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# RESEARCH SUMMARY

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## ACQUISITIONS

# Overrepresentation of Minority Youth in Oregon's Juvenile Justice System: Recent Findings

### What Is This Report About?

The purpose of this research summary is to highlight the major findings and implications of the Oregon Community Children and Youth Services Commission's (OCCYSC's) recent federally funded research on the overrepresentation of minority youth in the juvenile justice system. This research focuses on (1) the extent of such overrepresentation statewide and in Oregon's three largest counties, (2) the points in juvenile justice system processing at which it is most likely to occur, and (3) the implications of the current research for future policy research on the reasons for such overrepresentation.

### What Is The History Behind the Reported Research?

The overrepresentation of minority youth and their differential treatment in the juvenile justice system have become major concerns of policy makers in recent years. A growing body of research literature confirms that at each decision point along the juvenile justice processing continuum (from initial referral to final disposition) minority youth are disproportionately represented – at least in terms of their numbers in the general youth population at risk (ages 12-17). Of special concern is the consistent finding that minority youth are overrepresented in juvenile institutions (i.e., in secure facilities such as detention facilities and training schools).<sup>1</sup>

While research on the extent of such disproportionate representation and the reasons for its existence has only just begun, many serious research projects are now underway. Likewise, while the lack of program initiatives and policy statements addressing this problem is evident in many areas, two recent developments are dramatically shaping state and local efforts both to collect data on the problem and to develop and implement action strategies focusing on racial equality across the juvenile justice system.

First, during the 1988 Reauthorization of the Juvenile Justice and Delinquency Prevention Act (JJDPA) of 1974, Section 223(a)(23) was amended to establish a new mandate requiring states to determine whether or not minority youth are being confined in disproportionate numbers in secure facilities and to create a strategy for addressing racial inequality where it is present.

Second, as part of this JJDPA mandate to reduce the disproportionate institutionalization of minority youth, the federal Office of Juvenile Justice and Delinquency Prevention (OJJDP) developed a discretionary grant program referred to as the Special Emphasis Minority Program to set up, through a competitive process among the states, five pilot programs for addressing the problem of disproportionate confinement of minority youth in secure facilities. Oregon was selected as one of the five pilot states, along with Arizona, Florida, Iowa, and North Carolina.

As part of Oregon's Phase I efforts under this program, the OCCYSC conducted research to make an overall determination of the current status of minority youth in the juvenile justice systems in three pilot counties – Lane, Marion, and Multnomah – and to determine, to the extent possible, the nature of and reasons for this overrepresentation. The remaining sections of this research summary describe the research conducted, what was learned from it, and the implications for further policy research and inquiry.

### What Research Tasks and Issues Are Involved?

Research on minority overrepresentation in the juvenile justice system involves a complex set of methodological issues, one of which is explaining the interplay of several causal factors. Along these lines, the Coalition for Juvenile Justice (formerly the National Coalition of State Juvenile Justice Advisory Groups) noted that, "For over twenty years solid research has pointed out the more complicated picture, that numerous variables are associated

with disproportionate representation of minorities in the juvenile justice system and at various stages within that system."<sup>2</sup>

Two major perspectives are used for explaining minority youth overrepresentation. One (the socioeconomic perspective) is based on the notion that the nature and volume of offenses committed by minority youth are the real issue. Because of unfavorable social and economic conditions or background, minority youth are committing more serious crimes and committing crimes more often, accounting for their greater number in the juvenile justice system.

The second perspective (the selection bias perspective) states that the problem is the result of differential handling of majority and minority youth in the system. This system employs, unintentionally or not, a selection bias through which disproportionate numbers of minority youth are processed and treated differently and more harshly regardless of their criminal background. Often these effects are subtle "...and there is evidence that small racial differences may accumulate and become more pronounced as minority youth progress deeper into the system."<sup>3</sup> Keeping these two perspectives in mind, and the complexity of the analytical tasks at hand, let's turn to the research and the kinds of data examined.

## What Kinds of Research Data Were Collected?

First, the quantitative research was preceded by more qualitative research in the form of focus group interviews. Focus groups are basically small groups (usually less than a dozen people) who engage in carefully planned discussion (usually around a few basic questions) designed to obtain perceptions, in a permissive, non-threatening environment, about a defined area of interest.<sup>4</sup> Focus groups are not randomly selected individuals, but individuals theoretically selected to provide additional insights into an area of inquiry.<sup>5</sup> The focus groups selected from each of the pilot counties were professionals and others familiar with juvenile justice system processing issues.

