



DISPROPORTIONATE MINORITY CONFINEMENT 2002 Update

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Disproportionate Minority Confinement 2002 Update

SUMMARY

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September 2004

NCJ 201240

This document was prepared under number OJP-2000-298-BF/01 from the Office of Juvenile Justice and Delinquency Prevention (OJJDP), 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.

Foreword

Although minority youth account for about one-third of the U.S. juvenile population, they comprise two-thirds of the juvenile detention/corrections population. Disproportionate minority confinement (DMC) has far-reaching consequences not only for these young offenders but for society as a whole. The challenges are complex and not easily resolved, but progress is being made.

The 1988 amendments to the Juvenile Justice and Delinquency Prevention (JJDP) Act of 1974 authorized OJJDP to require states participating in the Formula Grants Program to address DMC in their state plans. The 1992 amendments to the Act elevated DMC to a core protection, tying future funding levels to compliance. With the training and technical assistance provided by OJJDP, states are determining the factors that contribute to DMC, designing and implementing strategies to address those factors, evaluating their efforts, and monitoring trends.

This Summary provides an overview of recent DMC-related developments. It begins with a brief review of the data, followed by an outline of national efforts during the past 5 years to address this challenge. It then summarizes state activities, providing an update on DMC compliance, presenting findings from assessment studies, documenting efforts to reduce DMC, and identifying remaining challenges.

As an example of a comprehensive approach to DMC, the Summary describes Washington State's three-pronged approach—research, legislative reform, and programmatic and administrative initiatives at the state and county levels—which has brought some important reductions in disproportionality at most stages of the juvenile justice process.

The JJDP Act of 2002 broadens the DMC initiative to encompass disproportionate minority contact at all decision points in the juvenile justice system. The 2002 Act also requires intervention strategies that include delinquency prevention and systems improvement components. Effectively addressing DMC in this new context will require long-term, coordinated efforts at the local, state, and federal levels.

OJJDP looks forward to productive partnerships with all involved in these efforts. Working together, we can reduce the total number of juveniles entering the juvenile justice system, and for those who do, we can ensure equal treatment for every youth.

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Acknowledgments

This Summary was prepared by Heidi M. Hsia, Ph.D., DMC Coordinator of OJJDP's State Relations and Assistance Division; George S. Bridges, Ph.D., Professor of Sociology, Dean and Vice Provost, Undergraduate Education, University of Washington; and Rosalie McHale, Washington State's Juvenile Justice Specialist from 1987 to 2001. Special thanks are due to countless individuals who have tirelessly worked on reducing DMC at the state and local levels and have generously shared their experiences and insights, which are described in this Summary.

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Introduction

In the 1988 amendments to the Juvenile Justice and Delinquency Prevention (JJDP) Act of 1974 (Public Law 93–415, 42 U.S.C. 5601 *et seq.*), Congress mandated that the Office of Juvenile Justice and Delinquency Prevention (OJJDP, or the Office) require all states participating in the Formula Grants Program (Title II, Part B, of the Act) to address disproportionate minority confinement (DMC) in their state plans. Specifically, if the proportion of a given minority group of youth who were detained or confined in a state’s secure detention facilities, secure correctional facilities, jails, and lockups exceeded the proportion that group represented in the general population, the state was required to develop and implement plans to reduce the disproportionate representation (Section 223(a)(23)).

In the 1992 amendments to the JJDP Act, DMC was elevated to a core protection for youth, with future funding eligibility tied to state compliance. In the past decade, numerous efforts to address DMC issues have emerged throughout the nation in response to this requirement. The most recent data available indicate that in 1997, minority youth constituted 34 percent of the juvenile population nationwide but represented 62 percent of the juveniles detained and 67 percent of those committed to secure juvenile correctional facilities (Snyder and Sickmund, 1999). In 1997, there were 7,400 new admissions of youth younger than 18 years old to adult prisons, and three out of four of these youth were members of a minority group (Poe-Yamagata and Jones, 2000). As shown in table 1, the overrepresentation of minority youth in secure juvenile detention and correctional facilities increased between 1983 and 1997, although it decreased slightly between 1995 and 1997.

This Summary attempts to represent the ways that disproportionality is manifested in the juvenile justice system. It is not intended to determine why or how certain juvenile populations are handled within the system. Only further research will uncover the causes of disproportionate minority confinement. Nevertheless, as the next two chapters of this Summary show, progress is being made. Over the past several years, the federal government has increased the number and scope of resources (training,

Table 1: Percent of Minority Youth in Secure Detention and Correctional Facilities in the United States for Selected Years From 1983 to 1997

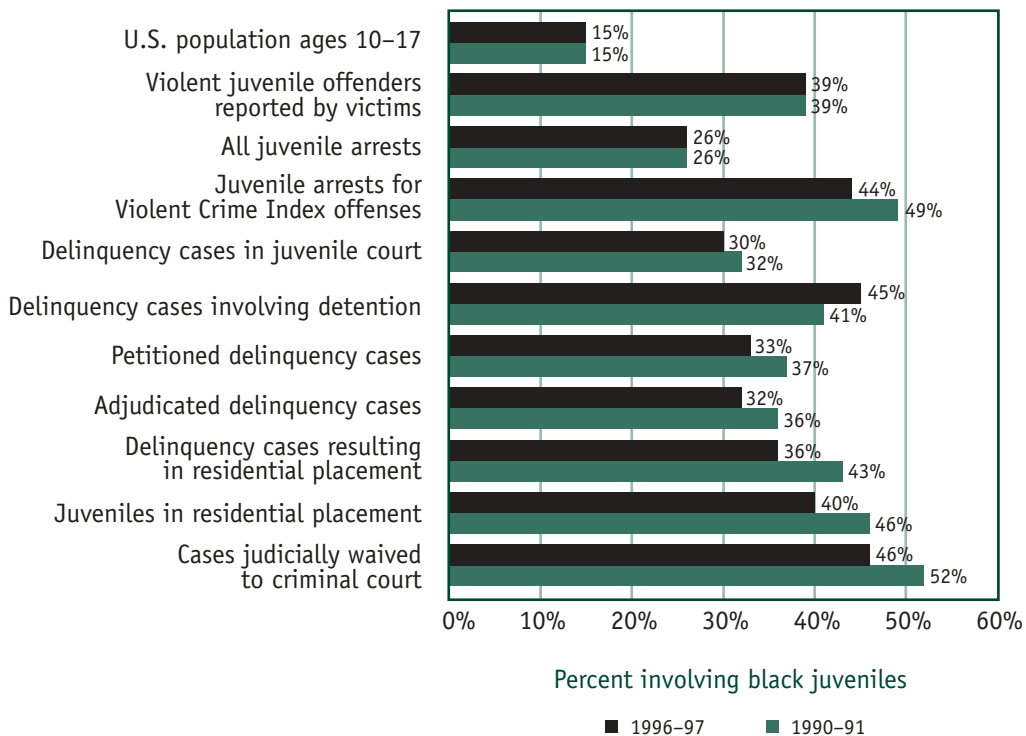
Year	Total Youth Population (%)	Minorities (%)	
		Secure Detention	Secure Correction
1983	32	53	56
1991	32	65	69
1995	32	68	68
1997	34	62	67

Source: Sickmund, Snyder, and Poe-Yamagata, 1997, and Snyder and Sickmund, 1999.

technical assistance, publications) that it makes available to the states. For their part, the states have taken significant steps to identify and assess where DMC occurs within their juvenile justice systems, implement plans to reduce DMC, enhance data collection, and introduce state legislation to address the problem. In the final chapter, the authors present a case history of how one state, Washington, has taken a proactive, comprehensive, research-based approach to implement systems change and programs to reduce DMC.

Overrepresentation of African American youth occurs at all stages of the juvenile justice system, and African American youth are overrepresented more than any other

Black Juveniles Are Overrepresented at All Stages of the Juvenile Justice System Compared With Their Proportion in the U.S. Population



■ Nationally, for most stages of juvenile justice system processing, the black proportion was smaller in 1996-97 than in 1990-91.

Source: Authors' analysis of Bureau of the Census' *Estimates of the population of states by age, sex, race, and Hispanic origin: 1990-1997* [machine-readable data files] for 1991 and 1997, Bureau of Justice Statistics' *National Crime Victimization Survey* [machine-readable data files] for 1991 and 1996, FBI's *Crime in the United States* reports for 1991 and 1997, OJJDP's *Juvenile Court Statistics* reports for 1991 and 1996, OJJDP's *Children in Custody Census of public and private juvenile detention, correctional, and shelter facilities 1990/91* [machine-readable data file], and OJJDP's *Census of Juveniles in Residential Placement 1997* [machine-readable data file].

minority group. In 1996–97, African American youth constituted about 15 percent of the nationwide juvenile population but represented 26 percent of all juveniles arrested, 45 percent of those who were detained, and 40 percent of those in residential placement. (See the figure on page 2.) However, for all stages of juvenile justice processing, except arrest and delinquency cases involving detention, the African American proportion of the national totals was smaller in 1996–97 than in 1990–91.

The number of Hispanic youth in the United States has increased faster than the number of youth of any other racial or ethnic group, growing from 9 percent of the juvenile population in 1980 to 16 percent in 2000 (Federal Interagency Forum on Child and Family Statistics, 2001). State studies show overrepresentation of Hispanic youth at arrest and other decision points in some states (DeJong and Jackson, 1998; OMNI Research and Training, 1998). Colorado is one example. Although Colorado does not have arrest data for Hispanics because they are included as white, the state's data for July 1998 to June 1999 show that Hispanics were overrepresented at all later decision points in the juvenile justice system (Division of Criminal Justice, Colorado Department of Public Safety, 2000). Consistent with national data, the rate of overrepresentation in the Colorado juvenile justice system was lower for Hispanics than for African Americans. However, because of inconsistent categorizations of Hispanic youth in many state and national studies (i.e., some include Hispanics as “white” and some include them as “other”), Hispanic overrepresentation is likely to be underreported.

