

A PROFILE OF LATINX PARTICIPANTS IN ADULT REDEPLOY ILLINOIS



ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY
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Abstract: There have been few research studies on Latinx people who are criminal justice-involved. The Adult Redeploy Illinois (ARI) Program adopted a racial equity lens to better study and address the needs of racial minorities in their funded diversion programs. These programs are important to justice-involved individuals with felony charges because the programs present an opportunity to be in community supervision which addresses their criminogenic needs rather than be incarcerated. We embarked on a study to describe the ARI Latinx participants who have completed the program, describe their experiences in the program, and compare their experiences and outcomes with White and Black ARI participants who have also completed the program. We found some differences in experiences and outcomes that could be considered racial disparities. Discussion of these differences with ARI leadership, including Oversight Board members, local ARI staff, was recommended, along with future studies which collect more information relevant to the Latinx experience in the U.S., and studies that include ARI vocational training and employment outcomes.

Introduction

In a 2004 report, the preeminent organization for Latinos in America, the *National Council of La Raza*, lamented the lack of information on and thus policy relevance for Latino (referred to in this report as Latinx) individuals in the criminal justice system. The authors asserted the lack of knowledge of their population would result in poor policy practices and outcomes for justice-involved Latinx individuals.¹ As early as 2002, Latinx people, mostly men, were being sentenced to prison at higher rates than White people, at 1:6 and 1:17, respectively. By 2011, 34% of those in federal prisons were Latinx.²

Fast forward to 2022, research on the Latinx population in the criminal justice system is still lacking. One report from 2016 was actually entitled “*The Alarming Lack of Data on Latinos in the Criminal Justice System*”.³ Admittedly, there has since been more articles published describing Latinx people in criminal justice; however, a dearth of empirical quantitative and qualitative research still exists on Latinx involvement in community corrections programs, such as problem-solving courts and diversion programs.

Even when Latinx individuals were included in criminal justice research, their lack of data in such research,⁴ or the lack of consistency in reporting ethnicity⁵ prevented their inclusion in race comparative analyses. Sometimes, Latinx individuals were included in a non-White category without explanation.⁶ Although it is not consistently documented, Latinx drug court participants can be excluded from research despite meeting eligibility requirements, due to a lack of Spanish-speaking staff to work with them.⁷ In a national study, researchers found that only 38 states collect data on the Latinx population in the criminal justice system; 20 states report Latinx-specific parole data and 18 states report Latinx-specific probation data.⁸ This report will provide more information on Latinx people who were involved in problem-solving courts and diversion programming in Illinois, funded by Adult Redeploy Illinois.

The Illinois Criminal Justice Information Authority’s (ICJIA’s) Adult Redeploy Illinois (ARI) program was established by the Crime Reduction Act of 2009 (Public Act 96-0761) to provide financial incentives to local jurisdictions to implement programs that allow diversion from state prison and provide community-based services. Grants are provided to increase programming in counties and judicial circuits in exchange for reducing the number of people sent to Illinois prisons. Since inception in 2011, ARI has served over 8,000 individuals across the state. The ARI Oversight Board awarded \$8.25 million in state fiscal year 2023 grant funds to 53 programs in 46 counties.

The purpose of ARI is to fund local programs which are designed to divert individuals with a current probation-eligible charge from prison into community-based supervision and services that reduce their risk and address their criminogenic needs. Local programs include problem-solving courts (drug courts, DUI courts, mental health courts, and veterans courts) and other intensive supervision programs with additional treatments and services, such as cognitive behavioral therapy or vocational programs. ARI programs are operated at county and judicial circuit levels and implemented by teams of court, probation, human services, substance use treatment and mental health professionals. To be eligible in jurisdictions where the program is available, individuals must be prison-bound—a determination that is based on criminal history—facing felony charges and exhibiting appropriate criminogenic risk levels. ARI program participation is voluntary. An individual may self-refer or receive a referral from lawyers, probation officers, or judges for ARI program assessment conducted by an ARI probation officer

and, once deemed eligible, may choose ARI program enrollment or processing, or continue to be processed in the traditional court system.⁹

Equity, inclusion, and access are core values of the ARI program. One goal is to create an “equitable community corrections system through access to interventions that target individuals’ needs and leverage their assets”.¹⁰ In 2020, the ARI Oversight Board adopted a racial equity perspective as part of the program’s strategic plan. ARI Oversight Board members began to take a closer look at racial equity, disparity, and disproportionalities in ARI-funded programs.¹¹

While ARI participation rates among the Latinx population have increased since program inception, little data had been available to compare or measure outcomes of these clients. Recently, there were sufficient numbers of Latinx ARI participants served to create a profile and conduct race comparative analyses including them. This study was conceived to better understand and identify the needs and strengths of ARI Latinx participants. The research questions for this study included:

1. What are the characteristics of Latinx ARI participants?
2. What has been the experience of Latinx ARI participants?
3. Are the characteristics and experiences of Latinx ARI participants significantly different or similar to White and Black participants?

