and not accepted). Analyses were conducted to note whether and to what extent the rates of probation referrals differed for youth of color and girls. Particular focus was placed on any disparities existing with detained referrals.<sup>9</sup>

## C. INTERVIEWS

Since little research to date has examined how extra-judicial factors drive racial, ethnic, and gender disparities in the criminal justice system, the ACLU-NC and BI determined that, in order to contextualize the county-level data collected in a meaningful way, interviews of individuals with criminal justice involvement were necessary to link the data to real experiences. For purposes of designing a meaningful interview, a pilot survey was conducted in Alameda County with a small sampling of individuals with criminal justice involvement to determine the scope and direction of the interview questions. The results of the pilot survey were used to draft the interview questions that comprise the third data set for this study.

The ACLU-NC and BI designed, administered, and analyzed results from interviews administered to 179<sup>10</sup> adults on probation in the target counties to understand whether and how their educational experiences, employment histories, and housing stability affected their involvement with the criminal justice system. The domains explored—education, employment, and housing—are domains to which people of color have historically been denied equitable access and which are ripe for advocacy.

### 1. Interview Theories

The interview questions were designed to explore theories rooted in research as well as practical knowledge gained from working with individuals with criminal justice expertise. The theories for each domain are summarized below and a copy of the interview questions can be found in Appendix C: Interview Questionnaires.

**Education Theory:** Inadequate educational opportunities lead to criminal justice system involvement, and youth of color are more likely to experience inadequate educational opportunities in the following ways:

- youth of color are more likely to drop out of high school;
- youth of color are less likely to graduate from high school;
- youth of color are more likely to be arrested for truancy;<sup>11</sup>

- youth of color are more likely to be suspended and expelled from high school; and
- youth of color are less likely to graduate from high school with UC or CSU required courses.<sup>12</sup>

**Employment Theory:** Lack of employment opportunities and inequity in employment leads to criminal justice system involvement, and people of color and women are more likely to experience a lack of employment opportunities in the following ways:

- people of color and women are less likely to earn a living wage;
- people of color and women are more likely to experience unemployment; and
- people of color and women are less likely to hold professional/management jobs.<sup>13</sup>

**Housing Theory:** Lack of affordable housing and neighborhood strife (for purposes of this study, defined as higher crime rates than surrounding neighborhoods) contribute to criminal justice system involvement, and people of color and women are more likely to experience a lack of affordable housing and neighborhood strife in the following ways:

- people of color and women are less likely to own their home;
- people of color and women are more likely to allocate a high percentage of their income to rent/mortgage; and
- people of color are more likely to live in neighborhoods with high crime rates.

## 2. Interview Administration

Adult interviewees were recruited outside of probation offices.<sup>14</sup> Each participant was approached by an interviewer and asked to participate in exchange for a ten-dollar gift card. Interviewers used racial and gender quotas to ensure that the interviewee sample was reflective of the general population in each county.

Interviews were administered to 60 individuals from Alameda County, 60 from Los Angeles County, and 59 from Fresno County over a three-month period in 2009. All interviewees were asked questions about their involvement in the criminal justice system, as well as information regarding their education, employment, and housing histories. In addition to the questions asked of everyone, an equal number of interviewees from each county were randomly selected to answer in-depth questions about one of the three domains. One third of interviewees answered additional questions about their educational experience, another third about employment, and the other third about housing. The in-depth questioning allowed researchers to explore a variety of issues related to these three domains.

Due to the limited number of interviewees, this study drew heavily on descriptive statistics (i.e. percentages) and correlations. Where appropriate, analyses of variance were conducted to test for differences between race, gender, and geographic group. Although this study was exploratory, it yielded interesting findings that lay a foundation for further research in these domains. Future studies should draw on larger samples of interviewees in order to explore further extra-judicial drivers of criminal justice involvement.

**Table 1: Demographic Information**

	Alameda	Fresno	Los Angeles	Total
<b>Total Interviewees</b>	60	59	60	179
<b>Men</b>	42	41	39	122
<b>Women</b>	18	18	21	57
<b>Black<sup>15</sup></b>	46	11	34	91
Men	30	7	18	55
Women	16	4	16	36
<b>Latino/a</b>	5	37	25	67
Men	5	28	20	53
Women	0	9	5	14
<b>White</b>	6	8	0	14
Men	4	4	0	8
Women	2	4	0	6
<b>Other ethnicity</b>	3	3	1	7
Men	3	2	1	6
Women	0	1	0	1

One hundred and seventy-nine interviewees were included in the analyses. As discussed above, the interviewees were divided equally among the three counties, one-third from each. The race/ethnicity and gender demographics are representative of each group's regional representation in the criminal justice system. As a result, more men than women and more Blacks and Latinos than Whites were interviewed.

## Part II

# FINDINGS

## A. LITERATURE REVIEW

### 1. Lack of Research on Extra-Judicial Domains

For many people, especially direct service providers in low-income communities of color, it is intuitive that individuals who lack education, employment, and housing opportunity are more likely to have criminal justice system contact. Surprisingly, however, there is insufficient research analyzing which extra-judicial factors or constellation of factors are most predictive of criminal justice system involvement or what connects these extra-judicial factors to disproportionate criminal justice system involvement. The literature review uncovered some research on extra-judicial domains, but none that examined which factors are most predictive and how they impact disparities within the criminal justice system.

### 2. Extra-Judicial Factors have been Linked to Criminal Justice System Contact

Social factors, such as poverty and lack of employment contribute to a range of racial, ethnic, and gender disparities in the criminal justice system.<sup>16</sup> Minorities living in concentrated areas of poverty are most vulnerable, because they have the least access to quality education, employment opportunity, and affordable housing. Blacks, for example, tend to live in the most concentrated areas of urban poverty<sup>17</sup> with high crime rates and a heavy police presence,<sup>18</sup> and the cumulative impact of this social segregation leads to an increased risk of contact with the criminal justice system. Women's contact with the criminal justice system is also linked to poverty, because low-income women often are charged with crimes related to providing for their children or because other family members engage in criminal activity in their households.<sup>19</sup> Overall, living in concentrated areas of poverty increases the risk of educational failure, unemployment, and contact with the criminal justice system.<sup>20</sup>

Youth of color from economically marginalized communities face multiple challenges. They experience not only the disadvantages of widespread unemployment but also bear the brunt of under-resourced, failing public schools. Essentially, they are denied two important protective factors from criminal justice contact: quality education and job opportunity. As a result, these youth are most at risk of having contact with the juvenile justice system and being detained or placed in facilities outside of their homes.<sup>21</sup>

Employment can be a protective factor. Youth, of all races, "mature out" of delinquent behavior as they reach adulthood if they are gainfully employed.<sup>22</sup> However, finding any employment is challenging in communities of concentrated poverty. Returning to the workforce after a period of incarceration can be especially difficult, not only because of the stigma associated with incarceration but also because research indicates that formerly incarcerated persons have low literacy rates and job-readiness skills.<sup>23</sup>

Schools can be the most critical safeguards for at-risk youth by providing a space for youth to grow and thrive in a structured environment. Yet, a strong body of compelling research indicates "get-tough" disciplinary measures, such as "zero tolerance" policies, that exclude students from school by suspension or expulsion, not only fail to meet sound educational principles but also push Black and Latino youth into the juvenile justice system for minor infractions.<sup>24</sup> Moreover, studies indicate that police and school authorities discipline children from wealthier families differently than children from low-income families. For example, school authorities are more likely to call a parent than the police and are less likely to detain and formally charge a child from a relatively affluent family.<sup>25</sup> These disparities in discipline combined with inadequate academic instruction create inequitable access to quality education and fast track youth of color into the criminal justice system.



