

Exploring Latino/a Representation in Local Criminal Justice Systems: A Review of Data Collection Practices and Systems-Involvement

March 2023



Supported by the John D. and Catherine T. MacArthur Foundation

This report was created with support from the John D. and Catherine T. MacArthur Foundation as part of the Safety and Justice Challenge, which seeks to reduce over-incarceration by changing the way America thinks about and uses jails.

Presented by

Nancy Rodriguez

Rebecca Tublitz

Table of Contents

Introduction.....	4
Key Findings.....	6
Methods.....	7
The Recording of Ethnicity Data in Local Criminal Justice Systems.....	8
Latino/a Representation in Four Counties: County Population and Criminal Justice Data Collection.....	9
Latino/a Involvement in the Criminal Justice System.....	10
Racial and Ethnic Disparities at the Front Door of the Criminal Justice System.....	11
Pretrial Booking & Release from Jail.....	14
Racial and Ethnic Disproportionalities in Pretrial Outcomes.....	16
Court Case Outcomes: Conviction and Dismissal.....	21
Racial and Ethnic Disproportionalities in Criminal Case Outcomes.....	22
Policy Recommendations.....	27
Appendix: Data Tables.....	28

Introduction

Immigrants represent a substantial part of the United States: today, 41 million immigrants reside in the U.S., representing 13 percent of the population. Migration of people from different parts of the world to the U.S. have led to dramatic changes in the racial and ethnic make-up of the population. In 1970, Latinos represented 4.6 percent of the U.S. population. Today, just under 1 in 5 people in the U.S. self-identifies as being of “Hispanic or Latino origin”, making it the second largest racial or ethnic group after Whites.¹ The 62 million people across the U.S. who identify as Latino represent an enormously diverse array of communities in terms of ethnic heritage, migration histories, citizenship status, and language. Latinos also identify with a wide variety of racial categories, including Black, White, multi-racial, and other.²

However, as the Latino population has grown, so too, has the criminal justice system. Since 1970, the U.S. experienced unprecedented growth in the size and scale of its criminal justice system, driven largely by policies favoring the increased use of arrest and incarceration for offenses both minor and more severe.³ Today, 1.2 million people are incarcerated in the nation’s state and federal prisons, while nearly 550,000 are held in jail.⁴ Annually, almost 9 million are arrested and booked into jail each year. These expansive criminal justice practices disproportionately impact historically disadvantaged groups, producing disparities in justice outcomes, and increasing social inequality and exclusion.⁵

Despite the size of the Latino population in the U.S.,

relatively little is known about their experiences in the criminal justice system. Measuring the Latino population is complicated, and this difficulty is exacerbated by a lack of data in the criminal justice system. Latinos/as are not systematically counted across multiple decision points in official data sources, an omission with significant implications. While many studies document racial and ethnic disparities in justice outcomes, we lack the capacity to effectively track such disparities in offending and justice outcomes for Latinos/as. Further, the absence of Latino/a measures in justice system data may artificially inflate the number of “Whites” in the justice system and masks actual White/Black disparities. These issues complicate data-driven efforts seeking to understand and reduce disparities in the justice system; without accurate measurement of race and ethnicity across key points in the criminal justice process, policymakers and criminal justice practitioners are unable to determine where disparities arise, why they exist, and develop solutions to promote fair and equitable justice outcomes.

1 Throughout this brief, we use the term “Latino” to reflect Hispanics, Latinos/as, and Latinx persons more broadly. These pan-ethnic labels are used widely across communities: recent polls and research indicate that most Hispanics (61%) prefer Hispanic or Latino, 29% prefer Latino and 4% Latinx. We use the terms Latino and Hispanic interchangeably to reflect this preference (Noe-Bustamente, L., Mora, L., and Lopez, M. August 11, 2020. “About One-in-Four U.S. Hispanics Have Heard of Latinx, but just 3% Use It”. Pew Research Center. Available at: <https://www.pewresearch.org/hispanic/2020/08/11/about-one-in-four-u-s-hispanics-have-heard-of-latinx-but-just-3-use-it/>; U.S. Census Bureau, 2020 Census.)

2 We recognize that the boundaries between “Black,” “Latino/a” and “Indigenous” are both socially and racially constructed, and that individuals exist within and across many or all of these non-homogenous communities.

*3 Jeremy Travis, Bruce Western, and Steve Redburn, eds. (2014). *The Growth of Incarceration in the United States: Exploring Causes and Consequences*. Washington, DC: National Academies Press; Raphael, S., & Stoll, M. A. (2013). *Why are so many Americans in prison?* Russell Sage Foundation.*

*4 Carson, A. (2021). *Prisoners in 2020 – Statistical Tables*. Bureau of Justice Statistics, Washington, D.C.; Minton, T. and Zeng, Z. (2022). *Jail Inmates in 2020 – Statistical Tables*. Bureau of Justice Statistics, Washington, D.C.*

*5 Bridges, G. S., & Steen, S. (1998). Racial disparities in official assessments of juvenile offenders: Attributional stereotypes as mediating mechanisms. *American sociological review*, 554-570; Peterson R and Krivo L (2010)*

Introduction

In this research brief, we aim to fill part of this gap in our understanding of Latinos in the criminal justice system. We examine Latino representation in local criminal justice systems, looking at how Latino and Hispanic ethnicity is captured and recorded in criminal justice data, and at Latino/a outcomes at key points of the criminal justice process—arrest and jail booking, pretrial detention and release, and court dispositions. First, we examine data infrastructure and data collection in 14 geographically and socioeconomically diverse cities and counties. Next, we present findings from a detailed analysis of criminal justice outcomes by race and ethnicity in four jurisdictions: Charleston County, South Carolina; Harris County, Texas; Multnomah County, Oregon; and, Palm Beach County, Florida.

Each of the jurisdictions examined in this brief participated in John D. and Catherine T. MacArthur Foundation Foundation’s Safety and Justice Challenge (SJC). Launched in 2015, the SJC is a national initiative aimed at jail decarceration and reducing racial and ethnic disparities in local criminal justice systems. The SJC Network includes 57 sites, mostly cities and counties, across the U.S. working to rethink how local jails are used. Measuring—and reducing—racial and ethnic disparities is a core component of the initiative. To further this goal, the MacArthur Foundation funded this study to examine how Latino representation varies within and across in local criminal justice systems.

Key Findings

- **How Latino and Hispanic ethnicity data are stored across local criminal justice is inconsistent and inhibits system-wide understanding of racial and ethnic disparities across local jurisdictions.** Across 14 sites, just 30 percent of criminal justice record management systems capture Latino or Hispanic ethnicity data separately from racial characteristics, and the remainder captured Latino ethnicity in a single race variable, if at all.
- **Even where fields exist to capture ethnicity information within a database, these data are not always consistently collected for all cases passing through key criminal justice system points.** Even where agencies have the capacity to capture Latinos ethnicity, low rates of reporting and high proportions of missing data, impeded accurate measurement of Latino outcomes (e.g., Charleston County, SC, and St Louis County, MO).
- **At the front door to the justice system—arrest and jail booking—Latinos in all four sites made up a smaller proportion of those arrested or booked than their countywide populations.** Conversely, Black and Indigenous individuals were over-represented in arrests and jail bookings, relative to their countywide populations.
- **Latino and White rates of justice involvement were similar—and in many cases rates of Latino involvement were *lower* than that of Whites.** However, Black individuals—and in particularly, young Black individuals—were subject to the substantially elevated rates of arrest, jail booking, and court convictions (and dismissals), demonstrating considerable concentration of justice system contact for specifically marginalized groups.
- **Importantly, we caution that our findings may reflect the inaccurate representation of Latinos in criminal justice data management systems across the 4 sites.** Local, state, and national efforts dedicated to advancing racial equity must center the systematic recording of Latinos in the justice system.

Divergent social worlds: neighborhood crime and the racial-spatial divide. Russell Sage Foundation, New York; Sampson, R. J., Morenoff, J. D., & Raudenbush, S. (2005). *Social anatomy of racial and ethnic disparities in violence.* *American journal of public health*, 95(2), 224-232.; Spohn, C. (2013). *Racial disparities in prosecution, sentencing, and punishment.* *The Oxford handbook of ethnicity, crime, and immigration*, 166-193.; Tonry, M. (2011). *Punishing race: A continuing American dilemma.* Oxford University Press.; Western, B. (2006). *Punishment and inequality in America.* Russell Sage Foundation.

To better understand how local agencies in the participating sites capture racial and ethnicity information across their criminal justice systems, we requested and reviewed the aggregate criminal justice data and data capacity assessment reports of 14 SJC sites, which were diagnostic documents produced during the planning phase of the SJC initiative in 2015. These reports detailed the data infrastructures of the criminal justice record management systems used by agencies in each local justice system—law enforcement, prosecution, jail, defense, courts, and probation—including the collection of race and ethnicity data.⁶

To examine Latinos/as involvement in local criminal justice systems, we obtained deidentified case-level administrative data from criminal justice agencies, including law enforcement, jail, courts, and prosecution, from four counties participating in the SJC. These data were collected by Institute for State and Local Governance (ISLG) at the City University of New York, a policy and research institute funded by the MacArthur Foundation to collect, report, and disseminate data for the SJC.

For each agency and site, data included demographic information on each person associated with each case, such as year of birth, gender, race, and ethnicity (where available). Information on cases, such as an arrest, a jail booking, or a court case, included dates of key events and decisions (e.g., arrest dates, jail booking and release dates, filing and disposition dates); charge information, including the charge severity; and disposition information, such as charging decision or a court case disposition. In consultation with ISLG and site data contacts, the research

team cleaned and processed the administrative data for each site to produce analytic datasets able to examine the racial and ethnic composition of cases at each system point, as well as examine disparities in key outcomes, including arrest, pretrial booking and release, and criminal conviction and dismissal.

Reporting of race and ethnicity varied widely across sites and data systems. To facilitate comparison across sites, in our data presentation, we standardized race and ethnicity groups into five categories: Latino; White, non-Latino; Black, non-Latino; Asian and Pacific Islander; and Native American or Indigenous.⁷ Census Bureau estimates of annual county population by age, race, and ethnicity were used to calculate age- and race/ethnic group-specific rates of key criminal justice outcomes per 100,000 people aged 15 and over in the county population.⁸ Key outcomes include arrest (or jail booking, where arrest information was unavailable), pretrial booking and release from jail custody, and court case outcomes including conviction and dismissal. Each outcome is measured at the *case or event* level (i.e., arrest, jail booking, court case) in order to examine whether different racial, ethnic, and age groups experience differential rates of contact with the justice system. These event rates allow us to capture group-level differences in system involvement, especially where individuals can experience multiple events in a given period (e.g., multiple arrests, jail bookings, etc.). For each outcome, the same methods were used to calculate the age- and race/ethnic group-specific rates in each site. Finally, we also report on the racial and ethnic composition of cases within each site and key outcome, to provide additional context. Cases missing demographic information were excluded from the analyses.

