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**DISPROPORTIONATE MINORITY CONFINEMENT
TECHNICAL ASSISTANCE MANUAL**

September 1990

U.S. Department of Justice
Office of Juvenile Justice and Delinquency Prevention

Prepared by the Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice, in conjunction with Community Research Associates, Inc., under contract number OJP-88-C-006.

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PREFACE

At the request of the Office of Juvenile Justice and Delinquency Prevention, Community Research Associates (CRA) convened a Disproportionate Minority Confinement Work Group to develop a technical assistance strategy to assist in implementing the disproportionate minority confinement amendment at the state and local level. The following individuals comprise the work group:

Miller Anderson
Illinois Department of Children
and Family Service

Dan Elby
Pennsylvania SAG

Terry Edwards
New Jersey JJ Planner

Bill Feyerherm
Portland State University

Victoria Irons Graves
Minnesota SAG

Darnell Hawkins
University of Illinois at Chicago

Lettie Lockhart
University of Georgia

Jonas Mata
Oklahoma Department of Human
Services

Carl Pope
University of Wisconsin--Milwaukee

Jim Brown
Community Research Associates

Doyle Wood
Community Research Associates

Deborah Wysinger
Office of Juvenile Justice and
Delinquency Prevention

This manual is a key component of the technical assistance effort to assess and address the overrepresentation of minority youth in the juvenile justice system. The manual is intended to assist the State Juvenile Justice Specialists and SAG members in understanding the issues associated with the disproportionate confinement of minority youth and provide a step-by-step process for their consideration.

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BACKGROUND ON THE AMENDMENT

During the 1988 Reauthorization of the JJDP Act, Section 223(a)(23) was amended to establish a new requirement that each state's Formula Grant Plan address efforts to reduce the proportion of juveniles who are members of minority groups confined in secure facilities. As stated below, the amendment and implementing regulations require each state participating in the formula grants program to assess and address the overrepresentation of minority juveniles in all types of secure facilities.

In accordance with regulations which the Administrator shall prescribe, [the State Plan] shall . . . address efforts to reduce the proportion of juveniles detained or confined in secure detention facilities, secure correctional facilities, jails, and lockups who are members of minority groups if such proportion exceeds the proportion such groups represent in the general population; . . .

The Juvenile Justice and Delinquency Prevention Act of 1974, As Amended (Public Law 93-415). Section 223(a)(23).

Pursuant to Section 223(a)(23) of the JJDP Act, states must address efforts to reduce the proportion of juveniles detained or confined in secure detention facilities, secure correctional facilities, jails and lockups who are members of minority groups if such proportion exceeds the proportion such groups represent in the general population, viz., youth at risk for secure confinement. It is important for states to approach this in a comprehensive manner. Compliance with this provision is achieved when a state has met the requirements set forth in paragraphs (j)(1)-(3) of this Section:

- (1) Provide documentation in the State Plan Juvenile Crime Analysis to indicate whether minority juveniles are disproportionately detained or confined in secure detention or correctional facilities, jails, or lockups in relation to their proportion of the at risk youth population;
- (2) Where documentation is unavailable, or demonstrates that minorities are disproportionately detained or confined in relation to their proportion in the at risk youth population, states must provide a strategy for addressing the disproportionate representation of minority juveniles in the juvenile justice system, including but not limited to:
 - (i) Assessing the differences in arrest, diversion, and adjudication rates, court dispositions other than incarceration, and the rates and periods of commitment to secure facilities of minority youth and nonminority youth in the juvenile justice system;

- (ii) Increasing the availability and improving the quality of diversion programs for minorities who come in contact with the juvenile justice system such as police diversion programs;
 - (iii) Providing support for prevention programs in communities with a high percentage of minority residents with emphasis upon support for community-based organizations that serve minority youth;
 - (iv) Providing support for reintegration programs designed to facilitate reintegration and reduce recidivism of minority youths;
 - (v) Initiate or improve the usefulness of relevant information systems and disseminate information regarding minorities in the juvenile justice system.
- (3) Each state is required to submit a supplement to the 1988 Multi-Year Plan for addressing the extent of disproportionate representation of minorities in the juvenile justice system. This supplement, which will be submitted as a component of the 1989 Formula Grant Application and Multi-Year Plan Update, must include the state's assessment of disproportionate minority representation, and a workplan for addressing this issue programmatically. Where data is insufficient to make a complete assessment, the workplan must include provisions for improving the information collection systems. The workplan, once approved by OJJDP, is to be implemented as a component of the state's 1990 Formula Grant Plan.
- (4) For purposes of this plan requirement, minority populations are defined as members of the following groups: Asian Pacific Islanders; Blacks; Hispanics; and, American Indians.

Formula Grants Regulations for Juvenile Justice, 28 CFR Part 31, Federal Register, June 20, 1985 as amended August 8, 1989. Section 31.303(j) Substantive Requirements for Minority Detention and Confinement.

For the purposes of determining overrepresentation of these minority youth in secure facilities, the term "general population" is considered to be youth at risk for secure confinement. The statutory requirement for states to address efforts to reduce disproportionate confinement of minority youth is in response to recommendations and information provided to the Committee on Education and Labor which revealed that Hispanic male juveniles are confined at a rate of 2.6 times that of white male juveniles.

For black male juveniles, the comparison with white male juveniles produces an even higher ratio of four to one. Between 1977 and 1983, the number of confined minority youth increased by 26 percent, even though the number of these youth being arrested was declining. The National Coalition of State Juvenile Justice Advisory Groups' 1989 Report submitted to the President and Congress entitled A Delicate Balance focused on the differential processing of minorities within the juvenile justice system. National data sources, as well as other studies, have documented the fact that minority offenders are overrepresented in secure facilities across the country. While the research literature is far from conclusive with regard to the effect that race or ethnicity may play in influencing the differences in the handling of majority and minority youth within the juvenile justice system, it does suggest that racial or ethnic status may well be a factor influencing decisions in certain jurisdictions and at particular decision points during certain time periods.

The OJJDP Instructions to the States issued on December 4, 1989 (see Appendix A) is divided into two phases. Phase One requires each state to conduct a preliminary examination of the problem. If a state determines that a problem does exist, then a Phase Two State Strategy must be prepared. This strategy should include a comprehensive assessment of the reasons for disproportionate confinement; improving prevention, diversion, and nonsecure detention and corrections programs in areas where minority youth reside; outreach to community-based organizations that serve minority youth; and reintegration programs for youth previously confined in state or local facilities so as to reduce the likelihood of recidivism. Further, the state may develop and implement policies and practices which are racially and ethnically neutral and which produce unbiased, neutral results such as adopting objective criteria for determining the

appropriate placement for youth. The ultimate goal is for each state to improve the juvenile justice and youth services system by creating a comprehensive community-based service system that provides services for all youth equally and which are available to all youth regardless of race or ethnic background. Appendix B provides responses to frequently asked questions on the OJJDP Instructions regarding the Disproportionate Minority Confinement Amendment.

INTRODUCTION TO THE ISSUE

As a generalization across most jurisdictions in the United States, it is readily apparent that minority youth are disproportionately overrepresented in the juvenile justice system and juvenile detention and correctional facilities. Beyond such an observation, the explanations for this phenomenon and the potential solutions become myriad. The intent of this manual is to provide a general approach which may be used by state (and local) juvenile justice planners in addressing this issue. At the outset, it is critical to understand that the causes and reasons leading to overrepresentation are likely to differ considerably across jurisdictions. In addition, the data sources available to assess the problem will vary from location to location depending upon the type and sophistication of juvenile justice information systems. In the same manner, the available resources to combat the problem will vary across jurisdictions. As a result, there can be no "cook-book" formula for planners to follow in addressing the problem. While this manual will attempt to provide some direction and suggestion for issues and approaches to be considered, the ultimate decisions as to the design and implementation of a plan to reduce overrepresentation must be responsive to local conditions. As a consequence, the overriding advice to planners is to provide the best information possible under existing state and local conditions and then to document carefully the sources and limitations of that information.

The overrepresentation of minority youth within the juvenile justice system may be seen in the context of several "shells" of the environment within which the system operates. The first of these "shells" may be seen as the general social context, particularly in relation to the socioeconomic position of many minority citizens. It has become increasingly recognized that a significant portion of American society is in an

impoverished state: the "underclass." It is also apparent from examination of a variety of social indicators of economic condition (e.g., unemployment rates, median education, median household income, etc.) that the composition of this impoverished group is disproportionately weighted toward minority citizens. If such economic and social conditions are viewed as contributory in the generation of illegal behavior among juveniles, then it follows that rates of delinquent behavior may be expected to be higher for such groups.

The second "shell" we may perceive around the operation of the juvenile justice system, is the set of general policies enacted by society to define those behaviors of greatest concern and the appropriate nature and level of social response to those behaviors. For example, the concern with the moral character of juveniles and with their protection has led to the development of the entire "status offender" group. Likewise, concerns over the use (or misuse) of discretion have led to the development of guideline-based decision making (e.g., detention criteria and sentencing guidelines). In a similar sense, social reaction to both adult and juvenile crime has led recently to a greater emphasis on punishment, especially those forms of punishment involving either confinement or a substantial deprivation of liberty and mobility.

Both of these "shells" may contribute to the phenomena of overrepresentation of minority youth in the juvenile justice system. Juvenile justice planners and policy makers must remain cognizant of these contributions as they develop a plan to address the disproportionate minority confinement Amendment. However, to focus on the contributions these "shells" make to overrepresentation is to completely miss another significant contributor. There is considerable evidence that policies, procedures and practices within the juvenile justice system operate to amplify the differences between

minority and majority youth. While there may be differences in the rates at which minority and majority youth come to the attention of juvenile justice authorities, the decision making process and the availability of resources within the juvenile justice system may also contribute to the overrepresentation of minority youth in the system.

It is within this context that this manual is presented for consideration by State Juvenile Justice Specialists and State Advisory Group members. The next section will address the area of basic problem identification and a process for determining the existence of disproportionate minority confinement. Another section discusses the need for comprehensive assessment of the reasons behind the problem and provide examples of issues often encountered during implementation of changes in legislation, policy, procedures, and practices. The section on program action plans presents a generic planning process for consideration by states in organizing their efforts to reduce disproportionate minority confinement. It illustrates a seven-step planning process which emphasizes the use of clear, accurate data by a representative planning group as the foundation for the development of an action plan. The area of program implementation will be the subject of continuing OJJDP documentation of innovative approaches to the reduction of disproportionate confinement of minority youth in secure facilities.

PHASE ONE: PROBLEM IDENTIFICATION

The purpose of Phase One Problem Identification is to determine the existence of the problem, where it is located, and its prevalence at various points within the juvenile justice system. Specifically, each state must provide documentation in the State Plan Juvenile Crime Analysis to indicate whether minority juveniles are disproportionately confined in secure juvenile detention or correctional facilities, adult jails, or adult lockups in relation to their proportion of the at risk youth population. This information will be collected at the state level and in the counties comprising selected standard metropolitan statistical areas (MSAs).

The minimum documentation a state should have includes the following:

- ▶ The total number of all juveniles placed in secure facilities broken down by the following type of facilities:
 - (a) juvenile detention facilities,
 - (b) juvenile correctional facilities,
 - (c) adults jails, and
 - (d) adult lockups.
- ▶ The number of minority juveniles (by ethnic or racial group) placed in secure facilities broken down by the following type of facilities:
 - (a) juvenile detention facilities,
 - (b) juvenile correctional facilities,
 - (c) adult jails, and
 - (d) adult lockups.
- ▶ The total juvenile population at risk for secure confinement; and
- ▶ The minority juvenile population (by ethnic or racial group) at risk for secure confinement.

The term "juvenile population at risk for secure confinement" means youth who, if arrested or adjudicated, would be eligible for placement in a juvenile detention or correctional facility. For example, in many states the eligible at-risk population would be youth age 10-17.

