

Thinking about Criminal Legal Data

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Outline

I. Context of My Research

II. Washington Data

III. Issues to think
about

IV. Q & A

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- Teach sociology: social problems, race and ethnicity in the U.S.
- Research:
 - Juvenile transfer/waiver/decline processes
 - Community re-entry post incarceration
 - Monetary Sanctions/LFOs/Fines, Fees & Restitution
- Methods:
 - Mixed – primarily trained in qualitative (interview, survey and observation)
- Administrative (Fun facts)
 - Faculty Athletic Representative (FAR)
 - Faculty Development Program (FDP)
- Public Scholarship
 - WA Cadet Training Curriculum , Fed Hearings, WA Commission, Race and Justice Taskforce, Clean Dreams

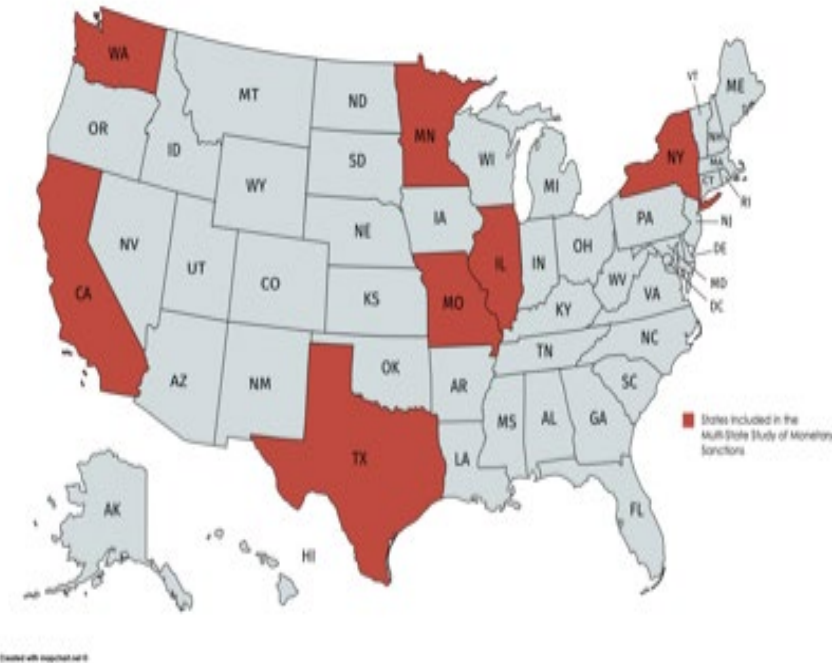


II. Washington State Data



The Multi-State Study of Monetary Sanctions

- *A mixed methods study of state, county and municipal legal financial obligations*
- Started in 2015, funded by Arnold Ventures (Alexes Harris, PI) (ended 2021)
- Research covers multiple layers of systems of justice (municipal, “lower courts,” and superior courts)
- Team includes two dozen social scientists with a wide breadth of expertise
- Data collected include...
 - Observations of sentencing hearings and sanctioning hearings (averaging 200 hours per site)
 - Over 950 interviews and surveys with people who owe debt, prosecutors, judges, defense attorneys, clerks, and probation officers
- Compilations of statewide, multi-year, automated court data



Administrative Office of the Courts Data

- Administrative Office of the Courts, (WA State AOC Data)
 - Individual-level data on traffic to felony fines, fees, and restitution for 8.5 million cases (3.4 million people) from 2007-2014
 - Merged with home addresses for people charged leaves us with around 2.8 million cases (1.8 million geocoded individuals)
 - Aggregated up to 1,447 WA state tracts
- The American Community Survey 5 year from 2005-2009 to 2012-2016, linked at midyear to LFO data from 2007-2014

Layers of Data

- Various layers and locations for data
 - Arrest
 - Prosecution
 - Conviction
 - Sentencing (AOC)
- What is missed?
 - Police use of force
 - Warrants
 - Why in jail (FTA, FTP, Warrant pick up)
- Where is the data?
 - State, County, Police, Municipalities