⁶ 18 SJC sites were approached for a review of planning documents and aggregate data produced during the early phases of the SJC; two sites declined and two did not respond. Sites included in this review are: Ada County, ID; Multnomah County, OR; the City of Philadelphia, PA; Milwaukee County, WI; Cook County, IL; New Orleans Parish, LA; Charleston County, SC; Harris County, TX; Palm Beach County, FL; Pennington County, SD; Spokane County, WA; St. Louis County, MO; Lucas County, OH; and Mecklenburg County, NC.

⁷ Throughout the brief we use the term “Black” to refer to “Black, non-Latino” and “White” to refer to “White, non-Latinos”.

⁸ We removed youth ages 0-14 years from our rate calculations, as very few such individuals are present in the adult criminal justice system data obtained for this brief.

The Recording of Ethnicity Data in Local Criminal Justice Systems

The data infrastructure across criminal justice agencies in the 14 SJC sites that collect and track the representation of Latinos is highly varied. Criminal justice agencies varied widely in how they capture Latinos—maintaining a separate measure to record ethnicity or relying on a combined race/ethnicity measure—and in whether Latinos are measured at all.

For agencies that collected information on ethnicity (and race), the most common method used in determining the race and ethnicity of a justice-involved person was police officer determination, followed by self-report, a person's appearance, identification card, and data in police reports. Some agencies reported using a combination of these various methods to capture ethnicity.

How race and ethnicity is recorded in record management systems varied tremendously: among the 101 criminal justice agencies across the 14 SJC sites, just 30 agencies have a separate measure for ethnicity in their record management system. The most common categorization used to capture ethnicity is “Hispanic vs nonHispanic.” Twenty-four of these 30 agencies with an ethnicity measure in their record management system collect the data via a combination of methods, such as self-report and police perception or self-report and identification card and previous police reports. The remaining criminal justice agencies (71) relied on a combined race/ethnicity measure to collect ethnicity data. Categorization of this measure ranged from “W, WH, B, BH, AI, Asian, Unk,” to “W, A, AA, NA, H, Unk, Other” to “W, WH, B, BH, AI, A, Unk.”

While the inclusion of race and ethnicity specific measures are integral to modern data management system, the accuracy and completeness of these data are troubling. Data capacity assessment report for certain sites (Charleston, Harris, and Lucas County) noted that the missing ethnicity data were caused by police failure to enter the data. In some sites, having separate race and ethnicity measures presented a challenge in reporting ethnicity. In particular, when a race measure includes categories such as “Other” or “UNK,” police officers routinely leave the ethnicity measure blank given the selection of either of these options in the race field. In other sites (St. Louis County), the reporting of ethnicity is optional and therefore highly unreliable.

Latino/a Representation in Four Counties: County Population and Criminal Justice Data Collection

Next, we turn to examine in detail Latino and Hispanic populations in four counties: Charleston County, South Carolina; Harris County, Texas; Multnomah County, Oregon; and, Palm Beach County, Florida.

Charleston County, South Carolina: Latinos represent a small, but growing, proportion of Charleston County's population. In 2010, just 5.4 percent of the County's population was Latino. By 2020, 7.2 percent of the County's 408,235 residents identified as Latino (about 29,000 people). Increases in the Latino population since 2010 outpaced growth in both the County's population and of nearly all other racial groups, including non-Latino White, Black, and Native American people.

How is Latino ethnicity recorded across Charleston County's criminal justice data? In both the law enforcement and jail data systems, fields exist to capture race and Hispanic ethnicity separately, allowing for more nuanced measurement of the intersection of ethnicity and racial identification. However, in both data systems, categories to capture Hispanic ethnicity were present in both the race and ethnicity fields – a situation unique across the four sites. Fields to record race and ethnicity in the courts' data systems were more restricted: just a single race field, with a "Hispanic" group, was present to record Latino ethnicity.

Harris County, Texas: Over two million Latinos live in Harris County, Texas, which includes the City of Houston. Latinos comprise the largest racial or ethnic group in the county, accounting for four in 10 people. This population is large and growing: Harris County saw a larger increase in the number of Latinos and Hispanics (by over 363,000) from 2010 than nearly 23 states across the U.S., outpacing growth in the overall county population and most other racial or ethnic groups (Asian/Pacific Islanders grew the fastest).⁹ Reflecting this diversity, Harris County's criminal justice data infrastructure—including the jail, law enforcement, probation, and public defense—records race and ethnicity separately, allowing for more nuanced measurement of racial and

ethnic makeup of justice-involved populations. However, this was not true of all system points: data obtained from the prosecution reflected only ethnicity information—Hispanic or non-Hispanic—and contained no race information for cases accepted for prosecution.

Multnomah County, Oregon: Multnomah County, Oregon—where Portland is located—had 815,428 residents in 2020, about 13 percent of whom (103,753) identify as Latino or Hispanic. Like other sites, the Latino population has grown substantially between 2010 and 2020, by nearly 30 percent, faster than growth in the county population and other racial or ethnic groups (except for Asian/Pacific Islanders).

Though representing a growing proportion of the county's population, the recording of race and ethnicity in Multnomah County was more limited across criminal justice data systems than in other sites. Across data obtained from jail, prosecution, and courts, only a single variable was used to record both racial and ethnic groups. Within those fields, the categories available varied across systems, including a mix of both racial (e.g., Black or African American, Asian, Native American) and ethnic (Latino or Hispanic) groups, and national origin (e.g., Viet/Cam/Lao/Thai, Chinese).

Palm Beach County: With an overall population of nearly 1.5 million people, Palm Beach County, Florida, is the second-largest county in our sample. Latinos account for over 1 in 5 people (about 350,000 people) across the county, second to White, non-Latinos, who comprise over half of the population. As in other sites, the Latino population has grown faster than the change in the total population since 2010, and faster than all other racial groups except for Asian/Pacific Islanders. Two agencies provided data for this project, including the Palm Beach County Jail and the Court. In the jail's data, race and Hispanic ethnicity are recorded in separate fields, allowing for intersectional analysis. However, the court data was more limited: a single field contained mutually exclusive options to record both race and ethnicity.

⁹ Passel, J., Lopez, M., and Cohn, V. Feb 3, 2022. "U.S. Hispanic population continued its geographic spread in the 2010s." Pew Research Center. Available at: <https://www.pewresearch.org/fact-tank/2022/02/03/u-s-hispanic-population-continued-its-geographic-spread-in-the-2010s/>

Latino/a Involvement in the Criminal Justice System

In this section, we examine the ethnic and racial composition of key outcomes across the local criminal justice systems, with a focus on initial contact—arrest and/or booking into jail custody—pretrial booking and release, and court case outcomes, including conviction and dismissal. For each outcome, we first present descriptive information on the composition of cases in 2018 in each site, then examine disparities in rates of each outcome.

Arrest and Jail Booking

Arrest is the first point of entry for an individual into the criminal justice system. Across the four sites, both the volume of arrests (or jail bookings, where arrest data were not available) and the composition of those arrests (or jail bookings), varied across Latinos and non-Latino groups.

In 2018, **Charleston County** had 13,058 arrests. Latinos made up just 4 percent of arrestees during this year—lower than the 7.2 percent of the county population identifying as Latino or Hispanic. Most arrests made in Charleston County were of Black, non-Latinos (58%) and White, non-Latinos (37%). Latino arrestees were younger, on average, than their non-Latinos counterparts, with a larger proportion (63%) under 35, compared to Black arrestees (59%) and White arrestees (51%). Finally, while men made up the overwhelming proportion of all those arrested, Latino arrestees were slightly more male (84%) than Black (80%) and White (69%) arrestees.

In 2017, the most recent full year available, **Harris County** had 76,605 arrests. Latinos made up just over one quarter (27%) of arrestees during this year—much lower than their representation in the countywide population (43%). Most arrests were of Black, non-Latinos (45%) and White, non-Latinos (27%). Nearly 66 percent of Latino arrestees were under 35, compared to Black arrestees (61%) and White arrestees (56%). Finally, while men made up the overwhelming proportion of all those arrested, Latino arrestees were slightly more male (87%) than Black (81%) and White (75%) arrestees. Latinos were also less likely to be arrested for a felony offense (36%), compared with Black (43%) and White (39%) arrestees.

No arrest information was available from law enforcement in **Multnomah County**. In lieu of arrest information, we use total bookings into jail to approximate the number of custodial arrests across the county. In 2018, 31,294 bookings were made at the Multnomah County Jail, of which Latinos represented 9 percent—somewhat lower than the proportion of Latinos in the county population. White, non-Latinos were just under two-thirds of those booked (64%) and Black, non-Latinos comprised about 22 percent of those booked. Similar to Charleston and Harris counties, Latinos were younger, on average, than both Black and White people booked into custody, and slightly more male. Nearly 40 percent of Latino bookings were for felony charges and 43 percent were for misdemeanor charges, while both White and Black people were booked slightly more frequently for felony charges (44% and 49%, respectively) than for misdemeanor charges.

Similar to Multnomah County, no arrest information was provided for **Palm Beach County**, and we examine bookings into the jail as a proxy for custodial arrests. Over 26,000 bookings were made at the Palm Beach County jail in 2018, of which, 15 percent involved a Latino-identified person. As in all three other sites, the proportion of Latinos booked into custody is lower than the proportion of Latinos across the county. On average, Latinos booked into custody were younger than White people booked into custody, and slightly older than Black people booked into the jail. Similar to distributions of alleged offenses in other sites, misdemeanors were the most common top charge for Latinos (44%) and White people (48%). Conversely, felony charges made up the largest proportion of bookings for Black people (45%).