Literature Review

Terms such as *Hispanic*, *Latino/Latina*, and *Latinx* describe people who were born in Latin America, Spain, or Caribbean countries where Spanish is the primary language or who are descendants of people from those regions.¹² The American histories of other ethnic groups referred to as Latinx vary. Mexican people have been in the United States the longest and many live in western and southwestern U.S. territories that were formerly part of Mexico. Many Cuban people migrated to the United States because their beliefs and values aligned with the U.S. rather than communist Cuba. Many Central American immigrants have entered the United States after fleeing war in their home countries. Understanding these historical differences can provide a foundation for contextual and cultural understanding of the diversity among Latinx people.¹³ For purposes of this report, the term *Latinx* will be used to refer to all above described populations residing in the United States.

As Latinx populations grow across the nation, they experience disproportionately higher criminal justice involvement and negative criminal justice system outcomes.^{14 15} Few studies have described or explained Latinx experiences within the system.¹⁶ A significant lack of data is available on how the opioid epidemic has impacted them, their substance use outcomes, and their recovery needs within the justice system.¹⁷

Difference, Disparity, and Disproportionality

To compare Latinx experiences and outcomes to identify disparities within the criminal justice system, researchers consider quantitative indices of difference and disproportionality. Difference is the simplest indicator, including those in counts and percentages of a criminal justice factor, such as arrest and property offense percentages by race. Disparity indicates inequality in outcomes for the compared groups, such as when probation completions are fewer among Latinx individuals compared to White individuals. Disproportionality describes the difference between the proportion of an indicator within a racial/ethnic group, for example, the percentage of Latinx

individuals from whom probation or parole was revoked and the proportion of the total probation or parole population.¹⁸ Disproportionality is described as either equally represented, underrepresented, or overrepresented.

In a national report on drug courts, Latinx (Hispanic) participants represented 17% of the general population, 13% of probationers, and 10% of drug court participants, indicating an underrepresentation of Latinx probationers. In contrast, White participants comprised 62% of the general population, 54% of probationers, and 62% of drug court participations, indicating an overrepresentation of White probationers in drug courts.¹⁹

Probation officers use risk assessments to determine diversion program eligibility. High risk levels indicate a higher likelihood of prison recidivism and the need for interventions that address the person's criminogenic needs, responsivity to treatment, and personal and community resources that can negatively or positively impact rehabilitation. The accuracy of these assessments is crucial for correct placement in community corrections programming and for developing responsive case plans and probation requirements. The cultural validity of these assessments for Latinx applicants has been explored.²⁰ Several studies indicated that a commonly used risk assessment, the Level of Service Inventory – Revised, had lower predictive recidivism validity for Latinx individuals than their White peers.²¹

To improve prediction, risk assessment tools must be racially and ethnically unbiased and assessment practices must be culturally responsive.²² In a national, multi-method study of Latinx and American Indian risk assessment experiences, researchers found that the risk assessment tools in use were valid predictors of risk for Latinx individuals. Recidivism rates within Latinx populations were reduced when culturally competent practices were in place, including hiring Latinx staff and providing staff with general cultural competency training.²³ The researchers recommended validating the assessment tool every three years to determine if it is still predicting recidivism for Latinx populations.

Risk level scores should be tested using outcome measures and include gender, race, and ethnic group as important factors.²⁴ Also, primary language and English language fluency must be taken into consideration for assessment and supervision purposes. Given the diversity of Latinx people in the criminal justice system, Spanish dialects can create obstacles to communication even for Spanish speakers and must be addressed. In addition, before assessments, particularly for Latinx immigrants, providing information and checking in on their understanding of the U.S. legal system could mitigate obstacles for building rapport and completing an accurate risk assessment.²⁵

The “focal concerns” perspective suggests differential treatment of individuals based on how their personal characteristics and their situations were associated with criminal offending, i.e. racial stereotypes of criminality and blameworthiness for crimes committed.²⁶ One study found support for this perspective where Latinx individuals received significantly longer sentences than White individuals. Research supported the evidence that Latinx people received harsher and longer sentences than Whites in the criminal justice system.²⁷ Diversion program access for eligible Latinx individuals could remedy this disparity.