A second source of data, "summary" data, consisted of aggregate data compiled from such sources as law enforcement agencies, juvenile courts/departments, and Children's Services Division (CSD) institutions.

A third source of data included "system" or client tracking system data. These data included client-based data on groups of juvenile department referrals as they moved through juvenile justice system processing. These data provide, on a case-by-case basis, information on decisions made and dispositions recorded as juvenile department and court cases are processed through the system from point of arrest or referral to eventual case disposition.

## What Were the Summary Data Findings Statewide and Across the Three Pilot Counties?

Analysis of census data, juvenile arrest data, juvenile department referral data, and CSD training school commitment and close custody ward data resulted in the use of a disproportionate representation index (DRI) for statistical analysis. The index computation is quite simple: It is a comparison in percentage terms of the proportion of a specific racial or ethnic youth group processed at a certain point in the juvenile justice system compared to the proportion of this group in the youth population at risk. For example, if 10% of the 12-17 year old population are African Americans and they account for 25% of the arrests for serious (FBI Index) offenses, the index would have a value of 2.5 (or 25% divided by 10%) indicating that this group is 2.5 times more likely than their numbers in the at risk population suggest to be represented among those arrested for serious crime. Values greater than 1.0 mean that disproportionate representation exists. A value under 1.0 means that a group is underrepresented, and a value of exactly 1.0 indicates a one-to-one ratio or proportionate representation.

Statewide summary data analyzed using the disproportionate representation index (DRI) values indicate that African American youth are particularly likely to be overrepresented at every decision point from arrest and juvenile department referral to final case disposition (i.e., training school commitment or close custody wardship). The DRI values for African American youth range from 2.6 to 5.9 and are greater at the back end of the system (i.e., for training school commitment and close custody wards) than at the front end of the system (i.e., at point of arrest or referral). With the possible exception of some slight disproportionate representation of Native Americans in detention and training schools, and of Hispanic youth in detention, no other group of youth appears overrepresented.

DRI analysis of the summary data for the three pilot counties indicates that across all three counties (Lane, Marion, and Multnomah) and at each major decision point, African American youth are much more likely than other minority youth to be disproportionately represented. The pattern of overrepresentation for other minority youth (notably Native American and Hispanic youth) is less pronounced and does not extend to all decision points. However, for some decision points such as training school commitment (represented by all commitments for the 1990 calendar year and all CSD close custody wards - mainly training school and camp wards - noted on January 1, 1990), the numbers for computing DRI values are quite small and require some caution when analyzing these data.<sup>6</sup>

## What Were the Focus Group Findings?

Focus group participants (mainly juvenile justice system professionals) in the three pilot counties were asked a series of questions on reasons for the apparent overrepresentation of minority youth and what could be done about this problem. Across all three counties, several general themes emerged from the focus group research.

First, several participants in each county stated that there were gaps or deficiencies in service delivery systems which detrimentally impacted minority youth and their families. Many of these participants felt especially that there was a lack of culturally appropriate placements, resources and services for these youth.

Second, some participants in each county identified a lack of minority youth family involvement and the lack of family-centered services. There were simply few options for families, even when these families were actively involved with their children and their problems.

Third, many participants in the three counties identified a nearly universal need for cultural competency training. They especially thought this was true when examining juvenile justice system workers located across the continuum of all decision points in the three pilot counties.

Fourth, some participants (especially in Multnomah County) identified the labelling of "gang youth" as problematic. Many questioned what "gang involved" really means. Some questioned whether or not officials tended to overreact to youth so labelled (especially youth labelled as violent or involved with weapons). Do they tend to give up too early on less punitive approaches for youth labelled gang involved or violent? Some asked whether or not anyone was willing to take any risks at all with these youths - especially younger gang members of minority backgrounds.

## What Were the Preliminary Results of Analyzing System Data?

System data were collected in two separate phases. In the first phase, efforts were made in all three pilot counties to collect and analyze data on groups of 1991 juvenile department referrals tracked for several months through juvenile justice processing and decision making. This initial effort generated mixed results partly due to missing data and partly due to inherent problems in how things were counted. The unit of count problems surfaced because researchers had to decide whether to count individuals processed, the referrals they accounted for, or the separate events or actions resulting from these referrals. In Lane and Multnomah Counties, for example, data analysis was focused on "events" as the unit of count. This is because in 1991, individuals in these counties

could have had several referrals, each involving several allegations (referral reasons), each of which in turn could have resulted in several department or court actions taken to dispose of the case. For example, in Lane County each referral incident accorded an individual could have involved several allegations, and each of these allegations could generate multiple dispositions in terms of what could happen to an individual (e.g., training school commitment, probation, restitution, etc.). Further, in Multnomah County each allegation could generate up to five separate disposition events. In contrast, in Marion County "referrals" were analyzed, and each separate allegation was regarded as an individual referral. Also, each separate referral in Marion County yielded only one disposition event recorded in the data base.