III. Issues to Think About



Side Note: Race and Ethnicity

U.S. Census re: Race, 2010 vs 2020

2010 U.S. Census Racial Category options

6. What is this person's race? Mark one or more boxes.

White

Black, African Am., or Negro

American Indian or Alaska Native — Print name of enrolled or principal tribe. ↴

Asian Indian Japanese Native Hawaiian

Chinese Korean Guamanian or Chamorro

Filipino Vietnamese Samoan

Other Asian — Print race, for example, Hmong, Laotian, Thai, Pakistani, Cambodian, and so on. ↴

Other Pacific Islander — Print race, for example, Fijian, Tongan, and so on. ↴

Some other race — Print race. ↴

2020 census asks white and black respondents for more detail on their origins

What is this person's race?

Mark one or more boxes **AND** print origins.

White — Print, for example, German, Irish, English, Italian, Lebanese, Egyptian, etc. ↴

Black or African Am. — Print, for example, African American, Jamaican, Haitian, Nigerian, Ethiopian, Somali, etc. ↴

American Indian or Alaska Native — Print name of enrolled or principal tribe(s), for example, Navajo Nation, Blackfeet Tribe, Mayan, Aztec, Native Village of Barrow Inupiat Traditional Government, Nome Eskimo Community, etc. ↴

Chinese Vietnamese Native Hawaiian

Filipino Korean Samoan

Asian Indian Japanese Chamorro

Other Asian — Print, for example, Pakistani, Cambodian, Hmong, etc. ↴

Other Pacific Islander — Print, for example, Tongan, Fijian, Marshallese, etc. ↴

Some other race — Print race or origin. ↴

Source: U.S. Census Bureau.

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Racial categories in U.S.

- American Indian or Alaska Native – A person having origins in any of the original peoples of North and South America (including Central America) and who maintains tribal affiliation or community attachment.
- Asian – A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.
- Black or African American – A person having origins in any of the Black racial groups of Africa.
- Native Hawaiian or Other Pacific Islander – A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.
- White – A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.

U.S. Census, 2010 – Hispanic Origin (Ethnicity)

Figure 1. Reproduction of the Questions on Hispanic Origin and Race From the 2010 Census

→ NOTE: Please answer BOTH Question 5 about Hispanic origin and Question 6 about race. For this census, Hispanic origins are not races.

5. Is this person of Hispanic, Latino, or Spanish origin?

- No, not of Hispanic, Latino, or Spanish origin
- Yes, Mexican, Mexican Am., Chicano
- Yes, Puerto Rican
- Yes, Cuban
- Yes, another Hispanic, Latino, or Spanish origin — *Print origin, for example, Argentinean, Colombian, Dominican, Nicaraguan, Salvadoran, Spaniard, and so on.* ↘

6. What is this person's race? Mark one or more boxes.

- White
- Black, African Am., or Negro
- American Indian or Alaska Native — *Print name of enrolled or principal tribe.* ↘

- | | | |
|---|--|--|
| <input type="checkbox"/> Asian Indian | <input type="checkbox"/> Japanese | <input type="checkbox"/> Native Hawaiian |
| <input type="checkbox"/> Chinese | <input type="checkbox"/> Korean | <input type="checkbox"/> Guamanian or Chamorro |
| <input type="checkbox"/> Filipino | <input type="checkbox"/> Vietnamese | <input type="checkbox"/> Samoan |
| <input type="checkbox"/> Other Asian — <i>Print race, for example, Hmong, Laotian, Thai, Pakistani, Cambodian, and so on.</i> ↘ | <input type="checkbox"/> Other Pacific Islander — <i>Print race, for example, Fijian, Tongan, and so on.</i> ↘ | |

- Some other race — *Print race.* ↘

Source: U.S. Census Bureau, 2010 Census questionnaire.

