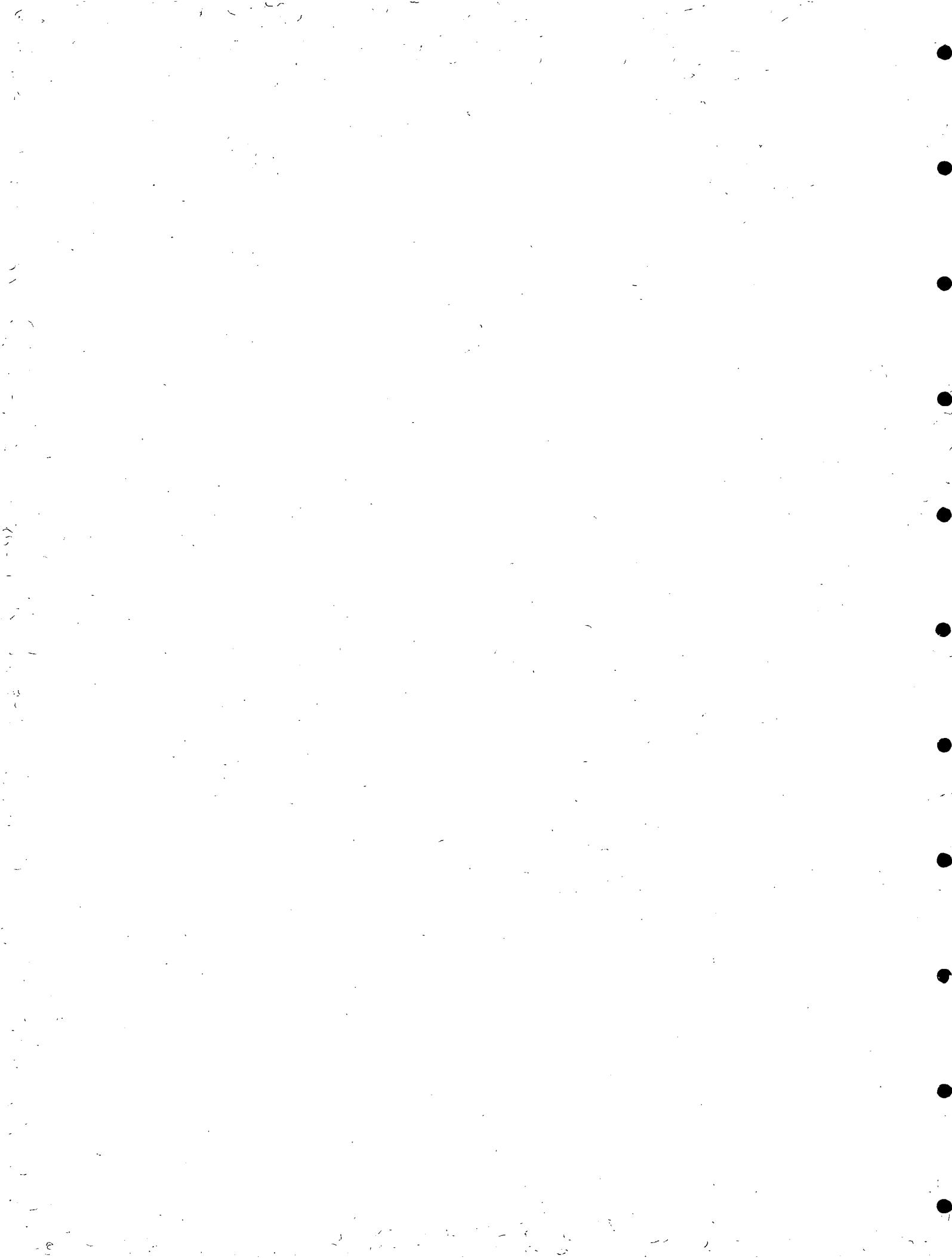


DISPROPORTIONATE CONFINEMENT
OF MINORITY JUVENILES
IN SECURE FACILITIES

1996 NATIONAL REPORT

169882





**Disproportionate Confinement Of
Minority Juveniles In Secure Facilities
1996 National Report**

Prepared for:
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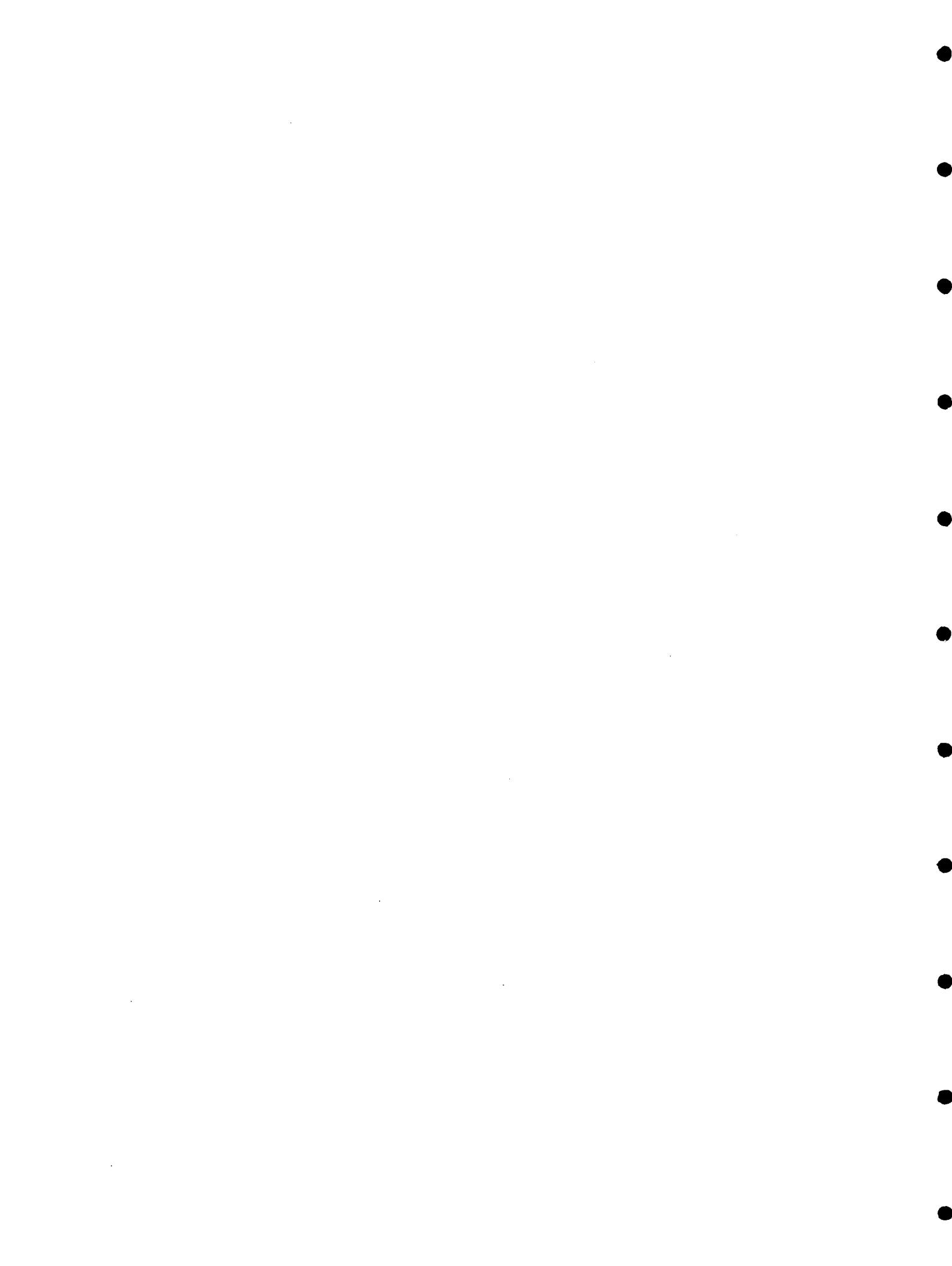
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December 1997



FOREWORD

One of the most urgent challenges facing juvenile justice is to put an end to disproportionate minority representation in secure juvenile facilities. In the 1992 amendments to the Juvenile Justice and Delinquency Prevention Act of 1974, Congress required States to take steps to address this issue. Each State must first determine if minority juveniles are confined within the State in numbers that are out of proportion with their presence in the general juvenile population. If so, the State must then identify and address any features of its system that may be contributing to such disproportionate representation.

This report documents State progress to date in complying with this core requirement. The authors highlight a variety of strategies and approaches, such as cultural diversity training, community-based alternatives to secure detention and corrections, and public policy revisions, that States are using to respond to this challenge.

Ultimately, however, this issue will not be effectively resolved until all those who influence juvenile justice practices—elected officials, practitioners, and the public—recognize the extent of disproportionate minority confinement and its impact not only on minority individuals, families, and communities but also on the Nation as a whole. Only then will we be able to ensure that at every decision point in the juvenile justice process, safeguards will be in place to help eliminate this disparity from the system.