In a national study of 142 treatment courts with 20,800 participants, Latinx participants comprised 11% of the sample ($n = 2,252$). Latinx participants had graduation rates that were similar to their White counterparts, at 49% and 55%, respectively.²⁸ However, in a study

published two years prior, drug court graduation rates for Latinx participants (32%) were lower than the overall rate (57%).²⁹

The national study indicated Latinx participant graduation rates were below those of their White counterparts in Adult Treatment Courts (46% Latinx vs 53% White), Driving Under the Influence Courts (69% Latinx vs 76% White), but not for Reentry Courts (47% Latinx vs. 40% White).³⁰ Using regional analyses, Latinx individuals in the Midwest had the highest graduation rate, at 70%. Other graduation rates varied between a low of 34% (Western region Black participants) and up to 66% (Midwestern Other Race participants).³¹ In terms of urbanicity, Latinx participants graduated at similar rates from urban courts and rural courts, at 50% and 49%, respectively. Being a Latinx drug court participant did not predict graduation as it did for Black participants. However, there were over 20 instances reported where Latinx participants had higher graduation rates than Whites at the court level with differences ranging from +10% to +30%.³² In the same study, an examination of individual drug use revealed that Latinx participants were more likely to use alcohol, but rates of heroin use were equivalent to those of Black participants.³³

In a study of over 500,000 justice-impacted individuals in 751 U.S. counties (to be included in the study, each county was required to have at least 2,000 Latinx or Black participants), prison sentence lengths were compared by race with additional independent and control variables, such as gender and criminal history, and county-level variables such as demographics, crime rates, employment, and county levels of political conservatism.³⁴ Latinx were the smallest group studied, comprising 23%; 36% of those sampled were Black and 41% of those sampled were White. Latinx individuals received prison sentences averaging 65.5 months, while Black individuals' sentences averaged 71 months and White individuals were sentenced for 57 months, on average.³⁵ When controlling for all variables, Latinx individuals' sentences were 7.2% longer than those of White individuals. This disparity was lessened in counties with larger numbers of Latinx populations.

While most national studies treat Latinx individuals in the criminal justice system as a singular group, one study searched for patterns of offending within Latinx subgroups: Puerto Rican, Cuban, and Central and South American. Study subjects self-identified as "Hispanic" or "Latino" in interviews with bilingual research staff using a computer-assisted personal interviewing method.³⁶ The study took place in Miami, Florida, and in the Latinx sample, study subjects were 70% U.S. born, 11% Cuban, 6% Puerto Rican, 4% Columbian, 2% Nicaraguan, 3% Honduran, Guatemalan, or Dominican. Around five percent were born in other countries.

Researchers found that Central Americans were less involved than Cubans in drug offenses, including public intoxication, drug use and possession, and drug manufacturing and selling.³⁷ In examining the intersection of race and ethnicity, the researchers found differences in criminal justice system experiences. "Black Latinx" interview subjects reported more probation or parole violations. The authors discussed the possible influence of colorism (a bias and preference for lighter skin tones), found in other studies linking darker skin to poorer probation outcomes and more frequent arrests, and recommended more studies examining colorism experiences among Latinx in the criminal justice system.³⁸

One study of a randomly selected sample of probationers in an unnamed southwestern state's probation database explored the relationship between program completion, early release, and adjudication with race, gender, risk level, and offense types. Using multinomial regression

modeling, they discovered that being a Latinx man was predictive of probation revocation and those charged with property offense experienced a greater likelihood of revocation.³⁹ The study revealed an intriguing finding where while being Latinx made early discharge less likely, being a Latinx man or being Latinx charged with a property offense made early discharge more likely.⁴⁰ Last, being a Latinx man was a strong predictor of ending the probation in adjudication. The researchers were puzzled by their finding that Latinx property offenders had a higher likelihood than Whites of both probation revocation and early discharge from probation. They recommended further study using mixed-methodology to collect qualitative data that could provide context and a better understanding of how this finding occurred.⁴¹

Given the few empirical studies on Latinx individuals' experiences in the criminal justice system, and their differences from other races and ethnicities, it is difficult to know what to expect in the current study. However, there is enough evidence to expect differences between Latinx, White, and Black ARI participants, which may lead to a discussion of whether or not these differences are indeed disproportionalities and/or disparities that warrant further action.