Race and Ethnicity in Administrative Data

- **Problems to capture nuances**
 - Administrative data usually use census based racial categories
 - Usually ascribed by a decision maker to someone
 - won't reflect necessarily true identity
 - Data usually lacks ethnicity or Indigeneity distinctions
 - Frequently confounded with white category
 - Leads to undercounting of disproportionality or disparity with Latinx & Indigenous communities/individuals

Surname Analysis – Political science, health, criminal legal

- Surname analysis is a potentially useful technique
- Race - social construct – but groups are treated differently
- Surname analysis uses an individual's last name to estimate the likelihood that the individual belongs to a particular racial or ethnic group
- Algorithm based on common Spanish names, also used for Asian ethnicity (usually relies on both names)

Sources: <https://www.rand.org/pubs/papers/P7844.html>

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1797082/#:~:text=Surname%20analysis%20uses%20an%20individual's,names%20among%20the%20former%20groups.>



Key Distinction in
Terminology

- Measuring Differences in Outcomes:
 - “Disproportionality”
 - Over representation
 - “Disparities”
 - Different treatment, policy, process that differentially affects one group more than another

Examples of
how we have
used data so
far.....

- Descriptive for changes over time and across courthouse types
- Per capita rates by race and ethnicity
- Spatial analyses across WA State

Figure 4. Total Amounts Collected and Outstanding by WA State Court Type, 2000-2014.

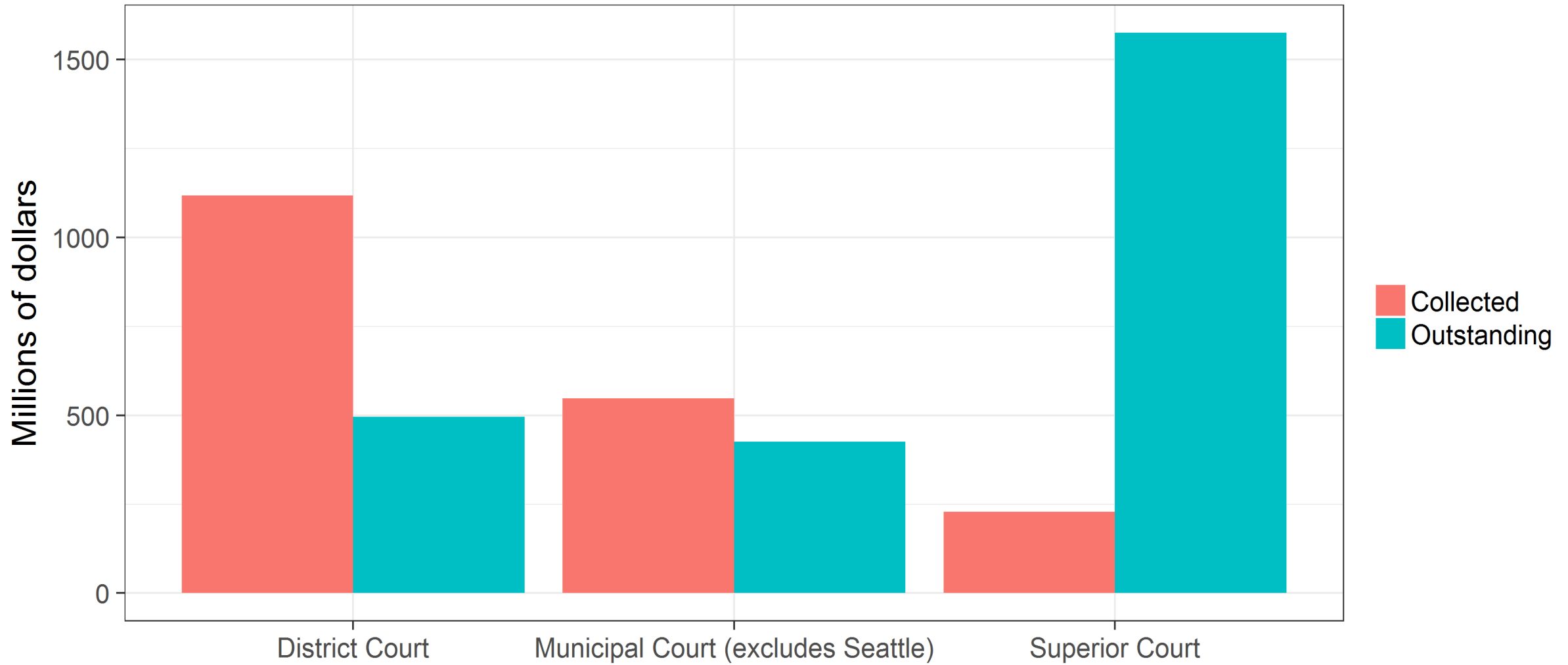


Figure 5. Amount of Sentences by Court and Case Type
WA State, 2000-2014.