Shay Bilchik
Administrator
Office of Juvenile Justice and Delinquency Prevention

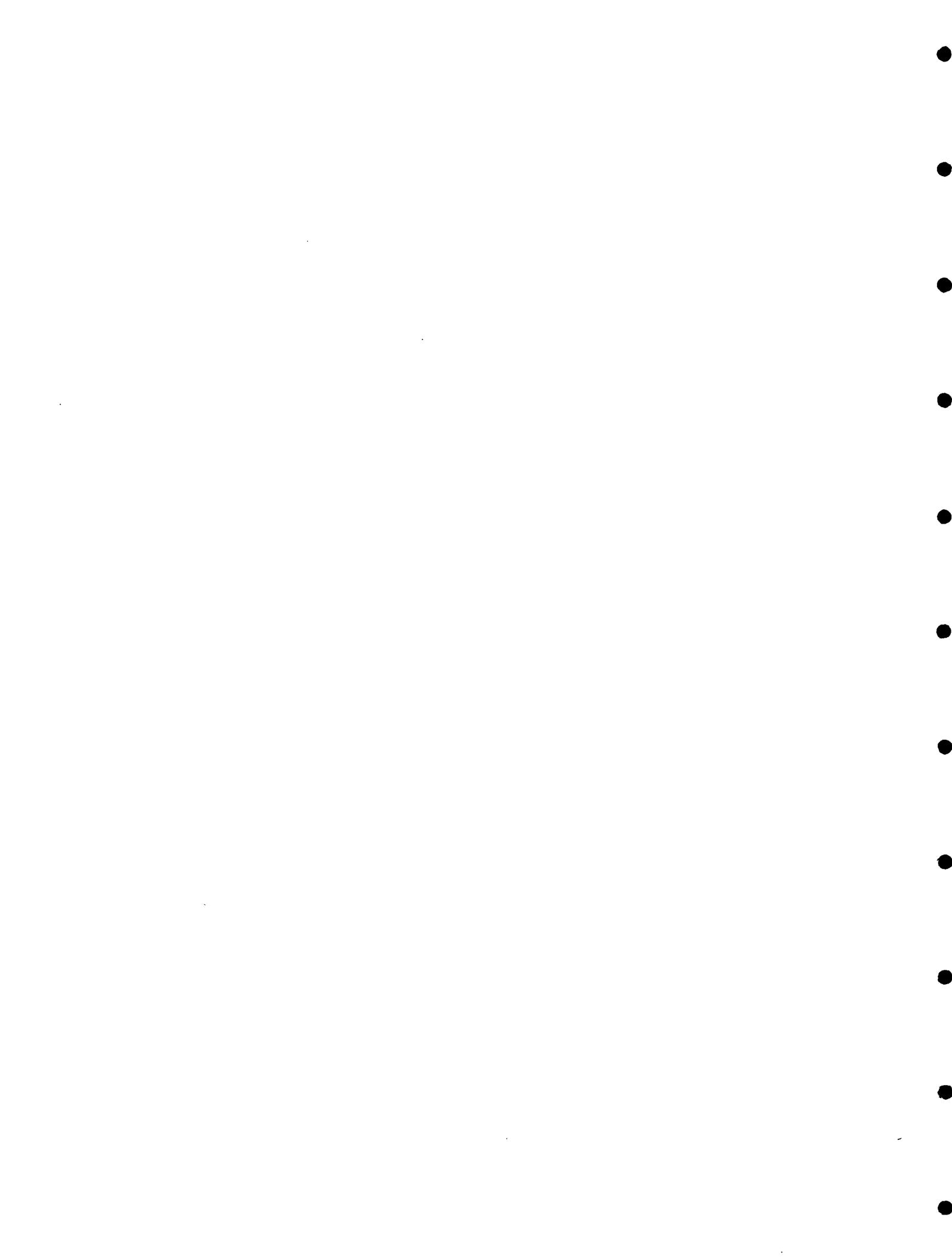


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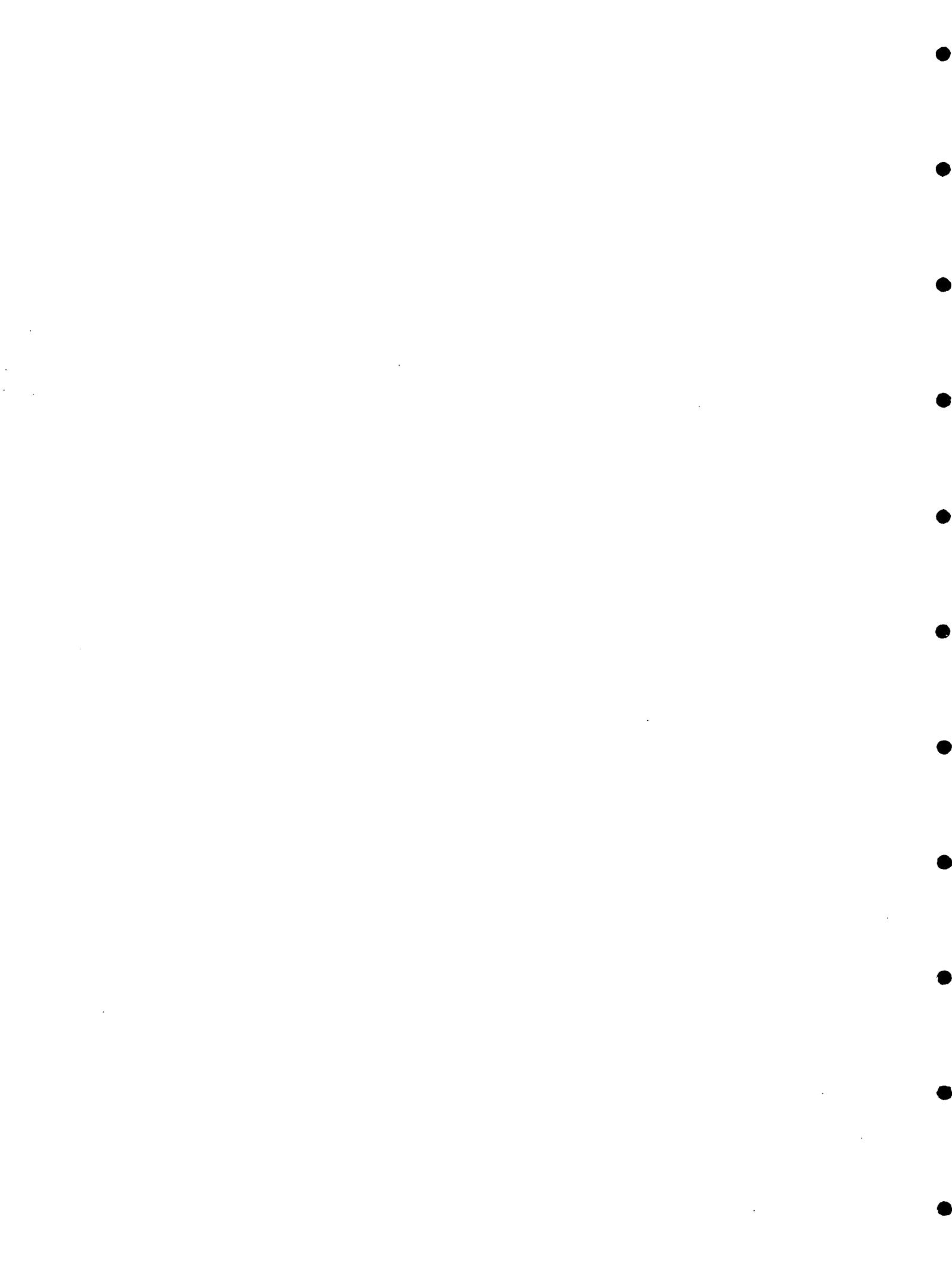
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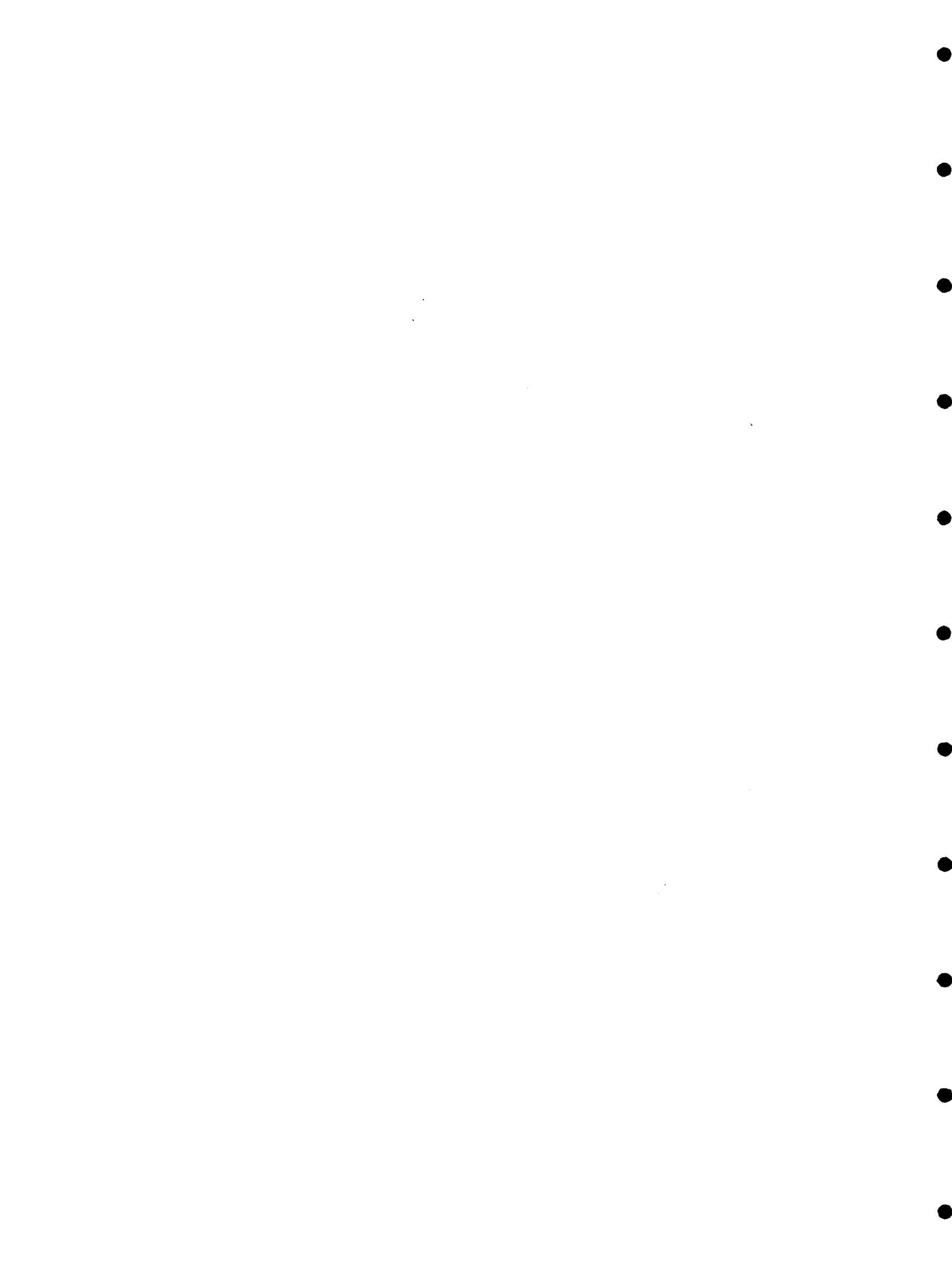
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PREFACE

Following *The Status of The States: A Review of State Materials Regarding Overrepresentation of Minority Youth in the Juvenile Justice System* (Feyerherm, 1993), this is the second report summarizing the status of the efforts by all States participating in the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, Part B (JJDP) Formula Grants Program to reduce disproportionate minority confinement in secure detention facilities, secure correctional facilities, jails, and lockups. This report is based on a review and analysis of States' 1994-1996 JJDP Act Comprehensive State Plans. State Disproportionate Minority Confinement (DMC) Assessment Reports submitted to the Office of Juvenile Justice and Delinquency Prevention (OJJDP) were also analyzed. This report is intended primarily to provide State Juvenile Justice Specialists and State Advisory Group members with a national status summary, through 1995¹, of the nature and extent of DMC, the activities chosen to address them, and challenges experienced by the States. With lessons learned collectively, this report recommends future actions for States to consider in their continuing efforts to address DMC.