The 1997 Census of Juveniles in Residential Placement (CJRP) showed that American Indian youth ages 10–17 constituted 2 percent of youth in secure correctional facilities nationwide but were only 1 percent of the national youth population (Snyder and Sickmund, 1999). Although national data suggest that American Indian youth are placed in correctional facilities at twice the expected rate, state data give evidence of an even greater overrepresentation. For example, North Dakota's 1998 data indicate that American Indian youth made up 8 percent of the state's total juvenile population but accounted for 13 percent of arrests, 21 percent of the secure detention population, and 33 percent of secure correctional placements (Division of Juvenile Services, North Dakota Department of Corrections, 2000). Data at the county level are similar. Further, because most tribal agencies do not report arrest, referral, and detention-related data for inclusion in state statistics, the actual levels of Native American overrepresentation may be higher.

Asians and Pacific Islanders are the least studied racial groups. Hawaii has classified Asians and Pacific Islanders as separate groups in its studies, but most studies conducted in other states combine data for Asians and Pacific Islanders. The 1997 CJRP showed that Asian youth constituted 4 percent of the national juvenile population but represented only 2 percent of youth in secure correction. The available state data for Asians alone or Asians and Pacific Islanders combined also show, for the most

part, that these youth are underrepresented in the population of confined juveniles at the state and even at the county levels. In cities with high concentrations of Asian youth, however, indications of overrepresentation exist. For example, a study of juvenile transfers to adult court in California showed that, in 1996, the composition of Los Angeles County's juvenile population ages 10–17 was 25 percent white, 51 percent Hispanic, 13 percent African American, and 11 percent Asian and other races (Males and Macallair, 2000). The Hispanic youth were 6 times more likely, the African American youth 12 times more likely, and the Asian/other youth 3 times more likely than the white youth to be found unfit for juvenile court and transferred to criminal court. Further, African American and Asian youth tried in criminal court were imprisoned more often than Hispanic or white youth. Taking into account the respective contribution of each group to the volume of California's violence and felony arrests, statewide analyses in the same study indicated that Asian youth, like African American, Hispanic, and other minority youth, were significantly more likely to be sentenced to confinement by the California Youth Authority than were white youth arrested for the same category of offense.

It should be noted that the data presented above only paint a picture of disproportionate representation of minority youth in the juvenile justice system. They, in and of themselves, do not yield evidence of racial bias nor do they explain with any degree of certainty the multitude of factors that contribute to disproportionality. Efforts to reduce DMC at this time are severely handicapped by most states' lack of ability to consistently and comprehensively collect and analyze data generated throughout the juvenile justice system. Nevertheless, the present levels of minority overrepresentation within the juvenile justice system, both for minority juveniles as a whole and for individual racial/ethnic groups, indicate that efforts to reduce DMC must first identify and then address all contributing factors.

This Summary outlines the progress that has been made at the national level during the past 5 years to address DMC; provides an update on DMC efforts and achievements at the state level, including a summary of the status of state compliance with the DMC core protection requirements; and describes Washington State's efforts to reduce DMC over the past 10 years as an example of a comprehensive, community-based systems change approach to the problem. Washington's prevention and intervention efforts include afterschool programs, mentoring, and family strengthening and counseling. The Summary concludes with a look at the modifications to the DMC requirement contained in the JJDP Act of 2002 and OJJDP's action steps in support of continuing efforts to reduce DMC.

National Efforts To Address DMC

OJJDP Assistance to States and Localities

OJJDP responded to nearly 80 technical assistance requests from 1997 through 2002, 46 of which were made during the last 2 years. In addition to technical assistance and consultation upon request, OJJDP updated instructions to the states for developing their DMC compliance plans and provided expanded and indepth DMC training for state personnel at regional training conferences and other training events. Moreover, to enable appropriate monitoring and use of a uniform methodology in determining state DMC compliance, the Office trained its State Representatives in DMC issues and in the use of an updated DMC Compliance Determination Checklist.

In March 2000, OJJDP published the second edition of the *Disproportionate Minority Confinement Technical Assistance Manual* (Office of Juvenile Justice and Delinquency Prevention, 2000), which has been widely distributed throughout the nation. The *Manual* is user-friendly and provides information about lessons learned in the field and exemplary state and local efforts. It contains the Compliance Determination Checklist and sample tools that may be adopted for use by the states. OJJDP also conducted training on how to use the *Manual*.

Other goals reached in recent years include development of a DMC page on OJJDP's Web site, use of the compliance determination process to guide and enhance state DMC efforts, and completion of a library of state DMC reports—a central repository for historical records of DMC efforts in each state. OJJDP has kept the DMC Web page and library of reports current as these resources have proven valuable to the field.

To expand the DMC research consultant pool for the use of states and localities, OJJDP, in March 2002, invited 45 researchers in the social sciences to a meeting that presented an orientation to DMC research, from which a list of 22 interested and qualified research consultants was developed. In August 2002, OJJDP also sponsored a DMC researchers' focus group to help the Office develop a DMC research agenda.

OJJDP Assistance to States and Localities Through Contractors/Grantees

By partnering with a variety of contractors and grantees, OJJDP provides training and technical assistance, research strategies, and tools for disseminating information that help states and localities in their efforts to reduce DMC. Examples of the partnerships supported by OJJDP appear below.

National DMC Training, Technical Assistance, and Information Dissemination Initiative

Recognizing the need to foster the development, documentation, and nationwide dissemination of effective strategies to reduce DMC, OJJDP launched a long-term national training and technical assistance initiative through a cooperative agreement with a private provider, Research and Evaluation Associates (REA), in 1997. The goal of the initiative is to give states and localities broad-based knowledge about DMC and to develop practical and targeted tools to address the factors in their jurisdictions that contribute to it.

The initiative began with an extensive review of DMC literature in academic journals and edited books from the 10 years preceding 1997, resulting in the publication of an OJJDP Bulletin (Pope, Lovell, and Hsia, 2002). REA then developed and field-tested training curriculums to increase awareness of DMC issues among juvenile justice personnel and key decisionmakers. Since October 2000, REA has coordinated and monitored intensive technical assistance to five states—Delaware, Kentucky, Massachusetts, New Mexico, and South Carolina. In October 2001, three more states—Alaska, California, and Tennessee—were added. REA has also established DMC listservs to facilitate the sharing of information and skills and has identified and trained approximately 50 potential consultants to aid in the delivery of technical assistance on DMC-related issues. Recent activities include:

- Continued identification of experts who may respond to technical assistance requests from the states.
- A DMC training of trainers.
- A full DMC progress review of all states to identify state needs and formulate a training and technical assistance plan to address them.
- A planning meeting to restructure and refine the DMC intensive technical assistance process.

Juvenile Justice Evaluation Center

As a DMC technical assistance provider, the Juvenile Justice Evaluation Center (JJEC) assists OJJDP in building evaluation capacity in the states, especially as those efforts relate to projects and initiatives funded by the Title II, Part B, State Formula Grants Program. Through a survey and personal contact with state agency staff, JJEC has been assessing the level of need among states and localities for assistance in developing their evaluation capacity. The following activities are particularly important in the effort to reduce DMC:

Publication development. JJEC is developing a publication entitled *How To Use Data To Make More Informed Decisions About Dealing With DMC* to help states explore why minority overrepresentation exists at various decision points in the juvenile justice system and select appropriate intervention(s) to reduce it.

Short-term, state-specific consultation. JJEC helps states enhance their capacity to assess their DMC-related juvenile justice programs and initiatives and to incorporate evaluation into the program development and planning processes. For example, in response to a request for assistance from Idaho in 2002, JJEC provided state-level reports of DMC assessment and program implementation from several other states. The outcome was the development of a partnership between the Idaho Department of Juvenile Corrections and a university to conduct ongoing research and analysis regarding minorities in the Idaho juvenile justice system.

Grants to develop evaluation partnerships. Through existing partnerships with state Statistical Analysis Centers (SACs), JJEC awarded grants to the Colorado, Illinois, and Iowa SACs in 2001. These grants enabled state and local juvenile justice agencies to form partnerships to assess their states' initiatives to reduce DMC. Colorado studied selected juvenile diversion programs to better understand the extent to which minority overrepresentation exists. The study included a comparison of referral rates to successful termination rates for minority and nonminority youth. The work in Illinois focused on the development of a database to support annual county-level monitoring of DMC rates at multiple stages of the juvenile justice system. Iowa worked with a number of key juvenile justice system stakeholders to develop and maintain standardized reports that included racial categories for planning, evaluation, and monitoring purposes. Iowa also worked with state and local officials to increase their ability to use Iowa court information in their decisionmaking.

Building Blocks for Youth Initiative

The Building Blocks for Youth initiative (Building Blocks) is a partnership of organizations in the fields of law, justice, communications, and public policy. The partners in the initiative are the Youth Law Center (this grantee is the lead partner), the American Bar Association Juvenile Justice Center, the Justice Policy Institute, the Juvenile Law Center, Minorities in Law Enforcement, the National Council on Crime and Delinquency, and the Pretrial Services Resource Center. The primary goals of the Building Blocks initiative are to protect minority youth in the justice system and promote equitable and effective juvenile justice system policies. Building Blocks has obtained financial support from seven foundations, the Bureau of Justice Assistance, and OJJDP.