## B. COUNTY STATISTICS

The study design presumed the collection of county-level data to establish a correlation between the extra-judicial domains of education, employment, and housing that drive individuals into the criminal justice system and the disproportionate contact experienced by people of color and women within that system.

County-level data did establish that racial and ethnic disparities exist in all three counties studied and at each decision-making point along the criminal justice system.<sup>26</sup> For example, the rate of arrest for youth and adults of color is significantly higher than it is for Whites.<sup>27</sup> Furthermore, Latino arrest rates are likely higher than reported because they are often mislabeled, and therefore, undercounted in the criminal justice system.<sup>28</sup> These disparities are true in overall arrest rates as well as arrests for drug charges. The study examined arrest rates generally and drug arrests in particular, because research shows that drug use is equal among all races but people of color are arrested and incarcerated at disproportionate rates.<sup>29</sup>

Disappointingly, research revealed that most of the data from the extra-judicial domains of education, employment, and housing necessary to evaluate whether policies and programs within each domain have a disparate impact on people of color and women are not collected, maintained, or analyzed by county-level agencies in a standard and consistent manner. The lack of county-based data disaggregated by race, ethnicity, gender, and age has troubling implications for how policy decisions are currently made. The study's general theory is that a variety of extra-judicial factors impact criminal justice system involvement and that communities of color and women are disparately impacted by these factors. However, as noted above, there was a shocking lack of uniform data available to test this theory as originally intended. Indeed, the breadth of this study had to be significantly narrowed given the limited availability of reliable data sets. The lack of data, generally and in disaggregated form, suggests that these agencies are not utilizing the most efficient, data-driven policies, and they cannot assess how and to what extent ineffective policies disproportionately impact people of color, women, and youth. If, in fact, county officials are not considering such logically relevant socio-economic data when making policy decisions, the question becomes: What is the basis for policy decisions that have such significant and serious social and fiscal impact on these communities?

In order to collect the data necessary to assess the efficacy of programming and services for people of color and women, counties would need to collect disaggregated data on all individuals eligible for social services, those who apply for services, those denied services, and outcomes for those who received services. For example, all counties should know how many homeless individuals live in the county and how many of those eligible for housing services apply for them. Of those who apply, how many are denied those services, and the outcomes for those who receive services. While this type of data collection may seem costly or burdensome, the initial investment would not only provide a backend cost savings but would also improve the quality of a county's social services.

(See *Balancing the Scales of Justice: County Profiles* for a discussion of the county-level data examined as part of this study. This discussion is located at [www.aclunc.org/docs/racial\\_justice/balancing\\_the\\_scales\\_of\\_justice\\_county\\_profiles.pdf](http://www.aclunc.org/docs/racial_justice/balancing_the_scales_of_justice_county_profiles.pdf).)

## C. INTERVIEWS

Interviewees were selected based on their representation in the system, thus most interviewees were male (68%) and most were Black (51%) or Latino (37%). At the time of the interview, the average age of the interviewees was 32 years old. All but one of the interviewees was either a United States citizen, permanent resident, or naturalized citizen.

All interviewees were asked a few preliminary questions about their education, employment, and housing histories. Sixty percent of all interviewees had completed high school.<sup>30</sup> Forty-five percent of interviewees were unemployed at the time of their most recent arrest. Most interviewees were renters (52%), many lived with family or friends (33%), a small percentage were homeowners (7%) or homeless (6%).<sup>31</sup>

### 1. Education

As predicted, there was a connection between inadequate educational opportunities and criminal justice system involvement.<sup>32</sup> Being arrested at an early age was correlated with the following three factors: lack of educational opportunities, suspension, and police presence at school. These correlations suggest that failing schools, school push-out, and over-policing in schools funnel youth into the juvenile justice system. In contrast, interviewees who reported receiving a quality education were less likely to have been expelled and more likely

to have graduated from high school. Most interviewees, however, did not perceive a connection between their educational experience and their criminal justice involvement.

Interviewees from Los Angeles County experienced the worst educational challenges. Of the interviewees, they had the lowest graduation rate, which was also much lower than the county graduation rate. They also had the lowest educational quality self-report rating, the highest expulsion rate, and the most police presence on school campuses.

- **School Exclusion Correlated to Arrest at an Early Age:** Those suspended from school were likely to be arrested before age 20 ( $r=-.387$ ,  $p<.01$ ) and were also typically expelled ( $r=.387$ ,  $p<.01$ ).
  - *County Difference:* Forty-five percent of Los Angeles interviewees and 32% of Alameda interviewees had been expelled from school, compared with 11% of Fresno interviewees.
- **Police Presence on School Campuses Correlated to Arrest at an Early Age:** Interviewees who reported having a police presence at their middle schools were more likely to be arrested before age 20 ( $r=.269$ ,  $p<.05$ ). Police presence in high school also related to being arrested before age 20 ( $r=.269$ ,  $p<.05$ ).<sup>33</sup>
  - *County Difference:* One hundred percent of Los Angeles interviewees reported having a police presence in their high schools, compared to 67% of Fresno interviewees and 56% of Alameda interviewees.
  - Of interviewees who had a police presence in their high schools, 38% had a positive experience with officers, 30% had a neutral experience or no interaction, and 10% had a negative or harassing experience.
- **Arrest at School:** Forty percent of interviewees ( $n=23$ ) had been arrested before reaching age 18. Five of the 23 were arrested at school; an additional five were arrested during school hours but outside of school grounds; one was arrested en route to or from school; and three were arrested because of an incident occurring at school.
- **Perceived Connection between Education and Criminal Justice System Involvement:** Sixty-seven percent of interviewees did not perceive a connection between their educational experience and their involvement in the criminal justice system.
- **Education Quality is a Protective Factor:** Interviewees who reported receiving a quality education were more likely to finish school ( $r=.503$ ,  $p<.01$ ) and less likely to be expelled ( $r=-.344$ ,  $p<.01$ ). Interviewees who reported having a lack of educational opportunities were arrested before age 20 ( $r=-.187$ ,  $p<.05$ ).
  - *County Difference:* Seventy percent of Fresno interviewees and 63% of Alameda interviewees rated the quality of their education as “good” or “excellent,” compared to 45% of Los Angeles interviewees.
  - Fifty-two percent of interviewees who rated the quality of their education as “good” or “excellent” attributed the rating to their own intelligence and motivation to learn. Only 13% attributed the positive rating to the quality of their teachers or schools. Another 13% defined their good experience by having graduated.
- **Education Quality in Detention:** Fifty-seven percent of interviewees who were educated in detention rated the quality of that education as “good” or “excellent.”<sup>34</sup> Qualitative responses revealed these positive ratings were mainly attributable to interviewees being removed from a negative school environment.
- **Graduation Rates:** Fifty-nine percent of interviewees graduated from high school.
  - Fifty-eight percent of Alameda interviewees, 74% of Fresno interviewees, and 47% of Los Angeles interviewees graduated from high school.
  - Sixty-three percent of White interviewees, 59% of Black interviewees, 50% of Latino interviewees, and 67% of other interviewees graduated from high school.
  - Fifty-three percent of female and 63% of male interviewees graduated from high school.
- **Dropout and Attendance:** Twenty percent of interviewees dropped out of high school.
  - *Racial and Gender Difference:* Approximately 60% of all interviewees attended school frequently, but only 44% of Latino male interviewees attended school frequently.

