



# OJJDP

Shay Bilchik, Administrator

December 1998

## JUVENILE JUSTICE BULLETIN

# Disproportionate Minority Confinement: Lessons Learned From Five States

**Patricia Devine, Kathleen Coolbaugh, and Susan Jenkins**

The 1988 amendments to the Juvenile Justice and Delinquency Prevention (JJDP) Act of 1974 (Pub. L. 93-415, 42 U.S.C. 5601 *et seq.*) required that States participating in the JJDP Act's Part B Formula Grants program address the disproportionate confinement of minority juveniles in secure facilities. Specifically, this provision required State plans to assess the level of such confinement and implement strategies to reduce disproportionate minority representation where it is found to exist.

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) created the Disproportionate Minority Confinement (DMC) initiative in 1991 to help States comply with this State plan requirement of the Formula Grants program by testing various approaches for addressing disproportionate confinement. Through a competitive process, OJJDP selected five States—Arizona, Florida, Iowa, North Carolina, and Oregon—to pilot the DMC initiative, which was carried out in two 18-month phases. During the first phase, the five States assessed the extent to which minority juveniles were disproportionately confined. During the second phase, the States designed and implemented corrective actions. OJJDP provided three types of assistance:

- ◆ Grants to fund the DMC assessment and interventions in both phases.

- ◆ Technical support for designing and developing the interventions, led by Portland State University's William Feyerherm, Ph.D., and a team of academic experts.
- ◆ Technical assistance for implementing the interventions.

The DMC initiative also included a national evaluation, one objective of which



### From the Administrator

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) is committed to ensuring that this country appropriately address situations where there is disproportionate confinement of minority offenders in the Nation's juvenile justice system. Accordingly, we should be concerned that nearly 7 out of 10 youth in secure confinement are minority juveniles—a rate more than double their percentage in the youth population.

In 1991, OJJDP established its Disproportionate Minority Confinement (DMC) initiative to assist States in their efforts to address DMC issues, as provided by the Juvenile Justice and Delinquency Prevention Act. Subsequently, OJJDP awarded funds to five States (Arizona, Florida, Iowa, North Carolina, and Oregon) to test various approaches for addressing DMC.

This Bulletin describes how the pilot States assessed the extent to which minority juveniles were disproportionately confined by their juvenile justice systems, designed comprehensive DMC strategies, and implemented interventions to address identified problems.

While specific outcomes varied, the lessons learned from the collective experience of the pilot States should prove valuable in enhancing our efforts to reduce DMC and to guarantee appropriate treatment for every youth involved with the juvenile justice system.

Shay Bilchik  
Administrator

was to document the lessons learned and key factors in successful State and local efforts. This Bulletin summarizes lessons learned from the national evaluation, drawing on findings from related research and current State DMC practices as reported in OJJDP policy and management reports.

## What Is Meant by “Disproportionate Minority Confinement”?

Disproportionate minority confinement is defined in the JJDP Act as existing when “the proportion of juveniles detained or confined in secure detention facilities, secure correctional facilities, jails, and lockups who are members of minority groups . . . exceeds the proportion such groups represent in the general population.”<sup>1</sup> While the language of the JJDP Act specifically refers to juveniles who are “detained or confined,” minority overrepresentation is often a product of actions that occur at earlier points in the juvenile justice system, well before secure placements. A growing body of literature has focused on the problem of selection bias<sup>2</sup> in juvenile justice systems. Much of this literature suggests that processing decisions in many State and local juvenile justice systems are not racially or culturally neutral. Minority juveniles are more likely than other juveniles to become involved in the system. This overrepresentation is apparent at various decision points in the juvenile justice system (arrest, detention, prosecution, and so forth) and may intensify as juveniles continue through the system (see, for example, Pope and Feyerherm, 1990, 1993).

The intent of the JJDP Act DMC requirement and its implementing regulation (28 C.F.R. Part 31) is to encourage States to address the role that minority status (defined in the regulation at 28 C.F.R. § 31.304 as African-American,

American Indian, Asian, Pacific Islander, and Hispanic) plays in juvenile justice processes, up to and including secure confinement, in a comprehensive manner. According to the research by Pope, Feyerherm, and others, multiple factors may contribute to disproportionate minority confinement, ranging from systemic racial bias to higher minority juvenile offense rates. Central to OJJDP’s initiative, therefore, was the need to assess and address the full range of factors that could contribute to overrepresentation. The need for locally developed DMC solutions provided the context for the OJJDP pilot initiative.

## Developing Solutions to Minority Overrepresentation

Each of the pilot States undertook a series of activities to assess and begin to develop responses to their respective DMC circumstances. These activities, which varied somewhat from one State to another, generally reflected the following problem-solving process:

- ◆ Assigning organizational responsibility for the DMC initiative.
- ◆ Analyzing juvenile justice data to identify the extent to which minority juveniles are overrepresented in State and local juvenile justice systems.
- ◆ Identifying the underlying factors that contribute to minority overrepresentation.
- ◆ Creating new and enhancing existing DMC interventions.
- ◆ Developing methods to measure the impact of DMC interventions.

These five steps, with examples of the pilot States’ experiences and the lessons learned, are summarized in table 1 and described below.

## Assigning Organizational Responsibility

A successful DMC initiative requires organizational capacity, commitment, leadership, and resources. Every DMC initiative should designate a lead agency to spearhead the effort. For the pilot

**Table 1: Overview of the Five Pilot States’ DMC Process and Lessons Learned**

DMC Process	Lessons Learned
Assigning organizational responsibility.	<ul style="list-style-type: none"> <li>◆ Determine the optimal lead organization.</li> <li>◆ Appoint a coordinator.</li> <li>◆ Allocate adequate resources.</li> </ul>
Analyzing juvenile justice data.	<ul style="list-style-type: none"> <li>◆ Acquire accurate quantitative data.</li> <li>◆ Conduct systematic data analyses.</li> <li>◆ Interpret data within the local social and political context.</li> <li>◆ Engage stakeholders in the process.</li> </ul>
Identifying underlying factors.	<ul style="list-style-type: none"> <li>◆ Gather information on contributing factors.</li> <li>◆ Synthesize contributing factors.</li> <li>◆ Build consensus about contributing factors.</li> </ul>
Creating and enhancing interventions.	<ul style="list-style-type: none"> <li>◆ Clearly specify the role for State organizations.</li> <li>◆ Focus on local planning and implementation.</li> <li>◆ Involve all stakeholders.</li> <li>◆ Develop multiple intervention strategies.</li> <li>◆ Anticipate the transition from planning to implementation.</li> </ul>
Developing methods to measure the interventions’ impact.	<ul style="list-style-type: none"> <li>◆ Design monitoring systems at the local level.</li> <li>◆ Select an appropriate monitoring organization.</li> <li>◆ Capture overall results and impacts.</li> </ul>

<sup>1</sup> Juvenile Justice and Delinquency Prevention Act § 223(a)(23).