The Building Blocks initiative promotes an integrated five-pronged strategy to address DMC. The five strategies, each of which builds on the others, are as follows:

- Conducting new research.
- Analyzing decisionmaking in the system.
- Advocating for minority youth.
- Building constituencies for change.
- Developing communications strategies.

Recent and planned activities for the four strategies supported by OJJDP are outlined below.¹

Conducting new research. Building Blocks has conducted a number of research projects and literature reviews on DMC and has published a number of documents on its findings.

Analyzing decisionmaking in the system. This strategy focuses on decisionmaking at various points of contact within the juvenile justice system, such as initial police contacts, detention, adjudication, and sentencing. The W. Haywood Burns Institute² currently carries out projects in Phoenix, AZ, Seattle, WA, and other locations. The initiative also conducts site-based work to reduce overincarceration in Maryland and Louisiana, to reduce unnecessary transfers of youth to criminal court in Florida, and to reduce unnecessary and racially disparate school suspensions in Kentucky.

Building constituencies for change. This strategy involves broad-based collaboration with national, state, and local organizations, policymakers, and other leaders concerned with civil rights, community development, and child welfare; the identification of community leaders nationwide who can be spokespersons on DMC issues; and the dissemination of information about juvenile justice system reform to these constituents.

Developing communications strategies. The goal of this strategy is to develop and provide up-to-date, accurate, and useful information to constituent organizations, policymakers, and the public about issues related to DMC. Effective media outreach activities are based on the results of focus groups; relevant publications, policies, and legislation; national polls surveying public attitudes toward youth, crime, and race; and case histories of individual offenders.

¹OJJDP does not support providing direct advocacy for minority youth.

²The W. Haywood Burns Institute, located in San Francisco, CA, works with local jurisdictions to reduce minority overrepresentation in the juvenile justice system.

Efforts by States To Address DMC

Update on State Compliance With the DMC Core Requirement

To participate in the JJDP Act Formula Grants Program, a state must first identify whether DMC is an issue in the state. When states determine that DMC exists, they are required to conduct an indepth examination of the treatment of both minority and nonminority youth at various decision points in the juvenile justice system and, where appropriate, to implement intervention strategies designed to reduce DMC. See “Summary of State Compliance With the DMC Core Requirement” (page 10) for a report on the compliance status among the jurisdictions participating in the Formula Grants Program (48 states, 5 territories, and the District of Columbia), based on OJJDP’s review of FY 2002 state plan updates.

A significant number of jurisdictions (23 states and the District of Columbia) have completed the identification and assessment phases, are implementing the intervention phase, and have submitted updated DMC data, demonstrating ongoing monitoring efforts. In addition to these activities, three of these jurisdictions continue to update their assessment studies and conduct evaluations of their intervention efforts. The other jurisdictions have engaged in various levels of DMC activities.

Findings of States’ DMC Assessment Studies

The focus of state assessments is to determine why DMC exists in order to address it successfully. Assessments to gather information on contributing factors include quantitative research (analysis and tracking of case files) and qualitative research in the form of public forums, interviews, mail surveys of juvenile justice and other related personnel, and interviews of minority juveniles and their families. Responses³ to an OJJDP survey of all states conducted in November 2000 yielded a national picture of the factors contributing to DMC, as identified by the states’ assessment research, and of the activities and programs the states had designed to address those factors. Although the specific contributing factors and the extent of their influence varied within and across states, the most frequently identified factors were found in the following interrelated spheres: the juvenile justice system, the educational system, the socioeconomic conditions, and the family.

³Information was obtained from 44 states: responses were received from 29 state Juvenile Justice Specialists, and OJJDP State Representatives provided information on 15 states. Two states (South Dakota and Wyoming) are not participating in the Formula Grants Program, and information was not available for four states. Puerto Rico is exempt from the DMC core requirement, and the other four territories are exempted from further DMC studies because they have determined that DMC does not exist in their facilities of confinement.

Summary of State Compliance With the DMC Core Requirement

The following summary of state compliance with the DMC core requirement, pursuant to Section 31.303(j) of the JJDP Formula Grants Regulation (28 C.F.R. Part 31), is based on FY 2002 Formula Grant applications as of December 2002.

- In addition to completing the identification and assessment phases in earlier years, three states continue to monitor their DMC trends each year, update their assessment studies, implement intervention strategies to address identified factors that contribute to DMC, and conduct evaluations of their DMC efforts:

Colorado
Pennsylvania
Washington

- The District of Columbia and 20 states have completed the identification and assessment phases, are implementing the intervention phase, and also have submitted updated DMC data, demonstrating ongoing monitoring efforts:

Alaska*	Idaho	New York
Arkansas	Minnesota	North Dakota
California*	Mississippi	Oklahoma
Connecticut	Missouri	Oregon
Delaware†	Montana	South Carolina‡
District of Columbia	Nevada	Tennessee*
Georgia	New Jersey	Virginia

- Four states have completed the identification and assessment phases, are implementing the intervention phase, and plan to update DMC identification data and/or assessment studies:

Indiana
Kansas
Michigan
New Mexico‡

- One state has completed the identification phase, is implementing the intervention phase, and is conducting a formal assessment study.

Alabama

- Four states have completed the identification phase, are implementing the intervention phase, and plan to conduct formal assessments:

Louisiana
North Carolina
Ohio
West Virginia

- Eleven states have completed the identification and assessment phases and are implementing the intervention phase:

Arizona	Iowa	Texas
Florida	Maryland	Utah
Hawaii	Massachusetts [†]	Wisconsin
Illinois	Nebraska	

- One state became a participating state in the Formula Grants Program in 1999. It has completed the identification phase and is conducting an assessment study:

Kentucky[‡]

- Two states in which the minority juvenile population recently exceeded 1 percent of the total juvenile population, which requires them now to comply with the DMC requirement, have partially completed the identification phase:

Maine
Vermont

- Four territories have completed the identification phase, which revealed that minority juveniles were not being disproportionately detained:

American Samoa
Guam
Northern Marianas
Virgin Islands

- One territory has been exempted by the U.S. Census Bureau from reporting racial statistics and, therefore, is exempt from complying with the DMC requirement:

Puerto Rico

- Two states are under a drawdown restriction of 25 percent of the FY 2002 Formula Grant allocation pending submission of required information:

New Hampshire
Rhode Island

- Two states did not participate in the FY 2002 Formula Grants Program:

South Dakota
Wyoming

* Began to receive intensive DMC technical assistance in January 2002 to further enhance DMC efforts.

† Received intensive DMC technical assistance from November 2000 to July 2001 to further enhance DMC efforts.

‡ Received intensive DMC technical assistance since November 2000 to further enhance their DMC efforts.

Juvenile Justice System

Several factors within the juvenile justice system contribute to DMC:

- **Racial stereotyping and cultural insensitivity:** Eighteen states identified racial stereotyping and cultural insensitivity—both intentional and unintentional—on the part of the police and others in the juvenile justice system (e.g., juvenile court workers and judges) as important factors contributing to higher arrest rates, higher charging rates, and higher rates of detention and confinement of minority youth. The demeanor and attitude of minority youth can contribute to negative treatment and more severe disposition relative to their offenses. The belief that minority youth cannot benefit from treatment programs also leads to less frequent use of such options.
- **Lack of alternatives to detention and incarceration:** Eight states identified the lack of alternatives to detention and incarceration as a cause of the frequent use of confinement. In some states, detention centers are located in the state's largest cities, where most minority populations reside. With a lack of alternatives to detention, nearby detention centers become “convenient” placements for urban minority youth.
- **Misuse of discretionary authority in implementing laws and policies:** Five states observed that laws and policies that increase juvenile justice professionals' discretionary authority over youth contribute to harsher treatment of minority youth. One state notes that “bootstrapping” (the practice of stacking offenses on a single incident) is often practiced by police, probation officers, and school system personnel.
- **Lack of culturally and linguistically appropriate services:** Five states identified the lack of bicultural and bilingual staff and the use of English-only informational materials for the non-English-speaking population as contributing to minorities' misunderstanding of services and court processes and their inability to navigate the system successfully.

Educational System

Ten states identified the lack of educational resources in schools in minority neighborhoods, the failure of schools to engage minority students and their families, the inability to prevent early and high rates of school dropout among minority students, and the concomitant failure of minority students and their families to participate fully in the educational system as factors contributing to early academic failure and early involvement in delinquency.

Socioeconomic Conditions

Thirteen states identified poverty, substance abuse, few job opportunities, and high crime rates in predominantly minority neighborhoods as placing minority youth at higher risk for delinquent behaviors. Moreover, concerted law enforcement targeting of high-crime areas yields higher numbers of arrests and formal processing of minority youth. At the same time, these communities have fewer positive role models and fewer service programs that function as alternatives to confinement and/or support positive youth development.

Three states identified the commission of more crime—and more serious crime—by minority youth as an important factor contributing to DMC. An assessment study in one of these states determined that between one-fourth and one-half of the racial disparity in confinement was due to racial differences in seriousness of the offenses and frequency of arrests.

Family

Eleven states found that a disproportionate number of youth in confinement came from low-income, single-parent households (female-headed households, in particular) and households headed by adults with multiple low-paying jobs or unsteady employment. Family disintegration, diminished traditional family values, parental substance abuse, and insufficient supervision contribute to delinquency development. Poverty reduces minority youths' ability to access existing alternatives to detention and incarceration as well as competent legal counsel. One state found that minority youth were diverted from criminal prosecution at lower rates than nonminority youth and were less likely to appear at diversion hearings, to comply with diversion requirements, and to be diverted for subsequent offenses than nonminority youth in similar situations. Another state noted that, although preadjudication options were offered equally to minority youth and nonminority youth, the rate at which these options were revoked for technical violations was higher for minority youth. Given the multiple stressors and limitations experienced by many minority families, their relative inability to comply with the requirements of diversion programming is not surprising.