The terms secure detention facility and secure correctional facility are the same as those defined in Sections 103(12) and (13) of the JJDP Act.

In providing documentation on whether or not minority youth are disproportionately confined in secure facilities, the following format is suggested as a way of organizing and presenting the data that will be useful to the states in documenting the problem. (See Index Matrix and Instructions on Pages 10, 11, and 12.)

The data elements presented above represents the minimum which a state must undertake to determine whether minority youth are disproportionately held in the various types of secure facilities. The analysis should be conducted separately for each **minority group** within the state that represents at least 1% of the youth population at risk, (i.e., Black, Hispanic, American Indians, Asian, Pacific Islanders).

Juvenile arrest data and transfer data have been added to the Index Matrix because they relate directly to the disproportionate confinement of minority youth. These data are essential in developing a clear, accurate picture of differential handling of minority youth throughout the system. Failure to consider this type of data can "mask" the problem of differential handling. For instance, a practice of transferring a high percentage of minority youth to adult court immediately upon arrest (e.g., direct file) could involve differential handling, and yet not result in overrepresentation in secure juvenile facilities. It should be noted that these data elements were added to the Index

DISPROPORTIONATE MINORITY CONFINEMENT

INDEX MATRIX

1. AREA REPORTED

- Check one: Statewide
 MSA _____
name area(s)
 Other _____
name area(s)

2. MINORITY REPORTED

- Check one: All Minorities
 American Indians
 Black
 Asian
 Hispanic
 Pacific Islanders
 Other _____
 Combination _____, _____

3. REPORTING PERIOD: _____ through _____
month/year month/year

4. DATA ITEMS

Data Items	-A- Total Number of all Youth	-B- Total Number of Minority Youth	-C- % Minority	-D- Index
1. Juveniles confined in secure juvenile detention facilities.				
2. Juveniles confined in secure juvenile correctional facilities.				
3. Juveniles confined in adult jails.				
4. Juveniles confined in adult lockups.				
5. Total (items 1-4).				
6. Juveniles arrested.				
7. Juveniles transferred to adult court.				
8. Population at risk (age ____ through ____).				

5. DATA SOURCES

Item 1: _____
Item 2: _____
Item 3: _____
Item 4: _____

Item 6: _____
Item 7: _____
Item 8: _____

INDEX MATRIX INSTRUCTIONS

A. Filling Out the Matrix

1. Area Reported--Check (✓) only one.
 - "Statewide" is to be checked (✓) if the matrix data is for the entire state.
 - "MSA" is to be checked if the data is for a full MSA area. Provide the name of MSA, including all county name(s).
 - "Other" is to be checked when the area is not a full MSA. Provide name(s) of the county(s) and/or city(s) included.
2. Minority Reported--Check (✓) only one. Indicate the minority group(s) included in the matrix by providing appropriate (✓). When checking "Other" or "Combination" please indicate the minority group(s).
3. Reporting Period--Fill in the month and year of the reporting period. Use the most recent 12 month period for which complete data is available. The immediately preceding calendar year or fiscal year is preferred. A consistent reporting period should be used for all the data items.
4. Data Item--
 - Step 1. Fill in columns A and B for each of the data items.
 - Step 2. Calculate the percentages and place them in Column C by dividing Column B by Column A and multiplying that answer by 100.
 - Step 3. Create an index for each item by dividing each of the percentages in Column C by the percentage of minorities in the population at risk (Column C, last item). Place the answer in Column D.
5. Data Sources--Provide the source of data for each data item. Census data should be used in identifying the population at risk.

B. Definitions:

1. Asian--Chinese, Japanese, Vietnamese, Filipino, etc.
2. Juvenile Population at Risk--Those youth who, if arrested or adjudicated, would be eligible for placement in a juvenile detention or correctional facility. For example, in many states the eligible at risk populations would be youth age 10 through 17.
3. MSA--An area currently designated as a metropolitan statistical area by the Bureau of Census.

C. Interpretation of Index

An index value over 1.00 indicates that minorities are overrepresented. For example, an index value of 2.00 would mean that minority youth are represented at a rate twice that of the total at-risk population. Correspondingly, an index under 1.00 indicates that minorities are underrepresented.

matrix at the urging and support of state juvenile justice specialists and state advisory group members in meetings with OJJDP in September and November, 1989. Their inclusion was also urged and supported by juvenile justice practitioners and researchers who were consulted during the preparation of the OJJDP Instructions. Juvenile arrest data is generally accessible from state Uniform Crime Reports. The source of transfer data will depend on the mechanism used (e.g., waiver, concurrent jurisdiction, direct file, and age of jurisdiction).

State level analysis alone can obscure differences among local jurisdictions. For example, even if the state level analysis does not indicate overrepresentation, it is possible that overrepresentation, or differential handling, may be occurring in selected local jurisdictions. States must complete a separate Index Matrix for counties in at least three of the MSAs in the state. In selecting these three, consideration should be given to small, medium and large areas. The state should also include analysis of any jurisdiction where prior knowledge indicates overrepresentation may exist.

This preliminary state level and MSA information is the first level of documentation and must be submitted to OJJDP as part of the 3 Year Plan and Formula Grant Application. Each state must provide a narrative summary describing the extent of overrepresentation of minorities in secure facilities. This is achieved by amending the state's Analysis of Juvenile Crime Problems and Juvenile Justice Needs sections of the Three-Year Comprehensive Plan.

It should be noted that the Index Matrix (Phase I) only provides aggregate information at the state and selected standard metropolitan statistical area (MSA) level on disproportionate representation of minorities in secure facilities. This level of analysis cannot reveal patterns of disparity which may occur at all local levels. The

information gained as a result of this first level of analysis may be used to determine whether it is likely that a problem exists, as well as serve as a guide for the development of a more refined strategy for assessing the problem. A clear determination of the extent to which minority youth are disproportionately confined in secure facilities requires a comprehensive examination of data at both the state and local level which can be achieved in Phase Two.

If the state is unable to provide the first level of information or if the documentation demonstrates minority youth are disproportionately confined in secure facilities, the state must prepare a comprehensive state strategy to reduce disproportionate minority confinement. Further, if the state cannot provide the data required in Phase One, then the state strategy must include a plan to improve the quality of recordkeeping and data collection so as to assure accurate information on the issue of disproportionality.

PHASE TWO: STATE STRATEGY

If a state determines under Phase One that there is disproportionate confinement of minority youth in secure facilities, then the State must develop and implement a Phase Two State Strategy for addressing the problem.

In establishing this strategy the state must recognize the need for a comprehensive analysis of juvenile crime problems and juvenile justice needs as each relates to minority youth and the potential for overrepresentation of minority youth in all aspects of the juvenile justice system. The state is already required to conduct an annual analysis of juvenile crime and juvenile justice needs which results in a series of problem statements that are used as the basis for developing programs for funding. The scope of this part of the plan, as reflected in Appendix G of the FY 1991-1993 Formula Grant Application Kit, should be expanded when the state develops a strategy to address the disproportionate confinement of minority youth in secure facilities. In particular, the state strategy should reflect a comprehensive community-based youth service system that provides equal access for all youth involved with the juvenile justice system.

Assessing the Reasons for Disproportionate Confinement

Given the fact that the juvenile justice system is most often administered on the local level, the state may want to support a critical examination of the policies and procedures and key decision points which guide the administration of juvenile justice at the county and municipal levels, particularly as they relate to the disproportionate confinement of minority youth in secure facilities. This examination is particularly critical at those stages within the local juvenile justice system where the widest discrepancies between the handling of minority and majority youth exists and is essential

if the state is to properly target remedial action at the policies, procedures and practices most likely to cause disproportionate confinement.

The OJJDP Instructions to the States suggest that this assessment examine the differences in arrest, diversion, prosecution, adjudication, and transfer rates, court dispositions other than confinement in secure facilities, and the numbers, periods, and character of predisposition and postdisposition confinement in secure facilities of minority youth and nonminority youth in the juvenile justice system. The assessment may be undertaken in the same manner and format as the Index Matrix suggested for Phase One Problem Identification. The state's data items should include juveniles (1) who are arrested, (2) diverted, (3) petitioned to court, (4) prosecuted, (5) adjudicated (delinquent or status) and (6) transferred to adult court. It should also include court dispositions such as case closed, probation in own home, probation in conjunction with nonsecure facility placement and, probation in conjunction with secure facility commitment. Finally, the state should indicate whether facility placements, secure or nonsecure, are to private or public institutional programs, operating on the state or local level, and any other areas deemed appropriate by the state to assess differences between minority and nonminority youth in the juvenile justice system. An Index Matrix is suggested for State consideration on Page 12.

The research literature and certain state experiences provide guidance and insights into the assessment process. In a recently completed OJJDP funded review of the available research literature relating racial status to processing decisions, two-thirds of the research studies reviewed found evidence of racial effects on decision-making. In these studies the effect of race on juvenile justice decision making was independent of any differences in the "mix" of incoming cases. Thus, while not a universal phenomena,

**DISPROPORTIONATE PROCESSING OF MINORITY YOUTH
INDEX MATRIX**

1. AREA REPORTED

Check one: Statewide
 MSA _____
 name area(s)
 Other _____
 name area(s)

2. MINORITY REPORTED

Check one: All Minorities
 American Indians
 Black
 Asian
 Hispanic
 Pacific Islanders
 Other _____
 Combination _____, _____, _____

3. REPORTING PERIOD: _____ through _____
 month/year month/year

4. DATA ITEMS

Data Items	-A- Total Number of all Youth	-B- Total Number of Minority Youth	-C- % Minority	-D- Index
1. Arrested • Status • Delinquent				
2. Diverted				
3. Detained • Own home • Nonsecure • Secure				
4. Prosecuted				
5. Adjudicated • Status • Delinquent				
6. Transferred to adult court				
7. Disposition • Case closed • Probation in own home • Probation in nonsecure • Probation in secure • Commitment to private agency • Commitment to state agency				
8. Committed • State secure facility • Local secure facility				
9. Population at-risk (age ____ through ____)				

5. DATA SOURCES

Item 1: _____
Item 2: _____
Item 3: _____
Item 4: _____
Item 5: _____

Item 6: _____
Item 7: _____
Item 8: _____
Item 9: _____

it is difficult to escape the conclusion that processes within the juvenile justice system amplify and exacerbate the degree to which minority youth are targeted for intervention by the juvenile justice system. In responding to the Congressional requirement that such overrepresentation be identified and addressed, it is simply not sufficient to claim that disproportionate confinement is a factor of features in American society beyond the purview of the juvenile justice system.

In the review of existing research studies, four basic factors may be identified which can be shown to lead to overrepresentation of minority youth in the more severe dispositional categories of the juvenile justice system. The first of these is simply overt discrimination, in which individual actors in the juvenile justice system make decisions directly based upon (or influenced by) the race of the juvenile. Few research studies find such situations. The second major mechanism operates through what may be termed "indirect effects." This usually involves the use in juvenile justice decision-making of family and background information which may be seen as a surrogate for race, or at least for which minorities are at a disadvantage. Such variables as family status (intact/non-intact), or school attendance, or even prior offense history may be seen as such variables. The use of such items in making decisions clearly operates to the collective disadvantage of minority youth, although it may not be "designed" or intended to do so.

A third factor that may lead to minority overrepresentation has been labelled "accumulated disadvantaged status". In some instances, small racial differences may accumulate and become more pronounced as minority youth are processed further into the juvenile justice system. In the report cited above, both the literature review and analysis of statewide data from both California and Florida demonstrate an accumulation

of disadvantage. In the Florida analysis, differences between minority and majority youth increased as they were processed across various decision points of the juvenile justice system.