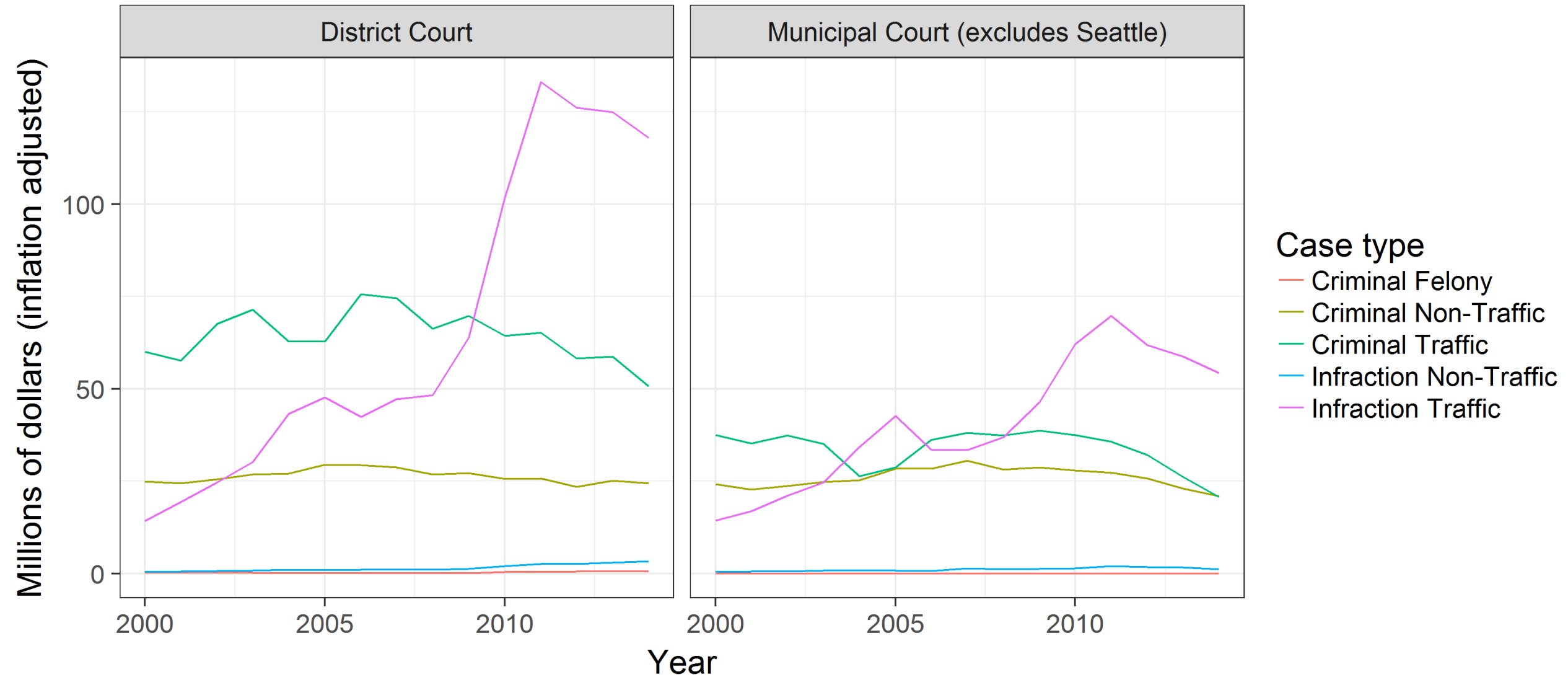


Figure 7. Per Capita Rate of LFO Sentencing in Superior Courts by Race/Ethnicity, WA Superior Courts, 2014.