State Actions To Reduce DMC

The states that responded to OJJDP's November 2000 survey have instituted a variety of activities and programs to address the contributing factors to DMC identified by their research. The most frequently adopted strategies were community-based prevention, intervention, and diversion programs (30 states) and cultural sensitivity training (20 states). These and other actions to reduce DMC are summarized below.

Community-Based Prevention, Intervention, and Diversion Programs

Thirty states have funded prevention and intervention programs in communities with large minority concentrations. These most frequently used strategies address the factors in the families and communities of minority youth that predispose the youth to delinquent behaviors and place them at a disadvantage in navigating the juvenile justice system. Examples of the kinds of programs created are minority family advocate, probation advocate, parenting projects for Spanish-speaking parents, Hispanic case managers in elementary schools to increase school attendance, an Elder-Mentor Program for American Indian families, and many afterschool and evening programs.

In addition to creating prevention and intervention programs, several states increased their alternatives to detention and incarceration by instituting home detention, intensive supervision, electronic monitoring, emergency shelters, expedited programs to reduce inappropriate and unnecessary confinement, transition and aftercare services for African American males leaving secure correctional institutions, and many other similar programs.

Efforts To Increase Cultural Sensitivity, Cultural Competency, and Public Awareness of DMC Issues

Twenty states have instituted cultural sensitivity training for personnel in the law enforcement, educational, juvenile justice, and human services systems. Some states have developed curriculums on cultural sensitivity and some have held conferences. To further assure cultural competency in the juvenile justice system's response to minority youth, four states have sought to increase the cultural diversity of their staff through recruitment and promotion practices. One of these states established minority internship programs. Five states have made efforts to improve their juvenile justice systems by developing informational materials in languages other than English, adding juvenile court probation staff in tribal juvenile courts, recruiting members of minority groups to serve on community accountability boards, providing better information to parents, and reducing barriers to advocacy. Three states have held annual statewide conferences on DMC.⁴

Community Empowerment

Three states established local committees to monitor and track DMC at the local level and advocate for programs to reduce DMC. Six states have worked to enhance relationships between the juvenile justice system and minority communities and have engaged minority groups in planning and implementing programs for minority youth. In one

⁴In addition to these state conferences, the Coalition for Juvenile Justice holds a national DMC conference annually with OJJDP funding support.

state, for example, American Indian villages have initiated disposition of various misdemeanor offenses committed by local youth.

Standardized Screening Instruments

To counter subtle racial stereotyping and bias, seven states have adopted standardized screening instruments to achieve more objective decisionmaking. This includes using standardized risk and needs assessment classification systems, developing model intake screening guidelines, mandating prosecutorial standards, and employing standardized diagnostic tools.

Strengthened State Leadership

Twenty-one states have established DMC subcommittees as part of their State Advisory Groups. Several of these subcommittees are strong advocates for priority funding to reduce DMC. They strive to enhance public awareness of and focus on DMC issues, develop plans to reduce DMC, and monitor the implementation of these plans. To assure focused efforts, state agencies increasingly recognize the importance of establishing state DMC coordinator positions. As of 2002, 20 states have designated state DMC coordinators, an increase from 10 states in 2000. These coordinators, working in partnership with DMC subcommittees, can champion DMC issues; become a repository of DMC information, resources, and technical assistance; and facilitate sustained DMC efforts statewide.

Continued Collection and Monitoring of DMC Data

Eight states plan to collect and monitor DMC data on an ongoing basis. At least two of them have done so consistently over the past years. Others will improve, complete, or unify their juvenile justice information systems. One state plans to merge its data collection efforts with those of other related agencies.

Systems Change Through Legislation

Oregon and Washington have institutionalized systems improvement through legislative efforts. Oregon passed a law mandating cultural competency in all state agencies. To achieve this, the state first developed youth advocacy services, cultural competency program criteria, and a minority internship program in each of the three counties with the highest numbers of minority youth and then replicated these elements in other counties. Oregon also developed transition services for African American and

American Indian males and minority females leaving state secure correctional institutions; alternative education services for high-risk, court-involved Hispanic youth; and the Oregon Leadership Institute Project to reduce school dropouts among Hispanic youth.

In Washington State, four pieces of legislation emerged from DMC assessment studies. The legislation led to the adoption of prosecutorial standards, the development of experimental programs implementing prosecutor guidelines to reduce racial inequality in the prosecution of juveniles, a requirement for state agencies supervising youth adjudicated delinquent or convicted in criminal court to report annually on minority representation, and the establishment of local juvenile justice advisory committees to monitor and report annually on proportionality and to review and report on citizen complaints regarding bias or disparity within local juvenile justice systems. Washington's comprehensive systems change efforts to reduce DMC over the past 10 years are featured later in this Summary.

Remaining Challenges

Many states and localities have made great strides in understanding the factors that contribute to DMC and have designed and implemented strategies to address those factors. Some states and localities have even attempted to evaluate their efforts and monitor their DMC trends. However, important challenges remain, and they must be overcome before a significant reduction in DMC is achieved. These challenges include:

- **Factors contributing to DMC have still not been identified in a number of states.** Although a majority of states have implemented strategies to address DMC, at least 18 states have yet to identify the factors contributing to DMC in their communities. This is primarily because they have been unable to complete quality assessment research, a task that requires not only high levels of data collection and analysis skills but also an in-depth conceptual understanding of complex DMC issues.
- **Incomplete and inconsistent data systems hinder DMC efforts.** Incomplete and inconsistent data systems constitute another important barrier to DMC assessment and monitoring in many states. Some states have recognized a need to enhance juvenile justice information systems but have improved little to date.
- **Evaluation of DMC efforts and monitoring of DMC trends should be ongoing.** Ongoing and comprehensive data collection to monitor DMC rates provides valuable feedback on the effectiveness of a state's overall strategy to reduce DMC over time. Evaluation of intervention activities yields information about whether a specific intervention is working. The state can then examine which elements of the

strategy made a difference. On the other hand, where DMC rates persist or increase further, careful study can lead to appropriate modifications or new intervention strategies. Although many states recognize the need to conduct an ongoing evaluation of DMC efforts to monitor trends, many states have not done so, in part because of the data problems described above. Four states have attempted to gather and compare DMC data annually. One of these states has established what can be considered a model monitoring system that tracks DMC trends in a consistent and timely manner. This state also reports encouraging signs of downward DMC rates.

- **Reducing DMC requires systems change as well as programmatic components.** Although the majority of states commonly recognize that multiple factors at different decision points contribute to DMC, they have primarily invested in delinquency prevention and intervention programs that focus on minority youth, their families, and communities. Systems change—efforts to address the factors within the juvenile justice system that contribute to DMC—is also necessary. As part of efforts to institute a cultural competency model, cultural sensitivity training for personnel involved in the juvenile justice system and increasing cultural diversity among staff should be systematically provided, enhanced, and monitored. Similarly, systematic training in the use of standardized screening instruments is necessary to achieve maximum objectivity in decisionmaking. Two states have instituted legislative reforms to assure that policy and procedural changes are broad based and long lasting. Two other states have expanded their programmatic DMC efforts to include a systems change component.
- **Mechanisms to assess and respond to DMC issues need to be institutionalized.** DMC is a pervasive and deeply entrenched social phenomenon that requires multifaceted, comprehensive efforts over a long period of time. Factors such as frequent staff turnover, competing priorities, and the complex nature of the issues affecting DMC can impede these efforts. To achieve focus and consistency in reducing DMC, states should establish and institutionalize mechanisms that examine and respond to the factors that contribute to it. At a minimum, state infrastructure should include a state-level DMC coordinator and an effective DMC subcommittee working in partnership to address DMC issues.

Washington State's Experience

Washington State provides a good example of a comprehensive, research-based approach to DMC that incorporates both systems change and programmatic efforts. Over the past decade, Washington has implemented three basic strategies in its efforts to reduce DMC:

- Conducting research studies.
- Enacting legislation to ensure policy and procedure changes.
- Developing and sustaining programmatic and administrative initiatives at the state and county levels.

Each strategy has contributed to the state's overall effort to reduce minority overrepresentation in its juvenile justice system. Research studies have identified the factors contributing to DMC in Washington, offering empirical evidence about the degree and location of DMC in the main stages of case processing in the juvenile justice system. Laws enacted by the Washington State Legislature have established standards for decisionmaking at certain stages of the juvenile justice process and also have required state agencies to monitor and report annually on how county juvenile courts handle minority youth. State agencies in Washington have maintained programs that monitor county courts, with senior staff members of the agencies also serving as advocates for statewide and local DMC programs and initiatives. In particular, the Governor's Juvenile Justice Advisory Committee (GJJAC), which is the State Advisory Group, has taken a leadership role in assessing the representation of minority youth in the juvenile justice system and has allocated funds to conduct research, provide technical assistance, and support prevention and intervention projects that address DMC.

Conducting Research Studies

Since 1988, GJJAC has produced annual reports on the characteristics of youth who come in contact with Washington's juvenile justice system. In 1992, GJJAC initiated the first of a series of studies and projects to examine the specific problems faced by minority youth in the state's juvenile justice system. The studies assessed the degree of overrepresentation of minority youth. Where disproportionality was found, GJJAC developed policies and strategies to remedy the problem.

The first study, *Racial Disproportionality in the Juvenile Justice System* (Bridges et al., 1993), which was conducted by the University of Washington, collected empirical data on cases processed in five counties with high rates of violent crime and chronic juvenile offending, high levels of minority concentration within the population, and a high degree of urbanization. The researchers conducted approximately 170 interviews with justice officials and spent 65 hours on police ridealongs. The analyses of this information revealed racial and ethnic disparities at all stages of the juvenile justice process.