Finally, there is the problem of aggregation of jurisdictions. There are two ways in which the effects of combining jurisdictions may dramatically change the relationship between race and decision-making. In the analysis of the California and Florida statewide juvenile justice data, several counties were found to exhibit racially disproportionate outcomes. However, when the patterns were examined at the statewide aggregate level, the strength of these patterns diminished. Thus, examination of information at too high a level of aggregation may hide or mask identification of jurisdictions in which minority youth are disadvantaged. In the analysis of a set of data from another state, a completely different pattern emerged. Here no single county exhibited substantial differences between white, Black and Hispanic youth. In those counties with high proportions of minorities, all youth were likely to be incarcerated if adjudicated, leading to a striking difference in the treatment of minorities as opposed to the treatment accorded to white youth when combined at the state level. Thus, two distinct systems of juvenile justice were in operation.

While these are not the only patterns that may lead to disproportionate confinement of minority youth they do seem to be the most prevalent.

Data collection and assessment activities are needed to determine the scope and nature of the problem, where it is located and possible solutions that could be implemented. For example, much of the existing research indicates that disparities tend to be greatest at the beginning points of the system, namely, intake and detention. In other words, minority youth are more likely than their majority counterparts to be

formally processed and held in detention. If this is the case in any jurisdiction, then these decision points need to be targeted for further analysis. If the analysis reveals that race is a direct or indirect factor in reaching these decisions then potential solutions must be developed. One possible solution would be to structure decision-making to specify exactly what criteria are to be used in reaching these decisions and possibly to establish a review procedure.

As another example, data collection and assessment might reveal that in a particular jurisdiction differences between minority and majority youth are greatest at adjudication. In this case, minority youth face differential probabilities of being held in secure confinement facilities. One potential solution here might be to establish guidelines to aid judges in making adjudication decisions. Guideline based decision-making has been used effectively in a variety of pre-trial release situations. If properly constructed, guidelines could reduce discretion in reaching outcome decisions and help to ensure equality in processing. These are but two of many possible examples in which race may directly or indirectly influence juvenile justice processing. The point is that data collection and assessment will identify whether or not and where the problem exist and point to possible ways of resolving it.

Since there are multiple explanations which require different responses, states must first determine the scope of the problem and where it is located. Depending on the nature of the data available (for example, in summary form or computerized records) states will vary in the manner in which the information is reported. Similarly, it may not be unusual that different time periods (fiscal or calendar year) are also reported. The point is that some documentation should be developed. Sources of data and time periods should be identified and justified. Narrative information should also address the

limitations of existing data and how data collection efforts could be improved. In addition, the data items for Phase I and II are meant to be minimal suggestive standards of analysis which states may want to enhance.

The purpose of Phase One is to make preliminary determinations regarding existence of the problem. Phase Two is intended to further define the problem and identify the trends in overrepresentation. Together, Phase I and Phase II data, are used in preliminary interpretation of practices, to determine areas of further study, and to develop program responses to reduce overrepresentation. It should be noted that in completing these analyses, this assessment ought to be repeated for each group in the state's population of juveniles exceeding one percent.

It should also be noted that states may wish to conduct this assessment on a gender specific basis, since there is some evidence in the research literature that race and gender interact to place minority males at a particular disadvantage. Such a gender-specific analysis would, of course, depend upon the availability of appropriate sources of information.

Phase Two assessment is heavily dependent upon the type of data available within the state. Assuming that only "summary" types of data are available (i.e., the state or locality does not have a client-based tracking system that tracks a juvenile from arrest to disposition to exit from the juvenile justice system) then the approach suggested in the Phase Two Index Matrix would be a reasonable means of collecting and analyzing information. On the other hand, with the availability of a client tracking system, other analytic approaches are possible which would allow identification of problem areas with greater precision.

Analysis of Summary Data

It will probably be the case that many states do not have client tracking systems (manual or computerized) but rather will have summary data that tabulates the number of juveniles involved at various points in the system (e.g., Phase I and II matrix type data). These data are considered summary in that they cannot be reanalyzed or linked together as in a client-based tracking system and cannot be used to retrieve and identify a specific client's involvement at each point in the system. On the other hand, a client tracking system documents the total involvement of a youth in the juvenile justice system and links the decision made on that youth from arrest to exit from the system.

For those jurisdictions without client-based tracking systems, the best available option would be to accumulate the material suggested in the Phase Two Index Matrix. This would include both total number and number of minority youth at each of a range of decision points in the juvenile justice system, including for example: arrest, diversion, detention, prosecution (or filing of delinquency petition), adjudication, transfer to adult court, and the range of available options for disposition. The particular list of decision points and options within each decision point would best be determined based on knowledge of local systems and laws as well as by the availability of information. For example, if the distinction between in-home detention and nonsecure detention is particularly meaningful in a given community or state, but the distinction is not one which is reflected in the available data summaries, then it simply cannot be used. The data for this analysis should be collected from as similar and as recent a time frame as possible, e.g., calendar year 1989. While this will not ensure that all statistics are based on the same cases, at least any aberrations in the system will be consistently reflected. Nonetheless, one of the major drawbacks of the summary system of data collection is

that the cases reported in disposition (1989 for example) may reflect cases arrested in both 1988 and 1989. While, the possible effects of this phasing or timing problem are reduced somewhat by using yearly data (as opposed to monthly) and by using relatively large jurisdictions (i.e., state level data), the effects may be very strange when individual counties are examined. For example, in a situation where a large number of arrests occur late in the year (e.g., December of 1988), these may not show as arrests for 1989, but are likely to be reflected as detentions, prosecutions and dispositions in 1989. In a relatively small jurisdiction, such a phenomenon is likely to give the appearance of a major statistical deviation.

A second drawback with the use of summary statistics is the inability to relate client characteristics to the client outcome in any way which will allow examination of the effect of indirect relationships or decision making variable. As a result, in a state with only summary statistics, the planner or analyst is left in a somewhat less desirable situation in describing the reasons for disproportionate confinement of minority youth.

Nonetheless, the format described in the Phase Two Index Matrix may be quite useful in testing the other factors and/or explanations for disparities in the system's handling of minority youth since this method of data collection does provide some indication of problems related to both accumulated disadvantaged status and jurisdictional differences. The Phase Two Index Matrix will allow identification of several possible problems in this regard. With respect to accumulation of disadvantage, the comparison of index values (i.e., a mathematical calculation reflected the rate of minority representation to the total population) at each of the successive stages of the juvenile justice system will permit identification of any stage at which the index makes a dramatic change. This stage may be identified as one of the primary areas for additional

investigations and/or programming. The comparison of index values might also lead to the conclusion that no single stage accounts for a dramatic change, rather there is simply a steadily increasing index value as the examination progresses through the system.

In terms of jurisdictional differences, a comparison of the indices for several of the counties comprising major population centers may indicate that some of the counties have quite a high level of overrepresentation while others may have index levels close to 1.00. In such a circumstance, the planner would choose to focus on the differences between these locations, and on the locales with the higher index values as the greater contributors to the overall state level of disproportionate confinement. It might also be the case that the index values for each of the counties were substantially lower than the overall state value.

In short, the use of summary data provides a good deal of insight into the sources of disproportionate confinement of minority youth. Appendix C provides four examples of analyzing summary data contained in Phase II matrices.

Analysis of Client Tracking Data

In those states where client tracking systems are in place, additional analyses may eliminate some of the shortfalls of the summary data systems. One useful mechanism for using the advantages of a client tracking system is the calculation of a transition probability. For example, in assessing the move between prosecution and adjudication as delinquent, the analysis may calculate the percentage of youths who are adjudicated and directly compare the minority and majority rates or probabilities of being adjudicated, given that a petition has been filed. The advantage in the client tracking system is that all analyses are based on the same set of cases. Therefore, the types of phasing or

timing problems mentioned in relation to summary data are avoided. Transition probabilities may demonstrate the accumulation of disadvantage by displaying a pattern of consistent, but nondramatic, differences in "favor" of the nonminority youths. Exploration of transition probabilities also permits identification of any decision points at which dramatic differences between minority and majority youth occurred. By calculating the transition probabilities within jurisdictions and comparing these to the state totals, the same type of assessment of jurisdictional variations could be achieved as were noted earlier.

In comparison to the data collected under the summary format, the client tracking method provides two major advantages. The first, already mentioned, is that it allows for the direct calculation of differences in the handling of minority and majority youth through the calculation of transition probabilities, as opposed to the inferences which must be drawn when comparing the index values calculated in the summary based method. The second major advantage of the client tracking method is its ability to relate case characteristics to decisions. In short, what this method allows is the calculation of the effect of any case characteristics (e.g., age, prior offenses, school attendance) on the case decisions. It also allows the calculation of the extent to which these variables are used as surrogates for race, or at least the extent to which their use operates to the disadvantage of minority youth.

Data Collection Recommendations for In-Depth Study

The following variables and conceptual areas are ones which have been shown in the literature analysis to be related to the relationship between race and juvenile system processing. They are listed here in order that those exploring the relationship between

race and juvenile justice processing in particular jurisdictions or sites may have a reference point in the selection of variables for inclusion in such a study. However, the list should not be viewed as exhaustive, rather as suggesting areas that ought to be explored. Knowledge of local conditions may suggest additional important variables.

Offense Characteristics

- legal classification
- use of weapon, type of weapon
- solitary versus group behavior, if group, leadership role
- injuries, medical attention required
- monetary damages/losses
- number of victims, age, relationship to offender
- drug involvement

Legal Background

- number of prior arrests, adjudications, incarcerations
- severity and type of prior offenses
- prior dispositions
- time since last appearance

Case Characteristics

- representation
- method of referral
- detention
- family presence during processing

Personal/Familial Variables

- age
- race
- sex
- socio-economic status (household income, parental education and occupation)
source of household income (AFDC, etc.)
- educational performance (school attendance, grades)
- "cooperative attitude", demeanor, presentation of self mental health history

Structural and System Organization Variables

- reviewable/nonreviewable decision
- adherence to "due process" model of processing

- caseload volume in court
- area characteristics--delinquency rates, percent urban, percent minority

Developing Solutions to Disproportionate Confinement

Given a clear picture of the nature and extent of disproportionate confinement of minority youth and an in-depth understanding of why it exists, the State may then turn to the development of solutions to remedy the problems. To accomplish this goal, the Instructions suggest consideration of six generic areas of action related to policy, procedures, and programs. Obviously, this is not an exhaustive listing but nevertheless provides examples of strategies for reducing disproportionate confinement.

- Developing a systematic monitoring procedure to determine the percent of minority/majority youth being processed through each stage of the juvenile justice system at regular intervals. The research literature suggests that this disproportionality may be evidenced at some stage but not at another. Therefore, it is important to target those decision points at which major disparities occur.
- Supporting training and education for juvenile justice practitioners, appropriate elected officials, the general public and the at-risk population regarding issues related to the disproportionate representation of minority youth in secure facilities, as well as the need for policy changes and program resources to reverse the trend.
- Increasing the availability and improving the quality of diversion programs for minorities who come in contact with the juvenile justice system such as police diversion programs, youth service bureaus, community intake centers, and community arbitration and mediation programs.
- Providing support for prevention programs in communities with a high percentage of minority residents with emphasis upon support for community-based organizations that serve minority youth. This may also include an examination of programs which strengthen the role of the family in delinquency prevention and to provide alternatives to secure confinement when youth are involved in the juvenile justice system.
- Increasing the availability of viable and credible community-based alternatives for minority youth involved in the juvenile justice system.

- Providing support for aftercare programs designed to facilitate reintegration of minority youth previously confined in state and county facilities back to their home communities.

Effective strategies based in changes on policy, procedures, and practices exist in urban and rural communities nationwide. In particular, promising approaches to reducing disproportionate confinement of minority youth have occurred by changing decision-making processes and developing community-based alternatives to confinement at both pre-dispositional detention and post-dispositional corrections.