<sup>2</sup> Selection bias is a process in which justice systems scrutinize the actions or histories of minority juveniles more carefully or more strictly than they do the actions or histories of nonminority juveniles. For example, police officers are generally more likely to stop and question a group of minority youth, whereas they might simply glance at a similar group of nonminority youth. Similarly, prosecutors have been shown to deem prior justice involvement on the part of a minority youth as a stronger indication of a predilection to crime and a danger to society than the same record attributed to a nonminority juvenile.

States, the first step was to designate the OJJDP grant recipient, which assumed overall responsibility for the DMC project. Because this responsibility ultimately must be assigned in every State, the general lessons learned from the pilot States can be instructive to other States' efforts.

Assigning responsibility for DMC-related initiatives entails (1) determining the lead organization, (2) appointing a coordinator, and (3) allocating adequate resources for both development and implementation.

### **Determine the Optimal Lead Organization**

An essential first step in addressing DMC is to assign one agency lead responsibility for overseeing and coordinating the assessment of the problem and the intervention design and implementation. Because of the political, cultural, and social sensitivities associated with DMC, several factors should be considered when choosing a lead agency. These factors include location, political and funding stability, and the ability to provide ongoing leadership for the initiative. The lead agency should have credibility and standing with other juvenile justice system agencies to ensure the following:

- ◆ Collection and submission of data required for State and local DMC assessment.
- ◆ Analytical rigor in identifying factors that contribute to DMC.
- ◆ Organizational support for local interventions.
- ◆ Ongoing monitoring of DMC-related activities to determine their impact.
- ◆ Participation in the initiative by other juvenile justice agencies and related youth services.

One of the overriding responsibilities of the lead agency is to secure and maintain ongoing support at both State and local levels. The experiences of the pilot States reinforced the understanding that addressing DMC requires a long-term commitment from the juvenile justice system and other State and local community representatives. The responsible agency must, therefore, be positioned to ensure that DMC efforts can survive changes in administrations, political climate, and funding priorities. An agency's ability to secure and maintain necessary organizational relationships and funding will help preserve stability for DMC objectives, staff, and activities.

In four of the five pilot States, the lead agencies were the State agencies responsible for administering the JJDP Act. The lead agency in the fifth State, North Carolina, was the Division of Youth Services, which shared JJDP Act administrative responsibility with a sister State agency, the Department of Crime Control and Public Safety.

These State agencies assumed lead responsibility for DMC assessment and then supported counties and smaller organizational units in developing and implementing their DMC interventions. These agencies also provided technical assistance to support State, county, and local activities related to developing automated juvenile justice information systems. In some States, lead agencies coordinated activities throughout the State, encouraged collaboration among groups doing similar work, handled interactions with the media, and provided technical assistance.

The availability of technical assistance was of particular importance to the efficient and effective assessment of DMC and intervention identification and development. In reflecting on the process, the Juvenile Justice Specialist from Iowa noted that sufficient technical assistance early in the process can help avoid "reinvention of the wheel" by providing States with tools to successfully address DMC. He suggested that technical assistance on the following topics would greatly benefit the planning phase of any DMC initiative: descriptions of DMC model programs, "best practices" related to the development and implementation of DMC initiatives, and methods to develop minority community networks. These minority community networks would include local leaders who could advise projects and inform communities about DMC initiatives and programs.

### **Appoint a DMC Coordinator**

One of the most critical tasks for each of the five lead agencies was to garner the support of other State and local agencies associated with DMC. The pilot States each designated one individual as the DMC coordinator to help engage all of the critical organizations and community representatives. A State-level staff person has the perspective to effectively promote DMC ideas and strategies at both the State and local levels. Also, State-level coordinators can assume responsibility for ensuring comprehensive DMC-related data collection, periodic reviews of state-

### **State Profile: Arizona**

- ◆ Based on 1990 data from the Bureau of the Census, the State's racial composition was approximately 72 percent white, 19 percent Hispanic, 5 percent American Indian, 3 percent African-American, and 1 percent Asian/Pacific Islander.
- ◆ The State Advisory Group assembled an interagency group of educators, local government officials, law enforcement representatives, and private and nonprofit service providers to advise it on DMC issues.
- ◆ The extent and nature of differential juvenile justice treatment varied between white and minority juveniles, among minority juveniles, and from point to point in the system.
- ◆ The initiative funded seven community-based programs targeting all at-risk populations in the State.

wide DMC initiatives, and dissemination of DMC information. The coordinator can also serve as a repository for and cataloger of local and statewide DMC data and other information.

### **Allocate Adequate Resources**

The pilot States identified three important DMC-related resource requirements. First, the DMC identification process requires resources to cover DMC staff salaries and the collection and analysis of juvenile justice data. Second, providing interventions to address DMC can be resource intensive, particularly if new services must be created. Finally, resources are also required for ongoing monitoring of DMC activities and measuring their effects.

For the pilot States, the cost of the DMC assessment process was covered primarily by the OJJDP grant. When designing and implementing DMC interventions, however, all of the States encountered resource-related barriers. Moreover, none of the States fully resolved the problem of insufficient funding for juvenile services in general and DMC intervention services in particular. Nonetheless, recognizing the resource implications for DMC interventions

ensured that each of the States documented the extent of inadequate resources and attempted to address these resource issues.

Iowa, for example, addressed the issue of limited DMC resources by applying the OJJDP grant funds to the development of a program that integrated the services of several juvenile service providers. The goal of this approach was to reduce the number of agencies interacting with each juvenile and to assign primary responsibility for each juvenile to the most appropriate service provider. This cooperative, streamlined approach provided a model for improving the efficiency of service delivery and attracted the attention of other Federal grant programs, which resulted in the acquisition of additional resources.