Minority youth were more likely than whites to be referred, detained, prosecuted, adjudicated, and confined in juvenile correctional facilities, and at rates higher than would be expected given their numbers in the population. By comparing differences among counties in Washington to identify those with the highest levels of DMC, the study concluded that the high levels of DMC in these counties could not be explained solely by a higher number of minority youth committing offenses, getting arrested or cited and referred to the juvenile court, and then being prosecuted and adjudicated for their offenses.

The study also showed that the influence of race and ethnicity varied at different points within the juvenile justice system. At the detention decision point, minority youth were more likely to be detained than white youth, even after differences between the offenses and backgrounds of the youth were taken into account. This finding is extremely important because the mere fact of being detained prior to adjudication seemed to affect subsequent stages of case processing. Although minority youth were, on average, prosecuted at substantially higher rates than whites, this occurred primarily because prosecution was significantly more likely for minority youth who had a record of juvenile court referral and for any youth detained prior to adjudication.

At adjudication, minority youth—particularly those with records—were more likely than white youth with similar offense records to be adjudicated delinquent. As with prosecution, youth who were detained prior to adjudication were also much more likely to be adjudicated delinquent than other youth. These factors combine to cause pronounced disparities at adjudication because white youth and youth who had not been detained prior to adjudication were significantly more likely than minority youth to have the charges filed against them dismissed by the court.

Finally, racial and ethnic disparities at sentencing correlated to racial differences in the likelihood of detention prior to adjudication. In statistical analyses, detention had a direct and independent influence on sentencing outcomes, above and beyond the effects of other factors. Youth who were detained preadjudication were more likely to receive sentences to correctional confinement than youth with similar offenses and offense histories who were not detained. This last finding was particularly problematic because, at the time, the state actually had prescriptive sentencing guidelines for juveniles based solely on the youth's age, criminal history, and severity of offense.

In response to the study's findings and recommendations, the Washington Legislature in 1993 directed the Department of Social and Health Services to begin monitoring levels of DMC in county courts and state correctional facilities. (See "Engrossed Substitute House Bill 1966," page 22.) As part of this monitoring requirement, the University of Washington completed a series of subsequent studies between 1995 and 2000 to evaluate the county programs, assess the causes of DMC, and document any

changes in levels of disproportionality over time (Bridges et al., 1995 and 2000; Bridges, Steen, and Bates, 1997; Bridges and Steen, 1998; and Bridges, Anderson-Bond, and Desmond, 1999). Although all of these studies reveal how statewide changes in levels of DMC influence county programs and caseloads, the findings of the 1998 study led to new strategies for reducing racial and ethnic disparities in juvenile justice decisionmaking. That study examined case files, predisposition reports, and probation officers' assessments of youth for a sample of cases adjudicated in the early 1990s. The study asked whether officials' perceptions of the crimes of minority and white offenders were different, whether differences in perceptions of white and minority youth and their crimes resulted in differences in assessments of the risk of reoffending, and whether any such differences in assessments of risk resulted in differences in sentencing recommendations.

The 1998 study found that probation officers consistently portrayed black youth differently than white youth in written court reports, more frequently attributing blacks' delinquency to negative attitudinal and personality traits. In contrast, depictions of white youth more frequently stressed the influence of the individual's surrounding social environment, including factors such as negative peer influences and dysfunctional families.

The study also found that probation officers assessed the criminal acts and life situations of minority youth and white youth quite differently, even when the youths' offenses and backgrounds were similar. In assessing the likelihood of recidivism of minority offenders, probation officers relied more heavily on negative internal attributions (i.e., personality traits) than on the severity of youths' crimes or on their criminal histories. For example, probation officers attributed black crime to negative personality or attitudinal traits of black offenders, judged black youth to be more dangerous than white youth, and frequently recommended more severe sentences for black youth than white youth. Therefore, perceptions and attributions about youth and their crimes were a mechanism by which an offender's race influenced judgments of dangerousness and sentencing recommendations.

Based on these findings, the study recommended that court personnel be trained to base their assessment of a youth's risk of reoffending and amenability to treatment on criteria applied equally to minority youth and white youth. Further, the study recommended that the courts and state agencies should provide additional training to court workers to specifically remedy unwarranted racial disparities in assessments of youth.

Enacting Legislation To Ensure Policy and Procedure Changes

Publication of the 1993 study triggered extensive debate about DMC in Washington State, including a firestorm of publicity about racial disparities in the juvenile courts. As noted earlier, the study documented DMC in Washington's largest counties, revealing disparities at many points within the juvenile justice system. The study also made

significant recommendations for policy initiatives to improve the administration of juvenile justice in Washington State and thereby reduce DMC. The following are the study's major findings:

- Procedures for the collection and analysis of information on youth referred to and prosecuted, adjudicated, and sentenced in juvenile courts need improvement.
- Routine and extensive diversity training for law enforcement and juvenile justice officials needs to be initiated.
- Procedures for disseminating information about the administration of juvenile justice, such as specifying that rules and procedures be translated into foreign languages to assist new immigrants, need to be improved.
- The section of the Washington Criminal Code that specifies criteria for use in detention decisions needs to be revised.
- The section of the Washington Criminal Code that specifies conditions on state funds granted to county juvenile courts needs to be revised.
- Uniform principles and practices in the prosecution and adjudication of juvenile offenses need to be developed.
- Sentencing standards to redress any adverse effects of preadjudication detention need to be reviewed and revised.
- Alternatives to detention and confinement for juvenile offenders need to be developed.

In response to these recommendations, the research findings, and the public debate, the Washington Legislature enacted four major laws designed to reduce disparities in Washington's juvenile justice system. These laws are discussed below.

Engrossed Substitute House Bill 1966

Engrossed Substitute House Bill (ESHB) 1966, enacted in 1993, required that counties using state funds above and beyond county program funds were required to address minority overrepresentation in detention and other juvenile facilities. The bill also mandated that a group of justice officials in the Office of the Administrator of the Courts (the Juvenile Justice Racial Disproportionality Work Group) develop standards for the prosecution of juvenile offenders, review disproportionality in diversion, and review the use of detention in an effort to reduce disproportionality. Prosecutorial standards were subsequently adopted in 1995.

House Bill 2319

Enacted in 1994, House Bill 2319 mandated statewide annual monitoring of racial disproportionality in the juvenile courts at the county level. The law also provided funds in the 1993–95 biennial budget to “evaluate racial and ethnic disparity within county programs,” including annual reporting on the effectiveness of county-based measures for reducing disproportionality within the state. Further, the law established local juvenile justice advisory committees at the county level to monitor and report annually on proportionality and the effectiveness and cultural relevance of local and state rehabilitative services for juveniles. The committees were also charged with reviewing and reporting on citizen complaints regarding bias or disproportionality within local juvenile justice systems. (A number of the local advisory committees funded by GJJAC are also designated to serve as these committees.) The committees are required to submit reports annually to the Washington State Sentencing Guidelines Commission, the agency that oversees all aspects of juvenile and criminal sentencing in the state and that reports biennially to the state legislature.

House Bill 2392

In response to concerns about racial disparities in juvenile prosecutions in Washington, House Bill 2392, passed in 1996, established an experimental program in two counties to implement and evaluate prosecutor guidelines to reduce racial inequality in the prosecution of juveniles. An offender-based tracking system was developed and implemented in two participating prosecutors' offices to track the application of prosecutorial standards in cases brought to juvenile court. The system showed whether the decision to prosecute or not prosecute was influenced by the race, gender, religion, or creed of the suspect or victim. As part of the experiment, researchers collected and analyzed data on the role of race in prosecutorial decisions, adjusting for the characteristics of the offense, the suspects, and the victims involved in these cases.

The analysis found that, despite the guidelines, cases involving minority defendants were more likely to be waived to adult court than cases involving white defendants and that cases involving male defendants were more likely to be waived to adult courts than cases involving female defendants. Cases involving white and female defendants had a higher likelihood of being diverted, whereas cases involving minority and male defendants had a higher likelihood of having charges filed. Although some racial differences persisted despite the guidelines, no definitive conclusions could be drawn about whether prosecutorial discretion contributed to DMC. The study further found no clear pattern to explain the differences and recommended additional research to include analysis of police reports.

Engrossed Substitute House Bill 3900

ESHB 3900, the Community Juvenile Accountability Act of 1997, required a variety of agencies to establish guidelines for the implementation of community-based juvenile programs. In response to the law, juvenile court administrators developed criteria for evaluating the likelihood that a juvenile will commit subsequent crimes. The criteria have been formulated as an assessment instrument for evaluating youth, the “Washington Association of Juvenile Court Administrators—Risk Assessment.” The criteria represent a significant step in the direction of a structured assessment of youth by court probation staff to reduce any discretionary biases in making recommendations to the court prior to adjudication about risk of reoffense and postdisposition need for services.

Developing and Sustaining Programmatic Initiatives at the State and County Levels

As required by the laws described above, juvenile courts in Washington developed a range of new programs and policies directly aimed at reducing DMC in the following areas:

- Enhancing cultural competency.
- Monitoring, assessing, and formulating intervention strategies at the local level.
- Using standardized risk assessments at multiple points in the juvenile justice system.
- Sustaining state support for local DMC efforts.

The new programs and policies implemented in each of these areas are summarized in the sections below.

Enhancing Cultural Competency

All courts in the State of Washington completed cultural awareness or diversity training for juvenile court staff. In many courts, the training has become a routine part of staff orientation. In some courts, training focused on how cultural sensitivity to others can be applied to concrete decisionmaking situations involving youth. Nearly all courts developed and made available to the public materials in different languages that make the court more accessible to youth and their families, particularly those whose primary language is not English. Interpreters were provided to enable non-English-speaking youth and families to participate in juvenile court proceedings. A few courts successfully integrated minorities from their communities into the work of the court. When successfully implemented, these types of programs are expected to change the culture of the court by fostering more diverse perspectives on juvenile justice and on the treatment of juvenile offenders.