- Having a higher percentage of friends graduate from high school was correlated with frequent high school attendance ( $r=.523, p<.05$ ).
- Fifty-eight percent of interviewees who dropped out reported having left school in order to work.

## 2. Employment

Almost all interviewees cited major obstacles to employment, and Blacks had the most difficulties.<sup>35</sup> Over half of all interviewees were unemployed at the time of the interview and nearly all interviewees reported that their criminal records have limited their employment opportunities. In fact, interviewees were unemployed at five to eight times their respective county unemployment rates. About 30% of interviewees cited unemployment as a reason for their most recent arrest, and almost half of all interviewees were unemployed at the time of their most recent arrest. Women were more likely to be unemployed at the time of arrest and less likely to report that they earn an adequate income. No women reported turning to crime to supplement their income. In contrast, male interviewees who reported an inability to find a job due to lack of job opportunities were most likely to turn to crime to supplement their income. This was most true for Black males in Alameda County. The majority of employed interviewees reported earning inadequate incomes and needing to travel farther to reach their jobs.

- **Criminal Justice System Involvement Impacts Employment:** Ninety-six percent of interviewees reported that their criminal records have limited their employment opportunities, and 37% reported it prevented them from applying for a job.
  - *Racial Differences:* Latino male interviewees reported that their criminal records prevent them from applying for jobs ( $r=.432, p<.01$ ).
  - In contrast, Black male interviewees were less likely to report that their criminal record has prevented them from applying for new jobs ( $r=-.361, p<.05$ ), which illustrates the unknown barriers to employment for this population.
  - Interviewees sentenced for their first arrest were more likely to report that their criminal record has prevented them from finding employment ( $r=.350, p<.05$ ).
- **Unemployment at Time of Interview:** Sixty-three percent of interviewees were unemployed at the time of the interview.
  - *Racial and Gender Difference:* Black interviewees were most likely to be unemployed ( $r=.155, p<.05$ ). Latino male interviewees were more likely to be employed ( $r=-.155, p<.01$ ).
  - Unemployed interviewees were more likely than employed interviewees to cite their criminal record as a barrier to employment ( $r=.476, p<.01$ ). Almost all interviewees attributed current unemployment or difficulty finding a job to the economy, their criminal record, or both.
- **Unemployment at Time of Arrest:** Forty-seven percent of interviewees were unemployed at the time of their most recent arrest. This rate of unemployment was eight times higher for Alameda residents, five times higher for Los Angeles residents, and almost six times higher for Fresno residents, than respective 2007 county unemployment rates.
  - *Gender Difference:* Sixty-six percent of female interviewees were unemployed at the time of their most recent arrest, compared to 40% of male interviewees.
  - *Racial Difference:* Sixty-five percent of White interviewees and 57% of Black interviewees reported being unemployed at the time of their most recent arrest, compared to 28% of Latino interviewees.
- **Unemployment as the Reason for Arrest:** Thirty-two percent of all interviewees and 46% of Black female interviewees cited unemployment as the reason for their most recent arrest. Latino male interviewees did not report unemployment as a reason for arrest ( $r=-.171, p<.05$ ).
- **Inadequate Income:** Fifty-nine percent of all interviewees reported earning inadequate income.
  - *Gender Difference:* Sixty-three percent of male interviewees reported earning an inadequate income, compared to 50% of female interviewees.
  - *County Difference:* Seventy-five percent of Alameda interviewees reported earning an inadequate income, compared to 56% of Fresno interviewees and 57% of Los Angeles interviewees.

- **Illegal Activity as a Means to Supplement Income:** Twenty-one percent of all interviewees reported supplementing their income with criminal activity. The majority of those who reported supplementing their income with criminal activity did so by selling drugs. Unemployed interviewees who were unable to find a job were more likely to turn to crime to supplement their income than those who cited other explanations for their unemployment ( $r=.450, p<.01$ ).
  - *County, Race, and Gender Difference:* Black male interviewees were most likely to report not being able to find a job ( $r=.387, p<.01$ ) and turning to crime to supplement their income ( $r=.349, p<.01$ ). This experience was most common among Black male interviewees in Alameda County.
  - *County Difference:* Thirty-five percent of Alameda interviewees and 21% of Los Angeles interviewees reported turning to crime to supplement their income, compared to only 5% of Fresno interviewees.
  - *Gender Difference:* No women reported turning to crime to supplement their income.
  - *Race Difference:* Thirty-three percent of White male interviewees and 27% of Black male interviewees reported turning to crime to supplement their income, compared to 10% of Latino male interviewees, which may be explained by the higher employment rate among Latino male interviewees.
- **Unemployment History:** Ninety-two percent of all interviewees and 98% of Black male interviewees had been unemployed in their lifetime. Thirty-seven percent of all interviewees and 53% of Black male interviewees received unemployment benefits at some point in their lifetime.
- **Government Assistance:** Sixty-three percent of all interviewees and 81% of Black female interviewees had received government assistance in their lifetime.
  - *Criminal Justice Correlation:* Those arrested before age 20 tended to receive government assistance ( $r=-.171, p<.05$ ).
- **Economically Marginalized Communities:** Interviewees who reported earning an adequate income typically traveled farther from home for employment ( $r=.535, p<.05$ ) and had longer commutes ( $r=.678, p<.01$ ). Sixty-seven percent of interviewees reported low job opportunities in their communities.

### 3. Housing

Most interviewees did not have stable housing as adults.<sup>36</sup> In fact, almost half of all interviewees had been homeless at some point in their lives. At the time of the interview, the majority of renters were rent burdened, defined by paying at least 30% of their income on rent. Los Angeles interviewees were significantly more rent burdened than the general population in their county. Interviewees were approximately two to five times less likely to be homeowners than the county averages. Nearly half of all interviewees reported that their involvement with the criminal justice system negatively impacted their housing, and most were satisfied with their housing prior to their most recent arrest. Women were least satisfied with their housing but had more stable housing. Blacks fared the worst on almost every housing factor. Generally, Blacks were most likely to be homeless, most likely to be rent burdened, and least likely to report satisfaction with their housing prior to arrest.