While the data used to compile this report are the best available, they present limitations of which the reader should be aware. First, the data used are not for a uniform period. Some of the data are from the late 1980's, and some from the early 1990's. Second, there is additional and more current information that was not available for review at the time. Third, there is a wide variance in the availability of statewide data from State to State (e.g. arrest data for juveniles controlled for race may be available from some localities and not from others). Finally, it should be stressed that this report is not an exhaustive catalog of all DMC activities in the Nation as there may be significant local activities that are not discussed here if they were not funded with OJJDP Formula Grants funds.

¹ The 1997 national status summary of the DMC initiative will be available in an upcoming OJJDP bulletin on DMC.

The compilation of materials and overall direction of the study was coordinated by Reggie Morton. Under contract to Community Research Associates (CRA), Donna Hamparian and Michael J. Leiber analyzed the compiled materials and prepared this report. The following researchers and practitioners, who are also contract consultants to CRA, reviewed the materials and provided valuable input at various stages during the project. These individuals are Dennis Collier, Dan Elby, Michael Guilfoyle, Michael Lindsey, and Jonas Mata. OJJDP staff -- Earl Appleby, Thomas Bell, Robin Delany-Shabazz, Heidi Hsia, Eric Peterson, and Gina Wood -- participated in the final review of the report. Both CRA and OJJDP gratefully acknowledge the efforts of many State agencies and resource organizations that contributed their time and assistance.

INTRODUCTION

The Coalition for Juvenile Justice (then the National Coalition of State Juvenile Justice Advisory Groups) brought national attention to the problem of disproportionate minority confinement (DMC) in their 1988 Annual Report to Congress, *A Delicate Balance* (Coalition for Juvenile Justice, 1988). In that same year, Congress responded to the stark evidence of disproportionate confinement of minority juveniles in secure facilities by amending the Juvenile Justice and Delinquency Prevention (JJDP) Act of 1974 by providing that "States participating in the Formula Grants Program must address efforts to reduce the proportion of the youth detained or confined in secure detention facilities, secure correctional facilities, jails, and lockups who are members of minority groups if such proportion exceeds the proportion such groups represent in the general population." For purposes of the JJDP Act, OJJDP defined minority populations as: African-Americans, American Indians, Asians, Pacific Islanders, and Hispanics (OJJDP Regulations, 28 CFR Part 31). However, States (e.g., Alaska) with significant Native American populations other than American Indians also recognized the need and proceeded to examine DMC problems among these Native American populations. Therefore, in practice, the category of "Native Americans" has been used by States to include American Indians, Eskimos, Aleutians, and others. In addition, none of the States that presented Asian and Pacific Islander information were able to do so separately. There are three possible explanations for this difficulty: 1) the juvenile population of Pacific Islanders is very small, 2) the census combines them in a single category, and 3) most statewide computer data systems do not separate them.

Four years later, Congress revisited the DMC issue during the 1992 reauthorization of the JJDP Act, substantially strengthening the national effort to address disproportionate confinement of minority youth in secure facilities. DMC was elevated to the status of a "core requirement" (Section 223(a)(23)) alongside deinstitutionalization of status offenders, removal of juveniles from adult jails and lockups, and

sight and sound separation of juvenile offenders from adults in secure institutions. States participating in the Formula Grants Program are required to address the DMC issue in the following three phases:

Identification Phase-- Identify the extent to which DMC exists.

During the Identification Phase, each participating State must gather quantifiable documentation to determine whether minority juveniles are disproportionately detained or confined in secure detention and correctional facilities, jails, and lockups in relation to their proportion in the State's total juvenile population. Where quantifiable documentation is not available, the State must provide a time-limited plan of action, not to exceed six months, to develop and implement a system for the ongoing collection and analysis of information to determine whether there is disproportionate minority confinement.

Assessment Phase--Assess the reasons for DMC.

If a determination is made that disproportionality does in fact exist, the State conducts an assessment that investigates the specific reasons for this condition. At a minimum, assessments must identify and explain differences in rates of arrest, diversion, adjudication, and court disposition, including differences in rates for secure detention and incarceration and transfers of juveniles to criminal court. If a completed assessment is not available, a time-limited plan of action must be submitted for how and when the assessment will be completed. In addition, if there is a recognized minority group that represents at least 1% of the statewide juvenile population, separate data should be presented for that group.

Intervention Phase--Develop an intervention plan to address these identified reasons.

The purpose of the Intervention Phase is to address the reasons for disproportionality that have been identified in the Assessment Phase. OJJDP regulations require that each State Formula Grants Plan must, where disproportionate confinement has been demonstrated, provide a time-limited plan of action designed to reduce the disproportionate confinement of minority juveniles in secure facilities. The intervention plan must be based on the results of the identification and assessment phases. The plan must include, but not be limited to, the following types of activities:

- **Staffing and Training:** providing financial and/or technical assistance that addresses staffing and training needs that will positively affect the disproportionate confinement of minority juveniles in secure facilities;
- **Prevention:** providing developmental, operational, and assessment assistance for prevention programs in communities with a high percentage of minority residents;
- **Diversion:** increasing the availability and improving the quality of diversion programs for minorities who come into contact with the juvenile justice system;
- **Reintegration:** providing developmental, operational, and assessment assistance for programs designed to reduce recidivism by facilitating the reintegration of minority juveniles back into the community following release from residential facilities; and
- **Policies and Procedures:** providing financial and/or technical assistance that addresses necessary changes in policies and procedures that negatively affect minority juveniles disproportionately.

As is the case with each of the four core requirements of the JJDP Act, States failing to address this DMC core requirement would be ineligible to receive 25% of their

Formula Grants allocation for the year and must spend all remaining funds (except planning and administration, State Advisory Group set-aside funds, and Indian Tribe pass-through funds) for the purpose of achieving compliance with the core requirement(s) for which the State is in non-compliance.

Under these Congressional and Agency requirements and policies, State Juvenile Justice Agencies and State Advisory Groups began exploring and addressing one of the most difficult issues confronting the administration of juvenile justice. Progress in compliance with the requirement of Section 223(a)(23) is reported by each State and Territory in their Comprehensive JJDP Three-Year Plans and subsequent Plan Updates, and is reviewed annually by OJJDP to determine the status of compliance.

NATIONAL PROFILE

A national profile is provided to highlight State activities in each phase. The Identification Phase presents summary findings with State-by-State tables for all minority youth combined, African-American youth only, Hispanic youth only, Native American youth only, and Asian and Pacific Islander youth only. The source for these data was individual State identification matrices and assessment reports and is not for a standardized year. The profile for the Assessment Phase provides representative State findings for the 35 States that had completed assessments at the time of this review. The profile for the Intervention Phase provides representative State activities in the five areas of intervention suggested by the OJJDP regulations. The Intervention Phase profile was developed using both a sample of intervention plans submitted by 34 States and the recommendations that emerged from the Assessment Phase. The sample included some intervention plans that had been approved by OJJDP and some that had not been approved.

I. Identification Phase

Six decision points are required to be examined in the Identification Phase of the DMC core requirement if the minority juvenile population in the State is 1% or greater of the juvenile population at risk. The data available concerning the six decision points varies greatly from State to State. Analyses should be conducted separately for each minority group within the State that represents at least 1% of the youth population at risk. The six decision points are: arrest (sometimes court referrals are substituted for arrest data), secure detention, confinement in secure juvenile correctional facilities, confinement in adult jails, confinement in adult lockups, and transfer to criminal court. In many State submissions, probation information was also provided.

An index value of disproportionality for each decision point is reached by dividing the percentage of minority juveniles represented at that point by the percentage of minority juvenile in the State's total juvenile population at risk for secure confinement.

The term “juvenile population at risk for secure confinement” means juveniles who, if arrested or adjudicated, would be eligible for placement in a juvenile detention or correctional facility. For purposes of this analysis, at-risk population is the State’s total juvenile population age 10-17. An index value over 1.00 indicates that minorities are overrepresented. For example, an index value of 2.00 would mean that minority juveniles are represented at a rate twice their representation in the total at-risk population. The greater the index number, the greater the amount of disproportionate representation. Conversely, an index under 1.00 indicates that minorities are underrepresented. Some data were available from most States and the District of Columbia.

A. Overrepresentation Of All Minority Juveniles Combined

Table 1. Indices of Overrepresentation in the Juvenile Justice System: All Minority Juveniles Combined

	%Minority Juveniles Population	Arrests	Secure Detention	Secure Correction	Adult Jails	Adult Lockups	Transferred to Criminal Court	Probation
Alabama	50.4	1.2	1.3	1.3	0.8	0	1.4	1.1
Alaska	28.0	1.4	2.0	2.4	NA	NA	1.4	NA
Arizona ^a	40.3	1.1	1.4	1.6	NA	NA	1.8	NA
Arkansas	22.0	1.6	1.3	2.7	2.2	NA	2.3	NA
California	53.4	1.1	1.2	1.3	NA	NA	NA	NA
Colorado	22	1.1	2.3	2.1	1.4	NA	NA	NA
Connecticut	15.3	3.0	4.8	4.5	6.6	2.9	5.2	NA
Delaware	23.6	1.4	2.3	2.7	NA	NA	NA	NA
DC	85	1.1	1.1	1.1	NA	NA	1.0	NA
Florida	45	1.7	2.3	2.8	1.9	NA	2.5	1.8
Georgia ^b	35.5	NA	NA	NA	NA	NA	NA	NA
Hawaii ^c	NA	NA	NA	NA	NA	NA	NA	NA
Idaho	9.1	2.0	1.5	1.7	1.5	NA	NA	NA
Illinois ^d	NA	0.5	2.1	2.0	0.3	1.2	0.2	NA
Indiana	11.9	NA	4.1	3.2	2.7	3.3	NA	NA