The Yakima County Juvenile Court has implemented these changes. Yakima County is a large, primarily rural county that relies heavily on agriculture and particularly the production of fruit and row crops as its primary source of revenue and employment. Hispanics are the largest minority group in Yakima, and 35 percent of all youth in the 1990 population were of Hispanic or Latin origin. Many of the Hispanics in Yakima are relatively recent immigrants, part of the large population of farm workers who support the agricultural industry. In 1993, DMC in Yakima reached a peak, with Hispanics constituting 51 percent of all youth referred to juvenile court, 63 percent of all youth detained, 56 percent of all youth prosecuted, and 57 percent of all youth sentenced to juvenile correctional facilities. A change of leadership in the Yakima juvenile court in 1995 resulted in the implementation of many new programs. Among the most significant of these was the development of volunteer-staffed community accountability boards for pretrial diversion. These boards oversee diversion placements in different communities within the county and serve as liaisons among the court, the community, and juvenile offenders. In developing the boards, the court successfully recruited volunteers from Hispanic communities across the county. As a result, the court now has a workforce of volunteers that includes numerous Hispanics, and a large majority of the diversion boards are Spanish speaking. Creation of the boards and the recruitment of volunteers from Hispanic communities across Yakima has had the effect of creating a culture within the court that is more aware and responsive to the unique challenges and problems of Hispanic youth.

Monitoring, Assessing, and Formulating Intervention Strategies at the Local Level

Some courts undertook the difficult process of examining the unique causes of disproportionality in their own jurisdictions. These courts now routinely monitor the problem and examine measures of minority overrepresentation at each stage of court operation. The Benton-Franklin Juvenile Court, which has concurrent jurisdiction over juvenile justice in two adjacent communities, exemplifies this practice. These counties make up the area surrounding the Hanford nuclear reservation in eastern Washington. Although the counties are primarily rural, they have concentrated populations in small urban centers. Further, the minority population in the two counties consists primarily of Hispanics and African Americans. Whereas the African American community has existed in the area since the 1940s, the Hispanic population has grown in recent years as migrant workers and their families passing through eastern Washington permanently settled in the counties.

In response to concerns about DMC, the Benton-Franklin Juvenile Court initiated a local DMC study and established procedures for routinely collecting and analyzing information on minority youth referred to the court. The court now produces an annual report on DMC, thoroughly documenting the concentration of minority youth at each

stage of the juvenile justice process. The court has also sponsored an all-staff training session on DMC, focusing on the problems of minority youth in the area. The reports and training have heightened the awareness of court personnel to DMC issues. Further, court administrators have examined and changed rules of procedure for detention and diversion in order to guard against racial bias in court proceedings. The Benton-Franklin court was among the first in Washington State to discuss and implement standardized risk assessments in detention and diversion decisions in response to DMC concerns.

Using Standardized Risk Assessments at Multiple Points in the Juvenile Justice System

A standard risk assessment is now in use in all of the juvenile courts in Washington State. Individual courts use the assessment instrument differently: some administrators use it at only one stage in the court process, while others use it throughout. Further, some use the instrument to structure decisionmaking at many stages of the juvenile justice process, while others use it simply to record attributes of offenders and to track them through disposition. Counties that rely on the risk assessment instrument in decisionmaking typically use it for one or more of the following purposes:

- For detention screening after a youth has been determined to meet the admission criteria.
- As part of pre- or postdisposition diagnostic evaluations.
- For all cases involving a motion for deferred disposition and all postadjudication probation cases.
- In the cases of all adjudicated sex offenders.

All probation counselors use one part of the risk assessment instrument for preliminary evaluation of youth when they are placed on probation. Probation counselors complete the full risk assessment for all youth identified as moderate and high risk by the preliminary evaluation.

Although not developed primarily for the purpose of reducing DMC, the risk assessment instrument structures decisionmaking by court officials, imposing a uniform procedure to evaluate youth. Using standardized risk assessments has the potential to reduce the number of racially biased assessments and recommendations for juveniles convicted of crimes.⁵

⁵Analyses of risk assessment data from cases processed since 1998 reveal that racial differences in criminal risk levels diminished when differences in defendants' criminal histories and social risk scores were taken into account. In other words, the risk assessment procedures yield assessments of offenders in which race has no statistically significant influence. More thorough analyses are needed to determine whether race influences sentencing and treatment recommendations.

Sustaining State Support for Local DMC Efforts

DMC studies of individual county courts have addressed the degree of disproportionality at each stage of system processing and the factors associated with that disproportionality. Presently, GJJAC continues to allocate funds for technical assistance to counties to further analyze data on racial disproportionality and, based on data, to develop local plans and measures for reducing disproportionality. GJJAC currently supports the efforts of 17 local Juvenile Justice Advisory Committees. These committees coordinate and collaborate on efforts to reduce disproportionality through the development of delinquency prevention and intervention services, community-based alternatives to secure detention and confinement, aftercare services, and staff training.

GJJAC also considers DMC reduction a priority issue and spent more than \$500,000 on supporting it between 1997 and 2000. The following programs are examples of those implemented at the county level and statewide to reduce DMC:

- Diversion case trackers to assist youth in successfully completing a diversion agreement.
- Alternative school programs for youth accused of crimes who might not succeed in other public schools.
- Community programs that supplement parental supervision and mentoring of minority youth accused of crimes to help prevent those youth from committing new crimes.
- Programs that perform a rapid needs assessment of each minority youth held in detention and develop individualized service plans to reduce recidivism.
- Projects that work with Hispanic youth and their families to assist with problem identification and facilitate referral and access to needed services.
- Afterschool and evening activities for American Indian youth to restore cultural pride, self-esteem, and commitment to community.
- Gang awareness and prevention programs, alcohol and substance abuse education, and domestic violence and sexual assault awareness programs.

Summary of the Evolution of Washington State's DMC Reforms

Empirical research on the degree and the causes of DMC has played an integral role in Washington's efforts to address DMC. The research has thus far produced a series of widely distributed reports on the problems of minority youth in juvenile courts. These reports, repeatedly presented and discussed at local conferences, workshops, and legislative hearings, drew attention to DMC across the state. The research also inspired legislators and judicial officials to enact four major laws between 1993 and 1997 to

address disparities in the administration of juvenile justice. The laws required that counties develop programs and policies to redress the problems of minority youth in the courts, that state agencies monitor and report on the effects of these programs, and that courts implement new measures for assessing and evaluating youth adjudicated for crimes. In enacting these laws, the legislature and the senior staff in state agencies who advocated for the reforms significantly changed the rules and procedures of juvenile justice in Washington's counties. Equally important, they sensitized judges and court personnel across the state to the problems of minority youth and the need to reduce DMC. This heightened sensitivity to racial and ethnic disparities represents an important cultural shift within the state's courts. Concurrently, GJJAC has continued to provide financial and technical assistance to support prevention, intervention, and aftercare services for minority youth and to monitor DMC trends in the state.

DMC Trends in Washington State, 1990–99

As noted earlier in this Summary, Washington is one of only three states that have attempted to gather and compare DMC data annually. The data collected in Washington for the period 1990–99 show that the state's comprehensive efforts to address DMC issues have reduced disproportionality at most stages of the juvenile justice system. These data and the trends they represent are summarized in the sections that follow.

Overview

Between 1990 and 1999, the youth population in Washington State grew 21 percent, an increase of approximately 264,780 children from 1,267,609 in 1990 to 1,532,386 in 1999.⁶ In 1990, minority youth constituted 18 percent of the total youth population, which was 82 percent white, 6 percent Hispanic, 5 percent Asian/Pacific Islander, 4 percent African American, and 2 percent American Indian. By 1999, the populations of Hispanic and Asian youth had increased substantially, and minority youth constituted 22 percent of a total youth population that was 78 percent white, 9 percent Hispanic, 6 percent Asian/Pacific Islander, 4 percent African American, and 2 percent American Indian.⁷ During the same period, the crime rate in Washington State decreased significantly. Consistent with national trends, Washington's violent crime rate dropped from 496 per 100,000 in 1990 to 371 per 100,000 in 1999. Table 2 shows the proportions of minority youth processed at several stages of Washington State's juvenile court system for the 1990s and the DMC index values for each decision point in 1990 and 1999. The DMC index value for each decision point is calculated by dividing the percentage of minority juveniles represented at each point in the juvenile justice system by the

⁶The data reported in this section are taken from *Racial Disproportionality in County Juvenile Facilities: 10 Years Experience* (Bridges et al., 2000).