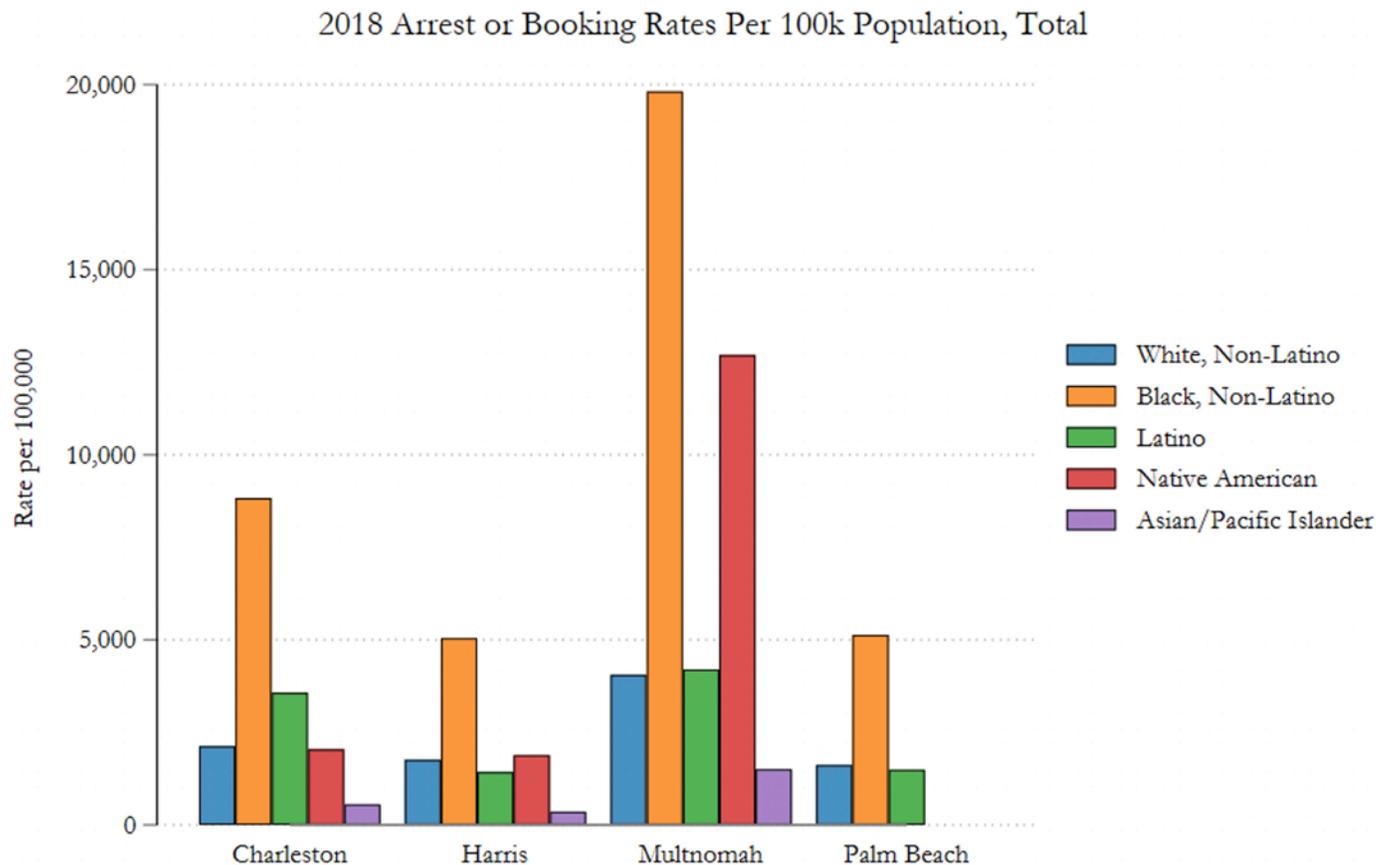
Racial and Ethnic Disparities at the Front Door of the Criminal Justice System

To explore disparities, we calculated age- and race-specific rates of arrest or jail booking in each site. Figure 1 displays overall rates of arrest by law enforcement (Harris and Charleston counties) and jail booking (Multnomah and Palm Beach counties) in 2018 per 100,000 people in the county population, broken out by racial and ethnic identification. In three sites—Harris, Multnomah, and Palm Beach counties—rates of arrest for Latinos were roughly equivalent to, or slightly less than, rates for White, non-Latinos. Only in Charleston County did Latinos have a slightly higher rate of arrest compared with White, non-Latinos. Black, non-Latinos in all sites had substantially higher rates of arrest or jail booking compared with all other racial or ethnic groups, ranging from roughly 1 in 20 Black adults in the county (Harris and Palm Beach) to as high as nearly 1 in 5 Black adults. While the magnitude of these disparities differed

across all four sites, the pattern is clear: Black people across these four jurisdictions experience substantially heightened rates of criminal justice contact. Native Americans in Multnomah County also experienced a substantial disparity in contact with law enforcement, relative to both non-Latino Whites and Latinos. Across all sites, Asian/Pacific Islanders had the lowest rates of arrest or jail booking. Rates of arrest (or jail booking) vary substantially across sites; these patterns are likely affected by cross-site differences in underlying offending rates, law enforcement behavior, arrest or jail booking policies, and other factors that we were not able to measure in this study. As such, we cannot, and do not, draw conclusions about whether sites are “better” or “worse” than others; here, we simply describe variation in patterns of group representation across sites.

Racial and Ethnic Disparities at the Front Door of the Criminal Justice System

Figure 1. Arrest or Booking Rates per 100,000 Population, By Race/Ethnicity and Site

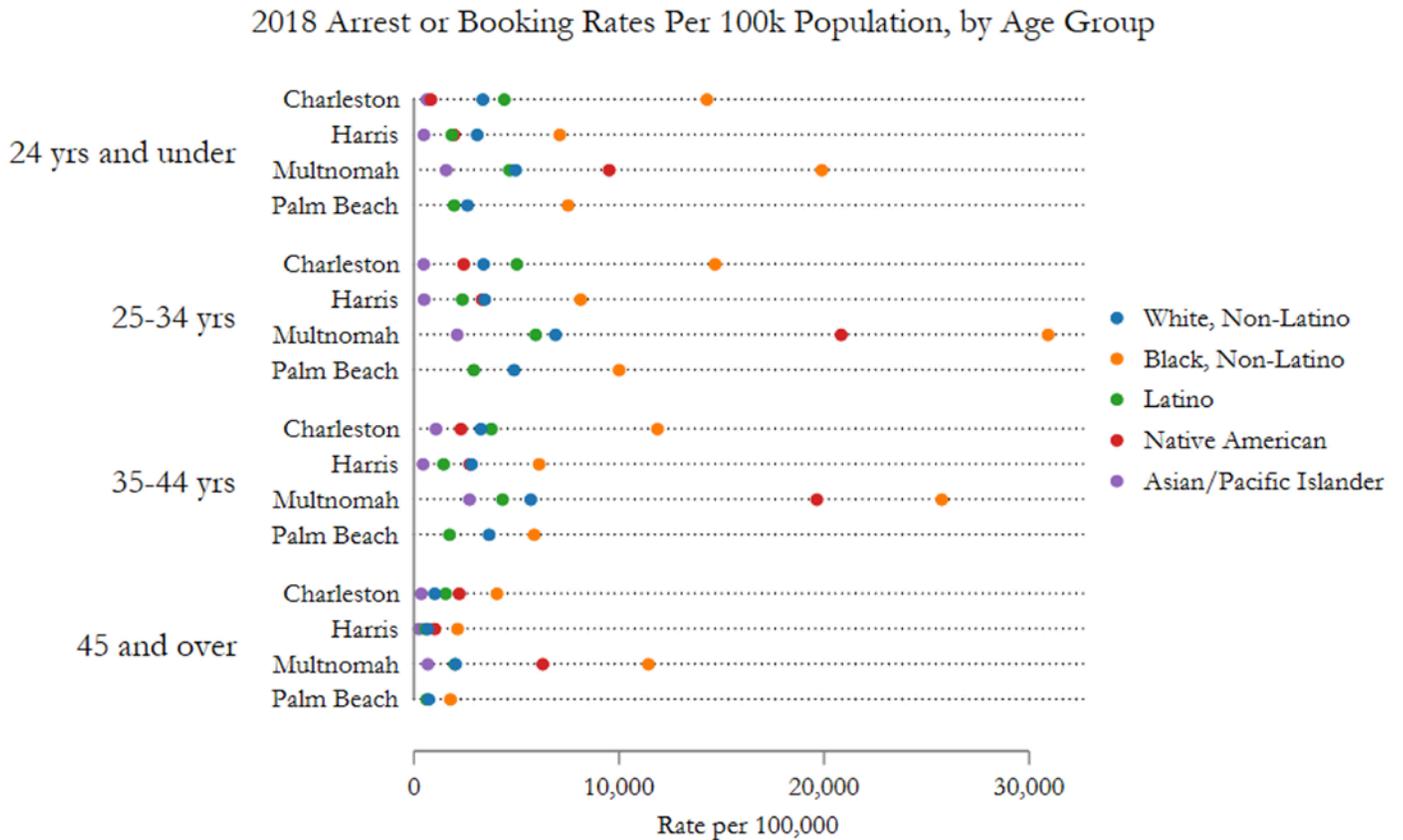


Note: Due to data availability, Multnomah and Palm Beach counties reflect jail booking rates, while Harris and Charleston counties reflect arrest rates. Harris County data is from CY2017.

Interaction with the front end of the system, via either arrest or jail booking, varies across age groups. Figure 2 displays rates of arrest (or jail booking) by racial and ethnic identification, age group, and site. Across sites, we find that younger people of all racial and ethnic backgrounds—particularly those 24 and under and 25 to 34 years old, have higher rates of arrest or custodial booking than older people in all sites. Individuals 45 and older have lower rates of arrest than most other age groups. Examining the intersection of age and racial/ethnic identification reveals that Latinos of all age groups have similar rates of arrest across comparable age groups for White, non-Latinos, although small differences between the two groups arise. Notably, as in the overall trends, young Black people have high rates of arrest or booking: in Multnomah County, rates of jail booking for Black people 25-34 years old were over 30,000 per 100,000 Black people ages 25-34.

Racial and Ethnic Disparities at the Front Door of the Criminal Justice System

Figure 2 Arrest or Booking Rates per 100,000 Population, By Age, Race/Ethnicity, and Site



Note: Due to data availability, Multnomah and Palm Beach counties reflect jail booking rates, while Harris and Charleston counties reflect arrest rates. Harris County data is from CY2017.