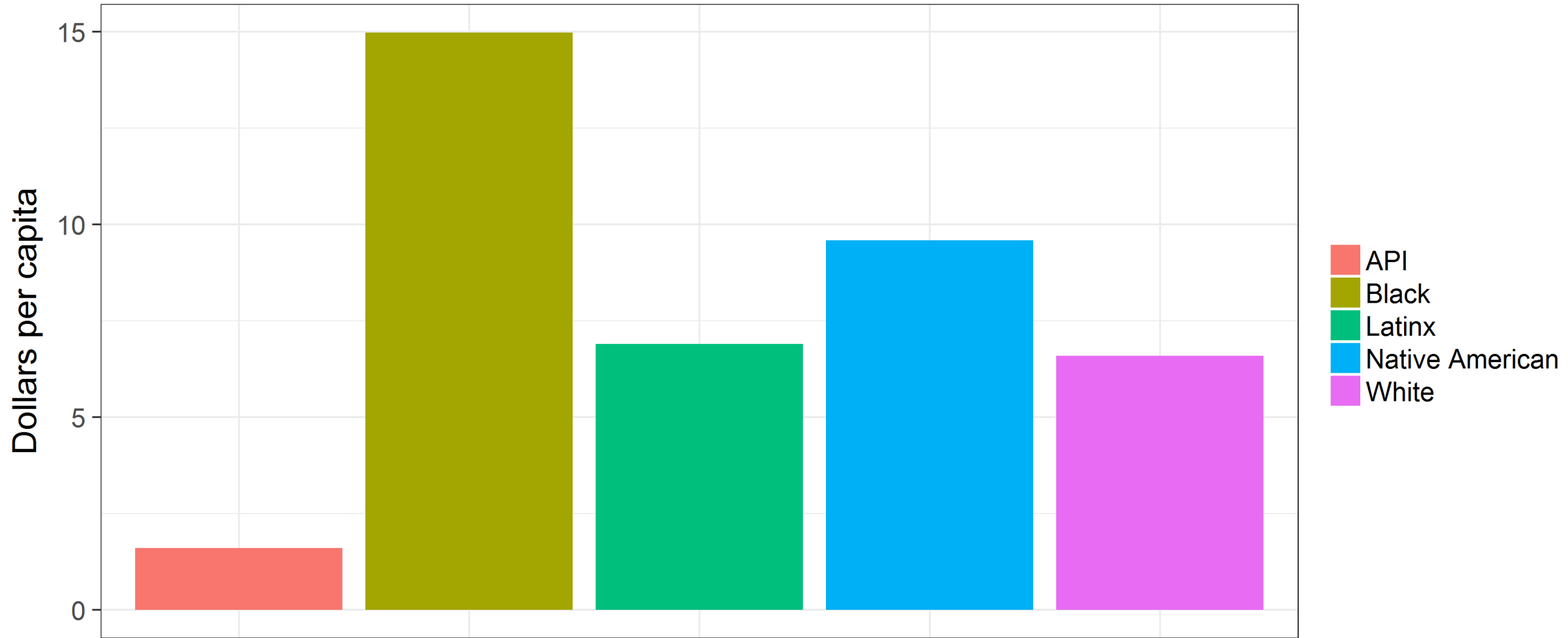


Figure 8. Per Capita Rate of LFO Balance in Superior Courts by Race/Ethnicity, WA Superior Courts, 2014.