⁷Data on the racial composition of the population in 1990 and 1999 do not sum to 18 and 22 percent, respectively, due to the effects of rounding.

percentage of minority juveniles in the state's total juvenile population. A value greater than 1.0 indicates that minorities are disproportionately represented. The greater the index number, the greater the amount of disproportionate representation. Therefore,

Table 2: Proportion of Minority Youth Processed Through the Juvenile Court System in Washington State, 1990–99, Including Changes in DMC Index Values

Stage of Process and Year	N [†]	Race Known	Percent Minority Youth [*]	DMC Index Value
Total referred to court				
1990	45,555	41,321	27.9	1.55
1991	49,242	44,936	27.9	
1992	53,633	50,426	28.8	
1993	53,455	50,938	29.8	
1994	58,674	56,101	29.6	
1995	59,391	57,876	28.6	
1996	60,592	58,620	29.6	
1997	57,568	55,820	29.8	
1998	57,461	55,316	29.7	
1999	52,397	49,720	29.5	1.34
Diverted from court/prosecution				
1990	21,772	19,650	22.6	1.26
1991	23,468	21,264	22.7	
1992	24,773	22,965	23.0	
1993	24,414	22,991	24.4	
1994	26,011	24,624	24.5	
1995	25,394	23,978	25.0	
1996	25,530	24,516	25.3	
1997	24,202	23,316	26.2	
1998	23,881	22,748	25.6	
1999	22,259	20,867	25.7	1.17
Detained for more than 24 hours before adjudication[‡]				
1990	2,489	2,437	48.5	2.70
1991	4,470	4,344	40.9	
1992	4,544	4,438	44.0	
1993	4,607	4,533	45.6	
1994	5,493	5,409	44.2	
1995	5,743	5,652	41.6	
1996	6,565	6,479	44.6	
1997	6,610	6,541	42.4	
1998	6,725	6,645	40.8	
1999	6,698	6,549	38.6	1.75

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Disproportionate Minority Confinement: 2002 Update

Stage of Process and Year	N†	Race Known	Percent Minority Youth*	DMC Index Value
Prosecuted (charges filed)[§]				
1990	17,969	17,181	35.8	1.99
1991	20,040	19,108	34.8	
1992	22,293	21,379	35.3	
1993	21,051	20,480	36.9	
1994	24,006	23,388	35.8	
1995	25,284	24,679	34.2	
1996	26,916	26,386	34.5	
1997	26,388	25,905	34.1	
1998	26,893	26,224	34.2	
1999	23,563	22,817	33.6	1.53
Adjudicated delinquent				
1990	11,003	10,530	32.1	1.78
1991	12,527	11,957	31.7	
1992	14,387	13,818	33.1	
1993	13,866	13,487	34.8	
1994	15,604	15,217	33.5	
1995	16,135	15,804	32.4	
1996	17,093	16,793	33.9	
1997	16,507	16,254	33.5	
1998	17,098	16,760	33.2	
1999	15,188	14,714	31.7	1.44
Sentenced to county detention[¶]				
1990	5,190	4,995	30.6	1.70
1991	5,733	5,476	31.1	
1992	6,568	6,326	32.6	
1993	6,334	6,197	35.5	
1994	7,160	7,013	34.1	
1995	7,726	7,609	34.1	
1996	8,217	8,101	35.0	
1997	8,069	7,967	35.4	
1998	8,752	8,610	34.3	
1999	6,845	6,696	33.2	1.51

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Stage of Process and Year	N [†]	Race Known	Percent Minority Youth [*]	DMC Index Value
Sentenced to state correctional supervision[#]				
1990	1,263	1,229	39.9	2.22
1991	1,465	1,426	36.5	
1992	1,559	1,521	39.7	
1993	1,557	1,527	40.3	
1994	1,893	1,854	41.4	
1995	1,878	1,846	37.6	
1996	1,805	1,787	40.5	
1997	1,932	1,917	40.6	
1998	1,644	1,624	41.9	
1999	1,195	1,180	43.1	1.96

[†] Year counts refer to the year in which the originating referral for new criminal conduct occurred. Only referrals for felonies and misdemeanors that originated and were handled within a single jurisdiction have been included. Total number of identifiable referrals was 547,968.

^{*} Includes African American, American Indian, Asian and Pacific Islander, Hispanic, and unspecified racial groups.

[‡] "Detained before adjudication" refers to at least one period of more than 24 hours spent in detention before the adjudication date. The 1990 counts underestimate the extent of preadjudication detention due to insufficient information to link the detention files to the referral files.

[§] Refers to any charges filed within a single referral.

^{||} Guilty (finding or pleas) on at least one count (within a single referral).

[¶] Incarceration in a county juvenile facility for at least one count (within a single referral).

[#] Incarceration in a state juvenile correctional facility for at least one count (within a single referral).

Source: Washington State and King County databases.

this decade was marked by an increased concentration of minority youth in the population (from 18 percent to 22 percent), a decrease in the amount and seriousness of juvenile crime, significant changes in the laws and policies of Washington in relation to DMC, and a consistent reduction in the extent of disproportionate minority representation in Washington's juvenile justice system (as reflected in decreases in the DMC index values).

Youth Referred to the Juvenile Court

Between 1990 and 1999, the proportion of minority youth referred to the juvenile court increased from 28 percent to 30 percent, a slightly smaller increase than occurred in the total youth population. The increase was attributable almost entirely to an increase in referrals of Hispanic youth.

During the same period, the severity of crimes attributed to minority youth declined. In 1990, nearly 9 percent of all referrals involving minority youth were for serious offenses, compared with 4 percent of referrals for white youth. By 1999, only 6 percent of minority referrals were for serious felonies (the proportion for white youth remained at 4 percent). The racial composition of referrals (petitions to juvenile court, usually following arrests) for serious and violent crimes also changed.

A similar shift occurred in the history of criminal involvement of minority youth referred to court. Although minority youth were more likely than white youth to be referred for more than one offense in any given year, the number of multiple referrals declined between 1990 and 1999. Whereas 32 percent of minority youth were referred for more than one offense in 1990 (compared with 22 percent of white youth), in 1999, only 28 percent of minority youth had more than one referral (the proportion for white youth remained at 22 percent).

Youth Diverted From Court/Prosecution

Between 1990 and 1999, the total number of youth diverted from prosecution increased slightly. In 1990, 21,772 youth were diverted. By 1999, the total number diverted increased slightly to 22,259, having reached a peak in 1994 of 26,011. Between 1990 and 1999, the proportion of minority youth among those diverted from court increased, paralleling the increase that occurred in minority referrals. Whereas youth of color constituted 23 percent of the total population of youth diverted in 1990, they represented 26 percent of all youth diverted in 1999. This increase was primarily attributable to an increase in the proportion of Hispanic youth diverted, which rose from 5 percent in 1990 to 9 percent in 1999.

Youth Detained Before Adjudication

Despite increases in minority youth in the general population and in juvenile court referrals, the concentration of minority youth detained before adjudication in Washington dropped sharply over the 10-year period. Prior to 1994, the proportion of minority youth detained statewide averaged nearly 45 percent—well above the concentration of minority youth referred to juvenile court. By 1999, this proportion had dropped to approximately 39 percent. The decline was primarily attributable to decreases in detention of African American youth.

Prosecuted Youth

Between 1990 and 1999, the concentration of minority youth prosecuted for crimes remained relatively stable across the state. By 1999, minority youth constituted 34 percent of the total population of youth prosecuted. Rates of minority prosecution were

fairly uniform across most counties. Only a few counties experienced increases in the percentage of prosecutions of minority youth, while some large counties experienced reductions in those percentages.

Youth Adjudicated Delinquent

Only slight changes occurred in the concentration of minority youth adjudicated delinquent between 1990 and 1999. In 1990, minority youth constituted 32 percent of the total population of youth adjudicated delinquent. The concentration of minority youth adjudicated delinquent peaked in 1993, reaching 35 percent of all adjudicated youth. By 1999, however, the proportion had returned to 32 percent.

Youth Committed to Local Detention

Between 1990 and 1993, the proportion of juveniles sentenced to local detention increased from 31 to 36 percent, closely following increases in minority youth being adjudicated delinquent. Starting in 1994, however, minority concentration in commitments to detention declined, reaching 33 percent in 1999. This decline was primarily associated with lower levels of detention for African American youth. During the same period, slight increases occurred in the percentages of Hispanic and American Indian youth committed to local detention.

Youth Sentenced to Correctional Supervision

Between 1990 and 1997, the proportion of minority youth sentenced to correctional supervision remained relatively stable at about 40 percent, dipping to 38 percent in 1995. In the last years of the decade, the proportion increased, from 41 percent in 1997 to 43 percent in 1999. The percentage of juveniles committed to correctional supervision varied significantly across counties and different racial and ethnic groups during the last years of the decade. Although the percentage decreased among African Americans, it increased among American Indians, Asians/Pacific Islanders, and Hispanics.

Analysis of DMC Trends in Washington State

At many stages of the juvenile justice system after referral, disproportionate minority representation declined between 1990 and 1999, with the largest decline in detention before adjudication. The numbers of minority youth who were prosecuted, adjudicated, and sentenced were relatively stable. Overall, the proportion of minority youth at each stage of the system either declined from peak values occurring in the early 1990s or remained stable. Typically, disparities began diminishing in 1994, shortly after the release of the first statewide study and the Washington State Legislature's enactment

of the state's first laws to redress DMC. A notable exception was the increase in the percentage of minority youth sentenced to correctional supervision between 1997 and 1999. Although many factors may have contributed to the increase, laws that took effect in 1998 appear to have increased judicial discretion over aspects of sentencing to local detention facilities. In 1998, juvenile court judges were afforded discretion to sentence some youth to terms as long as 1 year in local detention facilities (in lieu of sentencing them to more secure correctional facilities). To the extent that judges sentenced a disproportionate number of white youth to local detention and minority youth to correctional supervision, the percentage of minorities among youth sentenced to correctional facilities increased.

After the development of statewide risk assessment procedures in late 1997, juvenile courts began collecting information on assessments of youth and sentencing recommendations in 1998. When adjustments are made for differences in defendants' criminal histories and social risk scores, these data show that racial differences in risk assessments diminished significantly. That is, the risk assessment procedures yielded evaluations of offenders in which race had no statistically significant independent influence. Therefore, the use of risk assessment procedures has significantly reduced racial disparities in evaluations of offenders.