Pretrial Booking & Release from Jail

Following an arrest, people may be booked into local jail custody while awaiting adjudication of the criminal matter. Those arrested may maintain their pretrial liberty through money bail, commercial bond, or forms of non-monetary pretrial release. Most commonly, defendants make an initial appearance in front of a judge, who determines whether and under what conditions to offer release pretrial, weighing both public safety interests and likelihood of appearance at future court hearings. Pretrial detention is not cost-less: being held in custody awaiting trial has been associated with an increased likelihood of conviction, incarceration, and re-arrest, as well as reduced employment and income.¹⁰

In this section, we examine pretrial outcomes, looking at pretrial booking into jail custody and pretrial release from jail. First, we present descriptive characteristics of each county's jail population, focusing on bookings into and releases from jail.¹¹ Next, we examine differential rates of pretrial booking and release, by race, ethnicity, and age. Pretrial bookings include those individuals booked into custody on a pending criminal matter, while pretrial release was defined as those who were released on own recognizance, bail/bond, pretrial supervision, or on a notice to appear for a future court appearance. Those booked solely on violations of community supervision or committed to serve a jail sentence were not included in the pretrial booking rates, and those who were released from custody on a sentenced release type, no further action, or transfer to another authority were excluded from the pretrial release group.

Of the 13,137 people booked into the **Charleston County** jail in 2018, Latinos represent just four percent. Like arrest, the majority of those booked were Black (54%) and White (41%). Similar to other groups, Latinos were most commonly booked into custody for misdemeanor-level charges. Latinos booked into jail were primarily booked pretrial (44%) or awaiting action on a criminal matter and a violation or other status (54%).¹² This was substantially different than White and Black people booked into custody: nearly 89 percent and 85 percent of those groups, respectively, were on a pretrial status at the time of booking. The different trajectory of Latinos in the Charleston County jail can be seen in releases from jail by type: almost 2 in 3 Latinos (60%) released from the Charleston County jail were transferred to another authority (be it state or federal), compared with just 8 percent and 9 percent of White and Black people released, respectively. Just 34 percent of Latinos were released pretrial (compared with 83 and 82 percent of White and Black releasees).

¹⁰ Dobbie, W., Goldin, J., & Yang, C. S. (2018). *The Effects of Pre-Trial Detention on Conviction, Future Crime, and Employment: Evidence from Randomly Assigned Judges*. *American Economic Review*, 108(2), 201–240; Schlesinger, T. (2005). *Racial and ethnic disparity in pretrial criminal processing*. *Justice Quarterly*, 22(2), 170–192; Turney, K., & Conner, E. (2019). *Jail Incarceration: A Common and Consequential Form of Criminal Justice Contact*. *Annual Review of Criminology*, 2(1), 265–290.

¹¹ Because of small numbers of other racial groups represented in the data, such as Native American, Asian and Pacific Islanders, we omit these groups from this presentation.

¹² Awaiting action excludes those who are held exclusively for pretrial matters, sentenced commitments and only violations of community supervision.

Pretrial Booking & Release from Jail

In 2018, **Harris County** had 95,959 bookings into its jail. Latinos, similar to their proportion in custodial arrests, represented 23 percent of those booked into custody. Nearly 70 percent of Latinos booked into custody were pretrial, compared with just five percent booked as sentenced. By contrast, 73 percent of Black people and 76 percent of White people booked into custody were pretrial. Unlike Charleston, few differences between racial and ethnic groups were seen in the proportion of pretrial releasees: 53 percent of Black people, 52 percent of Latinos, and 59 percent of White people were released pretrial (either on bail/bond or own recognizance).

Of the 31,294 jail bookings that were made at the **Multnomah County** jail (reported above as a proxy for arrests), nearly 79 percent were pretrial bookings. Latinos, Black and White people all had similar proportions of pretrial bookings (about 4 in 5 bookings), and Latinos were equally represented among pretrial and sentenced legal statuses. Over half of Latinos released from jail in 2018 were released pretrial (51%), compared with 49 percent of White and Black releasees.

Finally, in **Palm Beach County**, pretrial bookings comprised about 2 in 3 bookings into the jail (65%). For Latinos, this proportion was slightly lower, with 63 percent booked pretrial and the remaining booked for other statuses, including warrants (27%). Comparatively, nearly 68 percent of White individuals and 61 percent of Black individuals were booked pretrial. Nearly 57 percent of Latinos were released pretrial, slightly lower than the 69 percent of White people and 61 percent of Black people released pretrial.

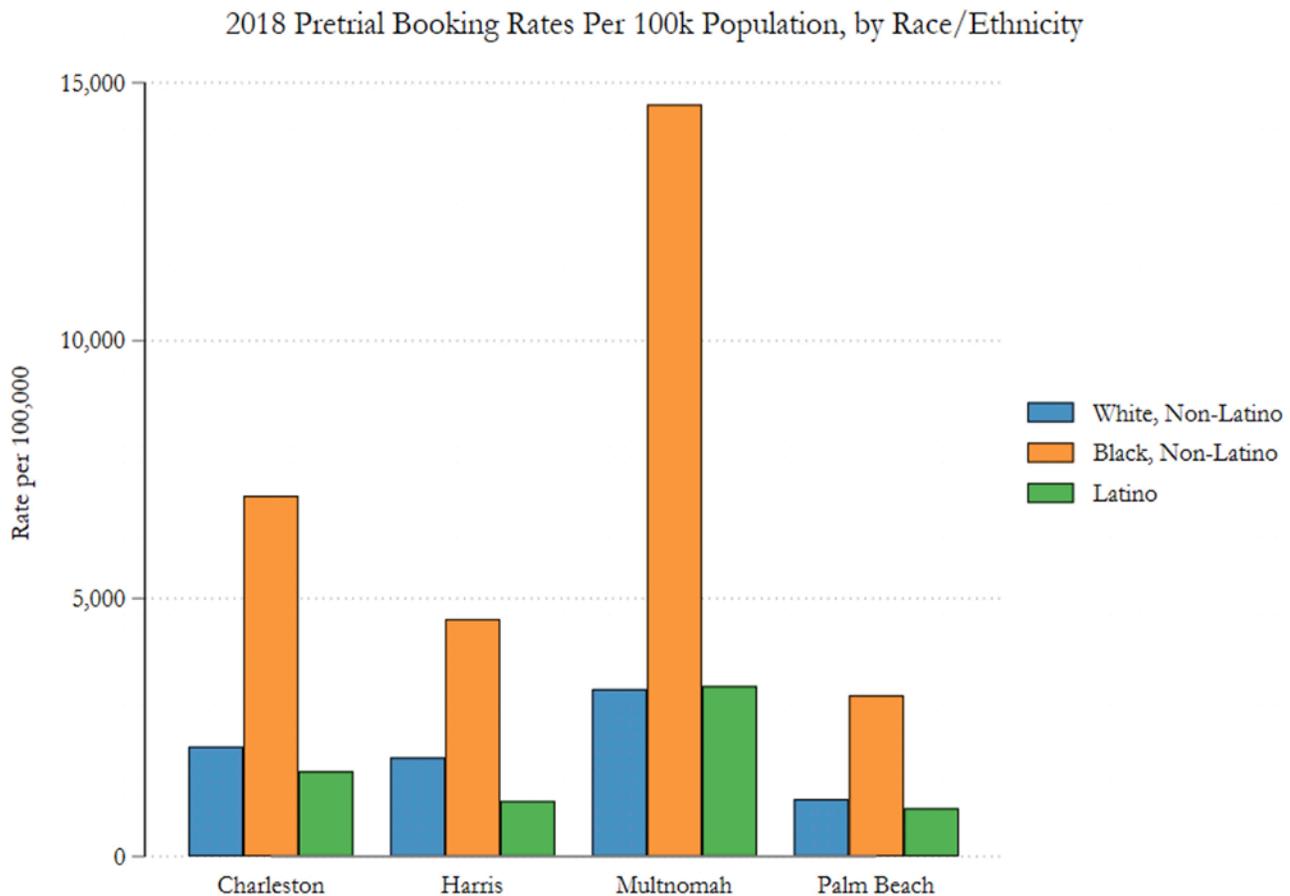
Racial and Ethnic Disproportionalities in Pretrial Outcomes

Like arrest, stark differences in the rates of pretrial booking and release are seen across the four sites, particularly for Black, non-Latinos. Figure 3 displays overall pretrial booking and pretrial release in 2018 per 100,000 people in the county population, broken out by racial and ethnic identification. Mirroring the high rates of overall jail booking for Black people in Multnomah County, Black people are booked pretrial at a rate of nearly 15,000 per 100,000 Black adults in the County, more than double the next highest rate of pretrial booking—also for Black adults—in Charleston County. However, across all sites, pretrial booking rates for

Black people are substantially higher than pretrial bookings rates for White people (ranging from a factor of 2.4 in Harris County to 4.5 in Multnomah County). In three of four counties (Charleston, Harris, and Palm Beach), pretrial booking rates for Latinos in 2018 were lower than both White, non-Latinos and Black, non-Latinos. Latinos were booked into jail pretrial at a rate 0.6 times that of White people in Harris County, and 0.8 times that of White people in both Charleston and Palm Beach counties. In Multnomah County, pretrial booking rates for Latino people and White people were equivalent.