	%Minority Juveniles Population	Arrests	Secure Detention	Secure Correction	Adult Jails	Adult Lockups	Transferred to Criminal Court	Probation
Iowa	4.8	2.7	7.9	6.6	NA	NA	NA	NA
Kansas	11.5	2.6	4.5	3.9	3.0	1.3	NA	NA
Kentucky	9.5	NA	5.5	NA	1.8	NA	NA	NA
Louisiana	38.8	1.5	1.5	2.3	1.4	NA	NA	NA
Maine ^e	NA	NA	3.5	NA	NA	NA	NA	NA
Maryland ^f	30	2.2	2.8	3.4	NA	NA	3.3	NA
Massachusetts	17.2	3.0	3.8	3.3	4.7	2.4	5.0	NA
Michigan ^g	NA	NA	NA	NA	NA	NA	NA	NA
Minnesota	4.5	1.8	6.7	5.2	2.8	NA	NA	NA
Mississippi ^h	NA	1.3	1.4	1.8	1.2	NA	1.8	NA
Missouri ⁱ	13.6	1.8	3.4	NA	NA	NA	NA	NA
Montana	16.2	1.1	1.7	1.8	NA	NA	4.3	NA
Nebraska ^j	8.4	1.9	3.6	0	NA	NA	0	2.1
Nevada ^k	17.7	NA	NA	NA	NA	NA	NA	NA
New Hampshire ^l	2.3	NA	NA	NA	NA	NA	NA	NA
New Jersey	29.0	2.1	3.3	3.0	NA	NA	3.0	NA
New Mexico	60.0	NA	1.2	1.2	NA	NA	NA	NA
New York	39.0	1.9	2.9	2.4	NA	NA	NA	NA
North Carolina	30.4	1.6	1.7	2.0	NA	NA	NA	NA
North Dakota	7.9	2.3	3.7	4.3	NA	NA	1.3	NA
Ohio	14.3	2.1	NA	3.0	NA	NA	NA	NA
Oklahoma	15.6	1.1	3.3	4.8	1.7	1.2	NA	NA
Oregon	9.1	1.4	2.1	2.1	NA	NA	NA	NA
Penn.	14.3	2.1	5.5	6.1	NA	NA	5.2	NA
Rhode Island	12.4	1.6	2.6	NA	NA	NA	5.3	NA
S. Carolina	39.0	1.4	1.7	1.6	1.4	NA	1.9	NA
S. Dakota	13.4	NA	3.1	2.2	2.7	NA	NA	2.3
Tennessee	20.0	2.0	3.7	3.0	NA	NA	4.1	1.5

	%Minority Juveniles Population	Arrests	Secure Detention	Secure Correction	Adult Jails	Adult Lockups	Transferred to Criminal Court	Probation
Texas	50.0	NA	1.3	1.6	2.0	1.3	1.3	NA
Utah	11.1	1.0	3.3	4.8	1.7	1.2	0	NA
Vermont	2.6	NA	0.7	0	0	NA	NA	NA
Virginia	27.0	2.2	1.8	2.1	NA	NA	NA	NA
Washington	17.6	NA	2.5	3.7	1.0	NA	NA	NA
West Virginia	5.0	1.8	2.6	2.0	NA	NA	0	OSP =3.4 ^m
Wisconsin ⁿ	11.0	1.7	4.9	5.5	1.7	6.8	NA	NA
Wyoming ^o	NA	NA	NA	NA	NA	NA	NA	NA

NA means either Not Available or Not Applicable

- a. Data for Maricopa and Pima Counties only.
- b. Total minority data are not reported. See Tables B and C.
- c. The definition of minority in Hawaii is different from the other States and the process of defining minority juvenile population delayed the Identification and Assessment Phases.
- d. State data are not available for minority juvenile population. System data are provided through the Assessment Report based on a sample of counties.
- e. It had been determined that there was not a minority juvenile population in the State that exceeds 1% of the total juvenile population.
- f. The data are for the African-American population only.
- g. These data were not retrievable.
- h. State data are not available for minority juvenile population. Data on DMC rates are available based on an assessment study of a sample of counties.
- i. These data are primarily for African-American juveniles.
- j. The data for Washoe County are provided by each specific minority group. See subsequent tables.
- k. Total minority data are not reported. See Tables B, C, D and E.
- l. It had been determined that there was not a minority juvenile population in the State that exceeded 1% of the total juvenile population. Since this report was developed, Hispanic juveniles have reached 1% population statewide and the Identification and Assessment are being conducted.
- m. Out of state placements.
- n. The State data are provided for Native Americans, African-Americans, Asian and Pacific Islanders, and Hispanic juveniles separately in subsequent tables.
- o. Not participating in the JJDP Formula Grants Program.

Most juvenile justice computerized data statewide are not complete for all decision points. All States must depend on the cooperation of local detention and correction facilities as well as law enforcement, probation departments and juvenile courts for valid and comprehensive data collection. Some States' efforts in addressing DMC have been hampered by the lack of meaningful data and/or insufficient cooperation at the local level. This is a problem that is not easily alleviated since many States do not have the authority to enforce data collection standards.

In all States where statistics on the minority population are available, the minority juvenile population exceeds 2% of the at-risk population (44 States). In 17 States, one-quarter of the juvenile population is minority, and in five States (Alabama, California, District of Columbia, New Mexico, and Texas) at least half of the at-risk population is reported as minority juveniles.

In all States reporting detention data (44 States), except Vermont, minority juveniles are overrepresented with an average index of 2.8. In all States reporting corrections data (42 States), except Nebraska and Vermont, minority juveniles are overrepresented with an average index of 2.6. This means that, on average, minority juveniles are overrepresented in secure detention and corrections, at a rate almost three times their percentage of the at-risk juvenile population. In most of the States that reported arrest data (34 of 36), minority juveniles are overrepresented with an average index of 1.7. In most States reporting adult jail data (19 of 23), minority juveniles are overrepresented with an average index of 2.5. In addition, 18 of 23 States report overrepresentation of minorities in juveniles transferred to criminal court for trial. The index for transfers ranges from 0 to 5.3 (5.3 index indicates that minority juveniles are more than 5 times more likely to be transferred to criminal court for trial than their proportion in the at-risk population).

In 31 of the 36 States reporting data on both arrests and secure corrections, overrepresentation increases from the point of arrest through other points in the system to the final point of secure corrections. This is also true in comparing secure detention and secure corrections in a large number of the States reporting data on both stages in the process.

In many instances, States combine data about all minorities, even when more than one minority group is represented by at least 1% of the at-risk juvenile population. The combining of more than one minority group in the data may deflate the overrepresentation experienced by one of the groups or inflate the overrepresentation of another minority group.

B. Overrepresentation of African-American Juveniles

TABLE 2. Indices of Overrepresentation in the Juvenile Justice System: African-American Juveniles Only

	% Minority Juvenile Population	Arrests	Secure Detention	Secure Corrections	Adult Jails	Adult Lockups	Transferred To Criminal Court	Probation
Alabama	50.4	1.2	1.3	1.3	0.8	0	1.4	1.1
Alaska ^a	14.7	NA	1.6	NA	NA	NA	NA	NA
Arizona ^b Pima Co Maricopa .	3.7 4.0	2.1 2.5	3.2 4.0	3.7 4.5	3.8 4.1	NA NA	NA NA	3.5 5.7
Arkansas	22.0	1.6	1.3	2.7	2.2	NA	2.3	NA
California	8.7	2.2	3.0	3.0	NA	NA	NA	NA
Colorado	5	3.1	4.4	3.8	1.9	NA	NA	NA
Connecticut	9.6	3.0	4.8	4.7	NA	NA	2.1	NA
Delaware	22.2	NA	2.3	2.7	NA	NA	NA	NA
D.C.	85	1.1	1.1	1.1	NA	NA	1.0	NA
Florida	33	1.1	1.7	2.1	NA	NA	NA	NA
Georgia	33.5	NA	NA	NA	NA	NA	NA	NA
Illinois	NA	0.6	3.1	2.5	0.5	1.3	0.3	NA
Indiana	9.9	NA	4.1	3.2	2.7	3.3	NA	NA
Iowa ^c	2.4	NA	NA	NA	NA	NA	NA	NA
Kansas	6.87	2.6	4.5	3.9	3.0	1.3	NA	NA
Kentucky	NA	NA	NA	NA	NA	NA	NA	NA
Louisiana	38.8	1.4	1.6	2.2	NA	NA	1.6	NA
Maine	NA	NA	NA	4.7	NA	NA	NA	NA
Maryland	30	2.2	2.8	3.4	NA	NA	3.3	NA
Massachusetts	6	4.7	5.9	5.0	3.3	2.9	5.0	3.8
Michigan	NA	NA	NA	NA	NA	NA	NA	NA
Minnesota	2.9	4.3	10.7	7.1	2.7	NA	9.4	2.5
Mississippi	NA	NA	NA	NA	NA	NA	NA	NA
Missouri	13.6	2.2	3.3	NA	NA	NA	NA	NA
Nebraska ^d	4.2	2.1	NA	0	NA	NA	0	1.9
Nevada ^e	2.7	2.6	3.3	NA	NA	NA	NA	2.3
New Hampshire	0.8	NA	NA	NA	NA	NA	NA	NA
New Jersey	17.0	2.4	3.8	4.4	1.9	0	NA	NA

	% Minority Juvenile Population	Arrests	Secure Detention	Secure Corrections	Adult Jails	Adult Lockups	Transferred To Adult Court	Probation
New Mexico	2.0	NA	1.5	3.5	NA	NA	NA	NA
New York	19.5	2.1	3.2	3.2	NA	NA	NA	NA
N. Carolina	28.6	1.6	1.7	2.0	NA	NA	NA	NA
N. Dakota	<1.0	NA	NA	NA	NA	NA	NA	NA
Ohio	NA	1.3	NA	3.3	NA	NA	NA	NA
Oklahoma	6.9	NA	NA	NA	NA	NA	NA	NA
Oregon	2.2	2.8	4.2	3.9	NA	NA	NA	NA
Pennsylvania	11.2	NA	NA	NA	NA	NA	NA	NA
Rhode Island	5.7	2.2	NA	5.6	NA	NA	10.2	NA
S. Carolina	36.6	1.4	1.7	1.4	1.4	NA	1.9	NA
Tennessee ^f	20.0	2.0	3.7	3.0	NA	NA	4.1	1.5
Texas	12.4	1.6	2.6	2.9	0	0	1.4	NA
Utah	0.7	NA	NA	NA	NA	NA	NA	NA
Vermont	2.6	NA	0.7	0	0	NA	NA	NA
Virginia	27.0	2.2	1.8	2.1	NA	NA	NA	NA
Washington	3.8	3.9	4.0	6.6	0	NA	1.8	NA
W. Virginia	4.0	NA	NA	NA	NA	NA	NA	NA
Wisconsin	7.2	2.2	6.6	6.5	1.2	10.1	NA	NA

NA means either Not Available or Not Applicable.

a. Includes African-Americans, Hispanics, Asians or other in origin.

b. Pima and Maricopa Counties only.

c. Iowa data are not provided for the three specific minority groups: African-Americans and Asians and Pacific Islanders.

d. Prosecutions not arrests.

e. Data for Washoe County only.

f. Court referrals not arrests.

In 42 States, the African-American juvenile population is reported as more than 1% of the at-risk juvenile population; in nine States, it is over one-quarter (in six States the exact percentage was not provided). Thirty-four States reported some juvenile justice data on African-American juveniles. African-American juveniles are overrepresented in most States at every decision point of the juvenile justice process. In the majority of States, overrepresentation of African-American juveniles increases from decision point to decision point in the juvenile justice system. In nine of the 26

States reporting both secure detention and secure corrections data, overrepresentation increases from detention to corrections.

In 25 of the 26 States reporting arrest data, there is overrepresentation at an average index of 2.25, over two times the African-American juvenile representation in the at-risk population. In addition, in 12 of the 15 States reporting data on juvenile transfers to criminal court, there is overrepresentation at an average index of 3.05; and in nine of the 14 States reporting data on juveniles in adult jails, overrepresentation occurs at an average index of 1.66.