Any rigorous analysis of DMC must also examine change at the local level. County differences in Washington between 1990 and 1999 were significant. Many courts that aggressively implemented measures to reduce levels of disproportionality witnessed significant reductions in the percentage of minority youth at many stages of the juvenile justice process. In these courts, judges, administrators, and staff developed policies and programs that are consistent with national models for reducing disproportionality. A striking example was rural Yakima County in eastern Washington. The proportion of minority youth in Yakima's total youth population increased from 43 percent in 1990 to 60 percent in 1999, but the proportion of the county's minority youth referred to court increased at a lesser rate—from 54 percent in 1990 to 62 percent in 1999. The proportion of minority youth diverted from the legal process in Yakima County increased from 43 percent in 1990 to 62 percent in 1999, a level nearly equal to the minority representation in the county's youth population. Similarly, the proportion of minority youth detained before adjudication decreased from a peak of 71 percent in 1993 to 63 percent in 1999, the proportion sentenced to county detention decreased from a peak of 70 percent in 1993 to 60 percent in 1999, and the proportion sentenced to state correctional facilities decreased from 68 percent in 1990 to 62 percent in 1999. For each of these stages, the proportion reached in 1999 approximated the proportion of minority youth in the county's youth population.

Some counties that implemented measures to reduce disproportionality did not experience steady or significant reductions. Indeed, several reported increased levels of disproportionality. In King County (Seattle and the surrounding area), for example, the percentage of minority youth sentenced to correctional supervision increased dramatically between 1998 and 1999, even though it had dropped steadily between 1990 and 1998. The precise causes of these changes in levels are unclear. The city of Seattle currently is examining racial disparity in the juvenile justice system through the Building Blocks for Youth initiative, discussed earlier (see page 7).

Lessons Learned in Washington State

Washington's experience shows that four elements are key to a state's success in reducing DMC:

- Leadership at the state level that is committed to addressing all DMC issues.
- Consistent local implementation of intervention strategies to reduce DMC.
- Multilevel partnerships among researchers, legislators, and juvenile justice administrators and practitioners.
- Adequate resources to support new requirements.

Commitment and Leadership at the State Level

All of the measures taken to reduce DMC in Washington State were strongly supported by leaders in the legislature and senior staff of the state agencies involved—primarily GJJAC and the Juvenile Rehabilitation Administration. Over the decade in which Washington initiated its DMC reforms, these individuals remained fully committed to addressing DMC issues and to ensuring that county courts developed programs to reduce DMC. The legislature enacted laws that encouraged courts to reduce DMC. Further, staff stability during the decade ensured continuity in the monitoring of programs developed at the county level. The decrease in DMC across most stages of the juvenile justice system in Washington shows that a strong, stable state leadership that is committed to addressing all DMC issues is critical to the success of a state's efforts to reduce DMC.

Aggressive Local Implementation of Strategies

In some of Washington's large courts, the implementation of programs yielded significant reductions in levels of disproportionality. In other large courts, however, the same

programs were much less successful in reducing DMC. The courts that saw reductions in DMC typically were those whose administrators or senior staff aggressively implemented the state's new programs and policies. Where senior administrators accorded low priority to reducing DMC, the reductions were minimal.

Further, because the causes of disproportionality in local courts vary from one community to another, statewide policies and programs alone will not eliminate unwarranted racial disproportionality. Local court officials must continue to examine disproportionality within each community, and each court must undertake the following steps—which closely mirror state-level efforts—to address its causes:

- Implement local data collection on a routine basis and track case flow for minority youth and white youth from referral to disposition.
- Identify the stages within the local juvenile justice process where minority overrepresentation is highest.
- Assess risk and protective factors specific to local communities and develop community-specific delinquency prevention strategies.
- Identify the factors contributing to overrepresentation at each of these stages.
- Train staff about the specific causes of overrepresentation, if appropriate.
- Where overrepresentation appears to be related to actions of individual decision-makers, create a review system to ensure that decisions are made fairly.
- Develop and use decisionmaking criteria and risk assessment procedures that are explicit and as race-neutral as possible. Use structured risk assessments at any stage where minority overrepresentation is high, despite the added workload required to implement them.

Ongoing Partnerships

Systems change occurs through ongoing partnerships among researchers, legislators, and juvenile justice administrators and practitioners. As researchers study trends in the administration of juvenile justice, they must collaborate with legislators and practitioners in developing policy initiatives grounded in the research results. Forging collaborative relationships with officials who shape and implement policy is essential to integrating research into an agenda of systems and institutional change. Officials who contribute to the design and implementation of the research—at least to the framing of research questions—are more inclined to embrace the research results, using them to inform administrative operations of juvenile justice agencies.

The juvenile courts in Washington State have changed significantly since publication of the 1993 study and the enactment of ESHB 1966. Diversity training is now a part of juvenile and criminal justice training curriculums and orientation programs for most court services staff. Further, the focusing on cultural competency in the workplace has led to an increased emphasis on diversity training that is job specific. Court staff members have also become increasingly diverse: the number of minority staff members has grown dramatically from 1995 to 1999.

The collection and analysis of information on race and the legal process are now part of the routine administration of local courts. Moreover, the implementation of statewide, standardized risk assessment procedures in 1997–98 may significantly reduce racial differences in officials' assessments of juvenile offenders. Preliminary analyses of data on youth who were evaluated according to the risk assessment procedures yielded no significant racial differences in risk assessments.

Resources To Meet New Requirements

Additional resources have not always accompanied the requirements that resulted from Washington State's DMC-related legislation. For example, local courts were expected to provide diversity training for all staff, but no new state or local funds were set aside for these activities. These new requirements have been particularly difficult for smaller courts to implement, given the high costs.

Washington's racial and ethnic minority populations are heavily concentrated in urban centers across the state. With the exception of the Yakima and Benton-Franklin county courts, disproportionate representation of minority youth in the juvenile justice system occurred primarily in those counties with the largest urban populations (Seattle, Tacoma, and Spokane). DMC measures were thoroughly implemented in areas with large minority populations and significant court resources that could be dedicated to this problem. For example, the standardized risk assessment implemented in 1997 has added substantial work for the staff of many smaller courts. Although most court administrators recognize and accept the value of the risk assessment procedure, many of them voiced strong objection to the added workload.

Conclusions

Despite the difficulties some Washington courts have experienced in implementing changes designed to reduce DMC, the state's juvenile justice system overall has changed for the better. The increased diversity in most courts' staff, routine collection of data

and monitoring of DMC trends, and the increased use of risk assessment procedures in juvenile justice decisionmaking represent critical steps toward a system that is more sensitive to cultural differences and that makes decisions about youth and their crimes in a more consistent manner. These systems change efforts, combined with Washington's priority investment in the prevention of and early intervention in juvenile crime in neighborhoods with the greatest needs, are the hallmark of the state's comprehensive approach to reducing DMC. Recognizing that eliminating DMC will require sustained efforts over many years, Washington and its localities continue to evaluate their DMC strategies and monitor their DMC trends through continuing partnerships among researchers, juvenile justice and other youth-serving practitioners, and citizens.

Future Directions

The JJDP Act of 2002, signed into law on November 2, 2002, modified the DMC requirement of the Act as follows: “In order to receive formula grants under this part (Part B), a state shall submit a plan for carrying out its purposes applicable to a 3-year period In accordance with regulations which the Administrator shall prescribe, such plan shall . . . [address] juvenile delinquency prevention efforts and system improvement efforts designed to reduce, without establishing or requiring numerical standards or quotas, the disproportionate number of juvenile members of minority groups who come into contact with the juvenile justice system.” This change essentially broadens the DMC initiative from disproportionate minority “confinement” to disproportionate minority “contact” by requiring an examination of possible disproportionate representation of minority youth at all decision points along the juvenile justice system continuum. It further requires multipronged intervention strategies including not only juvenile delinquency prevention efforts, but also system improvement efforts to assure equal treatment of all youth.

Effectively addressing DMC will require long-term coordinated efforts at the federal, state, and local levels. OJJDP will continue to support research and targeted training and technical assistance to states and local communities to help them meet the identified challenges. OJJDP’s action steps are set forth in the sidebar on page 40.

In sum, DMC is the result of a large number of complex decisions and events. OJJDP is committed to ensuring equal treatment for every youth involved in the juvenile justice system and to assisting states to adopt a comprehensive, balanced, and multidisciplinary approach to reduce DMC.

OJJDP's Action Steps To Reduce Disproportionate Minority Contact

- ❑ Complete a full DMC progress review and publish a status report that describes state progress in addressing DMC, identifies state needs, and provides a training and technical assistance plan to address these needs.
- ❑ Enhance, through training and technical assistance delivery, the risk- and protection-focused prevention model; emphasize the selection of promising or effective prevention programs; and provide proactive assistance to communities in accessing additional funding sources to implement their comprehensive delinquency prevention plans.
- ❑ Provide systematic guidance to states, regarding both grant fund utilization and intensive technical assistance, as the impetus for change in improving state juvenile justice data systems.
- ❑ Develop Web-based data entry to allow monitoring of progress in DMC reduction efforts within and across states and local jurisdictions over time.
- ❑ Emphasize, through the delivery of training and technical assistance, the importance of instituting and sustaining systems change.
- ❑ Encourage states to develop and institutionalize the infrastructures and mechanisms necessary to assess and respond effectively to DMC issues in a focused and sustained manner.
- ❑ Implement a DMC national evaluation initiative under OJJDP's State Evaluation Support Program to enhance state evaluation of DMC programming and systems change efforts.
- ❑ Invest in the evaluation and replication of identified promising strategies to reduce DMC. Assume the leadership in expanding the number of proven DMC intervention strategies and in disseminating effective practices and lessons learned to the field.
- ❑ Assume leadership in improving data collection and analysis from the states.
- ❑ Work with the states to develop data that will better inform their policy and program development.

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