## Analyzing Data To Identify the Extent of the Problem

OJJDP has developed a standard equation for assessing the relationship between the proportions of minorities in the juvenile justice system and in the overall juvenile population. This equation, shown in table 2, can be used to calculate rates of overrepresentation at any point in the

juvenile justice system, up to and including secure detention or confinement. The actual mathematical calculation is relatively straightforward. The experiences of the pilot States, coupled with lessons learned from the literature, suggest, however, that applying the calculation within a real world context is complicated by several factors. These factors include (1) acquiring accurate quantitative data about juveniles within the justice system and the broader community; (2) conducting systematic data analysis; (3) interpreting the data within the local social and political context; and (4) engaging stakeholders in the data analysis process.

The importance of two of these factors—conducting systematic analyses and interpreting data within the local social and political context—was a clear lesson from the pilot States. Systematically identifying the extent of minority overrepresentation and the associated decisions concerning juvenile justice system processing provides the basis for identifying the factors contributing to DMC and designing appropriate interventions. Lessons learned from this initiative, together with other findings from the DMC literature, provide guiding principles for assessing the extent and analyzing the causes of

disproportionate minority representation. One of the lessons from the pilot State experiences is that the problem of overrepresentation is reflected neither in a single decision nor in the presence or absence of a single attribute in a juvenile justice system. No single feature distinguished communities with high levels of overrepresentation from those with low levels. Even among communities with high levels of overrepresentation, no single decision point or decisionmaker was identified. Thus, understanding overrepresentation is a matter of understanding how a specific juvenile justice system operates, with all its interdependent parts, to result in more minority juveniles entering and penetrating further into the system. This knowledge is gained through the acquisition of accurate quantitative data and the application of a systemic analysis model. These principles and associated processes are described briefly below.

## Acquire Accurate Quantitative Data

Accurate quantitative data about the number and characteristics of juveniles in the justice system are often difficult to obtain. Historically, information about juveniles in the justice system was agency specific, largely inaccessible, and lacking in standardization. The data typically used to assess DMC came from the records of juvenile justice and other relevant State agencies and, in some cases, from census records. As State and local juvenile justice systems moved to automated data collection systems, computerized records were frequently incomplete, missing and/or inaccurate, and rarely comparable across jurisdictions. The move by State and local juvenile justice agencies to develop more adequate information systems ironically creates a potential problem for analyzing DMC across local systems. The more reporting systems “aggregate up”—from local, to county, to State—the more likely that evidence of racial disparity may be lost or hidden (Pope and Feyerherm, 1993).

## Conduct Systematic Data Analysis

The experiences of the pilot States, reinforced by significant research, suggest that a DMC assessment must employ a systemic approach. In doing so, overrepresentation is defined broadly as a situation in which minority juveniles have unequal probabilities (as compared with nonminority juveniles)

**Table 2: Using an Index Value as a Measure of DMC**

Minority overrepresentation index:

$$\frac{\% \text{ of minority juveniles in the juvenile justice population}}{\% \text{ of minorities in the overall juvenile population}}$$

An index value of:

- ◆ More than 1 indicates minority overrepresentation.
- ◆ 1 indicates proportional representation.
- ◆ Less than 1 indicates minority underrepresentation.

The following example shows how the index value is calculated and interpreted.

	Minority juveniles	Juvenile population	Percent minority
Justice-involved juveniles	640	2,000	32%
Overall juvenile population	720	4,500	16%

The index value is calculated as  $32\% \div 16\% = 2$ . An index value of 2 indicates that minority youth are represented among justice-involved juveniles at twice their rate in the overall juvenile population.

of negative processing decisions within the juvenile justice system. As discussed previously, focusing only on the end result—confinement—instead of on the overall process that creates overrepresentation limits understanding of the DMC problem, the contributing factors, and the need for a full range of coordinated interventions.

National research efforts have found that the process of quantifying disproportionality must examine multiple decision points in juvenile processing because race/ethnicity effects at any one point may be canceled out or enhanced at a subsequent point. For a more complete picture of how minority status does or does not influence confinement and other juvenile justice processing decisions, multiple decision points must be examined (Pope and Feyerherm, 1993).

To fully disentangle the effects of race/ethnicity on juvenile justice system decisionmaking, an analytic model developed by Feyerherm and colleagues was refined during the OJJDP DMC initiative. This generic model depicts the major decision points common to virtually all juvenile justice systems, including:

- ◆ Decision to arrest a juvenile, who then appears in juvenile court for intake processing.
- ◆ Decision at intake either to dispense or to process further.
- ◆ Decision to remove the juvenile from the current living arrangements during processing (e.g., detention or shelter home care).
- ◆ Decision to file a formal petition of delinquency, engage in other formal action such as a citation or fine, or seek informal resolution such as a warning or a remand of a juvenile to his or her parents without going to court.
- ◆ Decision to resolve the case by informal probation, formal probation, or custody transfer. Informal probation includes diversion programs and other mandated activities for nonadjudicated youth. Formal probation is for adjudicated youth who are not assigned to detention or confinement but have a court-appointed probation officer and court-defined responsibilities (e.g., frequency and type of contact, frequency of urinalysis, etc.).

Decision point charts specific to a particular juvenile justice system can be used in combination with the analysis

### State Profile: Florida

- ◆ Based on 1990 data from the Bureau of the Census, the State's racial composition was approximately 73 percent white, 13 percent African-American, 12 percent Hispanic, 1 percent Asian/Pacific Islander, and 0.3 percent American Indian.
- ◆ The grantee for the DMC initiative was the Florida Department of Health and Rehabilitative Services until the newly created Department of Juvenile Justice became the lead agency.
- ◆ African-American juveniles were overrepresented at every stage of the juvenile justice process.
- ◆ The intervention strategy focused on intake assessment. Reducing the disproportionate representation of minority juveniles at this early stage was expected to have a positive effect throughout the system.

model to specify all possible decision combinations and summarize the operation of the overall system. This approach helps to identify the decisions, or combinations of decisions, potentially influenced by race/ethnicity. Through probability analysis, the effects of race/ethnicity at each decision point, or combination of points, in the juvenile justice system can be assessed for minority overrepresentation.<sup>3</sup>

This analysis model can also be used to identify the probability of moving from one point in the juvenile justice system to another. For example, if there is an intake referral and the juvenile is detained (e.g., removed from current living arrangement), the probability that a petition will be filed can be calculated. A comparison of these probabilities for majority and minority juveniles may identify combinations of decisions that are likely to impact minority juveniles differently. In addition, the model provides the opportunity to identify the extent to which the overall system appears to operate differently for majority and minority juveniles by calculating the “accumulation” of small race/ethnic-related discrepancies.