Racial and Ethnic Disproportionalities in Pretrial Outcomes

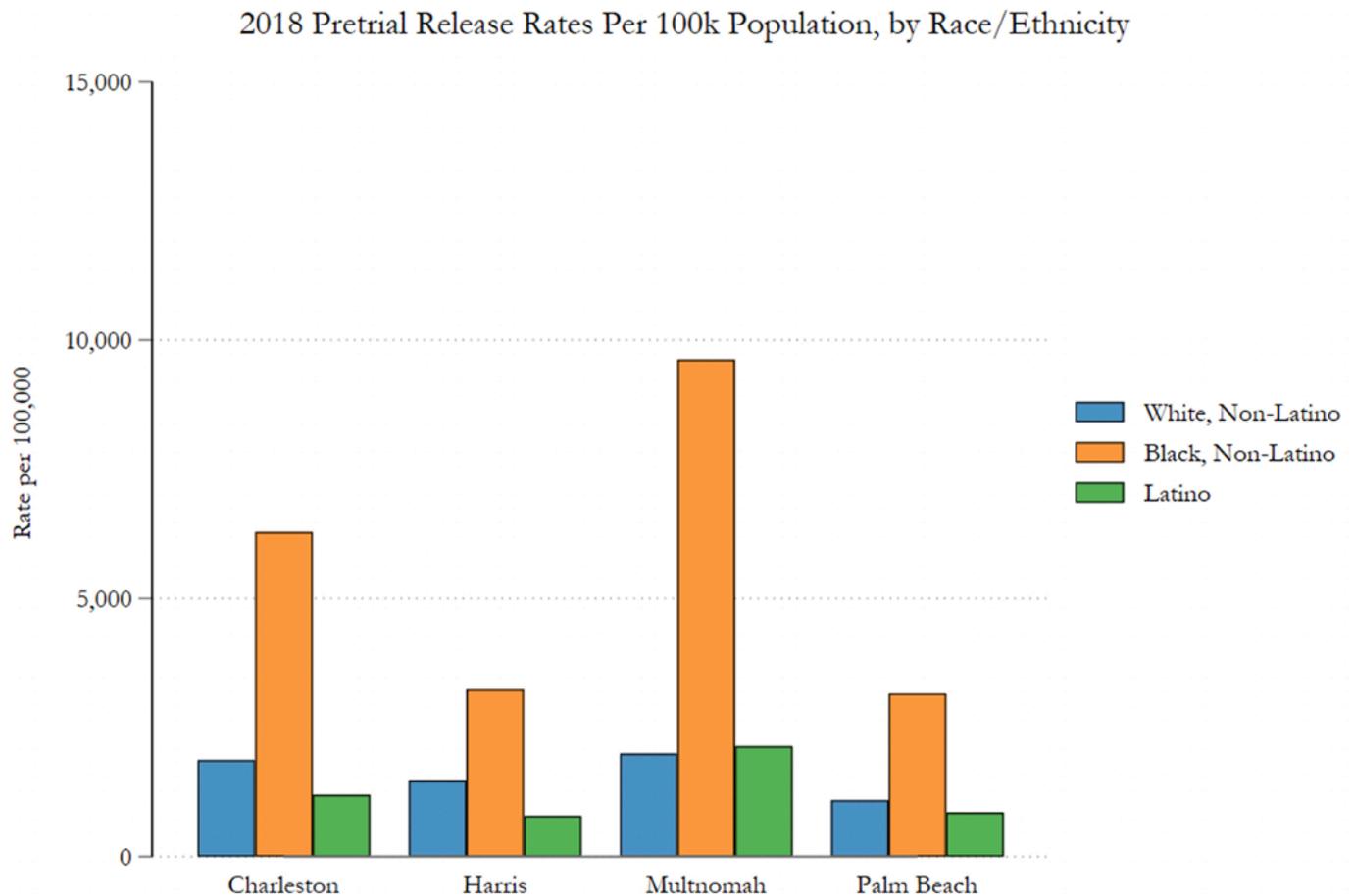
Figure 3. Pretrial Booking Rates per 100,000 Population, 2018, By Race/Ethnicity and Site



Patterns of pretrial release rates across racial and ethnic groups mirrored those of pretrial booking rates, although the rates were overall lower than pretrial booking, owing to different case trajectories following booking into custody (see Figure 3). Reflecting the high volume of pretrial booking for Black people, rates of pretrial release for Black individuals were also substantially higher compared with other racial and ethnic groups across all sites.

Racial and Ethnic Disproportionalities in Pretrial Outcomes

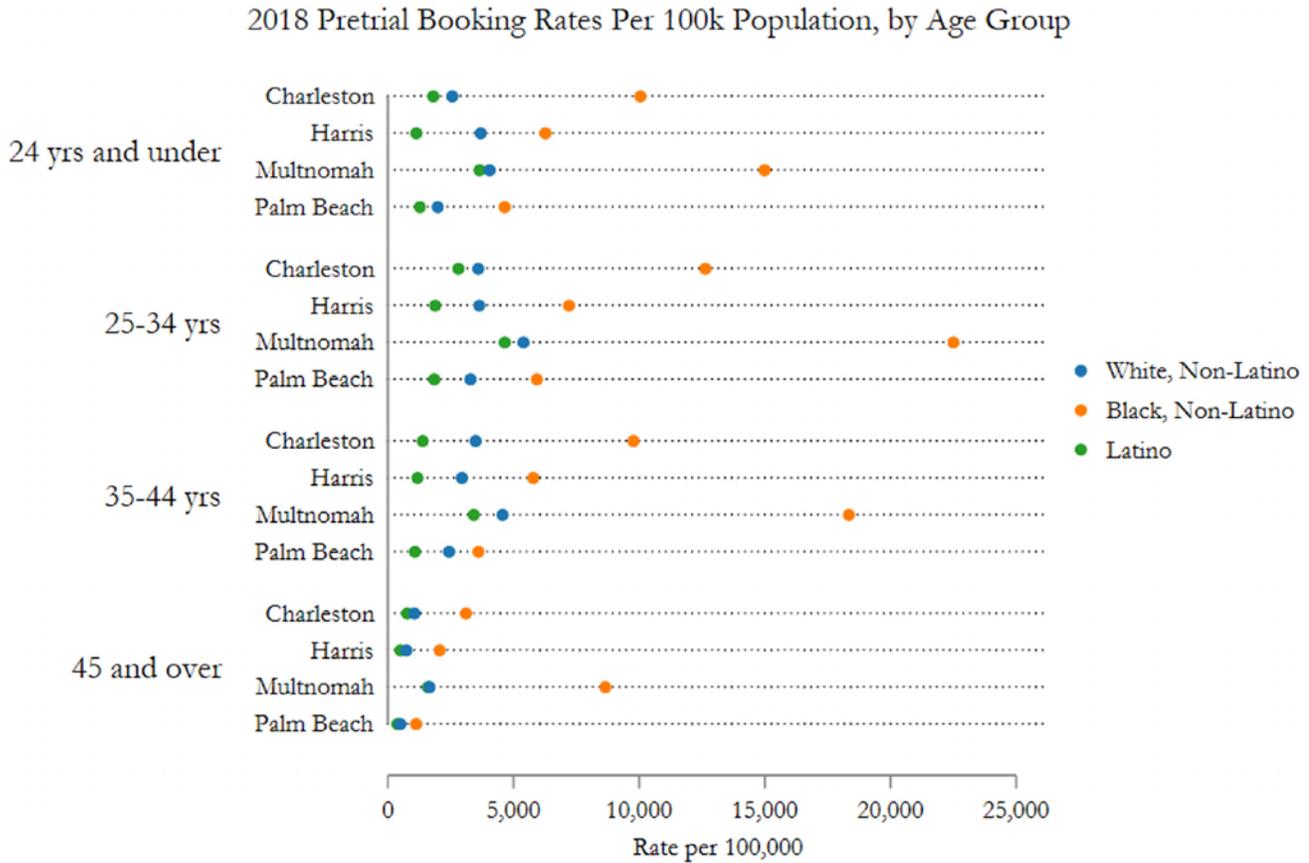
Figure 4. Pretrial Release Rates per 100,000 Population, 2018, By Race/Ethnicity and Site



Breaking out pretrial booking and release rates by age group reveals new patterns of concentration of pretrial detention across groups. Rates of both pretrial booking and pretrial release are higher, on average, for those ages 24 years and under, and 24-35 years, across all sites, compared with older age groups. This pattern of pretrial booking and release rates across age groups is seen for Latinos across all sites, although Latinos of all age groups generally have the lowest rates of pretrial booking and release based on the county population (see Figures 5 and 6).

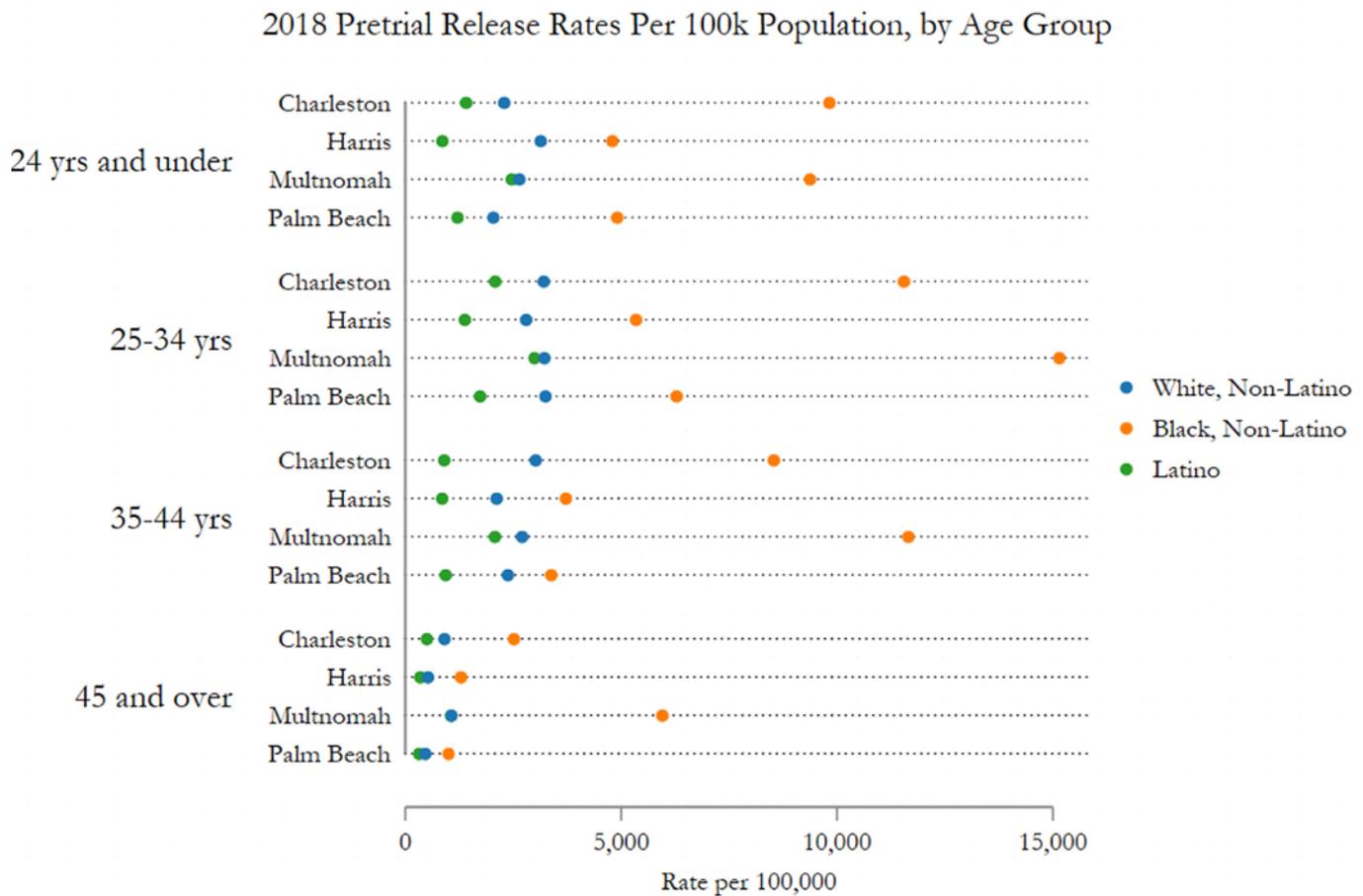
Racial and Ethnic Disproportionalities in Pretrial Outcomes

Figure 5 Pretrial Booking Rates per 100,000 Population, By Age, Race/Ethnicity, and Site



Racial and Ethnic Disproportionalities in Pretrial Outcomes

Figure 6 Pretrial Release Rates per 100,000 Population, By Age, Race/Ethnicity, and Site



Court Case Outcomes: Conviction and Dismissal

Compared with information from jails and law enforcement, data on criminal court case outcomes by race and ethnicity was less complete across the four sites. First, in one site – Harris County – we relied on data obtained from the prosecuting attorney’s office to report court case outcomes, as no data were available directly from the courts. In the prosecutor’s data, only Latino ethnicity information was available, limiting our ability to provide a detailed understanding of case outcomes for non-Latino racial groups. In Charleston County, although a field exists in the court’s data system to capture Latino ethnicity, the number of Latinos present in the criminal case information from the main criminal trial court was very small. Because of concerns about data reliability, we omit any discussion of Latino criminal case outcomes for Charleston County.