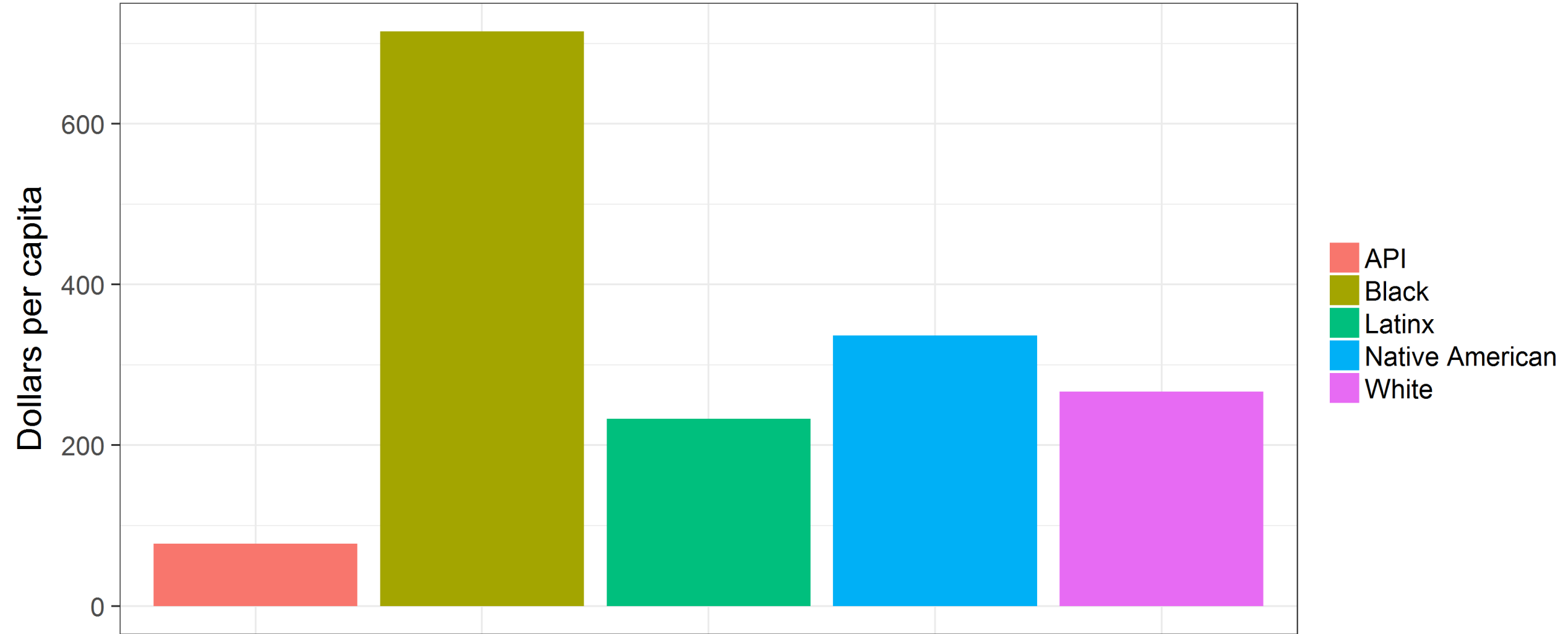