Several of the pilot States applied this model to the assessment of DMC within their juvenile justice systems to support their analysis of disproportionate minority representation. This approach also helped to assess the availability of appropriate data for the analysis because the model requires specific juvenile justice data for each juvenile justice processing decision.

<sup>3</sup>For a full description of the analytic model, see Pope and Feyerherm, 1993.

### Interpret the Data Within the Local Context

Researchers have long recognized that findings from quantitative data analysis are meaningful only if they accurately reflect the context of the information. Context is revealed through the collection of qualitative information about the juvenile justice system and the community. The importance of interpreting the data within the local social and political context was reinforced by the pilot State experiences. For example, one site's quantitative data indicated that minority juveniles were not attending their diversion programs and, ultimately, were confined. An examination of client case records revealed, however, that many juveniles were referred to diversion programs far from their homes and lacked transportation to and from the programs. An analysis of the client case records showed that these juveniles were noncompliant because of physical barriers to program completion. This example illustrates how qualitative information can support meaningful interpretation of the quantitative data analysis.

Accurately identifying the scope and intensity of DMC requires an understanding of social and political forces that may account for, or artificially inflate or suppress, the appearance of disproportionality. For example, in one pilot State, the DMC incidence increased from 1990 to 1994. An investigation of the contributing factors revealed that this time period coincided with the “war on drugs” and the resultant intensification of daily law enforcement activities within urban areas. A closer examination of the county data revealed that the largest increases in disproportionate

arrest rates were in those counties with large urban populations and that increases in arrests were associated with drug-related offenses. Although the explanation of increased minority confinement does not minimize its importance, the social and political events that precipitated the increase help to put it in perspective and identify opportunities for DMC interventions.

## Engage Stakeholders in the Data Analysis Process

Disproportionate minority confinement encompasses wide-ranging issues involving many stakeholders: policymakers, juvenile justice system professionals, the broad community of service providers, minority juveniles, and their families. Among the DMC pilot States, the lead agencies sought full participation of all key stakeholders to assist in data collection and to support the analysis and interpretation of results. Stakeholder participation increased access to data under their control and their confidence in the quality of data provided. This, in turn, appeared to increase stakeholders' consensus as to the meaning of the data and their commitment to the findings from the data analysis. Creating a common understanding of DMC issues also promoted stakeholder agreement about factors contributing to DMC. By jointly addressing DMC issues, key stakeholders learned to work together and build a foundation for future collaboration on DMC, the contributing factors, and the need for interventions.

## Identifying Underlying Factors

Devising appropriate, community-based DMC intervention strategies requires an accurate assessment of the factors that contribute to minority overrepresentation. Because the contributing factors are known to be complex and interrelated, all key system representatives must be consulted and engaged in the problem-solving process.

Although specific activities varied, the pilot States all used a similar approach to identify factors that potentially contribute to DMC. The DMC Phase I assessment activities and the early Phase II planning activities included extensive data gathering and opinion polling about the evidence of DMC and perceived reasons for its occurrence. Once potential DMC contributing factors had been identified, each State DMC coordinator synthesized his or

her respective information and attempted to develop consensus about the most critical factors, which could then be addressed through DMC interventions.

The Phase I analysis indicated that the extent of DMC varied among counties and/or local jurisdictions. Each State, therefore, targeted its DMC efforts in a location showing the highest rates of overrepresentation and/or the largest minority populations. DMC coordinators focused their attention on these areas to identify all possible contributing factors.

## Gather Information on Potential Contributing Factors

The DMC coordinators employed several information-gathering strategies to expand the understanding of DMC within specific communities and for the State as a whole. These strategies included:

- ◆ Public forums, hearings, and town hall meetings with representatives of the juvenile justice system and of education, social service, civic, religious, and community groups.
- ◆ Interviews and mail surveys of staff and managers within juvenile justice agencies.
- ◆ Interviews with minority juveniles and their families.
- ◆ Case record reviews within local juvenile justice agencies.

Information collected from public meetings, surveys, interviews, and case records revealed a wide array of perceptions about DMC contributing factors, which covered the gamut from systemic racism to criminal predilection. In other words, perceptions of DMC causes ranged

from “blaming the system” to “blaming the individual” or, as some would argue, “blaming the victim.” The fact that those involved with or touched by DMC hold such extremely divergent views necessitated a full analysis and synthesis of the factors identified and then consensus-building among these individuals.

## Synthesize Contributing Factors

Although perceptions of the factors that contribute to DMC varied within and between local communities, the inventory of all possible factors was consistent across the five pilot States. The overall list of contributing factors generally fell into four interrelated domains:

- ◆ The juvenile justice system.
- ◆ The educational system.
- ◆ The family.
- ◆ Socioeconomic conditions.

Examples of the contributing factors in each of these domains and their interrelationships are illustrated in figure 1 and described below.

**The Juvenile Justice System.** Community representatives from each of the pilot States, including minority juveniles and their families, identified racial/ethnic bias within the juvenile justice system as contributing to DMC. Typically, this bias was viewed as unintentional rather than overt. For example, many State-level participants concluded that societal biases were mirrored in the juvenile justice system, resulting in minority overrepresentation. Other examples of juvenile justice system contributing factors included the lack of adequate diversion programs for minority



juveniles, the lack of culturally appropriate juvenile services, a lack of cultural understanding among juvenile justice system staff, and perceived barriers to parental advocacy because of minority parents' often limited understanding of the system.

**The Educational System.** All of the local community representatives identified some aspect of the educational system as contributing to DMC. Opinions diverged, however, when attributing causality. In general, perceptions focused on either the failure of schools to adequately serve minority juveniles or the failure of minority juveniles to fully participate in the educational system. Specific examples of educational system failings included inadequate early childhood education, inadequate programs to prevent students from dropping out early, and a lack of appropriate cultural education, together with minority juvenile truancy, suspensions, and expulsions.