The **Charleston County** General Sessions court handles felony and misdemeanor criminal cases, in addition to criminal traffic cases, for Charleston County. Of the 12,788 criminal cases disposed in 2018, just 173 involved a Latino defendant (1.4%), while about 40 percent of cases involved White defendants, and 59 percent of cases involved Black defendants.¹³ For both Black and White defendants, about one third of cases resulted in a conviction, and 29 percent and 21 percent resulted in a dismissal, respectively. Cases involving Black defendants had a felony charge as the most severe offense more often (44%) than cases involving White defendants (26%).

In 2017, the most recent data year available, **Harris County** prosecutors filed 83,428 criminal cases. Just over one quarter of these cases involved a Latino defendant (26%), and the rest are recorded as “non-Latino”. Nearly 9 in 10 of these cases was disposed at some point (87%), and of those, 45 percent resulted in a conviction and 37 percent in a dismissal. Of Latino defendants, 51 percent of cases resulted in a conviction, compared with just 43 percent of non-Latino defendants.

Multnomah County courts disposed of 10,403 criminal cases in 2018.¹⁴ Of these, just over 10 percent (1,093) involved Latino defendants. About two-thirds (62%) involved White defendants and 23 percent involved Black defendants. Latinos were most often charged with a misdemeanor as the highest charge, constituting 68 percent of all cases disposed; felonies accounted for another 22 percent of cases. For Black defendants, 62 percent of all dispositions were for misdemeanor cases and 24 percent were for felonies; White defendants had an equivalent proportion of misdemeanor cases, and a slightly lower proportion of felony cases (21 percent). By racial groups, the proportion of cases convicted was similar across groups: 49 percent of Latinos, 51 percent of Black people and 53 percent of White people were convicted of at least one charge. Similar patterns were seen with dismissals: 36 percent, 40 percent and 36 percent of Latino, Black and White people, respectively, had at least one charge dismissed (and no convicted charges).

Finally, in **Palm Beach County**, courts disposed of 49,831 felony and misdemeanor cases in 2018. Of these, about 9 percent involved a Latino defendant, compared with 51 percent with White defendants and 39 percent involving Black defendants. Nearly all cases involving Latino defendants were misdemeanor level cases (99.7%)—a proportion far higher than that of Black defendants (70%) and White defendants (78%). However, of cases involving Latinos, just 28 percent resulted in a criminal conviction; over half (55%) had at least one charge dismissed with no convictions, and 18 percent were granted a diversion or alternative disposition. Comparatively, 38 percent of cases involving White defendants and 42 percent of cases involving Black defendants ended in conviction, with 51 percent and 48 percent resulting in at least one dismissal, respectively.

¹³ By contrast, nearly 20,966 traffic cases were disposed of in the Charleston County General Sessions court in 2018, of which nearly 7 percent involved Latinos.

¹⁴ Cases were selected based on the earliest charge disposition date occurring in 2018. Comparing cases selected using the latest charge disposition date and the case close date generated slightly different counts of cases disposed in 2018. Results reported here include fewer cases disposed than when using the case close date (11,022) or latest charge disposition date (10,997). However, none of the results of the analyses were altered by the different case selection.

Racial and Ethnic Disproportionalities in Criminal Case Outcomes

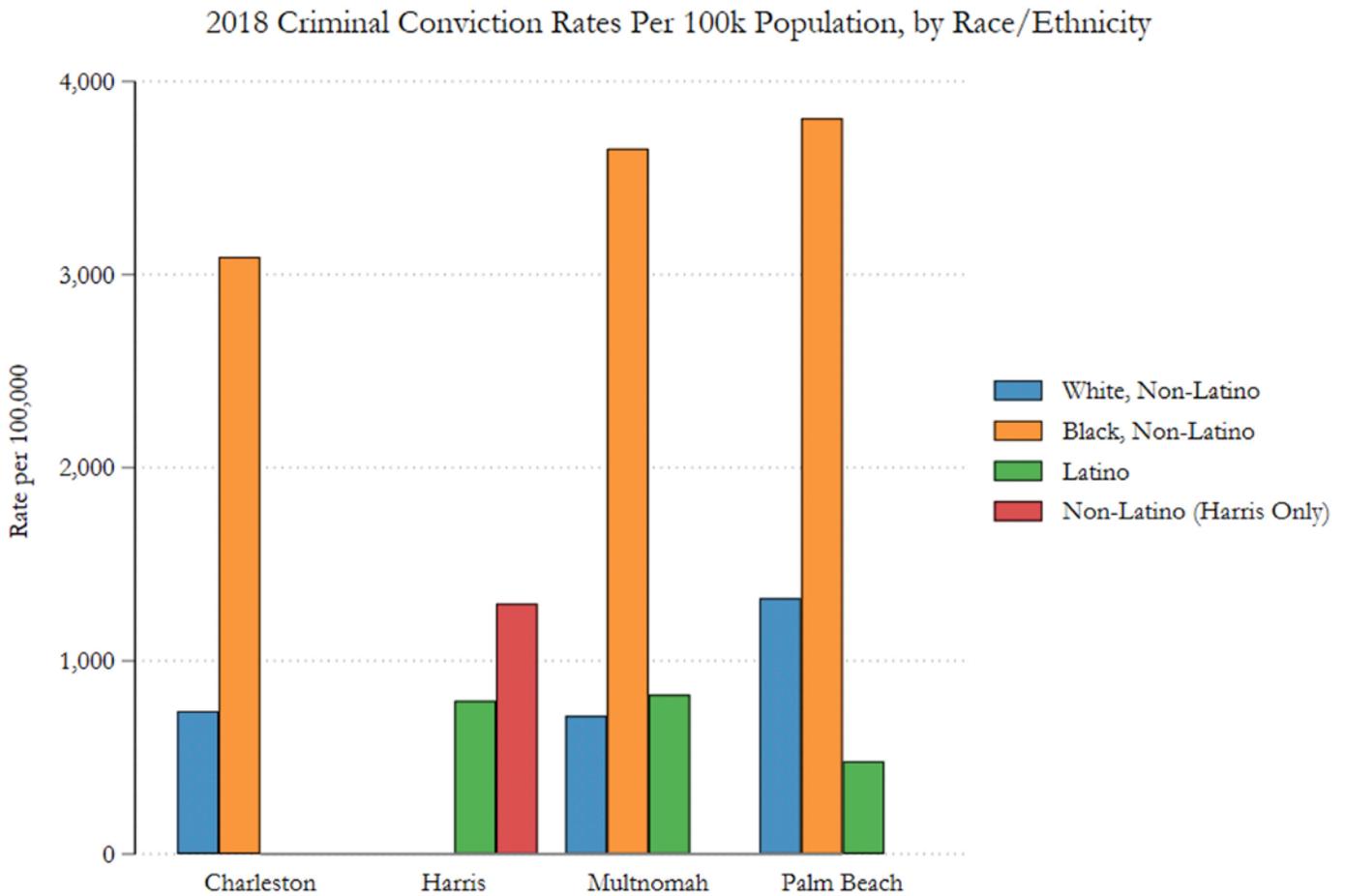
Exploring disparities in conviction and dismissal rates per 100,000 by sites yields similar, if less precise, patterns of concentration of punishments across Latino and Black individuals, relative to Whites. Figure 7 displays conviction rates per 100,000 county residents by available racial and ethnic groups in 2018. In Charleston County, Black, non-Latinos are convicted at a rate of 3,091 per 100,000, compared to just 740 per 100,000 for White, non-Latinos – a rate nearly 4.2 times greater. In Multnomah County, the rate of conviction for Black people is 5.1 times and 4.4 times higher than for White, non-Latinos and Latino people across the

County, respectively. Multnomah County’s Latinos were convicted at a rate slightly higher than White residents, while Palm Beach County’s Latinos were convicted at a rate just under half that of White, non-Latinos. In Harris County, Latinos were convicted at a rate just 0.6 that of non-Latinos; however, detailed understanding of what other racial group outcomes contribute to the non-Latino conviction rate was precluded by lack of granularity in the data.¹⁵ Patterns in case dismissals across race and ethnicity, and site, were substantially similar to patterns seen in criminal convictions (see Figure 8).

¹⁵ Data on Harris County conviction and dismissals were drawn from the Prosecuting Attorney’s Office data for CY2017, owing to lack of data directly from the courts and missing disposition date information in the prosecutor data.