One critical area for controlling inappropriate confinement exists at the point of admission to secure detention pending court appearance. State legislative criteria and court guidelines for making this decision have traditionally been subjective, relying on such vague and unreliable factors as offender demeanor and dangerousness. These generally lead to the inclusion of non-legal and non-factual influences in decision making and have historically yielded high levels of secure detention far beyond that necessary to assure public safety and the integrity of the court process. Virtually all of the national standards for the administration of juvenile justice urge the adoption of objective and specific criteria for admission to secure detention. For instance, the American Bar Association Juvenile Justice Standards, in its volume on Interim Status, establishes criteria for admission to secure detention which relies exclusively on the seriousness of the current offense, the status of the accused as a fugitive or escapee, and a verifiable record of recent failure to appear at court proceedings. The use of criteria such as these has the overall effect of eliminating non-legal factors in detention decision making. In growing numbers, jurisdictions are beginning to look at specific and objective criteria such as those promulgated by the ABA when they study detention problems at the local level.

Major reasons for this interest are that the use of criteria have significant implications for public safety, overcrowding, integrity of the court process, cost to the taxpayer, and due process. A particular concern of those who examine criteria is the inherent propensity for different intake workers and different judges to apply different factors when making the detention decision. Criteria can serve to standardize decision making.

An example of specific and objective criteria is in use in Genesee County, Michigan where the court has established detention criteria by court policy. The criteria, based primarily on seriousness of offense, legal status, and past court history, has been in effect since 1979. An analysis of the effect of criteria on detention decision making indicated no relationship between detention placement and the accused offenders social, ethnic or economic background. This finding suggests that personal, nonlegal biases and attitudes do not enter into the detention placement decision. Analysis also indicates that probation status is the single most influential factor in the detention placement decision, followed by the age of the accused offender. A positive relationship is noted between the number of prior court referrals and the likelihood that a juvenile would be placed in secure detention following arrest. The same positive relationship is noted with respect to the severity of offense and the chance that the juvenile would be securely detained. While the detention decision has particularly important implications for disproportionate confinement of minority youths, other decision points (arrest, transfer, prosecution, disposition, etc.) have major significance as well and merit detailed consideration in any strategy to reduce disproportionately.

Equally important are viable, credible community based alternatives which are accessible and available to minority youths. The Boys Club of Broward County, Florida

recognized the need for programs which provide an alternative to confinement, enhance the competencies of youth, and lower overall recidivism rates. Their "New Directions" program, serving primarily minority youth, centers around a formalized, short term educational day program in the Boys Club and an after school program in the normal Boys Club Program.

The Day Curriculum is operated in the Boys Club with teachers assigned by the Broward County School System. Up to fifteen youth are transported to the club each day for general academic classes designed to facilitate their re-entry into the normal school setting. In addition, special sessions are conducted in the following areas.

- START SMART/STAY SMART--These nationally recognized programs were designed by Boys Clubs of America and Boys Clubs of Broward County to provide coping skills for youth in dealing with drug and alcohol abuse and teen pregnancy. The length of the program is tailored to the individual.
- CAREER DEVELOPMENT--Boys Clubs of America designed this program to assist young people in exploring their future as it pertains to a career and setting goals to work toward their career.
- NUTRITION--As it is necessary to feed the participants, the club involves a nutritionist to work with the participants in planning well balanced meals. The concept is strengthened by actually involving the youth in the meal planning and preparation.
- COMMUNITY SERVICES--A portion of the week is devoted to a community service component by involving the youth in projects within the Club and community.

The after school program involves the youth in the general Boys Club program from 2:30 p.m. until 9:00 p.m. when they are transported home. This is supplemented by an all day Saturday program. This program includes large and small groups, and individual settings in social recreation, health and physical education, citizenship and leadership development, cultural enrichment, personal adjustment, and outdoor and environmental education.

At the other end of the juvenile justice process, the Illinois Department of Children and Family Services operates the Unified Delinquency Intervention Services (UDIS) for adjudicated youth as a "last chance" alternative to commitment to the Illinois Department of Corrections. Targeted for these services are youth who have two delinquent petition adjudications in juvenile court or have committed an extremely serious offense for which they normally would be committed to the Department of Corrections.

The profile of the population targeted by UDIS is predominantly minority youth ranging in age from 13-18 with a record of early first arrest and failure to excel in a normal education environment. Over 50% of the youth have 5 or more arrests and 9 out of 10 are in living arrangements other than with two biological parents.

The UDIS program operates statewide and served 640 juveniles in 1989 with a budget of \$1 million. The overall success rate is particularly high with 76% (251 out of 330) completing the program with no new arrest and either attending school or gainfully employed. The primary goals of UDIS are:

- To divert young people from further penetration in the criminal justice system.
- To demonstrate the feasibility of short-term community-based alternatives to corrections.
- To provide a normalizing experience by using local, community-based resources.

UDIS is conducted through a network of purchase of service contracts which are flexible in nature and designed to meet the individual needs of youth involved in the program. An important element in the program is a network of paid advocates who support the professional purchase of service contracts and provide direct one-on-one

supervision services. Advocates are carefully screened, work forty hours per week and assist UDIS program participants in achieving goals which are reviewed monthly. They provide counseling and support efforts to enhance educational and employment competencies throughout the six month program.

It is important to recognize that developing a strategy to reduce disproportionate confinement of minority youth is not limited to financial support for the programs listed above. It should include encouraging public and private service providers to adapt to the needs of minority youth and expand services in the neighborhoods of predominately minority populations, and improving services for minority youth by helping agencies that already provide services mainly to minority youth to expand their range of services. To assist the States in this area, OJJDP will survey and assess state and local approaches to reducing disproportionate confinement of minority youth on a continuing basis. These efforts will be documented and distributed to the States as they become available.

PROGRAM ACTION PLAN DEVELOPMENT

The process of developing a plan to address and reduce the disproportionate confinement of minority youth parallels the same planning process that States may have followed in developing the plans for deinstitutionalizing of status offenders and removing juveniles from adult jails and lockups. It involves a planning methodology which arrives at rational solutions for reducing the overrepresentation and disproportionate confinement of those minority youth within the juvenile justice system. The following planning process is provided for consideration by State Planning Agencies and State Advisory Groups.

Planning to Effect Change

Reducing the disproportionate involvement of minority youth in the juvenile justice system requires a planning process which is comprehensive and methodical in nature, and actively engages juvenile justice professionals in rethinking their beliefs and attitudes about others who are ethnically and culturally different from themselves. Developing official concern and marshalling public and professional consensus to eliminate the disproportionate involvement of minorities in the juvenile justice system can be achieved through planning efforts which arrive at rational and workable solutions. Planning should be guided by four basic precepts.

First, the decision to involve a youth in the juvenile justice system must be determined in an objective and specific manner without cultural bias. Facts, including the offense and legal status, and demonstrable legal history are the necessary cornerstones of decision-making. Historically, in the juvenile justice system, decisions have been guided by nonlegal biases of law enforcement and individual intake workers

that include attitude, demeanor of the youth, personal appearance, status in the community, family background and stability, employment, but the more prevalent biases are based on sex, race and income.

Second, entrance into the juvenile justice system or placement in programs and services must be carried out within the context of using the least restrictive action for each youth, while also meeting the supervision and treatment needs of the youth.

Third, it is essential to view the development of programs and services from the ethnic and cultural prospective of the young persons who will be using the service. Traditionally, little, if any, consideration has been given to the diversity of culture that exists in the juvenile justice system; instead the development of necessary programs and facility designs have been the products of architects, juvenile justice managers, and correctional officials.

Fourth, and most important at the outset of this initiative, it is critical that immediate public and professional education and training efforts begin to sensitize and inform legislators, judges, lawyers, law enforcement, intake and investigation workers, volunteers, and the business community about the diverse cultures associated with various ethnic groups; and the need to understand and consider such differences as they make decisions in their everyday work. Among the training and education to be provided would be some of the following:

- ▶ Cultural diversity and race relations as they pertain to the adult and juvenile justice system.
- ▶ Discussion of existing research as it focuses on minorities and the juvenile justice system.
- ▶ Economic and social conditions characteristic of various cultures and life for minorities in the U.S.

- ▶ Workshops with juvenile justice professionals on the nature of decision-making in the system and the influence that race and ethnicity play in decisions.
- ▶ Implementation of various decision-making models that objectify decisions made at various points in the system (e.g., intake and detention criteria, classification schemes for long-term placements, specific supervision plans for probationers and parolees).

The successful resolution of disproportionate confinement of minority youth in the juvenile justice system may require change in the distribution or improvement of juvenile services within a community as well as the development of clear, objective decision-making criteria.

Program Action Plans

The Program Action Plan (PAP) is a road map for how a state will proceed to reduce the proportion of juveniles who are members of minority groups confined in secure facilities. The PAP should delineate the specific objectives to be achieved, the corresponding activities to be completed under each objective, who will be responsible for completing each, by what date, the resources required, and expected products or results. Appendix D provides formats and examples of a Program Action Plan.

The State Program Action Plan will differ depending on (1) how far along each state is with regard to identifying data sources, collecting data, analyzing data for disproportionate confinement (or lack thereof), and reporting the data in written form; and (2) how far along the state is in actually addressing the problem of disproportionate minority confinement through a variety of methods, including:

- implementation of public education and training efforts,
- policy and procedural changes to reduce differential selection bias by individual agencies and the juvenile justice system as a whole,

- legislative strategies and plans,
- program and services initiatives that are culturally diverse, and
- funding plans for developing services.

States are at different points along the continuum of activities identified for Phase One and Two. The disproportionate minority confinement amendment is a difficult one to implement and great care must be taken to work with the unique features and needs of each state. For those states lacking the necessary data, the PAP should address activities to establish or improve the quality of record keeping and data collection, so that the data requested by OJJDP and needed by the State becomes available. For states that have collected appropriate information and documented the existence of the problem, the plan will include activities to complete a more in-depth analysis to determine why disproportionality exists in preparation for developing an effective response. For those states well past problem identification, that have conducted a more in-depth assessment, the plan will include programs and activities designed to reduce minority confinement.

The illustration which follows depicts the general activities associated with the two phases, and may be used by states to identify where along the continuum they find themselves.

▶ IDENTIFYING DATA SOURCES

- Disproportionate Confinement
- Disproportionate Processing

▶ COLLECTING DATA

▶ ANALYZING DATA

- Facility confinement
- Processing through the system
- Complex analysis for social factors affecting decision-making

- ▶ DEVELOPING AN INFORMATION SYSTEM FOR ON-GOING COLLECTION/ANALYSIS
- ▶ PUBLIC AND OFFICIAL EDUCATION
- ▶ CULTURAL SENSITIVITY TRAINING
- ▶ POLICY AND PROCEDURAL CHANGES TO REDUCE DIFFERENTIAL SELECTION BIAS
- ▶ PROGRAM AND SERVICE DEVELOPMENT
- ▶ LEGISLATIVE AND FUNDING STRATEGIES TO EFFECT CHANGE
- ▶ IMPLEMENTATION OF CULTURALLY DIVERSE SERVICES AND SYSTEM PROCEDURES
- ▶ OVERSIGHT AND EVALUATION WITH ADJUSTMENTS MADE WHEN WARRANTED

Planning Process

At the outset a planning process must bring interested parties together to organize the planning effort, identify the problems and needed resources, collect and analyze data, develop alternative strategies, and establish a process for implementing and monitoring the effectiveness of new programs, services and procedures. This planning methodology involves seven sequential steps:

- (1) Organize for planning;
- (2) Assess needs;
- (3) Provide public education and obtain public input;
- (4) Establish policy, procedures and develop plan;
- (5) Establish legislative and funding plan;
- (6) Implement plan; and
- (7) Monitor the system.