**The Family.** The most sensitive and controversial of factors believed to contribute to DMC were family composition and family functioning. Single-parent families and their often associated high poverty levels were recognized as potential contributing factors, because justice-involved minority juveniles reside disproportionately in single-parent, low-income households. State data also indicate that minority juveniles receive more out-of-home placements than do majority juveniles, partly because of perceptions that minority family home environments are less stable. Similarly, the lack of strong family support may contribute to juveniles' succumbing to negative peer pressure, including gang involvement, substance abuse, and other delinquent behaviors, which, in turn, may contribute to increased delinquent behaviors.

**Socioeconomic Conditions.** A majority view held that economic and/or social conditions contribute to DMC. Perceived economic factors include the higher likelihood of low incomes, few job opportunities, and urban density among minority families. Contributing social factors include a lack of cultural awareness among the majority community, coupled with a lack of positive role models and social opportunities for minority juveniles, and limited social support services in minority neighborhoods.

Taken together, these four overarching domains—the juvenile justice and educational systems, the family, and prevailing socioeconomic conditions—provide a framework for identifying the underlying

### State Profile: Iowa

- ◆ Based on 1990 data from the Bureau of the Census, the State's racial composition was 96 percent white, 2 percent African-American, 1 percent Hispanic, and 1 percent members of other racial groups.
- ◆ A task force of juvenile justice professionals from the State and county levels and the Division of Criminal and Juvenile Justice Planning guided the DMC project and provided recommendations to the lead agency.
- ◆ Quantitative data analysis indicated that minority juveniles were overrepresented in secure facilities and that they tended to experience longer stays than did white juveniles.
- ◆ Qualitative data analysis from four pilot counties indicated that the effect of race/ethnicity on decisionmaking varied by decision point and county and that unintentional decisionmaking bias, social factors, and community factors were significant contributors to DMC.
- ◆ Interventions focused primarily on community-based problem identification and solutions.

causes of minority overrepresentation, as illustrated in figure 1. This initiative and other research demonstrate that minorities are disproportionately affected by poverty and that educational systems do not adequately serve minority juveniles. The data also clearly show that racial bias exists in some juvenile justice systems, if only because of inadequate cultural awareness. Although causality cannot be ascribed, minority juveniles tend to be disproportionately subjected to multiple social, economic, and educational stressors. To the extent that these stressors contribute to negative behaviors, and if the juvenile justice decisionmaking process is in any way influenced by racial/ethnic characteristics, then disproportionate minority involvement in the juvenile justice system will result.

### Build Consensus About Contributing Factors

Although individuals' opinions varied as to specifics, significant agreement existed among all participants that DMC is associated with multiple underlying factors that must be addressed with multiple interventions. The consensus-building process that was employed in the pilot States was extremely important in moving groups of diverse individuals toward common understanding and agreement on these highly sensitive DMC issues. The process of listening to, hearing, and addressing individual concerns helps to neutralize divergence and enables disparate community representatives ultimately to work together on strategies to address their DMC problem. All members of the

community are needed for the successful implementation of solutions to DMC, and using an inclusive approach encourages each of the diverse players to contribute to the solution. Specifically, inclusion helps to keep State-level participants involved in monitoring progress and offering appropriate technical assistance and to keep community-level participants involved in ensuring client-level "buy in" and participation.

### Creating New and Enhancing Existing DMC Interventions

One of the primary objectives of the DMC initiative was to design a broad range of strategies to address minority overrepresentation. During the DMC initiative, the pilot States' strategies were only partially implemented. As a result, a full assessment of the interventions' effectiveness was not possible at the time. Critical lessons were learned, however, about the DMC planning process and about factors that support a smooth transition from planning to implementation. Collectively, these lessons stress how important it is to:

- ◆ Clearly specify a role for State organizations.
- ◆ Focus on local planning and implementation.
- ◆ Involve all significant juvenile justice and community representatives.
- ◆ Develop multiple intervention strategies.

- ◆ Anticipate the often protracted transition from planning to implementation.

Examples of pilot State experiences associated with each of these lessons are described below.

### Clearly Specify a Role for State Organizations

Although the focus of DMC interventions must be local, State organizations can play a significant role in supporting local planning and implementation efforts. In all of the pilots, staff at the State level took responsibility for developing statewide DMC plans, conducting and monitoring the Phase I data collection and analysis, and supporting the development of Phase II strategies.

Oregon’s approach provides a model for clearly delineating State and local roles. In Oregon, the State DMC team:

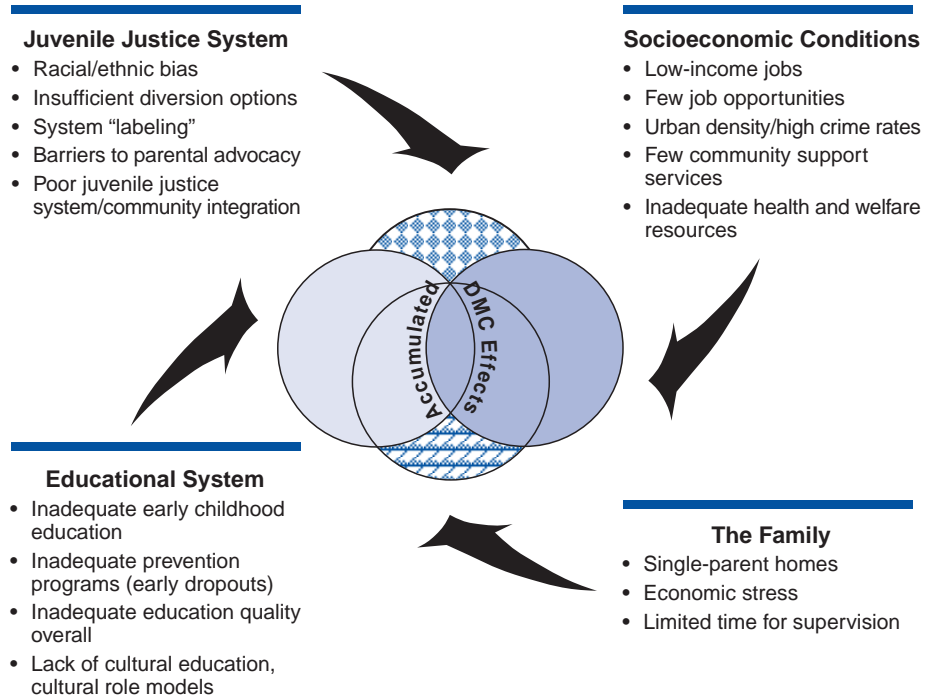
- ◆ Provided the Phase I research expertise.
- ◆ Introduced the DMC research findings to State and local stakeholders.
- ◆ Identified and financially supported DMC interventions in three counties.
- ◆ Provided monitoring throughout the project and a local process evaluation at the conclusion of the planning activities.
- ◆ Served as a repository of information on additional DMC resources and technical assistance.
- ◆ Facilitated county efforts to seek additional funds. The approach was based on a philosophy of collaboration and encouragement to stimulate community-inspired interventions.