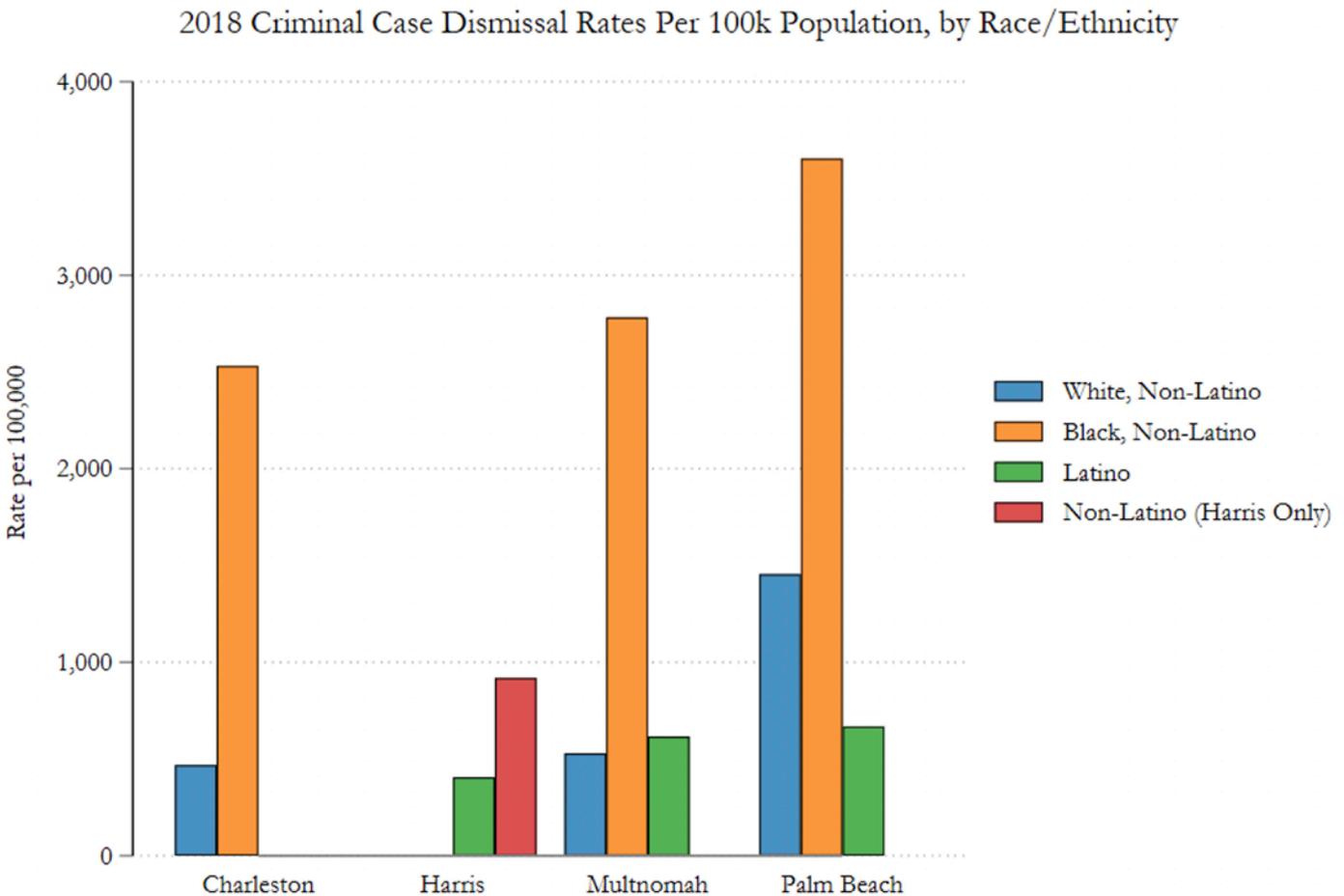
Racial and Ethnic Disproportionalities in Criminal Case Outcomes

Figure 7. Conviction Rates per 100,000 Population, 2018, By Race/Ethnicity and Site



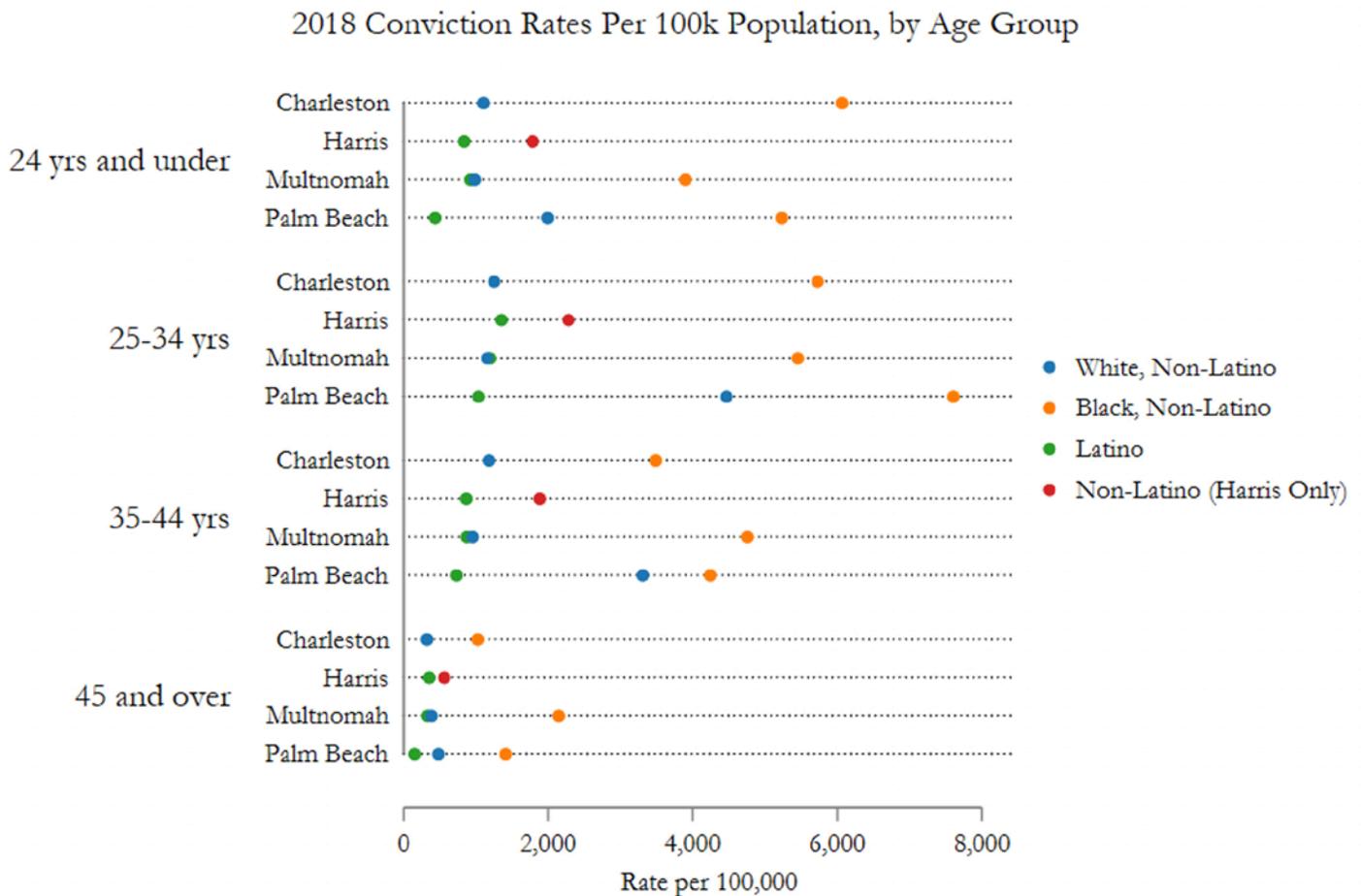
Racial and Ethnic Disproportionalities in Criminal Case Outcomes

Figure 8. Dismissal Rates per 100,000 Population, 2018, By Race/Ethnicity and Site



Racial and Ethnic Disproportionalities in Criminal Case Outcomes

Figure 9 Conviction Rates per 100,000 Population, By Age, Race/Ethnicity, and Site

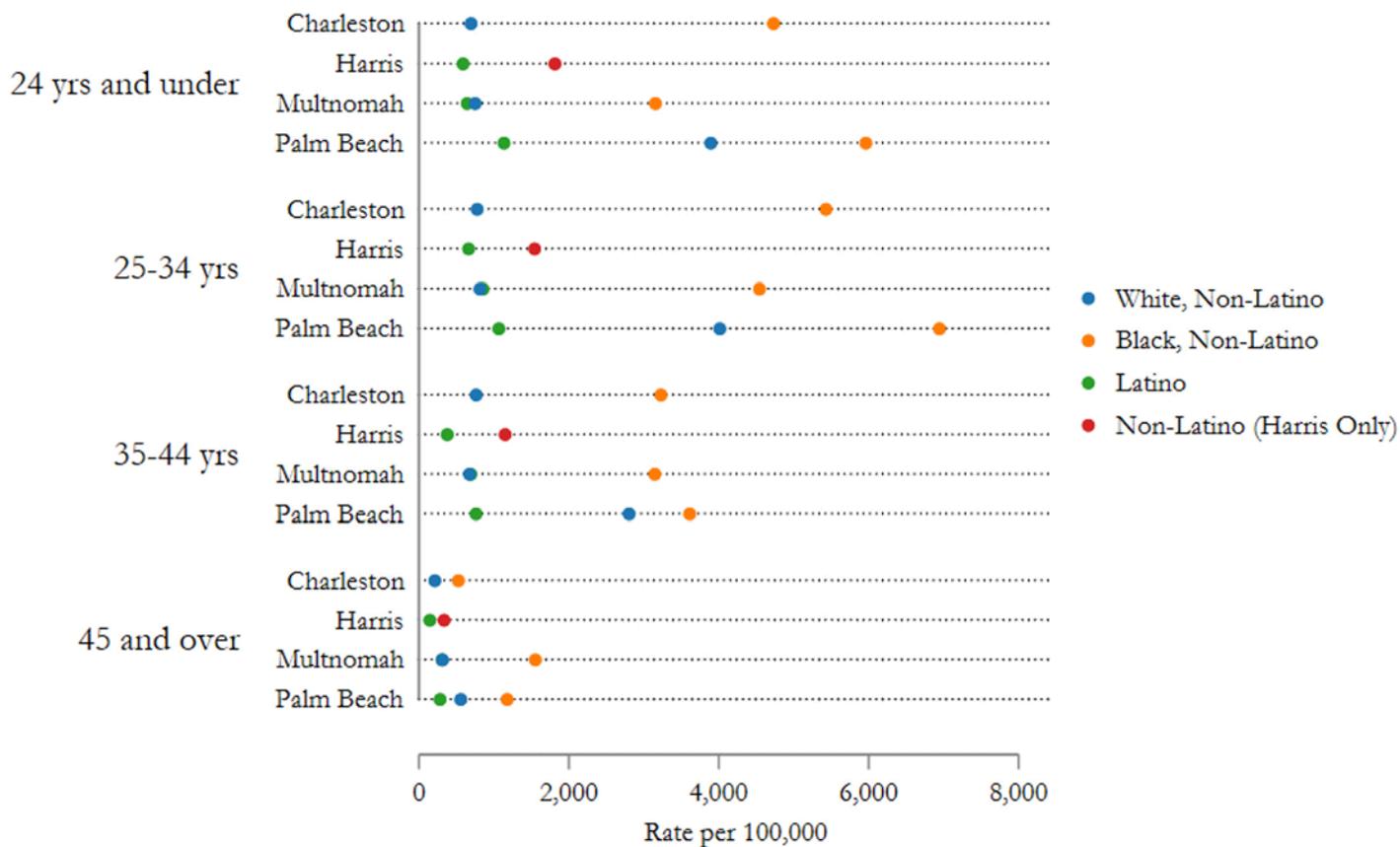


Figures 9 and 10 present conviction and dismissal rates by age group, and race and ethnicity for each of the four sites. As in earlier system points, rates of conviction for young Black people—and particularly those aged 25 to 34 years—were higher than for other groups within the same age bracket. Even in Harris County, where race data was missing, rates of conviction for non-Latinos remained higher than for Latinos across those 24 years and under, 25-34 years, and 35-44 years old. Conviction rates between Latinos and non-Latinos for those 45 years and older in Harris County were roughly equivalent. Dismissal rates for Latinos across age and site varied less than conviction rates (see Figure 10), whereas dismissal rates for White and Black people showed similar patterns across sites and age groups.