The methodology is applicable to all levels of planning, thus it can be used on a statewide level or be incorporated into the local and community planning for reducing disproportionate minority confinement at the county or community level. Fundamental

principles of effective planning are part of this process. First, there must be meaningful and representative citizen participation in the planning process. The development of a realistic and useful program action plan must involve citizen participation and stress the need for accurate and detailed information before final decisions and strategies are reached. Engaging the participation of an ethnically and culturally diverse group of citizens will insure that plans and programs will actually address the disproportionate confinement of minority youth in the juvenile justice system. Such citizen input may come from (1) existing SAG members; (2) involving ethnically and culturally diverse professionals, who are not part of the SAG, in a standing subcommittee of the SAG; (3) working with existing culturally-based agencies; and (4) engaging the legislature and governor in providing special emphasis to the issue through joint resolutions. Regardless of the process used, active citizen participation with system officials throughout the planning process will promote the likelihood that programs will actually meet community and youth needs.

Second, accurate and detailed information must be available and interpreted correctly before making final decisions. When problems of juvenile delinquency are first presented for consideration, the initial response to the solution is often too narrow or extremely broad. This is particularly prevalent when considering problems facing minority youth. For example, some may say that the primary way to reduce disproportionate minority confinement is to change the economic and/or living conditions in a minority community. At the same time, others may identify a particular decision point in the juvenile justice system as the prime contributor. As with many social justice issues, myth and misconception is often widespread. Viable solutions to the problem can only be developed by obtaining sufficient and accurate information which

defines how minorities are handled by the juvenile justice system from beginning to end, so that the severity of the problem is not over or underrepresented. An effective planning methodology develops several realistic options to solving a problem, then assesses the advantages and disadvantages of each.

These options can only be developed by obtaining sufficient information which (1) details existing policies, procedures, services and programs (2) identifies recent trends in the handling of minority youth, and (3) contains opinions of those professionals within the law enforcement and juvenile justice system regarding the handling/processing of minority youth.

The State Juvenile Justice Planner and the State Advisory Group (SAG) members who are responsible for coordinating and overseeing the seven step planning methodology must manage the process in a systematic, and logical manner. The following management precepts should guide the individuals engaged in the planning process.

- ▶ Understand and Specify the Needs--Understand the scope and extent that minority youth are overrepresented in the juvenile justice system and be able to specify the degree to which this population is being disproportionately affected.
- ▶ Define Accountability and Effectiveness--Accountability and effectiveness of a planning process can only occur when the goals and objectives of the planning process are realistically defined and everyone involved in the process clearly understands the current status of what is expected in terms of a final product. Be able to readily document past accomplishments and delineate future direction of the planning process.
- ▶ Coordinate Resources--Identify and pull together the expertise, funding sources, community leaders, state agency officials, and available services that are needed to make the planning process operational.
- ▶ Manage Interactions of People--After assembling the diverse array of resources and individuals required in the planning process, the juvenile justice planner and SAG must create an atmosphere and process where people from

different systems, races and/or cultures can collaborate and assist in the planning effort, as well as support and approve the plan. Orchestrate the planning effort to ensure that the attitudes and actions of all persons involved contribute to the goal of reducing the disproportionate confinement of minority youth in secure juvenile detention and juvenile correctional facilities, adult jails and adult lockups.

The following provides a description for completing each of the seven steps in the planning process.

STEP 1: ORGANIZE FOR PLANNING

Tasks/Activities

1. Bring interested parties together to organize the approach to be taken.
2. Assess the need for and identify technical assistance and local consultant resources.
3. Establish representative committee.
4. Convene committee.
 - a. Discuss initiative, available data and problems;
 - b. Define scope of initiative and corresponding program action plan
 - c. Determine PAP goals and objectives; and
 - d. Identify related issues to address.
5. Identify existing data and information gaps and establish methods of collecting and analyzing data.
6. Establish working timetable.

Product:

The product of this step is a statement of scope and broad project goals.

Narrative

The planning process begins when juvenile justice officials in a community or state express interest in reducing the disproportionate confinement of minority youth in the juvenile justice system. When this happens, it should be determined if local staff and agency resources can accurately determine the level of disproportionate confinement and processing of minority youth and then analyze the major issues as tentatively defined. If it is determined that assistance is needed in developing a method for gathering data, analyzing existing data, establishing an on-going information system or implementing programs and services, then specific consultant expertise should be retained. Along with a preliminary review of the problem and resources to address the problem, a planning committee should be established which is broadly representative of official and citizen interests in minority issues. This may include forming a standing committee of the SAG to spearhead the effort and support the juvenile justice specialist. The establishment of this committee is crucial to the future success of the planning project since it will have major decision making responsibilities, and provide leadership and direction for what is to be accomplished. As such, committee members should (1) be familiar with local juvenile justice issues and particularly ethnic and cultural issues as they relate to minorities in the juvenile justice system, (2) represent diverse community interest, and (3) generally hold leadership positions in the community or state. Included on this committee should be individuals with official interest representing all major functions and decision points within the juvenile justice system as well as citizens with a concern for the welfare of minority youth and who possess an openness to cultural diversity and no vested interest in any one aspect of the system.

The initial function of the committee is to provide general direction and establish the goals for the planning project. Depending on the current status of the effort, this may involve one or all of the activities described earlier in the planning process continuum.

The first action step of the planning process is completed when the membership of the committee agrees on the overall goals and working timetable of the PAP, and the SAG approves the product.

Using a standing committee in the planning process to address disproportionate minority confinement is recommended for the statewide planning effort. A similar planning process can be used at the community level too. States should use any existing local committee and/or juvenile justice planning processes and consider approaches taken by other states.

STEP 2: ASSESS NEEDS

Tasks/Activities

1. Identify existing data sources and program resources.
2. Collect and review existing data and information.
 - a. Agency data
 - b. Uniform Crime Reports
 - c. Annual statistical reports
3. Conduct survey of juvenile justice system.
 - a. Gather necessary data that is not readily available to complete Phase One and Phase Two data
 - b. Interview key figures and staff in justice and youth service system

- c. Assess decision points within existing system for objectivity
 - d. Survey characteristics of youth population from arrest through release from the system
4. Determine extent of minority overrepresentation and identify potential cause at various process* points of the youth service system.
- a. Prevention and diversion process
 - b. Law enforcement process
 - c. Court intake process
 - d. Judicial process
 - e. Interim status process
 - f. Correctional process
 - g. Aftercare and parole process
- *Note: Process includes facilities, nonfacility services, decision points, organization structure, policies and procedures.
5. Identify preliminary needs of the system to reduce disproportionate involvement of minority youth.
6. Prepare initial PAP to meet project goals and objectives.

Product:

The Product of this step is a preliminary program action plan to address project goals.

Narrative

Assessing the data and service needs of a community or state requires a thorough data collection effort which identifies local resources and practices, records the ethnic characteristics of the youth in the system, reviews applicable state statutes and rules, and establishes whether a problem exists. The assessment provides insight into the various decision points which result in minority overrepresentation.

The first task in this assessment effort requires planners and data analysts to specifically determine what data is available, how to collect it, and, if necessary, what procedure(s) to employ to gather "missing" data that must be reported. Data sources may include statistics and reports from various state agencies, on-site reviews of facility and court data, UCR data, and specially constructed surveys to gather (over a reasonable period of time) the necessary missing data. The collection of data is structured to answer questions such as:

To what degree does minority overrepresentation exist in a particular setting, at specific decision points and within various components of the juvenile justice system?

What seems to be directly and indirectly causing the problem?

What factors might account for differences in handling minority and nonminority youth?

Information and data which are collected must be reviewed in order to gain a more complete understanding of the problem and to begin a valid assessment of the causes. Data should be organized and translated into suitable form to enable others involved in the planning process and those who must ultimately make a decision about the plan to understand the problem areas and design ways to reduce minority overrepresentation.

Conducting a needs assessment helps to identify minority youth problems, community concerns and the services and/or changes needed to address the problems and issues identified as promoting disproportionate confinement of minority youth. The needs assessment may also help to separate possible services into "needs" and "wants". All information examined during the needs assessment should be done so within the

context of the goals of the project, state statutes, and the JJDP Act and regulations. This phase is conducted by the planning staff assigned to the project.

The initial review effort will provide an understanding of policies, procedures and recent statistical trends within the juvenile justice system as they pertain to the disproportionate confinement of minority youth. This basic perspective should then be supplemented with professional opinions of key local and state officials (e.g., juvenile court judge; probation and intake officers/workers; police; prosecutors; public defenders, administrators of secure facilities; parole officers) and community leaders. Interviews with persons involved in the daily operation of the juvenile justice system and programs can provide invaluable information concerning the causes and solutions to disproportionate minority confinement.

A sound information base is developed through these efforts and allows the committee and staff to assess the decision-making and service capabilities and deficiencies of the system. The information base should reveal that several factors and decision points affect the involvement of minority youth in the system, thus requiring various options to be proposed in meeting the goal of reducing the disproportionate confinement of minority youth.

The needs assessment phase concludes with a preliminary PAP to meet the stated goals.

STEP 3: PROVIDE PUBLIC EDUCATION AND OBTAIN PUBLIC INPUT

Tasks/Activities

1. Public dissemination of written findings with a comment period.
2. Public hearing.

3. Presentation before agency governing boards.
4. Presentation before a legislative committee.

Product

The product of this step is citizen input. The problem of minority overrepresentation in the juvenile justice system becomes visible.

Narrative

A most important action step in the planning process and PAP involves making the findings of Steps 1 and 2 available to the public and allowing comment and discussion on the issues presented, before decisions are made about necessary changes in the system. Citizens must have a partnership role in the decision-making process because real change is only possible with their support and understanding.

Forums for public input may range from simple methods such as dissemination of the written findings, to more complex and political avenues such as presentations before interested legislators and legislative committees. Regardless of the forum pursued, the committee must have ready and reasonable answers to questions from the public regarding the benefits and liabilities associated with overcoming the disproportionate confinement of minority youth in secure facilities, the cost of such changes, the political realities involved, mechanisms that will in fact produce positive change, specific groups and agencies that support a change, and how long support will be needed.

Continuing public education may involve on-going presentations, training seminars, and town meetings on the importance of understanding ethnic and cultural diversity.

STEP 4: ESTABLISH POLICY AND DEVELOP PLAN

Task/Activities

1. Convene committee to develop a final PAP.
2. Identify policy changes to be made.
3. Identify procedural changes and interagency agreements needed.
4. Identify necessary program and service initiatives.
5. Delineate in writing the contents of the PAP:
 - a. Specific objectives to be achieved;
 - b. Corresponding task/activities under each objective;
 - c. Who will be responsible for completing each task/activity and overall objective;
 - d. Timetable for PAP completion; and
 - e. The resources required.
 - Data
 - Staff
 - Policies and Procedures
 - Financial requirements
 - Interagency cooperation and coordination.

Product:

The product of this step is a Program Action Plan (PAP). Appendix D provides examples of a Program Action Plan.

Narrative

In this action step the committee meets to make decisions regarding changes in the system that are warranted to successfully overcome the disproportionate confinement

of minority youth in the system. Such decisions may include establishing: (1) a mechanism for assuring on-going data collection; (2) culturally unbiased procedures and guidelines for law enforcement intervention; (3) intake screening procedures that minimize the nonlegal biases in decisions; (4) detention criteria based upon a youth's verifiable and demonstrable legal status and legal history; (5) classification schemes for placement that focus upon the severity of the crime, verifiable chronicity of arrest and frequency of juvenile court contact; (6) a core of residential and nonresidential program options that are culturally sensitive; and (7) cost estimates. In the end, a "who, what, when and how" plan and timetable for implementing these decisions is established by the committee, and is periodically reviewed for necessary adjustments.

STEP 5: ESTABLISH LEGISLATIVE AND FUNDING PLAN

Tasks/Activities

1. Identify key legislators and legislative committees that are ethnically and culturally diverse or interested in such.
2. Involve legislators on the committee spearheading the initiative.
3. Keep all interested legislators apprised of the committee's work and findings, and allow for feedback.

Note: If necessary, request the legislature to pass legislation that directs the establishment or assignment of a time limited working group to study the issues and make program and fiscal recommendations to state agencies, the governor, professional groups, and the legislature.