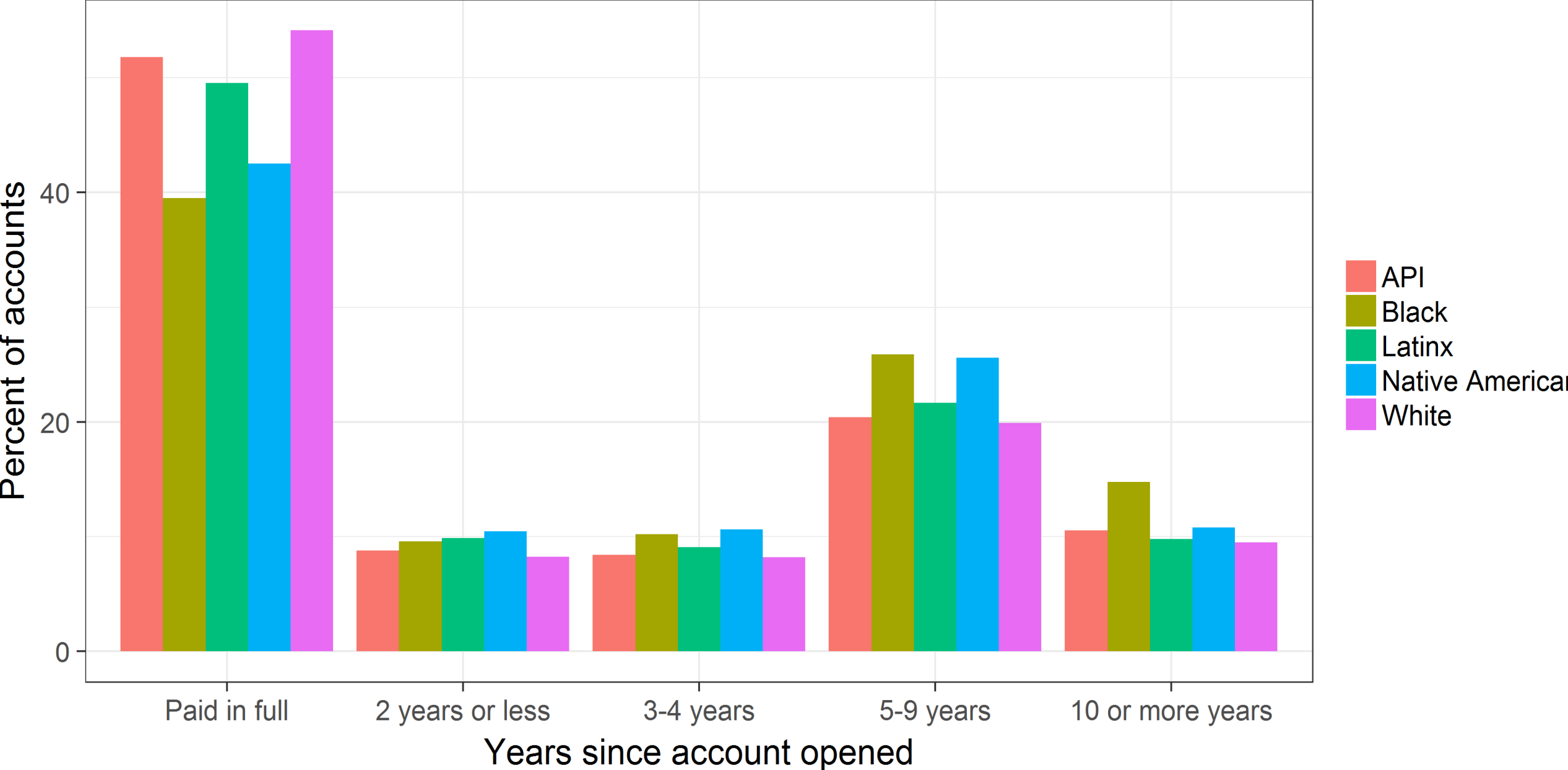