Racial and Ethnic Disproportionalities in Criminal Case Outcomes

Figure 10 Dismissal Rates per 100,000 Population, By Age, Race/Ethnicity, and Site

2018 Criminal Case Dismissal Rates Per 100k Population, by Age Group



Policy Recommendations

Standardize the Collection of Race and Ethnicity Data Across Criminal Justice Agencies. The wide variety of procedures and practices used to collect, store, and transfer race and ethnicity information across local justice systems surveyed in this brief impedes a holistic view of how different groups experience justice-system involvement. The inability to measure Latino and Hispanic individuals, and in particular, to capture the diversity of experiences *within* the Latino community, is a key obstacle to achieving fairness and equity in the criminal justice system. We recommend the collaboration among criminal justice stakeholders, community organizations, and Latino/a policy leaders to identify ways to more accurately reflect the Latino/a population in local justice systems. This may include a *system-wide* consideration of a standard set of categories to facilitate clear standards for data sharing and data translation between systems. Self-identification and allowing individuals multiple opportunities along systems points to self-identify could yield informative data towards the construction of standard categories.

Encourage Regular Examination of Outcomes by Race, Ethnicity, and by Age Group. There are many ways to measure disproportionality and disparities in the criminal justice system. At minimum, justice agencies and local jurisdictions should commit to regularly measuring and reviewing key outcomes broken out by racial and ethnic characteristics. However, counts and composition measures are not sufficient to understand how local communities are differentially impacted by justice-system involvement. Agencies should report *rates* of key outcomes, using the appropriate population denominator for the population at-risk. Further, given the intensification of involvement of younger populations at the front-end of the justice system—at arrest and jail—we recommend that jurisdictions further disaggregate by key age categories (e.g., 18-24, 25-34, etc.) within racial and ethnic groups.

Appendix: Data Tables

1.1 ADULT ARREST AND JAIL BOOKING RATES PER 100,000 ADULT POPULATION, BY RACE AND ETHNICITY

Site	Asian/Pacific-Islander					Black, Non-Latino					Latino				
	< 25 years	25-34 years	35-44 years	45 years +	Total	< 25 years	25-34 years	35-44 years	45 years +	Total	< 25 years	25-34 years	35-44 years	45 years +	Total
Charleston	620	455	1,058	339	554	14,272	14,663	11,857	4,027	8,829	4,388	5,000	3,756	1,527	3,573
Harris*	463	476	427	226	355	7,089	8,116	6,085	2,106	5,046	1,831	2,346	1,427	544	1,426
Multnomah**	1,549	2,089	2,694	662	1,505	19,875	30,906	25,725	11,418	19,815	4,643	5,919	4,303	1,973	4,199
Palm Beach**	-	-	-	-	-	7,502	9,989	5,845	1,761	5,131	1,942	2,900	1,719	605	1,490

Site	Native/Indigenous					White, Non-Latino				
	< 25 years	25-34 years	35-44 years	45 years +	Total	< 25 years	25-34 years	35-44 years	45 years +	Total
Charleston	813	2,410	2,273	2,190	2,043	3,342	3,374	3,245	997	2,125
Harris*	1,938	3,306	2,705	996	1,883	3,067	3,431	2,787	654	1,760
Multnomah**	9,504	20,815	19,630	6,265	12,696	4,942	6,887	5,681	2,009	4,055
Palm Beach**	-	-	-	-	-	2,593	4,866	3,645	702	1,617

* Owing to data limitations, Harris County arrest rates are calculated using CY2017 data.

** Multnomah County and Palm Beach County present rates of jail bookings per 100,000 population rather than rates of arrest by law enforcement, owing to the lack of law enforcement arrest data.

Appendix: Data Tables

1.2 ADULT PRETRIAL JAIL BOOKING RATES PER 100,000 ADULT POPULATION, BY RACE AND ETHNICITY

Site	Black, Non-Latino					Latino					White, Non-Latino				
	< 25 years	25-34 years	35-44 years	45 years +	Total	< 25 years	25-34 years	35-44 years	45 years +	Total	< 25 years	25-34 years	35-44 years	45 years +	Total
Charleston	10,037	12,620	9,758	3,093	6,993	1,791	2,793	1,371	752	1,650	2,546	3,580	3,480	1,043	2,128
Harris	6,251	7,194	5,769	2,046	4,601	1,117	1,868	1,162	485	1,075	3,680	3,622	2,933	722	1,920
Multnomah	14,976	22,488	18,331	8,639	14,579	3,631	4,636	3,400	1,581	3,304	4,034	5,380	4,549	1,646	3,244
Palm Beach	4,634	5,912	3,589	1,108	3,124	1,261	1,831	1,062	365	934	1,970	3,273	2,421	484	1,113

1.3 ADULT PRETRIAL JAIL RELEASE RATES PER 100,000 ADULT POPULATION, BY RACE AND ETHNICITY

Site	Black, Non-Latino					Latino					White, Non-Latino				
	< 25 years	25-34 years	35-44 years	45 years +	Total	< 25 years	25-34 years	35-44 years	45 years +	Total	< 25 years	25-34 years	35-44 years	45 years +	Total
Charleston	9,818	11,543	8,529	2,510	6,283	1,403	2,074	894	493	1,195	2,284	3,199	3,013	900	1,871
Harris	4,789	5,338	3,714	1,283	3,240	852	1,374	847	341	790	3,130	2,794	2,109	519	1,470
Multnomah	9,368	15,143	11,646	5,948	9,625	2,459	2,985	2,068	1,052	2,138	2,633	3,217	2,699	1,063	1,996
Palm Beach	4,904	6,277	3,373	996	3,159	1,203	1,726	929	313	855	2,034	3,241	2,369	457	1,092

Appendix: Data Tables

1.4 ADULT COURT CONVICTION RATES PER 100,000 ADULT POPULATION, BY RACE AND ETHNICITY

Site	Black, Non-Latino					White, Non-Latino				
	< 25 years	25-34 years	35-44 years	45 years +	Total	< 25 years	25-34 years	35-44 years	45 years +	Total
Charleston - Criminal*	6,059	5,722	3,485	1,021	3,091	1,100	1,249	1,178	318	740
Charleston - Traffic*	6,345	8,668	5,837	1,765	4,418	2,851	2,799	2,285	884	1,737
Harris**	-	-	-	-	-	-	-	-	-	-
Multnomah	3,892	5,448	4,752	2,140	3,653	980	1,153	951	381	716
Palm Beach	5,228	7,598	4,238	1,409	3,810	1,988	4,459	3,302	476	1,325

Site	Latino					Non-Latino				
	< 25 years	25-34 years	35-44 years	45 years +	Total	< 25 years	25-34 years	35-44 years	45 years +	Total
Charleston - Criminal*	-	-	-	-	-	-	-	-	-	-
Charleston - Traffic*	4,179	4,388	2,742	1,151	3,029	-	-	-	-	-
Harris**	834	1,351	864	351	794	1,781	2,277	1,882	558	1,296
Multnomah	920	1,195	871	328	825	-	-	-	-	-
Palm Beach	431	1,030	730	152	480	-	-	-	-	-

* Charleston County conviction information reflects dispositions in the General Sessions court and is disaggregated by criminal and traffic cases due to concerns with the validity of Latino ethnicity information in General Session criminal cases. For criminal cases, present only Black, Non-Latino and White, Non-Latino conviction rates per 100,000. For traffic cases, we present Black, Non-Latino, White, Non-Latino, and Latino conviction rates per 100,000.

** Harris County conviction information reflects dispositions from the Prosecuting Attorney's records. The disposition information presented here is for a cohort of cases filed in CY2017 and disposed anytime thereafter. No disposition date information was present in the prosecution data files. Further, only Latino ethnicity data were available (no race information was provided), so we present conviction rates for Latino and Non-Latino categories for Harris County only.

Appendix: Data Tables

1.5 ADULT COURT DISMISSAL RATES PER 100,000 ADULT POPULATION, BY RACE AND ETHNICITY

Site	Black, Non-Latino					White, Non-Latino				
	< 25 years	25-34 years	35-44 years	45 years +	Total	< 25 years	25-34 years	35-44 years	45 years +	Total
Charleston - Criminal*	4,726	5,425	3,224	521	2,531	690	772	758	207	468
Charleston - Traffic*	234	460	409	83	226	123	104	139	43	80
Harris**	-	-	-	-	-	-	-	-	-	-
Multnomah	3,150	4,538	3,141	1,548	2,782	744	809	669	308	529
Palm Beach	5,958	6,939	3,608	1,172	3,603	3,889	4,009	2,799	553	1,455

Site	Latino					Non-Latino				
	< 25 years	25-34 years	35-44 years	45 years +	Total	< 25 years	25-34 years	35-44 years	45 years +	Total
Charleston - Criminal*	-	-	-	-	-	-	-	-	-	-
Charleston - Traffic*	179	133	119	70	122	-	-	-	-	-
Harris**	583	657	372	140	405	1,809	1,538	1,145	330	919
Multnomah	638	849	685	301	616	-	-	-	-	-
Palm Beach	1,129	1,061	757	277	668	-	-	-	-	-

* Charleston County dismissal information reflects dispositions in the General Sessions court and is disaggregated by criminal and traffic cases due to concerns with the validity of Latino ethnicity information in General Session criminal cases. For criminal cases, present only Black, Non-Latino and White, Non-Latino dismissal rates per 100,000. For traffic cases, we present Black, Non-Latino, White, Non-Latino, and Latino dismissal rates per 100,000.

** Harris County dismissal information reflects dispositions from the Prosecuting Attorney's records. The disposition information presented here is for a cohort of cases filed in CY2017 and disposed anytime thereafter. No disposition date information was present in the prosecution data files. Further, only Latino ethnicity data were available (no race information was provided), so we present dismissal rates for Latino and Non-Latino categories for Harris County only.