4. Develop a funding plan, covering several fiscal years, that corresponds to and addresses the associated costs for completion of each PAP objective.

Product:

The product of this step is political and fiscal support for plan implementation.

Narrative

This type of action step is implemented year-after-year on various issues by many groups. It is a familiar task of every state agency that depends on legislative appropriations to operate. Disproportionate confinement of minorities in the juvenile justice system needs to be inserted into the legislative process if a major change is to take place. Legislators listen to leaders putting forth recommendations that have been legislatively directed. It assures that the legislature is keenly aware of the evidence and solutions to reducing disproportionate confinement. Making this issue visible to the legislature and making individual legislators knowledgeable about the issue, the obstacles to overcome, and the costs over time are basic goals of this action step.

Juvenile justice professionals, in collaboration with the legislature, work together to develop strategies to overcome disproportionate confinement that may include: (1) a published report with a press conference by the governor or a legislative committee; (2) public service announcements on the issue; (3) adding mandated training about ethnic and cultural diversity to existing curriculums for law enforcement, lawyers, judges, intake workers, etc.; (4) the passing of legislation that adds language to the existing juvenile code requiring the establishment of objective policies and procedures, as well as, consideration of culture and background in developing individualized treatment plans; and (5) establishing an interagency coordinating council to address the issues.

In addition, the specific costs for making the PAP a reality must be developed. This must be completed, as accurately as possible, so that all involved know the exact resources necessary to accomplish each objective and the pieces that may require legislative appropriations. For some states, changes in policies and procedures within the

court system, as well as, in the operations of specific programs, may be sufficient and have few associated costs.

STEP 6: IMPLEMENT PROGRAM ACTION PLAN (PAP)

Tasks/Activities

1. Statutory and local policy changes.
2. Mandated training.
3. Reconstruction of the service system.
 - a. Nonresidential program adjustment.
 - b. Residential program adjustment.
4. Influx of new programs and services.

Product:

The product of this step is an action plan for policies, procedures and programs to address the disproportionate confinement of minority youth in secure facilities.

Narrative

This step of the planning process implements the changes necessary to reduce the disproportionate confinement of minority youth in secure facilities. In some instances, local policies and procedures will be modified. Orientation and training of line staff, police and court staff is often required to insure uniform application of these new policies and procedures. Other components of the plan may call for a new organizational structure or new residential and nonresidential programs.

New programs established will need to be clearly defined in purpose and relationship to the overall service system. New programs must define youth to be served, staff to be hired and the content of daily services to be provided. All components of the

service system should develop an evaluation design which identifies organizational and program objectives. The net result of these activities is a better functioning service system designed to meet the goal of reducing disproportionate involvement and one that provides suitable alternatives for all youth. There is also a need to consider the cost of implementation and develop a funding stream which will assure adequate fiscal support through reallocation of existing resources or commitment of new funds.

A general framework for implementation includes changes in legislation, policy, procedures, and practices and coordinating existing services. The specific approach depends on the findings of the planning committee during problem identification and program action plan development. Actual strategies for implementation of the plan are varied and diverse given the conditions that exist within each particular jurisdiction.

One final comment on this step. Despite good intentions and a willingness to collaborate on this issue, some states will encounter insurmountable barriers. Initiatives such as this one do not always progress satisfactorily and litigation becomes a factor. Issues related to public liability should be considered and its implications discussed and clearly understood by all members of the planning committee as well as officials at risk. Litigation will generally have profound effect on social justice issues with relative advantages or disadvantages to the planning process dependent on the circumstances of the situation.

STEP 7: MONITOR PROGRAM ACTION PLAN (PAP)

Tasks/Activities

1. Develop methods of monitoring activities.
 - a. Clarify subject matter to monitor;

- b. Establish authority to monitor;
 - c. Establish inspection and reporting methods;
2. Implement monitoring methods to verify progress or lack thereof.
- a. Data review
 - b. On-site visits

Product:

The product of this step is periodic oversight.

Narrative

The final action step involves monitoring the implementation of the PAP to assure it is achieving what was intended. Whenever possible, the information necessary for oversight should be gathered from existing information sources.

APPENDICES

- A. OJJDP Instructions
 - Letter and Instructions dated December 8, 1989
 - Letter dated April 14, 1990
- B. Response to Questions from States
- C. Examples of Phase II Matrix Data Analysis
- D. Sample Program Action Plan Forms
- E. Bibliography
- F. Supplementary Information

APPENDIX A

OJJDP Instructions

- Letter and Instructions dated December 8, 1989
- Letter dated April 14, 1990

INSTRUCTIONS

DISPROPORTIONATE REPRESENTATION OF

MINORITY YOUTH CONFINED

IN SECURE FACILITIES

NOVEMBER 1989

1. *AUTHORITY*

Juvenile Justice and Delinquency Prevention (JJDP) Act of 1974, 42 U.S.C. 5601 et. seq., as amended by the Juvenile Justice and Delinquency Prevention Amendments of 1988, subtitle F of title VII of Public Law 100-690.

2. *IMPLEMENTING REGULATION*

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) Formula Grants Regulation (28 CFR 31) as published in the August 8, 1989, Federal Register.

3. *BACKGROUND*

During the 1988 Reauthorization of the JJDP Act, Section 223(a)(23) was amended to establish a new requirement that each state's Formula Grant Plan address efforts to reduce the proportion of juveniles who are members of minority groups confined in secure juvenile detention facilities, secure juvenile correctional facilities, adult jails, and adult lockups, if such proportion exceeds the proportion such groups represent in the general population. Basically, the amendment requires each state participating in the formula grants program to assess and address the overrepresentation of minority juveniles in all types of secure facilities. For the purposes of this plan requirement, minority populations are defined as members of the following groups: Asian (e.g., Chinese, Japanese, Vietnamese, Filipino, etc.), Pacific Islanders, Blacks, Hispanics and American Indians. Also, for the purposes of determining overrepresentation of these minority youth in secure facilities, the term "general population" is considered to be youth at risk for secure confinement.

The statutory requirement for states to address efforts to reduce disproportionate confinement of minority youth is in response to recommendations and information provided to the Committee on Education and Labor which revealed that Hispanic male juveniles are confined at a rate of 2.6 times that of white male juveniles. For black male juveniles, the comparison with white male juveniles produces an even higher ratio of four to one. Between 1977 and 1983, the number of confined minority youth increased by 26 percent, even though the number of these youth being arrested was declining. National data sources, as well as other studies have documented the fact that minority offenders are overrepresented in secure facilities across the country. While the research literature is far from conclusive with regard to the effect that race or ethnicity may play in influencing the differences in the handling of majority and minority youth within the juvenile justice system, it does suggest that racial or ethnic status may well be a factor influencing decisions in certain jurisdictions and at particular decision points during certain time periods.

Each state should conduct a comprehensive assessment of the problem including: determining the difference in arrest rates, as well as diversion, detention, prosecution, adjudication and commitment rates. If a state determines that a problem exists they should implement corrective strategies that may include: improving prevention, diversion, and nonsecure detention and corrections programs in areas where minority youth reside; outreach to community-based organizations that serve minority youth; and reintegration programs for youth previously confined in state or local facilities so as to reduce the likelihood of recidivism. The state should develop and implement policies and practices which are racially and ethnically neutral and which produce unbiased, neutral results such as adopting objective criteria for determining the

appropriate placement for youth. The ultimate goal is for each state to improve the juvenile justice and youth services system by creating a comprehensive community-based service system that provides services for all youth equally and which are available to all youth regardless of race or ethnic background.

Section 31.303(j) of the Formula Grants Regulation sets forth the requirements for a state to be in compliance with the minority confinement provision of Section 223(a)(23) of the JJDP Act. This instruction describes information that states and territories must submit in addressing these requirements.

This requirement is divided into two phases. Phase I requires a preliminary determination by the state as to whether or not a problem exists with disproportionate confinement of minority youth in secure facilities. This preliminary determination is due at OJJDP on December 31, 1989. If it is determined that a problem exists in the state, or if the state is unable to collect the necessary data to make the determination, then the state is required to prepare a Phase II state strategy to address the problems of disproportionate confinement. It should be noted that Phase II also requires a more comprehensive assessment of the problem.

4. ***PHASE I: DETERMINATION OF WHETHER MINORITY YOUTH ARE DISPROPORTIONATELY CONFINED IN SECURE FACILITIES***

The state must provide documentation in the State Plan Juvenile Crime Analysis to indicate whether minority juveniles are disproportionately confined in secure juvenile detention or correctional facilities, adult jails, or adult lockups in relation to their proportion of the at risk youth population. This information will be collected at the

state level and in the counties comprising selected standard metropolitan statistical areas (MSAs).

A. *Data to be Collected and Presented*

The minimum documentation a state must provide includes the following:

- ▶ The total number of all juveniles placed in secure facilities broken down by the following type of facilities:
 - (a) juvenile detention facilities,
 - (b) juvenile correctional facilities,
 - (c) adults jails, and
 - (d) adult lockups.
- ▶ The number of minority juveniles (by ethnic or racial group) placed in secure facilities broken down by the following type of facilities:
 - (a) juvenile detention facilities,
 - (b) juvenile correctional facilities,
 - (c) adult jails, and
 - (d) adult lockups.
- ▶ The total juvenile population at risk for secure confinement; and
- ▶ The minority juvenile population (by ethnic or racial group) at risk for secure confinement.

The term "juvenile population at risk for secure confinement" means youth who, if arrested or adjudicated, would be eligible for placement in a juvenile detention or correctional facility. For example, in many states the eligible at-risk population would be youth age 10-17.

DISPROPORTIONATE MINORITY CONFINEMENT

INDEX MATRIX

1. AREA REPORTED

Check one: Statewide
 MSA _____
 name area(s)
 Other _____
 name area(s)

2. MINORITY REPORTED

Check one: All Minorities
 American Indians
 Black
 Asian
 Hispanic
 Pacific Islanders
 Other _____
 Combination _____, _____

3. REPORTING PERIOD: _____ through _____
 month/year month/year

4. DATA ITEMS

Data Items	-A- Total Number of all Youth	-B- Total Number of Minority Youth	-C- % Minority	-D- Index
1. Juveniles confined in secure juvenile detention facilities.				
2. Juveniles confined in secure juvenile correctional facilities.				
3. Juveniles confined in adult jails.				
4. Juveniles confined in adult lockups.				
5. Total (items 1-4).				
6. Juveniles arrested.				
7. Juveniles transferred to adult court.				
8. Population at risk (age _____ through _____).				

5. DATA SOURCES

Item 1: _____
 Item 2: _____
 Item 3: _____
 Item 4: _____

Item 5: _____
 Item 6: _____
 Item 7: _____
 Item 8: _____

The terms secure detention facility and secure correctional facility are the same as those defined in Section 103(12)(13) of the JJDP Act.

In providing documentation on whether or not minority youth are disproportionately confined in secure facilities, the following format is suggested as a way of organizing and presenting the data and will be acceptable to the OJJDP. (See Index Matrix on Page 5.)

Step 1. Fill in columns A and B for each of the eight data items using the most recent calendar year or fiscal year for which complete data is available. Calendar year 1988 or Fiscal Year 1988-1989 is preferable. A consistent base should be used throughout and the state should identify the data period and source. Census data should be used in identifying the population at risk data in item 8.

Step 2. Calculate the percentages and place them in Column C by dividing Column B by Column A and multiplying that answer by 100.

Step 3. Create an index for items 1 through 8 by dividing each of the percentages in Column C by the percentage of minorities in the population at risk (Column C, item 8). Place the answer in Column D.

B. Interpretation

An index value over 1.00 in state or counties within the selected MSAs indicates that minorities are overrepresented. For example, an index value of 2.00 would mean that minority youth are represented at a rate twice that of the total at-risk population. Correspondingly, an index under 1.00 indicates that minorities are underrepresented.