- **Criminal Justice System Involvement Negatively Impacts Housing:** Forty-seven percent of interviewees reported that their involvement in the criminal justice system has negatively impacted their housing opportunities.
  - *Gender Difference:* Fifty-five percent of male interviewees reported that their criminal justice involvement had a negative impact on their housing opportunities, compared to 33% of female interviewees.
- **Housing Satisfaction High Prior to Arrest:** Seventy-eight percent of interviewees were satisfied with their neighborhood and 64% were satisfied with their housing prior to their most recent arrest.
  - *Gender Difference:* Seventy-four percent of male interviewees were satisfied with their housing, compared to 33% of female interviewees.
  - *Race and Gender Difference:* Black male interviewees were most satisfied with their housing prior to their most recent arrest, and Black female interviewees were least satisfied.
  - Dissatisfaction with housing was correlated with dissatisfaction with the neighborhood ( $r=.435, p<.01$ ).

- **Housing Stability Low in Adulthood:** Interviewees experienced more housing stability as youth than as adults. Seventy-five percent of interviewees reported living at the same residence for five or more years as a youth and only 57% of interviewees reported the same stability as an adult.
  - *County Difference:* Forty-eight percent of Alameda interviewees reported having had stable housing, compared to 67% of Fresno interviewees.
  - *Gender Difference:* Forty percent of female interviewees reported having had stable housing, compared to 66% of male interviewees.
- **Homelessness:** Forty-eight percent of interviewees and 63% of Black interviewees had been homeless in their lifetime. Six percent of interviewees were homeless at the time of the interview.
  - *Racial Difference:* Ten percent of Black interviewees, 7% of White interviewees, and no Latino interviewees were homeless at the time of the interview.
  - *County Difference:* Seven percent of Alameda interviewees, 7% of Los Angeles interviewees, and 3% of Fresno interviewees were homeless at the time of the interview.
- **Rent Burden is High:** Seventy-one percent of interviewees were rent burdened at the time of the interview, defined as spending at least 30% of their monthly income on their rental payment.
  - *Gender Difference:* Women, regardless of geographic location, experience rent burden at an extremely high rate.
  - *County Difference:* Los Angeles interviewees reported the highest rate of rent burden.
- **Homeownership is Low:** Twenty percent of interviewees were homeowners at the time of the interview.
  - *Gender Difference:* Twenty-eight percent of female interviewees and 16% of male interviewees were homeowners.
  - *County and Race Difference:* Black interviewees living in Alameda County had the lowest rate of homeownership (10%, n=10) and Latinos living in Fresno had the highest (25%, n=12).
  - Homeownership was strongly correlated with proximity to job opportunities ( $r=.466$ ,  $p<.01$ ).
- **Subsidized Housing:** Thirteen percent of interviewees were living in subsidized housing at the time of the interview.
  - *Gender Difference:* Nineteen percent of female interviewees and 10% of male interviewees were living in subsidized housing at the time of the interview.
  - *County Difference:* Fifteen percent of Alameda interviewees, 8% of Los Angeles interviewees, and 15% of Fresno interviewees were living in subsidized housing at the time of the interview.
  - *Racial Difference:* Fifteen percent of Black interviewees, 10% of Latino interviewees, and 7% of White interviewees were living in subsidized housing at the time of the interview.
- **Eviction:** Eighteen percent of interviewees had been evicted in their lifetime.
  - *Race and Gender Difference:* Black female interviewees had the highest rate of eviction, almost double the rate of all interviewees, and Latino male interviewees had the lowest rate.
- **Neighborhood Characteristics:**
  - *Crime:* A significant number of interviewees reported factors related to crime as a concern in their neighborhood.
    - Forty-eight percent of interviewees reported personal safety was a major concern in their community. Interviewees with a recent drug arrest reported having bad neighbors ( $r=.329$ ,  $p<.05$ ).
    - Thirty-seven percent of all interviewees and 57% of Black interviewees reported living in high crime areas.
    - Thirty-nine percent lived in areas with heavy police presence. Black male interviewees were highly likely to report having a negative experience with the police presence in their neighborhoods ( $r=.474$ ,  $p<.01$ ). Respondents stopped by police prior to their first arrest were more likely to report racial profiling as a factor in their first arrest ( $r=.162$ ,  $p<.05$ ).
  - *Transportation:* Fifty-four percent reported they had good access to public transportation.
  - *Gentrification:* Twenty-nine percent reported living in gentrifying neighborhoods.



## CONCLUSION

Society cannot afford to ignore the failings of social service institutions and rely on the criminal justice system to absorb responsibility. There is an urgent need to remedy our state's swelling jail and prison population and the racial, ethnic, and gender disparities that exist in California's criminal justice system. In order to reduce overreliance on the system generally as well as reduce or eliminate racial, ethnic, and gender disparities, the interlocked factors operating outside the criminal justice system must be addressed, while still holding the criminal justice system accountable in its own right. To help accomplish this, the study identified two necessary courses of action: (1) require state and local social service agencies and government programs responsible for providing basic safety net services to collect, maintain, and analyze disaggregated data for the purposes of policymaking and accountability, and (2) conduct extensive, additional research, including regression analyses, to determine which extra-judicial factors or constellation of factors are most predictive of criminal justice system involvement.

State and local agencies providing social services and other socio-economic interventions must be required to collect, maintain, and analyze comprehensive data disaggregated by race, gender, ethnicity, and age in order to measure the impact those agencies' programs have on people of color and women. Specifically, state and local agencies should measure the number of individuals served, the effectiveness of those services, the outcomes of the individuals receiving services, and who is not being served. It is likely that these extra-judicial institutions suffer from the same systemic and institutional bias as does the criminal justice system. Moreover, disaggregated criminal justice system data must also be collected, maintained, and analyzed to determine the extra-judicial factors driving individuals into the criminal justice system and to monitor and reduce the extent to which disproportionality exists within the system. Such data collection and analysis is essential for policy makers to design and implement effective, socially responsible policy and to measure outcomes of any policy changes.

In addition to requiring meaningful data collection and analysis, there must be further research to determine which extra-judicial factors or constellation of factors are most predictive of criminal justice system involvement. The dearth of research and data examining which extra-judicial factors drive criminal justice system contact is surprising considering the widely held belief that lack of access to various life necessities, including quality education, meaningful employment, and quality housing, closely correlates to criminal justice system involvement. There is a need for research and analysis of the disparities within and created by these external systems in order to determine the factors most predictive of criminal justice system involvement and to create effective and meaningful policy solutions to the complex problem of racial, ethnic, and gender disparities in the system. While addressing systemic bias in the criminal justice system is essential, fixing the criminal justice system alone will not solve the problem.

California's criminal justice system is overwhelmed and its costs are skyrocketing. People of color are disproportionately subject to criminal justice interventions, and the number of women in the criminal justice system is increasing at a disproportionate rate. Both realities are both costly and ineffective. The state and local policy decisions underlying the swelling criminal justice system and its disproportionality are being made without necessary and relevant data. Communities must decide whether to invest in meaningful interventions and preventions to stem the flood of individuals into the criminal justice system or whether to continue to allow the criminal justice system—and its burgeoning costs—to remain the only social service we are willing to fund.

## END NOTES

<sup>1</sup> In order to narrow the focus of this study as well as draw on organizational expertise, other domains that likely drive system contact were initially considered at the outset of the study but were not pursued. Examples of these unexplored domains include the following: health, mental health, voting rights, and involvement in the child welfare system.