Methods

This study used two sets of administrative data:

1. Data collected from the ARI database, including individual client data submitted to ICJIA as part of a grant requirement.
2. Illinois Department of Corrections (IDOC) prison admissions data.

The ARI database is maintained by ICJIA staff. ARI grantees submit quarterly data on individual ARI participants to ICJIA as part of their grant agreements. Prison admissions data were downloaded from the IDOC Offender 360 data system, which ICJIA researchers may access as part of a data sharing agreement with IDOC. ICJIA programmers were able to match individuals in the ARI database with individuals who had been admitted to prison using their names, birthdates, and state identification numbers. Upon exiting the ARI program, an individual will be counted as having no prison admission until an admission is found in the IDOC admissions database. At that time, the date of admission to prison will be merged into the ARI data. Except for prison admission related variables, almost all of the variables for this study were found in the ARI database.

Analytic Methods

Univariate and bivariate analyses were conducted. To develop a profile of ARI Latinx participants, frequency analyses were conducted. To determine if significant race differences occurred between Latinx, Black, and White participants, chi-square analyses were used with Cramer's V to determine the strength of the association between the variables and race.

Results

ARI Latinx Profile

There were 278 Latinx participant exits out of 5,118 ARI exits (5.4%) between April 2011 and March 2021. At the time of ARI enrollment, Latinx participants were 81% male, 72% single, and a median age of 27 years old. Many were emerging adults with 43% of participants between the ages of 18 and 25. One third had some high school and about another third completed high

school or obtained a GED. Over half were employed (57%), at 37% full-time and 20% part-time. Almost half lived with family or friends (46%), although often housing status was not reported (42%). Fewer than 1% were veterans. Data were not available on their birthplaces or levels of English fluency.

A total of 92% of Latinx ARI participants were enrolled in 10 programs in Cook, DuPage, Kane, Lake, Will, and Winnebago counties, with a median of 1.32 years in the program. Participant risk levels were assessed at medium (51%), high (47%), and low (2%). The “typical” Latinx ARI participant was referred to ARI by their probation officers (62%), on a class 3 or 4 felony (43%, although 25% of these data were missing) with a drug offense (41%). Of those required to complete drug testing, 26% tested indicated drug presence. Of those tests, 39% found marijuana, 23% found heroin, 14% found alcohol, and 13% found cocaine or crack.

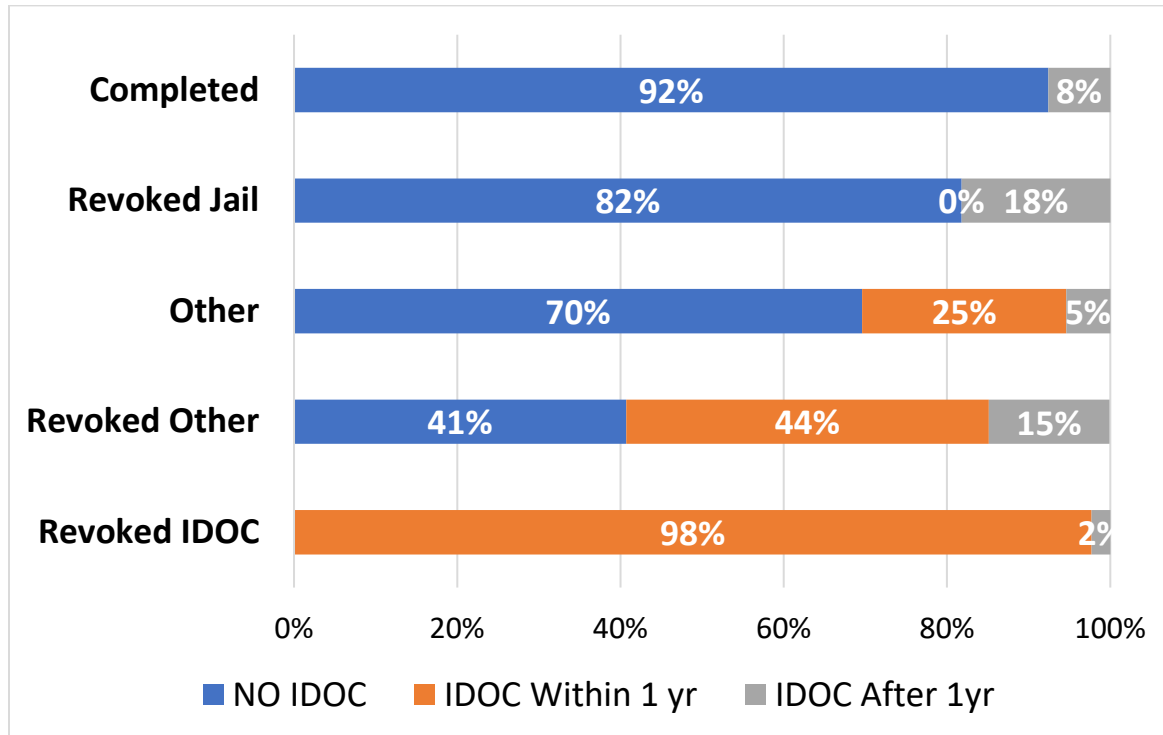
Latinx participants completed an average of two monthly visits with their ARI probation officers. Their most common probation conditions were substance use treatment (inpatient and outpatient), $n = 46$ with 61% completed; fines and fees, $n = 39$ with 21% completed; drug testing, $n = 31$ with 87% completed; substance use evaluation, $n = 21$ with 100% completed; DNA collection, $n = 15$ with 94% completed; and community service, $n = 15$ with 53% completed.