In 22 of the 24 States reporting both arrest and secure detention data, overrepresentation increases from arrest to detention.

In 21 of the 26 States reporting both arrest and secure corrections data, overrepresentation increases progressively from arrest to secure corrections.

Further examination indicates that large index numbers for detention, corrections, and transfer to criminal court in Minnesota are the result of a small African-American juvenile population statewide (2.9%) and a large percentage of the juveniles detained (31%), incarcerated (21%), and transferred to criminal court (27%) are African-American. In the two counties with major cities, Hennepin and Ramsey, the African-American juvenile population represents 17.9% and 19.8% of the juvenile population, respectively. A large percentage of the juvenile cases occur in these two jurisdictions and the majority of the State corrections commitments, secure detentions and transfers to criminal court also occur in these counties. The high State index numbers are accounted for by the combination of low population statewide and high numbers of total detentions, corrections and transfers occurring in these two jurisdictions where overrepresentation exist.

In Rhode Island, 58% of the juveniles transferred to criminal court are African-American while African-American juveniles account for only 5.7% of the juvenile population statewide. In Washington State, 25% of the juveniles committed to State corrections were African-Americans who represent only 3.8% of the statewide juvenile population. Again, the African-American juvenile population is low statewide and is

concentrated in Seattle where a large percentage of the commitments to State corrections occur.

C. Overrepresentation of Hispanic Juveniles

TABLE 3. Indices of Overrepresentation in the Juvenile Justice System: Hispanic Juveniles Only

	% Minority Juvenile Population	Arrests	Secure Detention	Secure Corrections	Adult Jails	Adult Lockups	Transfer To Criminal Court	Probation
Arizona ^a Pima Co. Maricopa	36.1 24.0	1.0 1.0	1.0 1.5	1.3 1.8	NA NA	NA NA	1.1 1.0	NA NA
California	34.4	1.3	0.9	1.2	NA	NA	NA	NA
Colorado	17.0	NA	1.9	1.7	1.4	NA	NA	NA
Connecticut	5.7	3.0	4.8	4.0	NA	3.3	10.5	NA
Florida	10	1.0	.7	.6	NA	NA	NA	NA
Georgia ^b	2	NA	NA	NA	NA	NA	NA	NA
Idaho	6.4	NA	NA	NA	NA	NA	NA	NA
Illinois	NA	0.2	0.1	0.9	0.1	0	NA	NA
Kansas	3.8	NA	NA	NA	NA	NA	NA	NA
Maine	NA	NA	NA	1.0	NA	NA	NA	NA
Massachusetts	7.6	NA	2.1	2.6	5.3	2.8	1.8	2.7
Michigan	NA	NA	NA	NA	NA	NA	NA	NA
Nebraska ^c	2.7	1.1	NA	NA	NA	NA	NA	1.3
Nevada ^d	7.9	1.3	1.4	NA	NA	NA	NA	NA
New Jersey	12.0	1.1	1.5	1.2	2.8	0	NA	NA
New Mexico	45.0	NA	1.2	1.3	NA	NA	NA	NA
New York	15.4	1.3	1.6	1.4	NA	NA	NA	NA
Ohio	NA	1.6	NA	2.0	NA	NA	NA	NA
Oklahoma	2.2	NA	NA	NA	NA	NA	NA	NA
Oregon	5.2	0.8	1.3	0.9	NA	NA	NA	NA
Pennsylvania	3.1	NA	NA	NA	NA	NA	NA	NA
Rhode Island	6.7	NA	NA	NA	NA	NA	NA	NA
Texas	37.2	1.2	1.0	1.2	3.0	NA	1.3	NA
Utah	4.9	NA	NA	NA	NA	NA	NA	NA
Washington	2.2	NA	1.1	2.5	1.0	NA	1.1	NA
Wisconsin	2.8	0	0	3.1	0	0	NA	NA

NA means Not Available or Not Applicable.

a. Pima and Maricopa Counties only.

b. Hispanic and Asian.

c. Prosecutions not arrests.

d. Washoe County only.

Twenty-six States report that the Hispanic juvenile population exceeds 1% of the at-risk juvenile population. Exact percentages were unavailable for four States. Four States report that over one-third of the juvenile population is Hispanic (Arizona 36%; California 34%; New Mexico 45%; and Texas 37%). No data were provided by seven of the 26 States on Hispanic juveniles in the juvenile justice system. Generally, these States combined Hispanic juveniles with other minority juveniles into a single minority juvenile category. The data are provided in Table 1.

Only 11 of the 26 States report secure detention and secure corrections data by Hispanic juveniles. Generally, Hispanic juveniles are overrepresented in both secure detention and secure corrections. The average index of overrepresentation for detention for Hispanic juveniles is 1.45 compared to 3.34 for African-American juveniles. Likewise, overrepresentation in secure corrections for Hispanic juveniles is 1.75 compared to 3.46 for African-American juveniles. The average index rate of overrepresentation is lower at both secure detention and secure corrections for Hispanic juveniles than for African-American juveniles. The pattern of increasing indices of overrepresentation with further penetration into the juvenile justice system from arrest to secure detention and secure corrections is known as "amplification". Amplification is frequently present for African-American juveniles. For Hispanic juveniles, amplification is less evident. Care must be taken with these data because of the lack of complete information on Hispanic juveniles.

D. Overrepresentation of Native American Juveniles

TABLE 4: Indices of Overrepresentation in the Juvenile Justice System: Native American Juveniles Only

	% Minority Juveniles Population	Arrests	Secure Detention	Secure Corrections	Adult Jails	Adult Lockups	Transfer To Criminal Court	Probation
Alaska	1.9	NA	NA	NA	NA	NA	NA	NA
Arizona ^a Pima Co. Maricopa	4.0 2.0	0.5 1.0	1.0 2.0	0.7 1.5	NA NA	NA NA	0.7 1.5	NA NA
Colorado ^b	3.0	Na	0.5	1.7	2.4	NA	NA	NA
Iowa	0.4	NA	NA	NA	NA	NA	NA	NA
Kansas ^c	0.8	NA	NA	NA	NA	NA	NA	NA
Maine	NA	NA	NA	8.2	NA	NA	NA	NA
Michigan	NA	NA	NA	NA	NA	NA	NA	NA
Minnesota	1.6	4.3	10.7	7.1	2.7	2.4	9.4	2.5
Montana ^d	NA	NA	NA	NA	NA	NA	NA	NA
Nebraska ^e	1.0	4.0	NA	NA	NA	NA	NA	4.3
Nevada ^f	2.8	1.3	1.5	NA	NA	NA	NA	1.0
New Mexico	12.0	NA	0.7	0.8	NA	NA	NA	NA
N. Carolina	1.8	NA	1.1	1.2	2.3	NA	NA	NA
N. Dakota	NA	NA	NA	NA	NA	NA	NA	NA
Oklahoma	5.5	NA	NA	NA	NA	NA	NA	NA
Oregon	2.0	0.8	1.1	2.6	NA	NA	NA	NA
S. Dakota	12.0	NA	NA	NA	NA	NA	NA	NA
Washington	2.2	NA	1.1	2.5	1.0	NA	1.1	NA
Wisconsin	1.1	1.7	1.6	3.6	8.1	0.7	NA	NA

NA means Not Available or Not Applicable.

a. An additional 8.9% are either African-American, Hispanic, Asian or other in origin.

b. Native Americans and Other.

c. Native Americans, Eskimo or Aleut.

d. Native Americans are the largest minority group.

e. Prosecutions not arrests.

f. Washoe County only.

Nineteen States report Native American juvenile population of at least 1% of the at-risk juvenile population. Data on the actual percentage of Native American juveniles in the juvenile population were unavailable for four States. Ten States report some juvenile justice data for Native American juveniles. Most of these States show

overrepresentation at arrest, secure detention, and/or secure corrections. Better data for all 19 States need to be analyzed to clarify the full extent of the problem.

E. Overrepresentation of Asian or Asian and Pacific Islander Juveniles

TABLE 5. Indices of Overrepresentation in the Juvenile Justice System: Asian or Asian and Pacific Islander Juveniles Only

	% Minority Juveniles Population	Arrests	Secure Detention	Secure Corrections	Adult Jails	Adult Lock ups	Transfer To Criminal Court	Probation
Arizona	1.0	NA	NA	NA	NA	NA	NA	NA
California	10.3	1.0	0.6	<1.0	NA	NA	NA	NA
Florida	<3.0	0.7	0.1	<.1	NA	NA	NA	NA
Idaho	1.0	NA	NA	NA	NA	NA	NA	NA
Iowa	1.2	NA	NA	NA	NA	NA	NA	NA
Kansas	<1.0	NA	NA	NA	NA	NA	NA	NA
Massachusetts	2.8	0.5	0.8	0.9	7.1	0.5	7.0	1.3
Nebraska	0.5	0	NA	NA	NA	NA	NA	0
Nevada ^a	4.3	0.5	0.5	NA	NA	NA	NA	0.6
New Hampshire	0.9	NA	NA	NA	NA	NA	NA	NA
New Mexico	1.0	NA	1.0	<1	NA	NA	NA	NA
New York	4.1	NA	NA	NA	NA	NA	NA	NA
North Dakota	0.6	NA	NA	NA	NA	NA	NA	NA
Oregon	2.7	0.5	0.5	0.3	NA	NA	NA	NA
Rhode Island ^b	Small %	NA	NA	NA	NA	NA	NA	NA
South Dakota ^c	1.5	NA	NA	NA	NA	NA	NA	NA
Utah	1.9	NA	NA	NA	NA	NA	NA	NA
Washington	5.3	0.7	0.5	0.5	0.6	NA	NA	NA
West Virginia ^d	1.0	NA	NA	NA	NA	NA	NA	NA
Wisconsin	1.4	0.4	0.1	0.4	0.2	0.3	NA	NA

NA means Not Available or Not Applicable.

a. Washoe County only.

b. Small percentages are Asian and Pacific Islander and Native American.

c. Non-Native American minority juvenile population is very small.

d. One percent of juvenile population is minority juveniles other than African-American.

The OJJDP regulations require that Asians and Pacific Islanders be examined independently and not combined into a single population category. This has not occurred in the data provided on the Identification Phase Matrices or, as a general rule, in the research conducted in the Assessment Phase. No States indicated that Pacific Islander juveniles represented 1% of the statewide juvenile population. Where data were provided on Asian and/or Pacific Islanders, it was indicated as:

- Asians only,
- Asians and Pacific Islanders,
- Asians and other, or
- Asians, Pacific Islanders and other.