The data analysis presented is the minimum which a state must undertake to determine whether minority youth are disproportionately held in the various types of secure facilities. The analysis should be conducted separately for **each minority group**

within the state that represents at least 1% of the youth population at risk, (i.e., Black, Hispanic, American Indians, Asian, Pacific Islanders).

Juvenile arrest data and transfer data have been added to the Index Matrix because they relate directly to the disproportionate confinement of minority youth. These data are essential in developing a clear, accurate picture of differential handling of minority youth. Failure to consider this type of data can "mask" the problem of differential handling. For instance, a practice of transferring a high percentage of minority youth to adult court immediately upon arrest (e.g., direct file) could involve differential handling, and yet not result in overrepresentation in secure confinement. It should be noted that these data elements were added to the Index Matrix at the urging and support of state juvenile justice specialists and state advisory group members in meetings with OJJDP in September and November, 1989. Their inclusion was also urged and supported by juvenile justice practitioners and researchers who were consulted during the preparation of the instructions. Juvenile arrest data is easily accessible from state Uniform Crime Reports. The source of transfer data will depend on the mechanism used (e.g., waiver, concurrent jurisdiction, direct file, and age of jurisdiction).

State level analysis alone can obscure differences among local jurisdictions. For example, even if the state level analysis does not indicate overrepresentation, it is possible that overrepresentation, or differential handling, may be occurring in selected local jurisdictions. States must complete the Index Matrix for counties in at least three of the MSAs in the state. In selecting these three, consideration should be given to small, medium and large areas. The state should also include analysis of any jurisdiction where prior knowledge indicates overrepresentation may exist.

This preliminary state level and MSA information is the first level of documentation and should be submitted no later than **December 31, 1989** to OJJDP as a supplement to the FY 1989 Formula Grant Application. Each state must provide a narrative summary describing the extent of overrepresentation of minorities in secure facilities. This is achieved by amending the state's Analysis of Juvenile Crime Problems and Juvenile Justice Needs sections of the Three-Year Comprehensive Plan.

It should be noted that the Index Matrix only provides aggregate information at the state and selected standard metropolitan statistical area (MSA) level on disproportionate representation of minorities in secure facilities. This level of analysis cannot reveal patterns of disparity which may occur at all local levels. The information gained as a result of this first level of analysis may be used to determine whether it is likely that a problem exists, as well as serve as a guide for the development of a more refined strategy for assessing the problem. A clear determination of the extent to which minority youth are disproportionately confined in secure facilities requires a comprehensive examination of data at both the state and local level which can be achieved in Phase II.

If the state is unable to provide the first level of information or if the documentation demonstrates minority youth are disproportionally confined in secure facilities, the state must submit the information required in Section 5 of this instruction. Further, if the state cannot provide the data required in Phase I it must respond to Section 6 of this instruction.

5. ***PHASE II: STATE STRATEGY FOR ADDRESSING DISPROPORTIONATE MINORITY REPRESENTATION IN SECURE CONFINEMENT FACILITIES***

Where documentation on the Index Matrix demonstrates that minorities are disproportionately confined in secure juvenile detention or correctional facilities, adult jails, or adult lockups, the state must develop a strategy for addressing the disproportionate representation of minority youth in secure confinement facilities.

In establishing this strategy the state must recognize the need for a comprehensive analysis of juvenile crime problems and juvenile justice needs as it relates to minority youth and the potential for overrepresentation of minority youth in all aspects of the juvenile justice system. The state is already required to conduct a juvenile crime and juvenile justice needs analysis which results in a series of problem statements that are used as the basis for developing programs for funding. The requirements for this part of the plan, as reflected in Appendix G of the Formula Grant Application Kit, should be expanded when the state develops a strategy to address the disproportionate representation of minority youth in secure facilities. The state strategy should reflect a comprehensive community-based youth service system that provides equal access for all youth involved with the juvenile justice system.

Given the fact that the juvenile justice system is most often administered on the local level, the state may want to support a critical examination of the policies and procedures and key decision points which guide the administration of juvenile justice at the county and municipal levels, particularly as it relates to the disproportionate representation of minority youth in secure facilities. This examination is particularly critical at those stages within the local juvenile justice system where the widest gaps between minority and nonminority youth exist.

The state strategy for addressing disproportionate minority representation shall include but not be limited to the following seven (7) areas:

(A) Assessing the differences in arrest, diversion, prosecution, adjudication, and transfer rates, court dispositions other than confinement in secure facilities, and the numbers, periods, and character of predisposition and postdisposition confinement in secure facilities of minority youth and nonminority youth in the juvenile justice system. The assessment may be undertaken in the same manner and format as the Index Matrix presented in item 4 of this instruction. The state's data items should include juveniles (1) who are arrested, (2) diverted, (3) petitioned to court, (4) prosecuted, (5) adjudicated (delinquent or status) and (6) transferred to adult court. It should also include court dispositions such as case closed, probation in own home, probation in conjunction with nonsecure facility placement and, probation in conjunction with secure facility commitment. Finally, the state should indicate whether facility placements, secure or nonsecure, are to private or public institutional programs, operating on the state or local level, and any other areas deemed appropriate by the state to assess differences between minority and nonminority youth in the juvenile justice system.

(B) Developing a systematic monitoring procedure to determine the percent of minority/nonminority youth being processed through each stage of the juvenile justice system at regular intervals. The research literature suggests that this disproportionality may be evidenced at some stage but not at another. Therefore, it is important to target those decision points at which major disparities occur.

**DISPROPORTIONATE PROCESSING OF MINORITY YOUTH
INDEX MATRIX**

1. AREA REPORTED

- Check one: Statewide
 MSA _____
 name area(s)
 Other _____
 name area(s)

2. MINORITY REPORTED

- Check one: All Minorities
 American Indians
 Black
 Asian
 Hispanic
 Pacific Islanders
 Other _____
 Combination _____, _____, _____

3. REPORTING PERIOD: _____ through _____
 month/year month/year

4. DATA ITEMS

Data Items	-A- Total Number of all Youth	-B- Total Number of Minority Youth	-C- % Minority	-D- Index
1. Arrested • Status • Delinquent				
2. Diverted				
3. Detained • Own home • Nonsecure • Secure				
4. Prosecuted				
5. Adjudicated • Status • Delinquent				
6. Transferred to adult court				
7. Disposition • Case closed • Probation in own home • Probation in nonsecure • Probation in secure • Commitment to private agency • Commitment to state agency				
8. Committed • State secure facility • Local secure facility				
9. Population at-risk (age ____ through ____)				

5. DATA SOURCES

- Item 1: _____
Item 2: _____
Item 3: _____
Item 4: _____
Item 5: _____

- Item 6: _____
Item 7: _____
Item 8: _____
Item 9: _____

- (C) Supporting training and education for juvenile justice practitioners, appropriate elected officials, the general public and the at-risk population regarding issues related to the disproportionate representation of minority youth in secure facilities, as well as the need for policy changes and program resources to reverse the trend.
- (D) Increasing the availability and improving the quality of diversion programs for minorities who come in contact with the juvenile justice system such as police diversion programs, youth service bureaus, community intake centers, and community arbitration and mediation programs.
- (E) Providing support for prevention programs in communities with a high percentage of minority residents with emphasis upon support for community-based organizations that serve minority youth. This may also include an examination of programs which strengthen the role of the family in delinquency prevention and to provide alternatives to secure confinement when youth are involved in the juvenile justice system.
- (F) Increasing the availability of viable and credible community-based alternatives for minority youth involved in the juvenile justice system.
- (G) Providing support for aftercare programs designed to facilitate reintegration of minority youth previously confined in state and county facilities back to their home communities.

The state must recognize that developing a strategy to reduce disproportionate representation of minority youth in the system is not limited to financial support for the programs listed in (A) through (G) above. It should include encouraging public and private service providers to adapt to the needs of minority youth and expand

services in the neighborhoods of predominately minority populations, and improving services for minority youth by helping agencies that already provide services mainly to minority youth to expand their range of services.

6. ***INITIATING OR IMPROVING THE USEFULNESS OF RELEVANT INFORMATION REGARDING MINORITIES IN THE JUVENILE JUSTICE SYSTEM.***

If the data are not adequate to determine whether overrepresentation exists, then efforts must be made to improve the quality of recordkeeping and data collection. If a state does not have the data needed to complete the Index Matrix for the state and the counties selected for the MSAs, a strategy including an implementation plan must be developed for producing accurate data that can be used to determine whether minorities are overrepresented in secure confinement facilities.

7. ***PLAN SUPPLEMENT DOCUMENT FOR MINORITY STRATEGY***

Each state must develop a strategy under Item 5 and submit as a supplement to the 1988 Multi-Year Plan for addressing the problem of disproportionate representation of minority youth in secure facilities.

This supplement shall be submitted as a component of the 1989 Formula Grant Application and Multi-Year Plan Update. It shall include the state's assessment of disproportionate representation of minority youth in secure facilities (item 5A of this instruction) and a workplan for implementing the programmatic strategies (item 5B through G of this instruction). The workplan must include a statement of the problem, objectives, activities to be conducted, timeframes, resources required, and anticipated products/results. It should be noted that where data is insufficient to make a complete

assessment, (under Item 6) the workplan must include provisions, including a timeframe, for improving the quality of recordkeeping and data collection activities.

The state workplan for addressing the disproportionate representation of minority youth in secure facilities shall be submitted to OJJDP for approval no later than **April 30, 1990**. States are reminded of the requirement under Item 4 to submit a preliminary determination of disproportionate representation no later than **December 31, 1989**. The workplan, once approved by OJJDP, shall be implemented as a component of the state's FY1990 formula grant plan.

APPENDIX B

Response to Questions from States

QUESTIONS AND ANSWERS

OJJDP INSTRUCTIONS ON THE DISPROPORTIONATE REPRESENTATION OF MINORITY YOUTH CONFINED IN SECURE FACILITIES

Instructions were issued by OJJDP in December, 1989 to assist states in organizing the information necessary to comply with Section 223(a)(23) of the JJDP Act. The Act requires states participating in the formula grant program to assess and address the disproportionate confinement of minority youth in secure juvenile detention and correctional facilities, adult jails and adult lockups. A training workshop to discuss the disproportionate minority confinement amendment, regulations and instructions was held for State Juvenile Justice Specialists and SAG representatives in January, 1990. During the workshop, several questions regarding elements in the Instructions were identified by the participants. The following questions and answers are provided in our effort to clarify the Instructions.

1. The Instructions state that "states must complete the Index Matrix for counties in at least three of the MSAs in the State."
 - a. Is a separate index matrix required for each county in the MSA or do you combine county information into one MSA matrix for each MSA?

Response: For Phase I a separate matrix is not required for each county in the MSA. The county/city information should be aggregated into one matrix for the entire MSA. However, for purposes of ease in tabulating the data it is suggested a separate matrix for each county be developed. During Phase II, states may need to complete a county by county assessment.

- b. Do you complete a separate index matrix for each MSA or do you combine the three MSAs into one matrix?

Response: A separate index matrix is completed for each MSA.

c. If you don't have three MSAs, on what must you report?

Response: If there are less than three MSAs in the state, then you report on all those you do have within the state.

d. If an MSA area includes counties in another state, how do you report for that particular MSA?

Response: Do not cross state boundaries and report on areas outside the state when an MSA includes counties/areas in another state. You may include the MSA in the state's analysis but only include those counties within the state for that particular MSA.

e. Does the "three MSA requirement" apply to Phase II?

Response: Yes, it applies to both Phase I and Phase II.

f. Do you have to identify by name the three MSAs and list the counties/cities in each MSA?

Response: Yes.

g. Why did you include the "State" and "MSA" data on one matrix?

Response: The application kit which OJJDP is developing for the 1991-1993 Formula Grant Applications and 3-Year Comprehensive Plan contains an improved matrix format. This manual uses the new format. The new format provides a separate matrix for the statewide and MSA information by allowing the state to check (✓) the appropriate reporting area.