Figure 10. Age of LFO Accounts, WA Superior Court, 2000-2014



#2 Disparities and Traffic Stops

(SMC Report -Edwards & Harris, 2020)

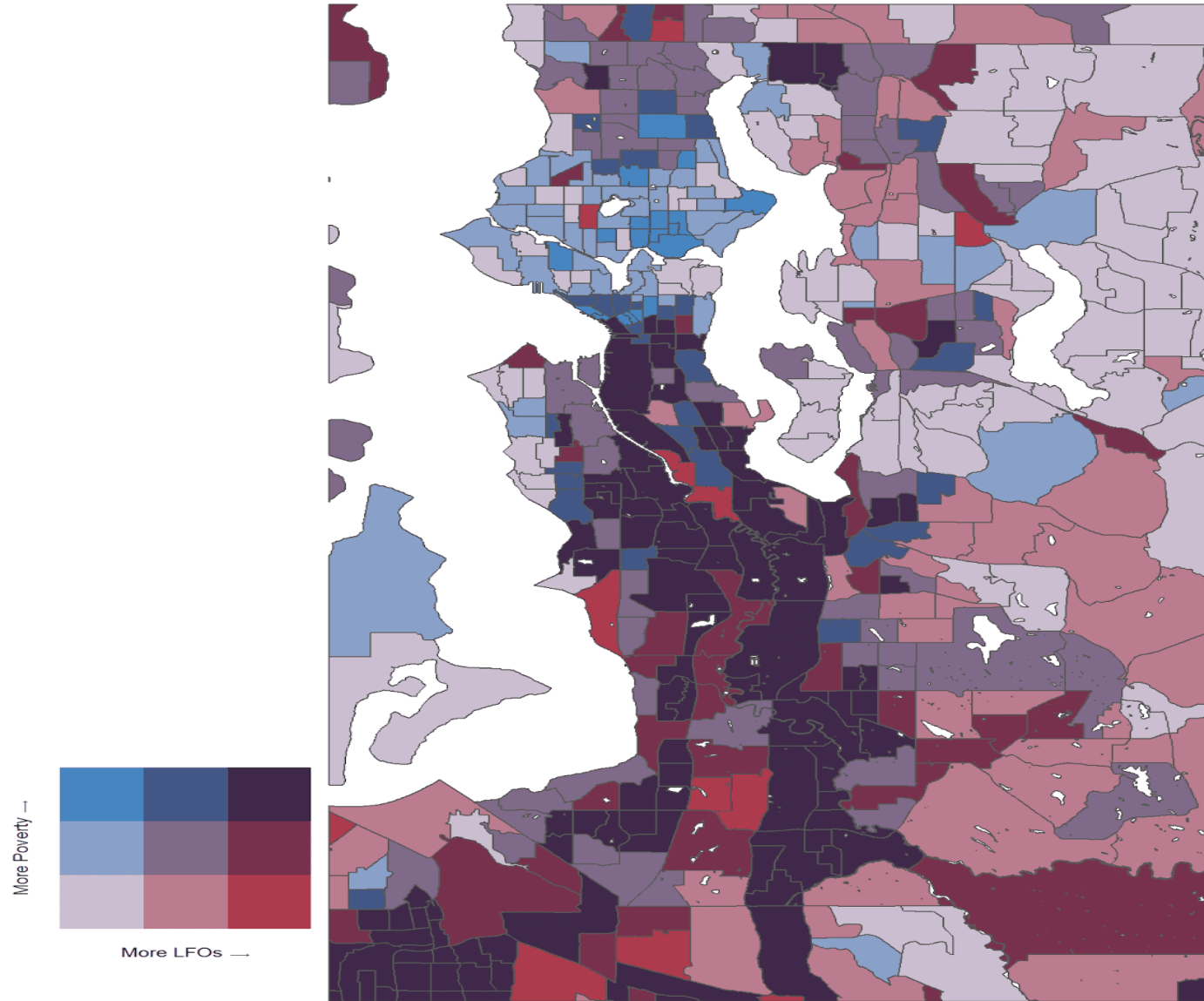
1. People sentenced to **criminal traffic cases** tended to have LFO accounts open for longer periods of time compared to other types of cases
2. For each class of case, Black men and women are significantly more likely than peers to be sentenced to **incarceration** through a WA Sup Ct following a PAID and UNPAID SMC LFO
3. People of color have a higher likelihood than White people to be charged with a **DWLS₃** following a SMC LFO sentence. Especially pronounced for Black drivers.

#3 “Debt Blocks”

O’Neill, Kennedy, Harris (under review)

- Observed LFOs per capita are spatially concentrated
- Higher poverty neighborhoods also tend to have higher per capita LFO burdens
- LFOs are associated with increases in future poverty rates, and this association is stronger in non-White neighborhoods

Spatial Distribution of LFOs and Poverty in the Seattle Area (Average per tract, 2004-2015)



Source: O'Neill, Kennedy & Harris. *Debtors' Blocks: How monetary sanctions make between-neighborhood racial and economic inequalities worse*. *Sociology of Race and Ethnicity* (Revise and Resubmit Submitted).

Upcoming discussion of interest

- Task force on Race in Washington's Criminal Legal System
 - Presentation to the Washington State Supreme Court Wednesday, **September 29th 9:00-12:00**
 - Online via Zoom and TVW
 - Sponsored by UW, SU, Gonzaga Law Schools
- Link to register:
<https://events.r2o.constantcontact.com/register/eventReg?oeidk=a07eijbezn58fb917db&oseq=&c=&ch=>

Thank you

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