<sup>2</sup> An exploratory study is generally initiated when very little is known about a given phenomena or, alternatively, when some facts are known but more data would be required to develop a viable theoretical framework for explanation.

<sup>3</sup> See Appendix A: Extra-Judicial Factors Explored for a list of the variables researched because of their impact on communities of color and relationship to justice system involvement.

<sup>4</sup> Data was originally collected for six counties, but information for Santa Clara, San Bernardino, and Orange Counties were not included in this report.

<sup>5</sup> U.S. Census Community survey data were typically available from 2002-2007.

<sup>6</sup> Data have been collected for all available years at the time of inquiry, and trend analyses are available.

<sup>7</sup> Charles Puzzanchera et al., *Easy Access to Juvenile Populations: 1990-2008*, (2009), <http://www.ojjdp.ncjrs.gov/ojstatbb/ezapop/>. Arrest rates are defined as the number of occurrences of arrest within a given population. Arrest rates were calculated by dividing California Department of Justice arrest data by available county population data for each year. For example, in Alameda County in 2005, 18,679 Black adults were arrested. In 2005 in Alameda County, there were 148,078 Black adults. Thus, for every 1,000 Black adults in Alameda County, 126 were arrested in 2005; the arrest rate per 1,000 Black adults is 126.

<sup>8</sup> According to the California Welfare and Institution Code, Section 1731.5, an offender: (1) who is under the age of 21 at the time of apprehension may be sentenced in adult court to the Division of Juvenile Facilities (formerly California Youth Authority); (2) who is under the age of 18, tried as an adult, and sentenced to state prison may be either transferred to the Division of Juvenile Facilities by the Secretary of the Department of Corrections and Rehabilitation with the approval of the Chief Deputy Secretary for the Division of Juvenile Justice or the court may order the inmate transferred to the Division of Juvenile Facilities; and (3) whose period of incarceration would be completed on or before the inmate's 21st birthday, may be housed at the Division of Juvenile Facilities until the period of incarceration is completed.

<sup>9</sup> Particular focus was placed on whether disparities exist in the decision to detain youth because a substantial body of research indicating that secure confinement is, on the whole, harmful to youth. First, research indicates that detention has a "profoundly negative impact on young people's mental and physical well being, their education, and their employment." Second, research indicates that a youth securely detained prior to adjudication is more likely to be subsequently incarcerated. Indeed, pre-adjudication detention is one of the best predictors of commitment to a State juvenile corrections facility. Barry Holman and Jason Ziedenberg, *The Dangers of Detention: The Impact of Incarcerating Youth in Detention and Other Secure Facilities*, Nov. 28, 2006, [http://www.justicepolicy.org/images/upload/06-11\\_REP\\_DangersOfDetention\\_JJ.pdf](http://www.justicepolicy.org/images/upload/06-11_REP_DangersOfDetention_JJ.pdf).

<sup>10</sup> One hundred eighty individuals were interviewed for the study, but data from 179 interviewees were used in the analyses. One interviewee was dropped from the analyses because he was under eighteen years old at the time of the interview, and parental consent could not be obtained.

<sup>11</sup> Findings for this factor were not included in the analyses because the results were not significant.

<sup>12</sup> *Ibid.*

<sup>13</sup> *Ibid.*

<sup>14</sup> Due to the need for parental consent, no youth were interviewed.

<sup>15</sup> Although the interviewee questionnaire used the term African American, rather than Black, this report uses the term Black to be consistent with U.S. Census and Department of Justice data terminology.

<sup>16</sup> See Suman Kakar, *Understanding the Causes of Disproportionate Minority Contact: Results of Focus Group Discussions*, Journal of Criminal Justice, 34(4), 380 (2006); Jessica Short and Christy Sharp, *Disproportionate Minority Contact in the Juvenile Justice System*, 13 (2005), <http://www.cwla.org/programs/juvenilejustice/disproportionate.pdf>.

<sup>17</sup> See Short & Sharp, note 16, at 14.

<sup>18</sup> See Short & Sharp, note 16, at 16.

<sup>19</sup> Annette Kuhlmann, *The View From the Other Side of the Fence: Incarcerated Women Talk about Themselves*, Justice Policy Journal, 2(1), 5-8 (2005), [http://www.cjcj.org/files/the\\_view.pdf](http://www.cjcj.org/files/the_view.pdf). See also, Barbara Owen and Barbara Bloom, *Profiling Women Prisoners: Findings from National Surveys and a California Sample*, The Prison Journal, 75(2), 165-185 (1995) (finding that substance abuse and poverty are related to incarceration for women in California).

<sup>20</sup> See Short & Sharp, note 16, at 14.

<sup>21</sup> See Short & Sharp, note 16, at 14,15.

<sup>22</sup> Eleanor Hinton Hoytt et al., *Pathways to Juvenile Detention Reform: Reducing Racial Disparities in Juvenile Detention*, 19, (2001), [http://www.aecf.org/upload/publicationfiles/reducing\\_racial\\_disparities.pdf](http://www.aecf.org/upload/publicationfiles/reducing_racial_disparities.pdf) (finding that gainful employment plus establishing a relationship with a significant other contributing to “maturing out” of engaging in criminal activity).

<sup>23</sup> Joan Petersilia, *Prisoner Reentry: Public Safety and Reintegration Challenges*, The Prison Journal, 81(3), 360-375 (2001).

<sup>24</sup> The Civil Rights Project and The Advancement Project, *Opportunities Suspended: The Devastating Consequences of Zero Tolerance and School Discipline Policies*, June 2000, <http://civilrightsproject.ucla.edu/research/k-12-education/school-discipline/opportunities-suspended-the-devastating-consequences-of-zero-tolerance-and-school-discipline-policies/>.

<sup>25</sup> See Short & Sharp, note 16, at 15.

<sup>26</sup> The following criminal justice decision-making points were used for this study: law enforcement disposition, court complaint filing, conviction, and sentencing.

<sup>27</sup> California Department of Justice, Criminal Justice Statistics Center, Monthly Arrest and Citation Register, 2005; See also *Balancing the Scales of Justice: County Profiles*, [www.aclunc.org/docs/racial\\_justice/balancing\\_the\\_scales\\_of\\_justice\\_county\\_profiles.pdf](http://www.aclunc.org/docs/racial_justice/balancing_the_scales_of_justice_county_profiles.pdf).

<sup>28</sup> Marc Mauer, *Racial Impact Statements as a Means of Reducing Unwarranted Sentencing Disparities*, Ohio State Journal of Criminal Law, 5(19), 39 (2007), [http://moritzlaw.osu.edu/osjcl/Articles/Volume5\\_1/Mauer-PDF.pdf](http://moritzlaw.osu.edu/osjcl/Articles/Volume5_1/Mauer-PDF.pdf) (citing Paige M. Harrison and Allen J. Beck, Bureau of Justice Statistics, U.S. Department of Justice, *Prisoners in 2005*, 9 (2006), (documenting some states significantly undercount Latinos.)).