Outcomes

Less than half, 42%, completed their probation conditions. Of those remaining, 20% had other outcomes (i.e. transfer to another program) and 16% were sent to prison; total of 10% of those who were not successful in ARI (program revocation) were entered into another probation program and 4% were sent to jail. Client outcomes were missing from 8% of the sample.

Latinx participant program outcomes were associated with prison admission outcomes. Of those who completed the program, only 8% were admitted to prison after one year. See Figure 1 for outcomes for others sampled.

Figure 1
Latinx: Program Outcome by IDOC Admission



Race Comparisons

Race comparisons were conducted to identify differences, disparities, or disproportionalities experienced by ARI Latinx participants. In these analyses, there were a total of 5,115 ARI participants: 278 (5%) were Latinx, 2,735 (53%) were White, and 2,102 (41%) were Black. The analyses showed no racial differences in fee payments (overall, very few pay) and drug presence rates. Latinx and White participants had few similarities, including age at enrollment, at 30 and 33 years old, respectively, and overall probation completion rates, at 46% and 47%, respectively.

Latinx and Black participants had more similarities. Both were more likely to be men at 81% Latinx and 77% Black. Latina (19%) and Black (23%) women were less likely to be enrolled in ARI than White women (36%). Marijuana was the most prominent drug found in drug testing, 39% for Latinx and 34% for Blacks, whereas for Whites it was heroin (34%). Latinx and Black participants had a lower average number of visits with their probation officer, at two per month, than White participants who averaged three per month. Latinx spent an average of 542 days in the ARI program, while Black participants averaged 551 days, and White participants averaged 584 days. Latinx (17%) and Black (19%) participants experienced similar prison admission rates compared with 25% for White participants.

There were many dissimilarities between Latinx participants and all other participants. Both Latinx (62%) and Black (43%) individuals were more likely to be referred to ARI by a probation officer. Whites were more likely to be referred by their public defenders, at 37%. Over 90% of Latinx participants were assessed with the Level of Service Inventory-Revised (LSI-R). Thus, few Latinx clients have been enrolled since 2018 when the LSI-R criminogenic risk assessment

was replaced with the Adult Risk Assessment tool. A slight majority of Latinx participants, 51%, were high risk for prison recidivism upon enrollment, while Blacks (43%) and Whites (46%) were high risk.

Latinx participants were just as likely to enter with a property offense (39%) or controlled substance offense (35%). For White participants, property offenses were predominate (43%), and for Blacks it was controlled substance offenses (45%). Latinx (52%) participants were less likely to complete substance use treatment than Black participants (73%). However, Latinx participants had higher substance use treatment completion rates than White participants (41%). Overall, Latinx participants had a lower requirement completion rate of 62%, compared to Whites (82%) and Blacks (74%). Overall, a few clients were admitted to prison after one year of program completion. They included a small percentage of Latinx (7%) compared with a smaller percentage of Blacks and Whites (each 4%).