Table E provides information on these four categories. It was not possible to separate the fifteen States into the above four categories. The percentage of minority juvenile population reported is very low in all of the States reporting such a minority population. The ranges are from under 1% to 10.3% in California, which indicated the data reported was for Asian and others. In order to effectively use the information in planning intervention strategies, it is important to separate Asian and Pacific Islander juveniles into two categories.

Fifteen States report that the at-risk juvenile population is comprised of at least 1% Asian or Asian and Pacific Islander juveniles, with the highest concentration in California (10.3%) and Washington State (5.3%). However, only Massachusetts has data of Asian and Pacific Islander juvenile representation available for all six stages in the juvenile justice system plus probation; seven other States have data for some of the stages. They are: California, Florida, Nevada (Washoe County only), New Mexico, Oregon, Washington, and Wisconsin.

Available Asian or Asian and Pacific Islander juvenile data show mostly under-representation. In California, representation in secure corrections is proportional to representation in the general population. However, Massachusetts reports that significant overrepresentation occurs in both confinement in adult jails (index value of 7.1) and transfers to criminal court (index value of 7.0). It has been suggested that the

overrepresentation of Asian and Pacific Islanders juveniles in adult jails and transfer to criminal courts may be the result of Asian gangs in certain communities.

To be able to explain the reasons for high or low index numbers, research data must be used. When States collected information for the Identification Phase by counties with at least 1% minority population and at the different decision points in the juvenile justice system, the location of the problem could then be identified and more attention could be given to these locations in the research conducted during the assessment phase.

II. Assessment Phase

The Assessment Phase involves an examination of the major points of decision making in the juvenile justice system, jurisdictional comparisons within the juvenile justice system, and the identification of overrepresentation for each racial/ethnic group present in State and local jurisdictions.

The information submitted for the Assessment Phase includes research reports by private contractors as well as governmental agencies. Most of the research reports used multivariate analyses techniques. However, some studies used bivariate analyses controlling for important factors such as seriousness of offense. There is no standard procedure prescribed for conducting the assessment.

The collective data in the Assessment Phase yield the following findings:

A. *Decision Making Points Across the Juvenile Justice System*

Although undertaken by a few States, a number of States do not address decision making points across the juvenile justice system. Disproportionate minority arrest, secure detention, and secure corrections are issues in almost every State that has conducted such decision point analyses. For example, research in Maryland, New Jersey, and South Dakota shows overrepresentation of minority juveniles throughout the system. Similarly, Utah shows overrepresentation at all points, except arrest. In Arizona, minority overrepresentation is evident at 10 out of the 15 decision points studied.

The identification and assessment data suggest that Native American juveniles are, in several States, more likely to be overrepresented in adult jails than at other decision points. The overrepresentation of Native American juveniles in adult jails may result from the use of adult jails in rural communities without detention facilities, where the majority of the reported Native Americans live. The overrepresentation of Native American juveniles in adult jails has also been identified in Wisconsin, North Carolina and Colorado. According to the Minnesota data, 15% of the juveniles transferred to criminal court statewide are Native Americans (an index of 9.4). The index number is disproportionately high, because the percentage of Native American juveniles in the population statewide is only 1.6%. It is important to look more closely at these issues in Minnesota and the other reported States and to analyze county data in an effort to determine if this is limited to one or two jurisdictions or is a generalized issue statewide and to begin to address the matter.

B. Direct vs. Indirect Impact of Race/Ethnicity

Several States attempted to study and compare cases that differ only by race with the use of rigorous statistical tests to control factors such as seriousness of the offense, delinquency history, and family composition. If juvenile justice outcomes are found to differ among juveniles of different racial origins with this approach, race is then considered to have a direct impact on juvenile justice system decision making. These variables that have a direct effect are explanatory factors. The Pennsylvania research is such an example where juvenile justice outcomes appear to have been influenced by race at every stage except adjudication. In Arizona, multivariate analyses were conducted to examine specific decisions within the juvenile justice system. For eight of these decision points, race/ethnicity has a statistically significant influence on the decision to intervene in the lives of minority juveniles. Minority juveniles are more likely to receive outcomes that move them further into the system. These

differences are present after many relevant factors are taken into account, such as the number of prior referrals to court , number of times previously detained, number of counts on the petition, whether detained on the current offense, sex, age, and types of offense broken down by felony, violence, and drug petitions pending, whether attending school, and the number of previous warrants.

Similarly, in California, after statistical controls are applied for the factors of offense and prior record, African-American overrepresentation persists. The research in these States shows that race is an explanatory factor in the decision to detain a juvenile prior to disposition even when controls for other factors, such as seriousness of offense, are used. For example, in Ohio, race has a direct effect on (and is an explanatory factor for) the decision to detain a juvenile prior to court appearance. Further, the detention decision has a direct effect on the decision to commit the juvenile to State corrections. Race in itself is not an explanatory factor in the decision to commit the juvenile to State corrections. Therefore, race, through the detention decision, has an indirect effect on commitment. Likewise, in a number of States, where the majority of juveniles from single-parent households are African-American and the family household status affects the likelihood of being detained, race may be considered as an indirect factor impacting the decision to detain. Also, in South Dakota, race has a direct effect on the arrest decision. The arrest decision is an explanatory factor in the detention decision. Race, therefore, has an indirect effect on the detention decision, through the arrest decision.

C. Differential Overrepresentation Among Minority Groups

Disproportionate minority arrest, secure detention, and secure corrections are not equivalent issues for all minority groups. Arrest and confinement of African-American juveniles are clearly greater in most States than they are for any other minority group. Overrepresentation for African-American juveniles is almost twice as great on average as it is for Hispanic juveniles at almost every

stage in the juvenile justice process. The Ohio research, however, shows that overrepresentation of Hispanic juveniles at arrest is greater than for African-American juveniles. On the other hand, the reverse is true in the commitments to the State juvenile corrections agency. For Asian and Pacific Islander juveniles, only one State (i.e., Massachusetts) shows overrepresentation in confinement. In most States, these juveniles are, in general, underrepresented in the juvenile justice system, as are white juveniles.

D. *The Amplification Phenomenon*

The differences between minority and non-minority juveniles representation becomes amplified at each decision point from early to later stages of the juvenile justice system. Generally, the degrees of minority juveniles overrepresentation are higher at the disposition stage (i.e., commitment to secure corrections and transfer to criminal court) than at the arrest stage. In Pennsylvania, overrepresentation of minorities begins at arrest, where twice the number of minorities are arrested as their proportion in the population. Overrepresentation more than doubles at the detention stage and increases slightly at commitment to juvenile corrections. Over five times as many minority juveniles are transferred to criminal court compared to their numbers in the population. In the majority of States, this amplification of overrepresentation is more pronounced for African-American juveniles than for Hispanic juveniles. In Massachusetts, the only State where Asian and Pacific Islander juveniles overrepresentation is evident, the amplification phenomenon is dramatic in that these juveniles are underrepresented at the arrest stage (index value of 0.5) yet they are confined in adult jails and transferred to criminal courts at a rate seven (7.0) times their representation in the total at-risk population. This constitutes the highest index value for confinement in adult jails for all minority juveniles and the fourth highest index value in the area of "transfer to criminal court". (For

Hispanic juveniles in Connecticut the index value is 10.5. For African-American juveniles in Rhode Island the index value is 10.2 and in Minnesota it is 9.4.)

For Native American juveniles the data are inadequate to make accurate assessments. Where data are available in Minnesota and Wisconsin, amplification occurs from arrest to secure detention, secure corrections and transfer to criminal court in Minnesota and from arrest to adult jails and secure corrections in Wisconsin.

The Oregon research shows that there is a tendency for over-representation to accelerate as one moves from the front end to the back end of the juvenile justice system. The study also noted that the effects of differential treatment were cumulative with decisions at one stage influencing subsequent decisions.

E. Other Identified Factors and Issues

Washington State found that certain county characteristics were associated with disproportionality. These factors included the concentration and growth of minorities in selected counties, the degree of urbanization and levels of violent crime and chronic juvenile offending. These contexts of case decision making impacted decision making directly or indirectly.

The Florida research found that when representation by race was examined for each stage of the juvenile justice process, regardless of rural, urban or suburban setting, African-American juveniles were overrepresented among those juveniles where petitions were filed, where cases were directly filed in criminal court or judicially waived, and where juveniles received more serious dispositions.

The Missouri research indicated that "race and gender biases do exist within juvenile justice processing in Missouri. They are less obvious than the glaring rural and urban differences, but they are no less important. Evidence exists that decision processes are systematically disadvantaging youths who are

either Black, female, or both. They receive harsher treatment at detention, have more petitions filed 'on their behalf', and are more often removed from their families and friends at disposition".²

When gender is controlled, not only are African-American males overrepresented in the system compared to white males, but African-American females are overrepresented in the system in comparison to white females. For example, in Alabama, African-American females are more likely to be detained, to have a court appearance, to be adjudicated delinquent, to be placed on probation, to be committed to State corrections and twice as likely to be committed to a local secure facility than their white counterparts, even though there is little difference in the percentage of court referrals between the two groups. This pattern holds when seriousness of offense is controlled.

In Mississippi, the research shows that regardless of the type of offense committed, minority juveniles are sent to juvenile corrections at a higher rate than white juveniles. Minority juveniles are given harsher dispositions even when controlling for prior arrest record and family structure. On self-reported interviews, law enforcement officers stated that they believe that the lack of a stable family environment is the primary cause of minorities being involved in delinquency and being processed through the court. Living in a single parent environment seems to indicate that there is little supervision. Therefore, law enforcement officers are more likely to refer such juveniles to court for official court handling.

III. Intervention Phase

The intervention plans for 33 States were analyzed for this report. In addition, research recommendations from the Assessment Phase were included in the activities

² Kemp, K., et al., An Analysis of Apparent Disparities in the Handling of Black Juveniles Within Missouri's Juvenile Justice System, 1990.

being considered by the States in the Intervention Phase. The intervention activities are organized into six categories, and examples are provided for each category:

A. *Increase Cultural Diversity of Program Staff*

Efforts include developing hiring policies and practices to increase the number of minority and bilingual staff employed in the juvenile justice system and to increase chances for career advancement for them. For example, Connecticut has included the review of hiring policies and practices to enhance upward mobility programs; to increase recruitment opportunities, and to develop a model policy concerning background checks to disqualify candidates who have a history of poor relations with those of differing races and cultures. The Oregon plan includes the promotion of affirmative action and aggressive recruitment of minority juvenile justice and juvenile service professionals.

B. *Support Training and Education in Cultural Competency*

This area includes efforts to support and provide training for juvenile justice practitioners, appropriate elected officials, and the general public regarding issues related to the disproportionate confinement of minority juveniles in secure facilities and overrepresentation of minority juveniles in the juvenile justice system; as well as the need for policy changes and program resources to reverse the trend.