### Focus on Local Planning and Implementation

There is no single model solution to eradicate minority overrepresentation at either the Federal or the State level. Juvenile justice is primarily a function of local government. The development of solutions to the high rates of minority confinement must, therefore, involve local communities. Local staff are most knowledgeable about available community resources and best positioned to muster the resources needed for DMC interventions.

The experiences of the five pilot States recognized and reinforced the importance of local involvement. North Carolina developed a DMC committee within each of its 10 pilot counties to identify local contributing factors and to develop and implement interventions to reduce DMC. Florida organized a Core Planning Group in its pi-

**Figure 1: Underlying Factors That Contribute to Minority Overrepresentation**



lot county to coordinate DMC planning and implementation efforts. In Arizona, Iowa, and Oregon, existing county and local organizations developed plans for DMC pilot projects. Each of these pilot communities demonstrated that local involvement of juvenile justice and other community agencies, together with local minority community representatives, was effective in identifying DMC contributing factors and mobilizing existing resources.

### Involve All Significant Juvenile Justice and Community Representatives

The pilot States demonstrated that all components of the juvenile justice system must be involved in the assessment, planning, and implementation of DMC interventions, including peace officers, prosecutors, court officials, and corrections personnel. The involvement of these key system players will greatly

#### State Profile: North Carolina

- ◆ Based on 1990 data from the Bureau of the Census, the State’s racial composition was approximately 75 percent white, 22 percent African-American, 1 percent Hispanic, 1 percent American Indian, and 1 percent Asian/Pacific Islander.
- ◆ An initial study found that within 10 pilot counties, minority juveniles were more likely to be arrested, presented to intake, referred to juvenile court, and referred to secure confinement facilities. A second study concluded that race did not significantly affect the likelihood of being referred to juvenile court.
- ◆ State-level DMC stakeholders facilitated DMC activity by identifying potential local leadership, providing information-sharing forums, and offering planning grants.
- ◆ Interventions included the development of detailed plans for corrective actions within both the local juvenile justice systems and other juvenile service delivery systems.



increase the probability that DMC interventions can effect lasting change. Furthermore, since many of the DMC contributing factors are beyond the realm of the juvenile justice system, social service agencies and other community organizations must also be involved in developing DMC interventions. Pilot State experiences demonstrated at least two benefits of involving all significant stakeholders: (1) they meet, often for the first time, and engage in discussions about DMC and other juvenile justice issues; and (2) the stakeholders who are essential to DMC interventions create a shared vision of an enhanced and more equitable distribution of juvenile justice and other agency services.

### Develop Multiple Intervention Strategies

Given that multiple factors contribute to minority overrepresentation in the system, multiple strategies are needed to address it. The analysis of contributing factors suggests a framework of several categories of DMC intervention strategies. Specific types of interventions within a given category can stand alone as useful models to reduce DMC, and all are complementary. Approaching DMC reduction from several of these perspectives simultaneously is likely to multiply the impact of the overall effort.

- ◆ **Advocacy** strategies seek to improve the ability of juveniles and their families to navigate the system and the ability of the system to serve its minority juveniles. Examples include:
  - ❖ Providing information, expertise, and/or advocates to assist minority juveniles and their families to interact more successfully with the juvenile justice system.
  - ❖ Exerting pressure on the system to change policies and practices that lead to DMC, such as revising decisionmaking guidelines and modifying existing services to better serve minority juveniles.
- ◆ **Collaboration** strategies stress cooperation between community-based interventions and the juvenile justice system. Examples include:
  - ❖ Addressing cultural competency and attitudinal change among professionals within the system.
  - ❖ Creating coalitions among juvenile justice agencies, other public agencies, community organizations, and

### State Profile: Oregon

- ◆ Based on 1990 data from the Bureau of the Census, the State's racial composition was approximately 91 percent white, 4 percent Hispanic, 2 percent African-American, 2 percent Asian/Pacific Islander, and 1 percent American Indian.
- ◆ African-American juveniles were overrepresented at every stage of the juvenile justice process. The greatest magnitude of African-American overrepresentation occurred at the "back end" of the system. The pattern of overrepresentation was less pronounced and more variable for other minority groups.
- ◆ The intervention strategy focused on three different county-level approaches simultaneously, each providing a continuum of DMC programs impacting various aspects of the juvenile justice system.

individual community representatives to address factors leading to DMC.

- ◆ **Alternative resource development** strategies are appropriate both within and outside the traditional juvenile justice system. Examples include:
  - ❖ Developing diversion programs that are appropriate to minority juveniles.
  - ❖ Developing prevention programs and services within minority communities.

Pilot State examples of DMC interventions for each of the strategies are described below.

One Oregon county developed an **advocacy** approach to addressing DMC. In this county, minority juvenile justice specialists support minority juvenile offenders who are processed through intake at the Division of Youth Services and provide additional counseling and mentoring services to juveniles in minority communities. The goal is to improve communication between minority juveniles and the juvenile justice system, improve system outcomes (e.g., reduce confinement decisions), and strengthen the ability of minority juveniles and their families to negotiate the juvenile justice system.

The **collaboration** approach is exemplified by several of the pilot State initiatives. For example, Iowa developed a statewide cultural competency training program. A major goal of the training is to offer those who interact with minority juveniles better tools for providing meaningful education, guidance, and supportive and rehabilitative services. The training is provided to juvenile justice personnel who make decisions affecting the placement of minority juveniles in secure facilities.

