

Juvenile Disproportionate Minority Contact

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Juvenile Justice and Delinquency Prevention Act

- Since 1998, the Act has required States that receive Formula Grants program funding to determine
 - whether the proportion of juveniles minorities in confinement exceeds their proportion of the population
 - and, if so, to develop corrective strategies
- In 1992, Congress elevated this issue to a “core requirement” of the Act.
- 2002, threshold changed from Confinement to *Contact*

From Confinement to *Contact*

- Enables a more encompassing examination of the juvenile justice system
 - Racial/ethnic differences occur at various decision points within the juvenile justice system
- Research has shown that disparity is the most pronounced at the beginning stages – intake (arrest, referral) and detention decision points.
 - When racial/ethnic differences are found, they tend to accumulate as youth are processed through the justice system.

Key Terms in DMC Research

- *Overrepresentation:*
 - a larger proportion of a particular group is present (at various stages) within the juvenile justice system than would be expected based on their proportion in the general population.
- *Disparity:*
 - the probability of receiving a particular outcome differs for different groups

Reasons for Overrepresentation

- Discrimination:
 - differential actions throughout the justice system may account for minority overrepresentation
- Minority youth:
 - commit proportionately more crime, are involved in more serious incidents, and have more extensive criminal histories than white youth
- Either or both of these causes of disparity may be operating.

Race and Ethnicity Categories

- **White**
- **American Indian or Alaska Native**
- **Asian**
- **Black or African American**
- **Native Hawaiian or Other Pacific Islander**
- **Hispanic or Latino**

Source of data: US Census Bureau

Implementation of DMC

- **ID Phase – Determine if DMC exists**

 - and if it exists, at what decision point (s) in the juvenile justice system is it occurring?

- **Assessment Phase** – Examine data from each decision point to determine why DMC exists.

- **Intervention**– Work in all areas of law enforcement, the courts and corrections to reduce/eliminate DMC.

- **Evaluation** – How DMC responds to policy initiatives and system interventions.

- **Monitor** – trends in DMC within and across jurisdictions.

Identification Phase - Process

ID Phase

- Analyzed Maine's DMC reporting capacity
 - Examined MDPS, MDOC, and Court information systems, including stand-alone databases and other tools
 - Learned what data is available, when it is available, what isn't available, and identified gaps and reporting issues
- Collected DMC data for each decision point from 4 separate data collection/information systems
- Analyzed 2004 DMC data set (1/1/04 – 12/31/04)

Key Findings Capacity Assessment

educating leaders, informing public policy, strengthening civic life



Findings - Capacity Assessment

MDPS – UCR Reporting

- MDPS reports juvenile demographics, such as age, gender, county and crime on an annual basis
 - Annual report does *not* include race or ethnicity of juveniles or adults arrested that year

- MDPS does *not* currently collect data on arrested or detained juveniles' Ethnicity (Hispanic/non-Hispanic)

Findings - Capacity Assessment

MDPS – UCR Reporting

- MDPS collects and enters Race data on UCR report forms, but
 - Race data are *not* entered into an automated system
 - Thus are *not* available for analysis without extensive hand search of paper records

Findings - Capacity Assessment

MDPS – UCR Reporting

- MDPS scores only one offense per offender
 - Local statistics in the MDPS annual report count only the total number of persons arrested, *not* the number of offenses for which they were arrested

Findings - Capacity Assessment

MDPS – UCR Reporting

- Issues of reliability of race and ethnicity data
 - Many law enforcement officials are not adequately trained to assess race and ethnicity
 - As a result, these data are at best a undercount

Findings - Capacity Assessment

MDOC - CORIS

- The quality of the data are currently insufficient for reliable analysis of DMC - e.g. diversion and petition to court - and other purposes.

- SAC decided to compare CORIS data to hand-produced monthly statistical reports completed by each region and compiled by MDOC central office

Findings - Capacity Assessment

MDOC - CORIS

- A large proportion of 2004 Decision Point data - about 20% - were not entered into CORIS as of March 2005
- Of those entered, many are incomplete
 - For example, a review of some records reveals that the 'referral' status has not been updated in over 30 days.
- Currently impossible to accurately gauge Petitions to Court

Findings - Capacity Assessment

MDOC - CORIS

- High number of incomplete records makes it impossible to accurately measure diversions – e.g. Informal Adjudications and Sole Sanctions - from the juvenile justice system

Findings - Capacity Assessment

MDOC - CORIS

- When ethnicity is not entered, the ethnicity field defaults to 'non-Hispanic.'
 - This practice has the effect of *underestimating* the number of juveniles who pass through corrections and identify themselves as Hispanic

Findings - Capacity Assessment

MDOC – Detention Database

- State, county, and other local law enforcement units submit hard copy monthly reports of juveniles detained in certified state and local detention facilities
- These data sheets are sent to MDOC - central office staff enters them into an Access database
 - Thoroughly completed – except Ethnicity - but
 - Inadequate training of staff taking Race information

Findings - Capacity Assessment

ME Judicial Branch – MEJIS

- The MEJIS system is *unable to yield Decision Point and Race/Ethnicity data* on juveniles brought before the courts in 2004
 - MEJIS is able to report Juvenile filings by case (similar to adult criminal filings) – not useful for DMC analysis
- Court data would be useful as a stand-alone source and as a source for comparison with data from CORIS for several key decision points

Recommendations

- I. **Align Future DMC Research Efforts with Initial Juvenile DMC Findings**
 - e.g. urban v. rural

Recommendations

II. Train Staff Who Determine Race and Ethnicity of Juveniles

- Law Enforcement, JCCOs, etc
- Court personnel?
- Training should focus on best practice with opportunity to practice

Best Practice

II. (a) Conduct Best Practice Interviews to Gather Information about Race/Ethnicity

- Subjects should *first* be asked whether they are ‘Hispanic or Latino’, and *then* whether they are one of five races*, in order:
 - White,
 - Black or African-American,
 - Asian,
 - American Indian or Alaska Native, and
 - Native Hawaiian or other Pacific Islander
 - It is not clear if this policy has been put into practice among all law enforcement agencies

* from ‘Phase II DMC Report for New Hampshire’ by Eileen M. Dryden, PhD, Amada Barrett, Kavita Bhandary, M. Barton Laws, PhD (personal communication) iterating OJJDP policy.

Recommendations

III. Begin Collecting and Recording Information About Juveniles' Ethnicity at Arrest

- (a) MDPS practice issue
- (b) MDOC – CORIS system issue

Recommendations

IV. Record Race/Ethnicity Data Electronically at MDPS

- Automation enables trend analysis
- Cuts out a lot of the time spent collecting data by hand

Recommendations

V. Complete CORIS Data Set

- (a) Conduct Spot Checks/Audits of CORIS Data
- (b) Undo the CORIS 'Default' to Non-Hispanic

Recommendations

VI. Keep Focus on Building Capacity to Report DMC in Juvenile Justice System

- Implications for trend analysis and reporting
- Increased levels of information system capacity (automated, populated, extractable, macros available, can monitor, etc)
- DMC experts recommend working toward (envisioning) integrated juvenile justice information systems

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