The results of the preliminary system data analysis for the three counties paralleled those obtained from the summary data analysis; i.e., they confirmed the same general pattern of overrepresentation: African American youth are more likely to be overrepresented at each decision point, and they are disproportionately confined in all three counties. The pattern of overrepresentation is less pronounced and more sporadic for other minority groups. The same cautions were advised when examining system data where among certain minority groups and dispositional outcomes there were limited or small numbers of cases to examine.

## What Were the Results of More Refined Analysis of the System Data?

Because of the limitations of the system data as originally constructed, some additional analyses of these data were accomplished using new assumptions for data analysis purposes. The new findings added considerably to the research undertaken in each county.

### Lane County

In Lane County, juvenile department research staff selected all new criminal cases referred in 1990.<sup>7</sup> Each case involved a unique individual who was counted only once using the most serious reason or charge and the most serious disposition associated with that charge for the most serious juvenile department referral incident in 1990. To determine case disposition, these individuals were tracked through July 1, 1993 (or for a minimum of 2.5 years). Using the individual as the unit of count, the movement of this group of unique individuals through the county's juvenile justice system was described. The following findings emerged from this research:<sup>8</sup>

- While minority youth made up 9.5% of the county's 12-17 year old population at risk, they made up 15.5% of the selected individuals referred in 1990 to the juvenile department.<sup>9</sup>

- Minority youth made up 14.3% of those youth ages 12-17 proceeding on to juvenile court for the filing of a formal petition.
- Minority youth made up 13.9% of all petitioned cases adjudicated as delinquent.
- While the numbers of cases are small (N=26), minority youth made up 15.4% of all adjudicated delinquents committed to the state training schools.
- The DRI values for the above cited percentages range from 1.5 to 1.6.

From the above findings, it appears that minority youth are overrepresented throughout the system in Lane County, but that the overrepresentation is basically a front-end problem; i.e., it occurs at the point of referral or intake into the juvenile department and continues at about the same level as cases move through the system.

### Marion County

While the Marion County data were originally in a "referral as the unit of count" format, subsequent analysis of minority (non-white and Hispanic) vs. majority (white) group processing of the 1990 and 1991 referrals yielded additional findings:<sup>10</sup>

- While minority youth made up 10.4% of the county's high risk (12-17 year old) population, they accounted for 20.9% of all the 1990 and 1991 juvenile department referrals studied.
- Minority youth made up 21.2% of those referrals routed on for petition filing and formal processing in the juvenile court.
- Minority youth referrals constituted 21.7% of all referrals resulting in adjudication.
- Minority youth made up 25.0% of all those referrals resulting in adjudication and commitment to a juvenile training school.
- The DRI values for the above percents range from 2.0 to 2.4.

From the above findings, it appears that, as for Lane County, there is minority youth overrepresentation and it is primarily at the front end of the system.

### Multnomah County

While the original system data analysis relied on the "disposition event" as the unit of count, it is possible to do some limited analysis of the Multnomah County data using

the referral as the unit of count.<sup>11</sup> This analysis was accomplished by determining only the most serious allegation charge for each referral and whether institutional placement (i.e., training school commitment), remand to adult court, and/or detention (post-adjudication) were used as a disposition. Since multiple dispositions per allegation and multiple allegations per referral were possible, these disposition categories are not always mutually exclusive. Pre-trial (or pre-adjudication) detention was also examined as a referral outcome. Because of the greater numbers of minority youth represented in the general 12-17 year old population and the large number of referrals involving minority youth, it is possible to examine several minority youth groups separately in this subsequent analysis.<sup>12</sup> Also, the added detail of the information and data collected yields more refined analysis. The following findings on overrepresentation emerged from the subsequent statistical analyses:

- In terms of the 7,010 (1991) referrals examined, white youth were underrepresented in that they constituted 81.2% of the at risk (12-17 year old) population, but only 60.6% of the 1991 referrals examined (DRI=0.75); African American youth were overrepresented in that they constitute 9.7% of the risk population, but 27.3% of those referred (DRI=2.8); and on a lesser scale, Hispanic and Native American youth are slightly underrepresented and Asian youth slightly overrepresented among referrals.