<sup>29</sup> Human Rights Watch, *Decades of Disparity: Drug Arrests and Race in the United States*, March 2, 2009, <http://www.hrw.org/en/reports/2009/03/02/decades-disparity-0>; see also, Katherine Beckett, *Race, Drugs, and Policing: Understanding Disparities in Drug Delivery Arrests*, Criminology, 44(1) 105-137 (2006).

<sup>30</sup> Interviewees were asked, “What is the highest level of education you completed?” The following answer choices were provided: “college”; “some college”; “high school”; “GED”; “middle school”; and “other”.

<sup>31</sup> The other 2% of interviewees declined to answer this question.

<sup>32</sup> The findings in this section are based on analyses of the 60 interviewees who were asked in-depth questions about their educational experience.

<sup>33</sup> All Los Angeles respondents reported having a police presence in high school, and 82% reported having police presence in middle school. In order to ensure the Los Angeles respondents did not skew the data, the analysis was rerun without them. After removing the Los Angeles respondents, police presence in middle school was still strongly related to suspension, but neither police presence at the middle nor high school level was significantly related to arrest before age 20.

<sup>34</sup> Only eight interviewees were detained as youth and five of those interviewees eventually returned to comprehensive schools.

<sup>35</sup> The findings in this section are based on analyses of the 60 interviewees who were asked in-depth questions about their employment history.

<sup>36</sup> The findings in this section are based on analyses of the 59 interviewees who were asked in-depth questions about their housing history.



APPENDIX A

## EXTRA-JUDICIAL FACTORS EXPLORED

### EDUCATION FACTORS

1. Highly Segregated Schools
2. School Attendance
3. Enrollment in Alternative Schools
4. Enrollment in Private Schools
5. Graduation Rates
6. Drop Out Rates
7. Suspensions/Expulsions
8. UC/CSU Eligibility
9. SAT/ Standardized Test Performance
10. English Language Learners
11. School Resource Officers (SROs) on Campus
12. Free or Reduced Lunch
13. Special Education

### SOCIO-ECONOMIC AND EMPLOYMENT FACTORS

1. Median Income
2. Unemployment Rate
3. Job/Population Growth
4. Living in Poverty
5. Government Assistance
6. Industry (blue/white collar)
7. Multiple Jobs
8. Foster Youth
9. Homelessness

### HOUSING FACTORS

1. Percent of Income Paid for Housing
2. Average Household Size
3. Abandoned Housing
4. Section 8/Rental Assistance
5. Housing Tenure (Home Ownership vs. Renting)
6. Foreclosures
7. Highly Segregated Housing
8. Evictions



## APPENDIX B

**CRIMINAL JUSTICE DECISION-MAKING TERMS**

- I. Arrest:** Taking a person into custody in a case and in the manner authorized by law. An arrest may be made by a peace officer or by a private person.<sup>1</sup> California law enforcement agencies report arrest and citation information to the California Department of Justice on the Monthly Arrest and Citation Register, which lists each arrestee; includes information on age, gender, and race/ethnicity; and specifies the "most serious" arrest offense and law enforcement disposition.<sup>2</sup>
- II. Adult Felony Arrest Dispositions:** Final dispositions can occur at the law enforcement, prosecutor, or adult court level. Disposition data are collected in the Offender-Based Transaction Statistics (OBTS) system. The OBTS system includes the processing of adults (and in some cases, juveniles) arrested in California for felony offenses from arrest through final disposition at the adult level.<sup>3</sup>
- A. Law Enforcement Dispositions:** An action taken as the result of an arrest. Examples of police dispositions are: adults who are released by law enforcement, referred to another jurisdiction, or receive a misdemeanor or felony complaint; juveniles who are handled within the department, referred to another agency, or referred to the probation department or juvenile court.<sup>4</sup> Law Enforcement Disposition types include:
- **Complaint Filed:** A verified written accusation, filed by a prosecuting attorney with a local criminal court, which charges one or more persons with the commission of one or more offenses.
  - **Complaint Denied**
    - **Combined Case:** Cases deferred or rejected by the prosecutor and combined with other counts or cases.
    - **Petition to Revoke Probation:** Action taken by a prosecutor to revoke the probation status of an offender.
  - **Law Enforcement Release:** If an arrestee is released by a law enforcement agency, or the complaint is denied by a prosecutor who has determined that there is not enough evidence to justify the filing of a complaint, the release is recorded as a final disposition.
- B. Court Dispositions:** An action taken as the result of an appearance in court by a defendant. Examples are: adults who are dismissed, acquitted, or convicted and sentenced; juveniles who are dismissed, transferred, remanded to adult court, or receive out of home placement (for example, group home, ranch camp, or residential placement)<sup>5</sup>. Court Disposition data are collected in the Offender-Based Transaction Statistics (OBTS) system. Court Disposition types include:
- **Convicted:** A judgment, based either on the verdict of a jury or a judicial officer or on the guilty plea of the defendant, that the defendant is guilty.
  - **Not Convicted**
    - **Acquittal:** a judgment of a court, based either on the verdict of a jury or a judicial officer, that the defendant is not guilty of the offense(s) for which he or she was tried.
    - **Dismissal:** a decision by a judicial officer to terminate a case without a determination of guilt or innocence.
    - **Diversion Dismissed:** criminal charges dismissed after the successful completion of a diversion program.
- C. Sentences:** penalty imposed by a court upon a convicted person.<sup>6</sup>
- **Prison:** state correctional facility where persons are confined following conviction for a felony offense.
  - **Probation/Jail:** a type of disposition given upon conviction that imposes a jail term as a condition of probation.
  - **Jail:** a county or city facility for incarceration of sentenced and unsentenced persons.
  - **Probation with no Jail:** probation granted to adults without condition or stipulation that the defendant serve time in jail as a condition of probation.
  - **Other:**
    - **Death**
    - **Division of Juvenile Justice (formerly Youth Authority):** youth
    - **Fine:** the penalty imposed upon a convicted person by a court requiring the payment of a specified sum of money.





- **California Rehabilitation Center:** an institution operated by the California Department of Corrections and Rehabilitation that is designated for the treatment of persons addicted to narcotics or in imminent danger of addiction. Commitment to the facility is by civil procedure only.

**III. Juvenile Probation Referrals:** A juvenile who is brought to the attention of the probation department for alleged behavior under Welfare and Institutions Code sections 601 and 602. Juvenile referrals occur when a juvenile is brought to the attention of the probation department for a case review. Juveniles can be referred by a number of sources, with the largest percentage of referrals coming from law enforcement. Referrals may also be generated by schools, parents, public or private agencies, individuals, or by transfers from another county or state.<sup>7</sup> Referrals may be either “new” or “subsequent” and may be either “detained” or “not detained” pending court action.

- **New Referral:** juvenile who is not currently supervised by the probation department and is typically a first-time offender.
- **Subsequent Referral:** juvenile who is currently supervised by the probation department. A subsequent referral generally results from a new arrest or probation violation.
- **Detained:** juvenile who is detained immediately after arrest and prior to any court action. The vast majority of youth detained are detained in a secure facility.
- **Not Detained:** juvenile who is not detained immediately after arrest and prior to any court action.