California has included cultural enhancement training for the State Advisory Group and top officials in the juvenile justice system; Iowa has included the development, improvement, support, and institutionalization of cultural competency training designed to reduce unintentional bias on the part of juvenile justice decision makers. The Missouri Plan seeks to increase cultural sensitization and competency and Washington State urges the development and implementation of an ethnic and cultural diversity curriculum for all superior court judges, commissioners, and other court personnel. Washington State also

plans to develop informational material in English and non-English on juvenile laws and juvenile court processes for the general public. It also calls for interpreters to enable non-English speaking juveniles and families to better understand the procedures in the juvenile court as well as sensitivity or cultural diversity training for staff to help them better understand the clients they serve. Similarly, Wisconsin recommends the development of cultural competency modules for certification training of juvenile detention workers, law enforcement personnel, judges, and juvenile intake and correctional workers.

C. *Develop and Support Prevention Services*

Many States plan to develop and expand programs to prevent delinquency, increase parenting skills, increase employment skills of juveniles, and provide mentoring and other services targeted to minority juveniles to reduce the likelihood that they will become delinquent.

For example, Georgia plans to increase the number of early intervention and prevention programs serving minority juveniles as the primary vehicle to address minority overrepresentation. Maryland seeks to engage in prevention initiatives in high-risk communities and to support diversion programs in their action plan. North Carolina will provide family resource centers, structured after-school programs, conflict resolution classes, job skill classes, life skill classes, parenting classes, and supervised recreation. Ohio's plan includes cooperation with schools to develop effective legal education programs that focus on conflict resolution and dispute resolution, and principles of law that operate to everyone's benefit, while Oregon will involve minority communities in designing and providing youth services and provide support for a continuum of prevention, diversion, intervention and aftercare programs designed to facilitate reintegration of minority juveniles from State and county facilities back to their home communities. The Pennsylvania plan includes the implementation and evaluation of community-based prevention and intervention programs targeting minority

juveniles in order to obtain information on the effectiveness of these programs in terms of treatment outcomes. West Virginia is targeting prevention programs in communities that have a high percentage of minority residents.

D. *Increase the Availability and Improve the Quality of Diversion Programs*

Some of the intervention plans stress the development and use of programs for juveniles prior to entering the formal juvenile court system. For example, the District of Columbia has included the funding of a parent training and support program at the Metropolitan Police Youth and Family Services Division to enhance diversion and intervention of those juveniles served in the police diversion program. Arkansas recommends funding programs such as school advocates, youth and family centers, and employment and training designed to reduce the number of African-American juveniles in the juvenile justice system. It further supports local partnerships between public and private agencies to form a Youth Service Commission, which will increase the capacity to meet and serve the needs of African-American at-risk families and children. The plan also includes funding community-based, least restrictive alternatives to incarceration to prevent the further penetration of juveniles in the system with the goal of diverting minority juveniles from the system at intake. Colorado seeks to provide support for appropriate programs, such as prevention, diversion, and community-based alternatives for minority juveniles in the juvenile justice system. Nebraska includes diversion and intervention programs in its plan to reduce the number of minority juveniles being formally handled by the Courts. Rhode Island will increase the availability and improve the quality of diversion programs for minorities who come in contact with the juvenile justice system, such as police diversion programs, juvenile service bureaus, community intake centers, and community arbitration and mediation programs. Utah proposes to fund programs such as police diversion programs, youth service bureaus, community intake

centers, and community arbitration and mediation programs to divert juveniles from penetrating the juvenile justice system.

E. *Develop Community-Based Alternatives to Secure Detention and Corrections*

Many States support the development and expansion of a continuum of community-based programs that can be used in lieu of secure detention or corrections. Although many States have included these provisions in their plans, most States have not yet selected specific types of community-based programs for funding. Instead, further work has been outlined for some States to make such determinations at a later date. For example, in some States, the State Advisory Group felt that it needed additional quantitative data and/or qualitative studies before specific types of programs could be identified. In other States, the State Advisory Group was considering the use of a Request for Proposal to get the "best thinking" in the community about the type of programs that should be offered in the continuum.

• Alternatives to Secure Detention

Examples of alternatives to secure detention include: Maryland plans to fund alternatives to secure detention to provide a continuum of detention services; Alabama plans to increase the number of attendant care shelters statewide by five within three years in its plan; and the District of Columbia will continue funding a third party custody program for those juveniles presented to the Juvenile Court. North Carolina will establish programs that offer the juvenile intake counselor and juvenile court judges an alternative to secure detention for the juvenile offender. The Ohio plan seeks to develop and evaluate a model community-based release and monitoring program for minority juveniles or adaptations of existing programs, such as electronically monitored house arrest to be used in lieu of secure detention. New Mexico has funded 11 alternative

programs to divert juveniles from secure detention and has implemented new detention standards and specialized training. Virginia will fund new programs as alternatives to secure detention including an intensive in-home program for disturbed juveniles and their families and in-home detention for 80 juveniles per year.

• **Continuum of Dispositional Alternatives**

Many States have included support for the development or expansion of community-based programs as dispositional alternatives to secure corrections for nonviolent juvenile offenders. Several States have also mentioned the development of a graduated sanctions system based on a least restrictive model.

For example, the Georgia plan includes the development of community-based programs which provide juvenile court judges and probation officers with meaningful alternatives to incarceration and commitment; Kansas seeks to increase the availability of viable and credible community-based alternatives for minority juveniles involved in the juvenile justice system, including day treatment programs for juveniles who would otherwise be committed to the State institutions and aftercare programs designed to reintegrate minority juveniles to their home communities.

Ohio's plan includes the development and evaluation of model community-based alternatives to State commitment to increase the range of dispositional options and to reduce the number of nonviolent, nonchronic offenders sent to State juvenile corrections. The Nebraska plan will provide alternative systems to incarceration related to the needs of minorities with specific programs to be determined in a later plan. New Jersey's plan includes the promotion of strong, coordinated community-based programs and activities that will maintain minority juveniles in their homes and encourage the development of services that will prevent minority juveniles from being placed in secure correctional settings. Rhode Island will increase the viability and redibility

of community-based alternatives for minority juveniles involved in the juvenile justice system and provide support for aftercare programs designed to facilitate reintegration of minority juveniles previously confined in State facilities back to their home communities. The plans did not describe the specific types of programs that would be considered for funding.

The New York plan emphasizes the development and operation of a multi-agency community-based intervention and detention diversion program to be pilot tested in four urban upstate New York counties. The program intends to offer practitioners a viable alternative to secure juvenile detention and to provide participating juvenile offenders with structured programmatic intervention.

F. Review and Changes in Policies and Procedures

State intervention plans include recommendations or steps to be taken to review and change procedures and policies of the State or county. For example, New Jersey's plan includes the examination of decision points in the juvenile justice system to determine how these decisions affect secure confinement of minority juveniles. Ohio will examine and review State statutes and agency policies for evidence of racial disparity. In addition, the Ohio research recommended the development and monitoring of guidelines for secure detention decisions statewide. One of the recommendations from Missouri's research is to develop screening criteria for secure detention, including model intake and detention screening guidelines. Florida's research recommends the development of a uniform classification system for decision making at detention and adjudication. Likewise, Mississippi's research resulted in a recommendation to adopt and use uniform criteria for detention. The Delaware plan includes the development of sentencing guidelines for Family Court.

Virginia's plan will continue analysis of policies and procedures affecting disproportionate minority confinement and will support the establishment of minimum standards of equitable treatment and processing of juvenile offenders.

Utah will develop an Advisory Committee on disproportionate minority confinement to recommend long and short term strategies to reduce the disproportionate confinement and involvement of minority juveniles in the juvenile justice system.

The research from Michigan recommended that specific policies and procedures should be adapted or written to ensure that the decision to hold a juvenile in secure detention is not biased.

In Washington State, the Juvenile Justice Racial Disproportionality Work Group looked at the issues surrounding race and overrepresentation of minority juveniles in the juvenile justice system. A report to the Washington State Legislature responded to a mandate of the Group to explore the areas of diversion, prosecution and detention. Several recommendations concerned policies and procedures, and will require police officers to contact parents or other responsible adults prior to bringing a juvenile to detention and to establish a record of any attempt to do so. The report also requires development of a standardized form for detention screening. This form will address statutory grounds for detention; provide legally relevant information and identify available alternatives to secure detention; provide alternative housing for homeless juveniles brought to detention who do not meet admission criteria; require that court orders contain written reasons justifying a decision to detain a juvenile prior to adjudication; analyze proposed changes in criminal law and agency policies prior to their adoption to determine the potential impact on racial disproportionality; and adopt public policy providing a heightened priority for resource needs of juveniles and their families involved in the juvenile justice system.

The review of the Intervention Phase suggests the following summary observations:

- Some States in their action plans have linked the research results from the Identification and Assessment Phases to their intervention activities. However, many States have not clearly linked research findings to their implementation plans.
- The most common activities included in the Intervention Phase are diversification of staff and the support of cultural competency training. Twenty-two of the 34 States surveyed include one or both of these activities in their future plans.
- A significant number of the States include activities in all six areas.
- A significant number of the States recommend changes in policies and procedures with actions most often cited as the development and use of specific detention and intake guidelines.
- Of all the multitude of prevention and intervention programs designed to reduce minority overrepresentation at various decision points in the juvenile justice system, few have an evaluation component to measure their effectiveness.

Finally, due to the data collection difficulties discussed on page 8, almost every State plan makes provisions for continuing data collection and monitoring on the DMC issue in the juvenile justice system. For example, Arizona's plan seeks to increase the quality and quantity of information collected on a statewide level by identifying existing data systems and determining the usability of the data for DMC purposes. Colorado seeks to analyze the gaps in data statewide and to improve the data collection systems to more accurately analyze the locations and decision points that are of greatest concern with regard to minority overrepresentation; to conduct a qualitative study focusing on the decision points at which minority overrepresentation is occurring; and to establish a monitoring process to obtain and analyze data on a regular basis. Georgia's action plan encourages compilation of a relatively complete data set of baseline information concerning minority overrepresentation at each stage in the system for most

counties in the State; Kansas will develop a systematic monitoring procedure to determine the percentage of minority/nonminority juveniles processed through each stage of the juvenile justice system at regular intervals; and Oklahoma proposes to obtain quarterly data and conduct system monitoring necessary to keep abreast of the trends in over-representation from year to year. Much in the same vein, Rhode Island proposes to develop a systematic monitoring procedure to determine the percentage of minority/ nonminority juveniles processed through each stage of the juvenile justice system at regular intervals, and Wisconsin seeks to improve efforts to collect data in order to better monitor DMC, identify the factors associated with DMC, and evaluate programs designed to reduce DMC.