Study Limitations

This study relied on administrative data that was incomplete in some cases. When ARI participants had missing data, their case was excluded from that analysis. Also, culturally specific information on ethnicity, primary language, English fluency, U.S. citizenry or immigration status and birthplaces were not available. This information could be useful variables in research to reflect the diversity and complexity of issues within the U.S. Latinx population. Also, it is unclear if the clients' races were self-reported, pulled from previous records, or observed by ARI staff. Because the database combined race and ethnicity totals, the number of Latinx ARI participants could have been under-counted and reported incorrectly as White.⁴²

Discussion

Significant programming disparities existed between Latinx and White ARI participants. Latinx had on average fewer visits than White participants with their probation officers and spent 1.5 months less in ARI programs, on average, than Whites.

Significant disproportionalities identified included that Latinas experienced lower enrollment rates in ARI than White women. Latinx participants were more likely to be referred by their probation officers than their public defenders. We need further study and discussion with ARI grantees to understand the implication of this. The referral data indicated that White applicants were referred earlier in the sequential intercept of the criminal justice system than Latinx ARI applicants. Latinx ARI applicants may have had more time on standard probation and failed due to criminogenic needs that could have been addressed in ARI programs much earlier.

Latinx participants had lower substance abuse treatment completion rates than Black participants and lower probation condition completion rates than Blacks and Whites. Research suggests substance abuse treatment is lacking for Latinx involved in the criminal justice system.⁴³ Murakawa suggested that therapeutic programming is insufficient if structural barriers are not identified and addressed. Therapeutic programs must do more than counsel people of color to lower their expectations, control their anger, correct their personal defects, and assume personal responsibility.⁴⁴ Further study into the content and cultural relevance of substance abuse treatment experienced by Latinx ARI participants is warranted.

An interesting and significant disparity was that Latinx participants had lower prison admission rates than White participants. This finding should be explored and perhaps, if understood, used to improve the rates of White participants.

Recommendations

The meaning behind the differences identified between Latinx, White, and Black ARI participants should be discussed and, if needed, addressed in discussions with ARI staff, grantees, and ARI Oversight Board members. One goal of ARI's strategic plan is to build equity in programming and outcomes for all participants. Interviews with Latinx participants, past and present, would likely provide more detail about their experiences and a better understanding of the differences reported herein.

ARI reporting could be improved by creating separate categories for race and ethnicity, and having participants self-identify their race and ethnicity. This would curb Latinx underrepresentation within the data, as many Latinx clients are labeled as White. Data also could be collected on primary languages spoken, English fluency levels, and countries of origin.⁴⁵

Periodically, ARI researchers should complete a profile of Latinx participants and a race comparative analyses of their experiences and outcomes. This and future information on Latinx participants can be used by ARI local staff to ensure that Latinx participants feel that they are important participants in their ARI program and are offered culturally relevant programming, that their experiences are monitored and understood, and that there is an expectation for program success.

Conclusion

Further studies of Latinx participants in ARI and similar diversion programs and problem-solving courts should explore differences in ARI enrollments among those eligible for probation to determine whether a self-selection bias prevents Latinx eligible for ARI from accepting the program. A study conducted by Isom and colleagues suggest some additional areas of future research with Latinx ARI participants. They studied the pathways of Latinx youth into the criminal justice system and found evidence that gender, youth's anger, and police injustices predicted serious offending within a large Chicago sample.⁴⁶ Latino men who experience anger and police injustices, particularly within an anti-immigration context which exacerbates the relationship between police and the Latinx community, were more likely than Latina women to become involved in serious crimes.⁴⁷ They conclude that further research should explore the relationship between gendered, ethnic, and culture identities and acculturative stress with criminal offending among Latinx people. Isom further recommended that factors related to offending pathways for Latina young women be explored to understand how they differ from Latino young men.⁴⁸

Ibanez and colleagues suggested including economic opportunities in community corrections programming, particularly for Latinx women, including vocational training, job placement, and budgeting and financial planning classes. These researchers suggested that an intersectional approach should be used in further studies of Latinx people in criminal justice programming, including ethnicity, race, gender, age, and socioeconomic status.⁴⁹ A subset of ARI-funded programs provide vocational programming and an analysis of their influence, if any, on Latinx outcomes would be informative.

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