**IV. Relative Rate Index Data:**<sup>8</sup> The Juvenile Justice and Delinquency Prevention Act (JJDP Act) requires that juvenile justice systems continually measure and monitor the disproportionate minority contact (DMC) of their juvenile case processing. The current system of measuring DMC involves determining the proportion of minority juveniles in a justice system in relation to their proportion in the general population. The measurement method called is called “Relative Rate Index” (RRI), and the case processing data include:

- **Youth Population:** youth “at risk” which includes youth under juvenile jurisdiction. In California, this includes youth aged 10-17.
- **Arrest:** youth are considered to be arrested when law enforcement agencies apprehend, stop, or otherwise contact them and suspect them of having committed a delinquent act. Delinquent acts are those that, if an adult commits them, would be criminal, including crimes against persons, crimes against property, drug offenses, and crimes against the public order.
- **Refer to Court:** when a potentially delinquent youth is sent forward for legal processing and received by a juvenile or family court or juvenile intake agency, either as a result of law enforcement action or upon a complaint by a citizen or school.
- **Divert:** diversion population includes all youth referred for legal processing but handled without the filing of formal charges. Youth referred to juvenile court for delinquent acts are often screened by an intake department (either within or outside the court). The intake department may decide to dismiss the case for lack of legal sufficiency, resolve the matter informally (without the filing of charges), or resolve it formally (with the filing of charges).
- **Cases Involving Secure Detention:** Detention refers to youth held in secure detention facilities at some point during court processing of delinquency cases (i.e., prior to disposition). In some jurisdictions, the detention population may also include youth held in secure detention to await placement following a court disposition. For the purposes of DMC, detention may also include youth held in jails and lockups. Detention should not include youth held in shelters, group homes, or other non-secure facilities.
- **Cases Petitioned:** Formally charged (petitioned) delinquency cases are those that appear on a court calendar in response to the filing of a petition, complaint, or other legal instrument requesting the court to adjudicate a youth as a delinquent or status offender or to waive jurisdiction and transfer a youth to criminal court. Petitioning occurs when a juvenile court intake officer, prosecutor, or other official determines that a case should be handled formally. In contrast, informal handling is voluntary and does not include the filing of charges.
- **Cases Resulting in Delinquent Findings:** Youth are judged or found to be delinquent during adjudicatory hearings in juvenile court. Being found (or adjudicated) delinquent is roughly equivalent to being convicted in criminal court. It is a formal legal finding of responsibility. If found to be delinquent, youth normally proceed to disposition hearings where they may be placed on probation, committed to residential facilities, ordered to perform community service, or receive various other sanctions.
- **Cases Resulting in Probation Placement:** Probation cases are those in which a youth is placed on formal or court-ordered supervision following a juvenile court disposition.
- **Cases Resulting in Confinement in Secure Juvenile Correctional Facility:** Confined cases are those in which, following a court disposition, youth are placed in secure residential or correctional facilities for delinquent offenders. The confinement population should not include all youth placed in any form of out-of-home placement. Group homes, shelter homes, and



mental health treatment facilities, for example, would usually not be considered confinement. Every jurisdiction collecting DMC data must specify which forms of placement do and do not qualify as confinement.

- **Transfer to Adult Court:** Waived cases are those in which a youth is transferred to criminal court as a result of a judicial finding in juvenile court. During a waiver hearing, the prosecutor usually files a petition asking the juvenile court judge to waive jurisdiction over the case. The juvenile court judge decides whether the case merits criminal prosecution. When a waiver request is denied, the matter is usually scheduled for an adjudicatory hearing in the juvenile court. If the request is granted, the juvenile is judicially waived to criminal court for further action. Juveniles may be transferred to criminal court through a variety of other methods, but most of these methods are difficult or impossible to track from within the juvenile justice system, including prosecutor discretion or concurrent jurisdiction, legislative exclusion, and the various blended sentencing laws.

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<sup>1</sup> California Penal Code Section 834.

<sup>2</sup> California Department of Justice Division of California Justice Information Services Bureau of Criminal Information and Analysis Criminal Justice Statistic Center, *Crime in California 2008*, <http://ag.ca.gov/cjsc/publications/candd/cd08/preface.pdf>.

<sup>3</sup> *Ibid.*

<sup>4</sup> *Ibid.*

<sup>5</sup> *Ibid.*

<sup>6</sup> *Ibid.*

<sup>7</sup> *Ibid.*

<sup>8</sup> *Ibid.*



## APPENDIX C

## INTERVIEW QUESTIONNAIRES

The interview questionnaires administered for this study are reprinted in this appendix. All 179 participants were asked the questions in the section titled “Preliminary Questions” which provided demographic information as well as information about participants’ involvement in the criminal justice system and general information about their education, employment, and housing histories. In addition to the questions asked of everyone, an equal number of interviewees from each county were randomly selected to answer in-depth questions about one of the three domains. One third of interviewees answered the “Educational Quantity/Quality” questions; another third answered the “Employment Quality/Quantity” questions; and the other third answered the “Satisfaction with Current Housing” questions. To read the theories underlying the questions, please see page 4 of the report.

### PRELIMINARY QUESTIONS

#### I. Background

1. How old are you? \_\_\_\_\_
2. What is your Race/Ethnicity?  
Black\_\_\_\_ White\_\_\_\_ Hispanic\_\_\_\_ Asian\_\_\_\_ Pacific Islander\_\_\_\_ American Indian\_\_\_\_ Other\_\_\_\_\_
3. What is your gender? Male\_\_\_\_ Female\_\_\_\_
4. What is your immigration status?  
US Citizen\_\_\_\_ Naturalized Citizen\_\_\_\_ Permanent Resident\_\_\_\_ Visa\_\_\_\_ Undocumented\_\_\_\_ Other\_\_\_\_\_
5. What zip code did you grow up in? \_\_\_\_\_
6. What is your current zip code? \_\_\_\_\_
7. Have you or your family ever received disability or government assistance? Yes\_\_\_\_ No\_\_\_\_ (skip to 8)  
If yes, in what form?  
Food Stamps\_\_\_\_ TANF\_\_\_\_ Medicaid\_\_\_\_ MediCal\_\_\_\_ CalWorks\_\_\_\_ Disability\_\_\_\_ General Assistance\_\_\_\_  
Other\_\_\_\_\_
8. Were you ever in foster care? Yes\_\_\_\_ No\_\_\_\_ (skip to next section II)  
If yes, for how long?\_\_\_\_\_ at what age(s)? \_\_\_\_\_ how many foster care homes were you in? \_\_\_\_\_

#### II. Criminal Justice

9. How old were you when you were first arrested? \_\_\_\_\_
10. What were you arrested for? \_\_\_\_\_
11. Did any of the following occur as a result of your arrest?  
Detained\_\_\_\_ Charged\_\_\_\_ Sentenced\_\_\_\_ Convicted\_\_\_\_ Diverted\_\_\_\_ Plea Bargain\_\_\_\_ Other\_\_\_\_\_