TABLE 6: SUMMARY OF STATE INTERVENTION RECOMMENDATIONS

	Cultural Diversity of Staff ^a	Training and Education in Cultural Diversity ^b	Develop and Support Prevention Services ^c	Increase and Improve Diversion Programs ^d	Community-Based Alternatives to Secure Detention and Corrections ^e	Review and Changes in Policies and Procedures
Arizona	✓	✓	✓	✓	✓	✓
California	✓	✓	✓	✓	✓	✓
Colorado		✓	✓	✓	✓	✓
Connecticut	✓	✓	✓	✓	✓	✓
District of Columbia					✓	
Florida	✓	✓	✓	✓	✓	✓
Georgia	✓	✓	✓	✓		✓
Hawaii	✓		✓	✓	✓	✓
Idaho	✓	✓	✓	✓		✓
Iowa	✓	✓	✓	✓		✓
Kansas						✓
Maryland	✓	✓	✓	✓		
Massachusetts		✓		✓		

	Cultural Diversity of Staff ^a	Training and Education in Cultural Diversity ^b	Develop and Support Prevention Services ^c	Increase and Improve Diversion Programs ^d	Community-Based Alternatives to Secure Detention and Corrections ^e	Review and Changes in Policies and Procedures ^f
Michigan	✓	✓	✓	✓	✓	✓
Minnesota	✓		✓			
Mississippi	✓	✓	✓	✓		✓
Missouri	✓	✓	✓	✓	✓	✓
Nebraska					✓	✓
Nevada			✓		✓	✓
New Jersey					✓	✓
New York	✓	✓	✓	✓	✓	✓
North Carolina			✓	✓	✓	✓
North Dakota				✓	✓	✓
Ohio		✓			✓	✓
Oklahoma				✓	✓	✓
Oregon	✓				✓	✓
Pennsylvania	✓	✓			✓	✓
Rhode Island		✓		✓	✓	✓
South Carolina		✓			✓	✓
South Dakota					✓	✓
Utah	✓	✓			✓	✓
Washington			✓		✓	✓
West Virginia				✓		
Wisconsin		✓				

- a. Defined as developing policies and practices to increase the hiring and career advancement of minority and bi-lingual staff in the juvenile justice system.
- b. Defined as cultural competency training.
- c. Defined as programs to prevent delinquency, increase parental skills, juvenile employments skills, mentoring, etc.
- d. Defined as an emphasis on the development and use of programs for juveniles prior to entering formal court proceedings.
- e. Defined as the development and expansion of a continuum of community-based programs to be used in lieu of secure detention or commitment to state corrections.
- f. Defined as recommendations to review and change State or county procedures and policies. For example, detention and intake screening criteria.

RECOMMENDATIONS FOR FUTURE ACTION

I. Recommendations for Data Collection and Analysis

The following recommendations result from the data problems identified in the process of reviewing the identification, assessment, and intervention plans.

- A. States are encouraged to aggressively and systematically provide training and technical assistance to local juvenile justice agencies on the DMC core requirement and stress the importance of valid and comprehensive DMC data collection.
- B. If a State has more than one specific minority group with at least 1% of the statewide juvenile population, the identification matrix and assessment information need to be collected for each minority group. In addition, the information should be presented for males and females separately.
- C. Data should be presented on a county basis for those counties where specific minority groups comprise at least 1% of the juvenile population. Obtaining information on the geographic location of overrepresentation enables the intervention plan to focus resources in jurisdictions with the greatest DMC problems.
- D. The identification and assessment data should address multiple decision points in the juvenile justice system, including arrest, detention, adult jails, police lockups, court adjudication, probation, commitment to State corrections, commitment to local corrections, and transfer to criminal court, if relevant. It is critical to have a picture of the entire system if research is going to help prioritize where action should be taken at each point of the juvenile justice system to impact disproportionate minority confinement.

E. Multivariate analyses that control for factors such as seriousness of offense and prior history of delinquency should be employed in all research addressing DMC, when possible. Such analyses enable the accurate identification of the factors that contribute to DMC and the development of effective intervention plans that specifically address these contributing factors. Controls should always be included for seriousness of offense, seriousness of delinquency record and gender.

II. Recommendations for the Development of State Intervention Plans:

- A. All States should use the identification and assessment data to guide the development of the intervention plans. In addition, the activities that are part of the DMC plan should be integrated with the activities that address the other priorities of OJJDP. For example, when developing activities and setting priorities for the Comprehensive Strategy for Serious, Violent, and Chronic Juvenile Offenders, the effect that those priorities will have on DMC should be considered.
- B. In setting priorities in the intervention plan, attention should be given to a decision point at which the outcome may be predictive of that at a later decision point and therefore affects a large number of juveniles. Such an intervention strategy is expected to be more cost effective than one that may be selected without a sound research basis and rationale. For example, developing alternatives to secure detention not only affects a large number of minority juveniles being detained but also increases the probability that the juvenile will be incarcerated at disposition. Therefore, reduction in the use of secure detention can decrease disparities in detention use, and will likely also have effects at later stages in the juvenile justice process. In other words, targeting intervention at one decision point, such as detention, has the potential of reducing minority

overrepresentation at the detention point and at the disposition decision, thereby impacting a large number of minority juveniles.

- C. Planning for new programs or policy changes should initially be directed to neighborhoods or counties with the greatest needs rather than diffusing the limited resources statewide. Plans can be made to systematically expand effective models to other parts of the State on a specified time line.
- D. Policies, procedures, and guidelines at specific decision points in the juvenile justice system need to be examined to determine changes necessary to reduce overrepresentation of a specific minority group at these points. Developing new programs may not always be necessary or the most effective way to reduce minority overrepresentation. Success may be achieved through changes in policies and/or enhancement in minority access to existing and effective programs.

III. Recommendations for Prevention and Early Intervention

- A. The identification and assessment data lead to the strong suggestion that priority be given to training, developing prevention and early intervention programs, and reviewing and modifying policies at the front end of the juvenile justice system. Activities would include: training for law enforcement personnel; reviewing and modifying intake guidelines on the decision to handle a case formally or divert from the system; reviewing, modifying or developing detention guidelines or risk assessment instruments; and developing a continuum of detention services including house arrest, shelter care, and home detention, in addition to secure detention. The research data on the amplification phenomenon described earlier attests to the critical importance of prevention and early intervention of minority juveniles in the juvenile justice system and the

significant cost savings expected from this approach. This approach should be cost efficient and programmatically effective.

- B. Juvenile justice prevention and intervention programs will soon follow other social and health prevention and intervention efforts in reaching the age of accountability. The pressing challenge is that not only must policymakers and program planners show results in terms of traditional juvenile justice outcomes such as reduction in juvenile crime rates and recidivism, but they will also be required to demonstrate that their programs are less costly than equally effective efforts. Therefore, the importance of building an evaluation component into each DMC intervention effort cannot be overemphasized. This is particularly the case for outcome evaluations, which are conspicuously absent from the State evaluations to date.

CONCLUSION

Compared to information compiled in the first status report dated 1993, *The Status of The States: A Review of State Materials Regarding Overrepresentation of Minority Youth in the Juvenile Justice System*, States that participate in the OJJDP Formula Grants Program have made significant progress in addressing the statutory requirement of addressing the DMC issue. It is evident that the number of the States which have progressed through the Identification Phase, the Assessment Phase, and the Intervention Phase have increased over the years. All States are making a concerted effort to identify the problem, assess the decision points, and develop an intervention plan to address the factors that contribute to minority overrepresentation in the juvenile justice system. It is hoped that the field experiences and recommendations offered in this report, together with technical assistance available through OJJDP, will help States to continue making significant progress in addressing disproportionate minority confinement. However, the ultimate success of this initiative is not measured alone by the extent of States' compliance with the requirement to address DMC issues in their respective States, but by the effectiveness of the DMC activities in actually reducing the minority overrepresentation at every decision point of the juvenile justice process. To reach that goal, increased efforts need to be focused by the States on outcome-based evaluations of all DMC activities undertaken in the State.

APPENDIX

- 1. SUMMARY OF STATE COMPLIANCE WITH THE DMC CORE REQUIREMENTS**
- 2. REFERENCES**

APPENDIX 1

SUMMARY OF STATE COMPLIANCE WITH DMC CORE REQUIREMENTS

This summary represents compliance information as of April 1996. These determinations included documents over and above those reviewed for the 1996 National Report. These additional materials will be included in the next national report.

- ◆ Twenty-eight States had completed the Identification Phase and Assessment Phase, and are implementing the Intervention Phase of the State's DMC Initiative, pursuant to Section 31.303(j) of the OJJDP Formula Grants Regulation (28 CFR 31):

Alaska	Maryland	New York
Arizona	Massachusetts	North Carolina
California	Michigan	North Dakota
Colorado	Minnesota	Ohio
Connecticut	Missouri	Oklahoma
Delaware	Montana	Oregon
Florida	Nevada	Pennsylvania
Hawaii	New Jersey	Tennessee
Idaho	New Mexico	Washington
Iowa		

- ◆ Seven States had completed the Identification Phase and Assessment Phase, and had agreed to submit a time-limited plan of action for completing the Intervention Phase of the State's DMC Initiative, pursuant to Section 31.303(j) of the OJJDP Formula Grants Regulation (28 CFR 31):

Arkansas	Kansas	South Dakota
Illinois	Rhode Island	Utah
Indiana		

- ◆ Eleven States had completed the Identification Phase and have submitted a time-limited plan of action for the Assessment Phase. In addition, these States have agreed to submit a time-limited plan for addressing the Intervention Phase of the State's DMC Initiative, pursuant to Section 31.303(j) of the OJJDP Formula Grants Regulation (28 CFR 31):

Alabama	Mississippi	Virginia
District of Columbia	Nebraska	West Virginia
Georgia	South Carolina	Wisconsin
Louisiana	Texas	

- ◆ One State and five Territories have completed the Identification Phase of the State's DMC Initiative, pursuant to Section 31.303(j) of the OJJDP Formula Grants Regulation (28 CFR 31). Based on this information, it has been determined that minority juveniles are not disproportionately arrested or detained:

American Samoa	Guam	Vermont
Northern Marianas	Republic of Palau	Virgin Islands

- ◆ Two States have completed the Identification Phase of the State's DMC Initiative, pursuant to Section 31.303(j) of the OJJDP Formula Grants Regulation (28 CFR 31). Based on this information, it has been determined that there was not a minority juvenile population in the State that exceeds 1% of the total juvenile population:

Maine	New Hampshire ³
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- ◆ One Territory was exempt from complying with the DMC requirement since it has been exempted by the Federal Bureau of the Census from reporting racial statistics due to the homogeneity of the population:

Puerto Rico

- ◆ One State was under review pending receipt of additional information. Therefore, its compliance with section 223(a)(23) of the JJDP Act had not been determined:

Kentucky

- ◆ One State was not participating in the JJDP Formula Grants Program:

Wyoming

³ New Hampshire has now reached 1% minority population statewide and will be conducting the Identification and Assessment phases.

APPENDIX 2

REFERENCES

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