The **alternative resources** strategy is demonstrated by Florida's Civil Citation

Program. Juvenile civil citation is a law enforcement option in Florida that allows a police officer to issue a sanction of up to 40 hours of community service to a juvenile for a nonserious offense without taking the juvenile into custody. The Florida DMC project provided this option, which had not been used previously in the county implementing the DMC initiative in Florida, to divert juveniles from the justice system at the point of initial contact.

### Anticipate the Often-Protracted Transition From Planning to Implementation

The five pilot States learned that, when they shifted from planning to implementation, all stakeholders remained essential but their roles were changed. By anticipating and planning for changes in organizational roles and clearly defining the roles for each stakeholder and participating agency, interpersonal and interagency tensions were averted or reduced.

Pilot States reported that the State leadership role was less critical to implementation than to planning. As the focus changed to implementation, State roles were commonly limited to monitoring statewide and local DMC activities, offering technical assistance to local projects related to securing funding, and reviewing local implementation plans. It was at this point that local agencies, organizations, and communities typically took the lead in the DMC initiative process. While the role of the State decreased, pilot States reported that the State role should still be clearly defined and that State-level continuity of staff, objectives, and funding was crucial to local DMC program implementation.

The amount of time needed to reach full implementation was underestimated by everyone involved with the pilot State plans. Phase II of the DMC initiatives was slated for implementation and completion within an 18-month timeframe. Without exception, the implementation of new initiatives had not been completed at the conclusion of the 18 months. In fact, several pilot States obtained 12-month extensions for implementation, which also proved inadequate. The primary lesson here is that the process needed to identify DMC and its contributing factors, obtain full cooperation of diverse community factions, and design and implement DMC interventions can be lengthy, costly, unpredictable, and not easily controlled by any single organization or group.

## Monitoring DMC Interventions

DMC rates must be monitored on an ongoing basis to assess the effectiveness of interventions. The pilot States' early efforts to establish systematic monitoring processes suggest several factors to consider when developing monitoring systems, including (1) designing them at the local level, (2) selecting an appropriate organization to carry out the monitoring function, and (3) focusing on capturing overall results, including early impacts of the initiative.

### Design Monitoring Systems at the Local Level

The capacity to assess progress toward achieving DMC goals should be designed and should function at the local level. Local monitoring of program operations and systems is more likely to provide the detailed and timely information necessary to position the community and its system of providers to respond to emerging needs and incorporate new DMC strategies.

North Carolina, for example, focused on building local monitoring information systems and developed a procedural and resource manual to support local efforts. The manual described a process for planning and implementing a DMC monitoring system and identified the data elements needed for DMC monitoring.

### Select an Appropriate Monitoring Organization

Within the pilot States, at both the State and local levels, acceptance of the

overrepresentation message depended largely on the credibility of the participants or agencies reporting the DMC findings. Any DMC monitoring system must, therefore, be perceived as having a legitimate basis for continuing to raise questions about progress toward DMC goals. DMC intervention efforts can be monitored successfully when the monitoring is based on objective data and is carried out under the auspices of an appropriate group or agency. The monitoring process must engage all stakeholders in examining the results, conclusions, and assumptions of those generating the information.

### Capture Overall Results and Impacts

The key question about DMC interventions—as with any program—is: “Did they make any difference?” The challenge in answering that question is that many of the strategies and interventions undertaken are designed to effect changes in deeply ingrained beliefs and systems, a process that may take some time. Although developing and implementing monitoring systems are essential first steps toward assessing ongoing, long-term improvements in levels of minority overrepresentation, it is also important to identify and acknowledge other early impacts of DMC initiatives. Several important improvements resulting from the DMC activities in the five pilot State juvenile justice systems are described below.

**Recognize Information Needs and Create Appropriate Information Systems.** The assessment approach used by the five States revealed important information gaps. None of the States had existing information resources sufficient to meet the needs of the DMC assessment. In North Carolina, for example, no automated juvenile justice information existed. As a result of the development of information for the DMC project, North Carolina recognized that DMC and related information is useful for a variety of assessment purposes and moved to develop information systems. Florida, on the other hand, had a fairly complete juvenile justice information system, but the DMC project identified ways to link information systems with the State Departments of Education and Labor to provide additional information on juveniles. For all of the pilot States, the initial focus on DMC identification frequently had the effect of making local officials more aware of what information resources were avail-

able and how to access them, and whether critical information was collected by other agencies or at other jurisdictional levels. As these States continue to monitor the effects of DMC activity, they plan to continue to refine their information systems.

**Develop New Community Collaborative Relationships.** One feature common to most of the DMC projects was the effective use of collaboration among community agencies to develop and enhance the provision of juvenile services. For example, the Florida pilot project resulted in new partnerships among State government, the Urban League, the Hillsborough County Children's Board, a set of 18 juvenile service agencies, and the local Juvenile Assessment Center. In Iowa, the project involved strengthening the relationship between the juvenile justice system and the Jane Boyd House, an organization providing “wraparound” community services to Cedar Rapids neighborhoods.

As collaborative efforts take more of a foothold in communities across the country (for example, with Title V Community Prevention Grants), DMC interventions can continue to benefit from existing collaborative structures. Ideally—and it is a goal of the JJDP Act—communities that are seeking to effect systemwide changes in how they prevent and respond to juvenile problems will infuse all of their efforts with an awareness of the issue of disproportionate representation of minority juveniles in the system. With ongoing collaborative processes, attention to DMC issues can become “institutionalized” in all decisions made about youth services.

**Institutionalize Mechanisms To Examine and Respond to DMC Issues.** In each of the five pilot States, DMC activities resulted in the development of additional institutionalized mechanisms to continue the assessment of DMC issues and the development of responses. Florida developed an entirely new Department of Juvenile Justice, with a major commitment to the overrepresentation issue and significant resources with which to address the problem. In Iowa, staff hired for DMC issues have been retained in positions created to help eliminate DMC. In two Oregon county projects, the county government found ways of “picking up” the DMC activities as ongoing county functions. In North Carolina, a new section was created in the Human Services Department to extend the State audit capacity to examine and improve DMC conditions throughout the State.

**Improve Local Service Systems.** Under the auspices of the five pilot DMC programs, a number of local activities have effectively improved the entire range of local services. For example, Marion County, OR, juvenile court service providers are now required to undergo an agencywide cultural competency assessment and improvement process, which was supported by county-provided technical assistance. Performance standards were written into the agency contracts. In Arizona, community groups were encouraged to develop new resources for at-risk juveniles and those currently involved in the juvenile justice system.