12. Prior to this arrest were you ever stopped by the police? Yes\_\_\_ No\_\_\_
13. When were you most recently arrested? (month/year) \_\_\_\_\_
14. What offense(s) were you charged with? \_\_\_\_\_
15. What offense(s) were you convicted of? \_\_\_\_\_
16. Which of the following factors would you say influenced your involvement in the criminal justice system?
- Gangs\_\_\_ Lack of personal motivation\_\_\_ Unemployment\_\_\_ Racial Profiling by the police\_\_\_ Personal addiction\_\_\_  
Lack of educational opportunities\_\_\_ Poverty\_\_\_ Exposure to family violence\_\_\_  
Family involvement in criminal justice system\_\_\_  
Other\_\_\_\_\_
17. How has your involvement in the criminal justice system impacted other aspects of your life?
- \_\_\_\_\_

### III. Education

18. What is the highest level of education you completed?
- College\_\_\_ (at \_\_\_\_\_) Some college\_\_\_ (at \_\_\_\_\_) High School\_\_\_  
GED\_\_\_ Middle School\_\_\_ Other\_\_\_\_\_
19. Where did you attend high school? (if no high school, name of last school attended)\_\_\_\_\_
- (19a.) What was the zip code of this school?\_\_\_\_\_

### IV. Employment

20. Have you ever had a job? Yes\_\_\_ No\_\_\_ (if no, skip to 23)
21. How many jobs have you had? \_\_\_\_\_
22. At the time of your most recent arrest, what was your employment status?
- Employed full time\_\_\_ Employed Part time\_\_\_ Unemployed\_\_\_ (skip 25)
23. Have you ever been unemployed? Yes\_\_\_ No\_\_\_ (if no, skip to 25)
24. Have you ever received Unemployment? Yes\_\_\_ No\_\_\_
- (24a.) Why/Why Not?\_\_\_\_\_
- (24b.) How long did you receive unemployment?\_\_\_\_\_
- (24c.) Did you face any obstacles in getting unemployment? Yes\_\_\_ No\_\_\_
25. Did your last full time employment offer benefits? Yes\_\_\_ No\_\_\_

### V. Housing

26. At the time of your most recent arrest, what was your housing status?



Rent subsidized\_\_\_\_ Rent unsubsidized\_\_\_\_ Owned home\_\_\_\_ Homeless in shelter\_\_\_\_ Homeless in car\_\_\_\_  
Homeless on streets\_\_\_\_ Living with family or friends\_\_\_\_  
Other\_\_\_\_\_

27. (If Different) When you first became involved in the criminal justice system, what was your housing status?

Rent subsidized\_\_\_\_ Rent unsubsidized\_\_\_\_ Owned home\_\_\_\_ Homeless in shelter\_\_\_\_ Homeless in car\_\_\_\_  
Homeless on streets\_\_\_\_ Living with family or friends\_\_\_\_  
Other\_\_\_\_\_

28. Have you ever been evicted? Yes\_\_\_\_ No\_\_\_\_ (skip 28a)

(28a.) If Yes, when were you last evicted (month/year) \_\_\_\_\_

## EDUCATIONAL QUANTITY/QUALITY

29. How would you rate the quality of your education overall on a scale of poor, fair, good or excellent?

Excellent\_\_\_\_ Good\_\_\_\_ Fair\_\_\_\_ Poor\_\_\_\_

(29a.) What makes you give this rating? \_\_\_\_\_

30. Did you graduate from High School? Yes\_\_\_\_ (skip to 31) No\_\_\_\_

If No:

(30a.) Did you complete a GED program? Yes\_\_\_\_ No\_\_\_\_

(30b.) Why didn't you complete High School?

Did not pass exam\_\_\_\_ Failed to complete necessary credits to graduate\_\_\_\_

Dropped out of School\_\_\_\_ Why \_\_\_\_\_

Was kicked out of school\_\_\_\_ Why? \_\_\_\_\_

Other \_\_\_\_\_

(30c.) What did you do instead of attending high school? \_\_\_\_\_

31. How many of your friends graduated from high school?

Nearly All (90-100%)\_\_\_\_ Most (70-89%)\_\_\_\_ About half (40-69%)\_\_\_\_ Very Few (0-39%)\_\_\_\_

32. Did you attend school on a regular basis?

\_\_\_\_Yes, my absences from school were infrequent and all absences were excused  
\_\_\_\_Yes, I missed school from time to time, but most of my absences were excused  
\_\_\_\_No, I frequently skipped school but was not kicked out  
\_\_\_\_No, I skipped school so often that I was kicked out of school

Other \_\_\_\_\_





If did not attend on a regular basis:

(32a.) What caused you to miss school? \_\_\_\_\_

(32b.) What were the consequences of missing school, if any? \_\_\_\_\_

(32c.) Have any of the following happened as a result of missing school?

Arrest\_\_\_\_ Suspension\_\_\_\_ Expulsion\_\_\_\_ Involuntary transfer\_\_\_\_

33. Were you ever suspended from school? Yes\_\_\_\_ No\_\_\_\_

34. Were you ever expelled from school? Yes\_\_\_\_ No\_\_\_\_ (skip 34a)

(34a.) If yes, explain the expulsion process and outcome (i.e. transferred to another school)

\_\_\_\_\_

35. Was there a police presence at your High School? Yes\_\_\_\_ No\_\_\_\_ (skip to next section)

36. Was there a police presence at your Middle School? Yes\_\_\_\_ No\_\_\_\_

37. How did you see the **police interacting with students** in High School, Middle School, or both?

\_\_\_\_\_

38. What were **your interactions with police** in High School, Middle School, or both? \_\_\_\_\_

\_\_\_\_\_

39. What were your interactions with police in High School, Middle School, or both? \_\_\_\_\_

\_\_\_\_\_

40. What did you think the police at your school were supposed to be doing? \_\_\_\_\_

\_\_\_\_\_

## SYSTEM INVOLVEMENT AND EDUCATION

41. Were you ever arrested as a juvenile? Yes\_\_\_\_ No\_\_\_\_ (end)

(41a.) If so, at what age? \_\_\_\_

42. Were any of your juvenile arrests related to school in any of the following ways (check all that apply)

\_\_\_\_Arrested at school

\_\_\_\_Arrested during school hours (away from school)

\_\_\_\_Arrested on the way to/from school

\_\_\_\_Arrested as the result of an incident that started at school

43. Were you ever taken out of school as the result of juvenile justice system involvement (e.g., detained in a youth detention facility pending adjudication) Yes\_\_\_\_ No\_\_\_\_

(43a.) If yes, when you were released from detention, did you return to the same school you attended prior to juvenile justice system involvement? Yes\_\_\_\_ No\_\_\_\_



44. What impact did your involvement in the juvenile justice system have on your educational experience?

\_\_\_\_\_

45. Did you go to school while you were in juvenile detention? Yes\_\_\_ No\_\_\_

46. Did you complete any education programs while in juvenile detention (GED) Yes\_\_\_ No\_\_\_

47. How would you rate the quality of your education overall in juvenile detention?

Excellent\_\_\_ Good\_\_\_ Fair\_\_\_ Poor\_\_\_

(47a.) What caused you to give this rating? \_\_\_\_\_

\_\_\_\_\_

48. Do you see any connection between your educational experience and your involvement with the criminal justice system?

Yes\_\_\_ No\_\_\_

(48a.) Please explain. \_\_\_\_\_

\_\_\_\_\_





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