In terms of the different probabilities attached to processing decisions on these referrals, the following findings were generated:

- For white youth, there was a 13.3% chance that a referral would result in placement in pre-adjudication detention. In contrast, for referrals involving Hispanic youth the probability was 36.1% (or nearly three times greater). For African American there was a 25.1% chance and for Native American youth a 24.0% chance of pre-adjudication detention. These different probabilities lead to a situation where Hispanic youth comprise 4.4% of those referred with known race/ethnicity (N=6,863 referrals), but 8.8% of all those detained; and, African American youth constitute 27.8% of the referral population, but 39.2% of those detained.
- While all youth referred had a 33.9% chance of going to a juvenile court hearing, there was a 40.8% chance for African American youth and a 30.5% chance for white youth. For other groups the chances fell between these extremes.
- While training school commitment is one of the most serious steps for youth in the juvenile justice process, only 3.1% of all the referrals examined resulted in

commitment. However, only 2.0% of white youth referrals resulted in commitment compared to 6.3% of African American referrals.

- Post-adjudication detention as a disposition occurred in 17.7% of all the referrals examined. However, such detention is much more likely to be used in the case of non-white youth than in the case of white youth. For example, the rate or probability of post-adjudication detention is 14.3% for white youth, but double that (28.1%) for Hispanic youth. The rates for African American youth (23.4%) and Native American youth (22.9%) are somewhat less striking, but still reflect rates substantially higher than the norm for all referrals.

The following findings are based on the subset (N=2,329) of all cases which involved a formal hearing process (and the filing of a petition):

- African American and other non-white youth are more likely to reach a formal hearing process level and upon reaching this level are more likely to receive institutional commitment as a disposition. The training school commitment probabilities are 11.6% for African American youth, 8.6% for Native American youth, 4.6% for white youth, 4.4% for Asian youth, and 2.9% for Hispanic youth.
- African American, Hispanic, and Native American youth reaching the hearing stage are more likely than white or Asian youth to receive detention as a disposition. The probabilities are 58.1% for Hispanic youth, 51.4% for Native American youth, 45.3% for African American youth, 38.2% for white youth, and 37.7% for Asian youth.

Earlier it was mentioned that overrepresentation of minority youth in the juvenile justice system might be the result of differences in the involvement of these minority youth groups in crime and not due to selection bias in juvenile justice system processing. Because of this possibility, more refined data analysis needs to control for differences in the criminal involvement of various youth groups. In the next set of Multnomah County research findings, some statistical control for the seriousness of crimes committed is introduced in the research. This is accomplished in part by looking only at the subset of those referrals involving felony offenses. Subsequent analyses of these data resulted in the following findings:

- Over half (56.5%) of the 2,104 felony referrals involved white youth. However, of those receiving pre-adjudication detention, only 39.8% of that population were white youth. African American youth accounted for 30.0% of the felony referrals examined, but they

accounted for 40.1% of those detained. The rates of pre-trial detention are over 2.5 times higher for Hispanic youth (62.8%) than white youth (23.1%). Rates of detention for African American youth (43.7%) are nearly double those of white youth.

- While the numbers are small (only 15 of the 2,104 felony referrals resulted in remand), it is interesting to note that 12 of these 15, or 80%, involved African American youth.
- As with pre-adjudication detention, Hispanic felony offenders have the highest probability of receiving detention as a disposition (50.0%) compared to African Americans (27.7%), and whites (17.8%).
- Among adjudicated felony offenders, the training school commitment rate is nearly three times higher for African American youth (11.4%) compared to white youth (4.1%).

By way of a general conclusion, it appears that among felony offenders, overrepresentation in Multnomah County is particularly pronounced for African American youth when considering training school commitment. For Hispanic youth, the overrepresentation is most pronounced for detention as a form of disposition.

## What Are the Major Conclusions and Implications of the Research?

This research represents a major first step in the process of mapping out, statewide and across counties, the dimensions of the problem of minority overrepresentation and disproportionate confinement in the juvenile justice system in Oregon. To date the research documents that various minority youth are differentially affected by overrepresentation and disproportionate confinement. In particular, African American youth are more likely than any other minority youth group to be overrepresented across all three counties studied and at every juvenile justice processing decision point. The problem is particularly acute in Multnomah County where African American youth are increasingly overrepresented the further they penetrate the juvenile justice system. While the nature of and reasons for overrepresentation are not fully addressed, the research does suggest further, more refined analysis of the system data, controlling for the influence of number of prior referrals, crime severity, and selection factors, all of which can affect the accumulation of cases at certain decision points in juvenile justice processing. Also, the qualitative data analysis suggest additional research on the availability of client resources and services.