## Summary

The pilot State experiences with the DMC initiative illustrate both the pervasiveness of DMC and its local idiosyncrasies. Within each State, the factors underlying DMC fall within the following domains: the juvenile justice system, the educational system, the family, and socioeconomic conditions. Because these domains are significantly interrelated, the simultaneous examination of the effects of each domain upon a juvenile or population of juveniles is necessary to identify successful remedies to DMC.

Many of the specific factors underlying DMC traverse more than one domain. For example, single parents, usually mothers, tend to have lower socioeconomic status, are under more economic stress, and have less time for parental supervision than do members of two-parent families. People who live in highly populated urban areas tend to have lower socioeconomic status and to face higher local crime rates than those who live in less populated urban or suburban areas. Lower socioeconomic communities have a smaller tax base, which translates into schools with fewer resources and neighborhoods with fewer social programs. Inadequate education makes it more difficult to secure high-paying or stable employment and contributes to continued low socioeconomic status and economic stress. Racial bias, whether found in the juvenile justice system or the broader community, further complicates the analysis. When minority group members have experienced or witnessed bias within the justice system, a belief that the system is unfair leads to distrust and affects individual behavior related to that system, creating a self-fulfilling prophecy of disparate treatment. Although the specific causal chains remain

unclear, it is apparent that the underlying factors in these four domains contribute to DMC both individually and in combination.

Another important message from this initiative is that the assessment of DMC in secure facilities must be expanded to include actions that contribute to disproportionate minority representation that occurs throughout the juvenile justice system. Both previous research and the experiences of the pilot States show that confinement decisions are affected not only by the four domains discussed but also by bias that can occur at all juvenile justice decision points. The assessment of minority overrepresentation must examine all juvenile justice decision points, and intervention strategies must account for them.

While specific DMC outcomes varied by State and community, the DMC initiative had several universal effects, including the development of automated systems for monitoring DMC activities, increased community collaboration, the institutionalization of DMC awareness, and the improvement of local services. Possibly the most important effect was a greater understanding within the pilot communities of the complexity and pervasiveness of DMC issues and the realization that serious efforts to address DMC require numerous resources, including time, money, technical assistance, and above all, commitment.

As of early 1998, all of the pilot States were continuing their concerted efforts to identify DMC problem areas, to assess juvenile justice decision points, and to develop and implement plans to address the factors underlying minority overrepresentation within the State and local juvenile justice systems. In some States, DMC community-based programs showing early promise were provided State funding to continue or expand. In other States, the fact that efforts to increase cultural awareness and diversity within the juvenile justice system have succeeded is evidenced by increased numbers of minority staff. In Marion County, OR, an internship program for college students designed to increase the number of minority juvenile justice staff is being revised to provide interns more access to supports within the system and is slated for expansion throughout the entire State. Finally, all of the pilot States are in various stages of developing and testing integrated information systems. To date, States have reported that

even limited implementation of such systems has increased the efficiency of information gathering and works well for those counties willing to use them.

As pilot State DMC efforts continue, outcomes also are expected to become more distinct. Today's small changes in juvenile justice system operations and community juvenile services provision are expected to have a ripple effect as they develop into larger, systemwide, and communitywide changes.

## For Further Information

### State Juvenile Justice Specialists

#### ◆ Arizona

Marilee Dal Pra  
Governor's Division for Children  
602-542-3191  
E-Mail: mdalpra@azgov.state.az.us

OR

Carol Coles Henry  
602-495-5288  
E-Mail: chenry@ci.phoenix.az.us

#### ◆ Florida

Cassandra Jenkins  
Florida Department of Juvenile Justice  
850-488-3302  
E-Mail: cassandra.jenkins@djj.state.fl.us

#### ◆ Iowa

Dave Kuker  
Department of Human Rights  
Criminal and Juvenile Justice Planning  
515-281-8078  
E-Mail: cjjp@max.state.ia.us

#### ◆ North Carolina

Donna Robinson  
Governor's Crime Commission  
919-733-4564  
E-Mail: donnar@gcc.dcc.state.nc.us

#### ◆ Oregon

Barbara Carranza  
Oregon Commission on Children and Family  
503-373-1570, ext. 235  
E-Mail: barbaracarranza@class.oredent.org

### Author of the Systemic Analysis Model

◆ William Feyerherm  
Portland State University  
Office of Graduate Studies and Research  
503-725-3423  
E-Mail: feyerhermw@pdx.edu

## Office of Juvenile Justice and Delinquency Prevention

- ◆ Heidi Hsia, DMC Coordinator  
State Relations and Assistance Division  
202-616-3667  
E-Mail: hsiah@ojp.usdoj.gov

## References

Feyerherm, W. 1993. *The Status of the States: A Review of State Materials Regarding Overrepresentation of Minority Youth in the Juvenile Justice System*. Portland, OR: Portland State University.

Pope, C.E., and Feyerherm, W. 1990. Minority status and juvenile justice processing. Parts I and II. *Criminal Justice Abstracts* 22(2):327-336 (part I); 22(3): 527-542 (part II).

Pope, C.E., and Feyerherm, W. 1993. *Minorities in the Juvenile Justice System*. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.

This Bulletin was prepared under grant number OJP-95-C-006 from the Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice. DMC evaluation activities occurred under contract number OJP-91-C-011 from the Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice.

Points of view or opinions expressed in this document are those of the authors and do not necessarily represent the official position or policies of OJJDP or the U.S. Department of Justice.

## Acknowledgments

This Bulletin was prepared by Patricia Devine and Kathleen Coolbaugh, principals at Caliber Associates, and Susan Jenkins, a senior associate of the firm. The authors are grateful to Dr. William Feyerherm of Portland State University for his considerable contributions throughout the evaluation and to the many people at both the State and local levels in the pilot States, particularly the juvenile justice specialists, who gave generously of their time in granting interviews, providing data, following up on issues or questions, and in general making the evaluation a rewarding and meaningful process.

Photograph page 1 copyright © 1998 Corbis Corporation; photograph page 6 copyright © 1998 Weststock.

*The Office of Juvenile Justice and Delinquency Prevention is a component of the Office of Justice Programs, which also includes the Bureau of Justice Assistance, the Bureau of Justice Statistics, the National Institute of Justice, and the Office for Victims of Crime.*