

Who's at greatest risk to encounter the criminal legal system in the U.S.?

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In the United States, Black boys and young men face the greatest risk of early interactions with the criminal legal system, particularly those whose parents have a high school education or less, according to Penn-led research published in the journal *Demographic Research*.

Specifically, the team found that by age 26, six in 10 Black men in this category had been arrested, four in 10 had experienced probation, and four in 10 had been incarcerated. Latinx men and Black women also faced significant risk; one in four was arrested by age 26.

"The magnitude of the criminal legal [system](#) in the lives of these [young people](#), and by consequence, their families and communities, is just staggering," says Penn sociologist Courtney Boen, who spearheaded the work.

A hole in the data

Boen has long been trying to understand the health implications of early-life interactions with the American criminal legal system, both for individuals and at the societal level. But as she and a group of Penn Ph.D. students delved into this, they quickly realized they couldn't determine such outcomes without first understanding who is most at risk for these kinds of encounters.

"Patterns of criminal legal system involvement are not particularly well-

documented," says Boen, an assistant professor and Axilrod Faculty Fellow in the Department of Sociology and the Graduate Group in Demography. "The data infrastructure just isn't there to follow young people as they age and to assess their risks of system involvement across the early life course."

A single point in time—one arrest, for example—doesn't zoom out enough. Was that the person's first encounter or ninth? Conversely, large administrative jail or prison records zoom out too far, often preventing researchers from following the same young people over time.

Seeking something in the middle, Boen and colleagues from Princeton University and Washington University in St. Louis, turned to the Panel Study of Income Dynamics, a nationally representative, longitudinal survey of families in the U.S. Its "Transition to Adulthood" supplement followed thousands of people born between 1983 and 1997 beginning at age 18. Every two years, participants answered questions about whether they had been arrested, put on probation, and incarcerated. The survey also asked about criminal legal system encounters during childhood and tracked parental education level.

Fifth-year Penn doctoral candidate Hannah Olson led the effort to detail complete life-course histories of the participants' criminal legal system involvement. This work would take a more holistic approach, expanding beyond incarceration to include arrest and probation, and accounting for factors like race, gender, and socioeconomic status that might put people at risk for early legal system involvement.

Their findings

Their analysis revealed that by age 26, about one in three Black men in the U.S. could expect to be incarcerated, mirroring a well-known and widely cited statistic in the field. "When you expand that to arrest, we

find that two in three Black men have been arrested by the time they're 26," Boen says. "We don't have data in our survey on police stops, but you could imagine if we did those estimates would be even higher."

They also found that, for Latinx men whose highest-educated parent completed high school or less, an estimated 25 percent had been incarcerated, and some 40 percent had been arrested by age 26. Similarly, approximately one-quarter of Black women had been arrested by age 26.

"This is incredibly pervasive for a broad swath of the population," Olson says. "Communities of color are disproportionately entwined with the system, and those entanglements are occurring earlier in the life course than they do in white communities."

These experiences aren't exceptional, Boen says. "This study shows criminal legal system involvement is incredibly common, especially among structurally oppressed young people—young people of color, poor young people, and especially poor young people of color. These large systems of inequality like poverty and like racism manifest and intersect in really critical ways to shape young people's risks."

Despite some limitations to the work, like a [small sample size](#) for some sub-groups or the use of self-reported data, the researchers say these findings offer a crucial step to better understanding how such interactions—including when they begin and how often they happen—might affect future health, educational, employment, and family outcomes.

"We have to think more critically as a society about how we can undo the harms of the system, to improve the livelihoods not only of the young people who become swept up in the system but their families, their communities, and all of us really," Boen says. "We're missing out

on these young [people](#) and their potential by stripping them of their rights, hyper-surveilling them, punishing them, putting them in jails and prisons. We all suffer collectively."

More information: Courtney Boen et al, Early life patterns of criminal legal system involvement: Inequalities by race/ethnicity, gender, and parental education, *Demographic Research* (2022). [DOI: 10.4054/DemRes.2022.46.5](#)

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