1. Based on Carl E. Pope and William Feyerherm, "Minorities and the Juvenile Justice System: Executive Summary," Office of Juvenile Justice and Delinquency Prevention, Washington, DC, 1992.
2. National Coalition of State Juvenile Justice Advisory Groups, "Looking Back to the Future," (Sixth Report to the President, the Congress, and the Administrator of the Office of Juvenile Justice and Delinquency Prevention), Washington, D.C., December 1990, p. 29.
3. See *Ibid.*, pp. 27 and 28 for a discussion of these points.
4. See Richard A. Krueger, *Focus Groups: A Practical Guide for Applied Research*, Sage Publications, Newbury Park, California, 1988, p. 18.
5. See David L. Morgan, *Focus Groups As Qualitative Research*, Sage Publications, Newbury Park, California, 1988, p. 45.
6. See "Final Research Report on Phase I of Oregon's Participation in the Office of Juvenile Justice and Delinquency Prevention Disproportionate Minority Confinement Program" for the data used to compute the DRI values.
7. See Linda Wagner, "Minority Youth in the Juvenile Justice System: Executive Summary," Lane County Department of Youth Services, Eugene, Oregon, July 26, 1993, for more details.
8. Some of the findings recorded here are the result of additional analysis of the tabular data reported by the Lane County research staff.
9. All "minority" youth ages 12-17 were combined into one group because of the statistically small numbers of individuals at certain juvenile justice system decision points.
10. All minority groups were aggregated into one "minority" group due to the limited number of referrals to analyze at certain decision points in juvenile justice system processing.
11. Data analysis for this part of the research report was conducted by Dr. William Feyerherm, Director of the Regional Research Institute for Human Services at Portland State University, Portland, Oregon.
12. The statistical analysis was conducted only on those referrals involving racial/ethnic groups comprising at least 1% of the referral population.

### Oregon Community Children & Youth Services' Commission

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This research summary was based upon the "Final Research Report on Phase I of Oregon's Participation in the Office of Juvenile Justice and Delinquency Prevention Disproportionate Minority Confinement Program." Both the final report and the summary were prepared by James Paul Heuser, PhD, Research and Evaluation Manager, Oregon Community Children and Youth Services' Commission.

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To obtain a copy of the entire final research report, contact Beth Glascock, c/o OCCYSC, Suite 300, 530 Center Street, N.E., Salem, Oregon 97310 or call (503) 373-1283.



## IT'S THE LAW

Confinement of minority youth in secure facilities disproportionate to their percentage of the general population must be addressed and rectified.

*The Juvenile Justice and Delinquency Prevention Act, As Amended in 1988. (Public Law 93-415). Section 223 (a) 23.*

National data sources and studies have documented the fact that minority offenders are overrepresented in secure facilities across the country. As a result, states are entrusted with the responsibility to examine race and ethnic status as factors influencing decisions in certain jurisdictions and at particular decision points within the juvenile justice system during specific time periods.

Furthermore, to counter this minority overrepresentation, a strategy should assess reasons for disproportional confinement; improved prevention, diversion, and nonsecure detention and corrections programs where minorities reside; outreach to community-based organizations serving minority children; and reintegration programs for those previously confined in order to reduce recidivism. Additionally, racially and ethnically neutral policies and practices can be developed and implemented to produce unbiased, neutral results, for example, objective criteria for determining the appropriate placement of youth.

The ultimate goal is for each state to improve the juvenile justice and youth services systems that provide for all youth equally and which are available regardless of race or ethnic background.

**African Americans, Native Americans, and Hispanics are more apt to drop out of schools than whites or Asian Americans.\***

**"...IT COST \$47,000 A YEAR TO KEEP A YOUTH IN ONE OF THE STATE'S ... CORRECTIONAL FACILITIES."\***

**"IT COSTS \$7,000 A YEAR TO KEEP A YOUNG PERSON IN SCHOOL."**

\* "Shifting the Balance: From Delinquency to Resiliency" Fact Sheet, Office of Juvenile Justice, DSHS, P.O. Box 45203, Olympia, Washington 98504-5203.