2. In a State with regional detention facilities located in a MSA which takes juveniles from outside that area, the data will be much higher and the index value may be increased. How should states address this?

Response: When a state is reporting minority information for an MSA, include only those youth being processed by counties/cities in the MSA. For example, if a detention facility within the MSA serves as a regional facility covering areas outside the MSA, the information on the total number of minority youth confined in detention for that MSA includes only those juveniles being processed by the MSA county(ies), irrespective of their home counties, and would not include those youth held in the regional facility which are processed in counties outside the MSA.

Also, when reporting MSA information on the number of youth confined in secure juvenile correctional facilities, you should include all youth from the MSA area held in any secure juvenile correctional facility, no matter where the facility is physically located.

The bottom line is that the location of the facility(ies) is not relevant when reporting on MSA areas. You include all youth who were processed by the MSA counties and securely confined in any detention or correctional facilities, no matter whether the facility is physically located inside or outside the MSA area.

3. In some areas (e.g., rural Alaska) caucasians are minorities and may be over-incarcerated. Do States address this since the OJJDP definition of minorities excludes caucasians?

Response: It is recognized that in some states and territories there may be a "minority" population other than those contained in the definition. In these situations states should define their minority groups and conduct an assessment to determine where disproportionate confinement of this group exist.

4. The instructions indicate a consistent base (i.e., data period) should be used throughout. Can states use a combination of calendar year and fiscal year (or some other 12-month period) since some data sources are based on different periods? If so, how close must the various data sources' period be in relation to each other?

Response: The most current and available 12-month data source should be used. While uniform periods are preferred it is recognized that reasonable variances may occur. When different periods are used, the state should note the time period for each and briefly discuss the reason(s) for differences in the reporting periods. States should ensure that variances in reporting periods do not significantly jeopardize the different types of analysis which can be conducted in assessing the causes of disproportionate confinement.

5. On the Phase II matrix, data element #7 breaks out "disposition" into six possible dispositions. If a state has its own listing of dispositions and has data related to the state's listing, can it use the State breakout or must the data be presented according to the six on the matrix?

Response: The dispositions are general terms which should be applicable in most states. However, if the state has other dispositions, or different terms for the dispositions, they may use them. In these situations the state needs to define their terms and equate (i.e., specifically relate how a state term corresponds to a specific

dispositional category) the State term to the dispositional categories contained in the matrix.

6. Counting minorities using Census Bureau categories is meaningless for some states (e.g., Hawaii), where most people are ethnic mixtures and there is really no majority group. How is this to be addressed?

Response: In those states where the Census Bureau categories fail to identify the true ethnic minorities, the state may use other data sources to distinguish minorities. When alternative data sources are used, they should be cited and the state should inform the appropriate OJJDP State Representative.

7. How do states code ethnicity? Do you use birth certificate, visual survey, self report, etc?

Response: The state should code ethnicity by the usual, customary and acceptable practice in the state. This usually depends on the reason and circumstances under which the information was collected. One particular method is not required. The state should indicate the method(s) used to code ethnicity.

8. Using Census Bureau categories (where Hispanics are separate from white/black) tends to underreport most Hispanics and over-report black Hispanics, because many people (especially police) don't fill out the information completely. How are states to deal with this?

Response: The 1990 Census data is supposed to improve upon the different categories. However, until more current and accurate information is provided, the state should use what it has available, recognize and cite the potential limitation, and take this into account in developing a plan of action.

9. Could the compliance monitoring report include race/ethnicity rather than having the state provide a separate report?

Response: No. The intent of the two reports is different. The monitoring report excludes certain juveniles such as those held less than 6 hours in jail and status offenders held less than 24 hours in secure detention facilities. Since the monitoring report does not include all youth, the process of assessing disproportionate minority confinement, through monitoring report data may obscure part of the problem. The minority confinement requirement addresses the decision making process in the juvenile justice system and the availability of services to all youth in need. The problem and needs assessment section contained in the 3-year plan/plan update for the

expenditure of juvenile justice resources requires a separate report on minority overrepresentation.

10. The use of 1980 census data on youth populations is questioned. Can states use estimated census data, or other sources of data, in determining the youth population at risk?

Response: Yes. The state should use the data in which it has the most confidence. When other data sources or estimated census data are used the state should identify the source within the report.

11. How should state variations in transfer to adult court be dealt with (e.g., excluded offenses or concurrent jurisdictions)? Same provision result in juveniles redefined as adults being committed to juvenile corrections.

Response: Any youth who is within the age group of maximum juvenile court jurisdiction is included in the Phase II assessment even if the youth is arrested for an offense allowing original or concurrent criminal court jurisdiction.

12. Are juveniles held in adult jails following transfer to adult court included in reporting the number of juveniles confined in adult jails? Are they reported as juveniles or, for reporting purposes, considered adults? The same questions apply to juveniles held in detention following transfer.

Response: Youth held in adult jails or juvenile detention facilities following transfer to adult court are, for the purpose of reporting facility data, not included in confinement data. However, these youth are included in the "transfer to adult court" processing data.

13. The background section of the Instruction indicates that each state is to assess and address disproportionate confinement in "all" types of secure facilities. Does this mean mental health institutions, etc? Public and private facilities?

Response: There is no legislative history to assume Congress intended to include secure mental health facilities in assessing disproportionate confinement of minority youth. The assessment includes all secure public and private juvenile detention and correctional facilities, adult jails and adult lockups as defined in the Act and the formula grant regulations. Refer to policy number 89-1203 of the Formula Grants Program Manual, Volume I, for determining whether a secure mental health facility is considered to be a juvenile detention or correctional facility.

14. What is the age of population at risk? Is it limited to youth that can be detained "statutorily"? Does it include "practice"? If the statute is silent regarding age on

those who, if arrested or adjudicated, would be eligible for secure placement, can the state use birth as the lower age?

Response: The state should use the age which is statutorily established for secure placement eligibility. Absent a statutorily established "age of reason or capability" the state may use another method of determining the population at risk age group based on policy and/or practices. When doing so, the state must explain it within the report.

15. How are the states to report on a juvenile who is involved in multiple presence in the system?

Response: It makes no difference if a juvenile is involved numerous times and has multiple presence in the system. Each time is considered a separate incident.

16. Will the states receive training before data collection takes place?

Response: The OJJDP technical assistance strategy in this area involves several activities including the following:

- (1) Denver Workshops (These have already occurred)
- (2) Technical Assistance Manual
- (3) Question and Answer Paper
- (4) Regional Workshops
- (5) Individual State Technical Assistance upon Request

States are encouraged to contact their statistical analysis centers, management information agencies and local universities for guidance in problem assessment.

17. Does OJJDP plan to expand the data collection requirement to include gender breakdown?

Response: OJJDP does not plan to expand the data collection requirements contained in the Instructions. The juvenile crime analysis and juvenile justice needs assessment sections contained in the 3-year plan requirements does encourage gender breakdown for all data collection efforts. The state is encouraged to include gender breakdown in their assessment of disproportionate minority confinement.

18. Why does OJJDP use the term "minority"? Need to drop minority identification and use ethnic specific identification.

Response: The term "minority" is used by OJJDP because that is the term used by Congress in amending the JJDP Act to require an assessment of

disproportionate confinement. OJJDP did provide a breakout of the minority populations in the Regulations and Instructions. The states may use other additional ethnic specific identifications and population groups in their assessment of populations in the juvenile justice system.

19. For those states not having a data base, why rush the Phase II assessment? Will states be allowed to adequately assess the problem with ample time to complete the task?

Response: If data is not immediately available to conduct the Phase I problem identification and/or Phase II assessment, the state must put together an initial plan of action to collect the data necessary to complete phase I and eventually complete a plan of action to complete Phase II. In establishing the plan of action a well justified time frame must be established to complete the problem identification and assessment within a reasonable period.

20. How specific and rigorous is the assessment of the reasons for disproportionate minority confined suppose to be?

Response: The assessment of the reasons for disproportionate minority confinement must be specific and rigorous enough to satisfy the State Advisory Group that it has considered all reasonable explanations for the problem. In satisfying the SAG there is the expectation that the SAG is culturally representative and that the state recognizes that it is a multi-faceted problem requiring responses focusing on decision points with the juvenile justice system, attitudes, policies/procedures, programs, services and other aspects of the juvenile justice system.

If other questions regarding the Instructions arise, please contact your OJJDP State Representative for clarification. Technical assistance is available, upon request to the OJJDP State Representative, to help states in their efforts to collect information, assess the reasons for the problem, and take action to reverse the trend.

APPENDIX C

**Examples of Analyzing Data
in Phase II Matrices**

Phase II Sample Data Analysis

The following four examples are intended as illustrations of the interpretation of data which might be derived in Phase II of the data process. The examples are intended purely as possible ways of assessing the data. They are also designed to illustrate a variety of possible patterns which may emerge from the data. The examples are not intended to be exhaustive in terms of interpretations, nor are they intended to prescribe the full range of program responses. They are simply some possibilities which are being provided to suggest ways of looking at the data, particularly in the use of the index values and their interpretations.

In using these examples, the reader should be aware that the data are based on a jurisdiction (s) having a summary (or aggregate) data system rather than a client tracking system. Because of double counting, overlapping time frames and related problems of summary data, the columns will not necessarily total.

Two of the examples have been developed following a format which analyzes the matrix in a four step process. The first is to derive a research finding (i.e., a quantitative description or comparison) from the data matrix. Second is an interpretation of the finding to indicate the degree of over-representation and possible explanations. Third is to develop additional research issues which are prompted by the finding and interpretation (e.g., to what extent do differences in prior record or offense severity account for this finding). Fourth is to explore the possible appropriate program responses, assuming that the additional research was conducted and confirmed the interpretation presented. By following this format, the analysis of the matrix leads to additional research and program components necessary to reduce over-representation of

minority youth. The other two examples narratively discuss the matrix finding and implications.

Although the examples are based on summary (aggregate) data, many of the research issues can only be addressed by examining client tracking data. Jurisdictions without a client tracking system may wish to consider developing such a system or conduct special studies based on a review of case files. Also, any jurisdiction considering a special study based on a review of case files would be well advised to consider obtaining technical assistance related to the sampling design to ensure there are sufficient number of cases to conduct a thorough analysis of all the stages in the juvenile justice system.

Jurisdictions may wish to obtain consultant advice from a variety of sources ranging from local universities, state statistical analysis centers, other state agencies, the expertise of SAG members, technical assistance provided through OJJDP (CRA) or other contractual relationships.

Example 1

DISPROPORTIONATE PROCESSING OF MINORITY YOUTH INDEX MATRIX

1. AREA REPORTED

Check one: Statewide
 MSA _____
 name area(s)
 Other _____
 name area(s)

2. MINORITY REPORTED

Check one: All Minorities
 American Indians
 Black
 Asian
 Hispanic
 Pacific Islanders
 Other _____
 Combination _____

3. REPORTING PERIOD: 1/89 through 12/89
 month/year month/year

4. DATA ITEMS

Data Items	-A- Total Number of all Youth	-B- Total Number of Minority Youth	-C- % Minority	-D- Index
1. Arrested • Status • Delinquent	94,862 8,112 86,750	47,211 3,996 43,215	50% 49% 50%	2.1 2.0 2.1
2. Diverted	20,600	8,649	42%	1.75
3. Detained • Own home(not avail.) • Nonsecure • Secure	N/A 4,505	N/A 3,531	N/A 78%	N/A 3.3
4. Prosecuted	N/A	N/A	N/A	N/A
5. Adjudicated • Status (not avail.) • Delinquent	N/A 12,594	N/A 6,691	N/A 53%	N/A 2.2
6. Transferred to adult court	75	53	71%	3.0
7. Disposition • Case closed • Probation in own home • Probation in nonsecure • Probation in secure • Commitment to private agency • Commitment to state agency	6,531 4,439 1,624	3,940 2,231 1,137	60% 50% 70%	2.5 2.1 2.9
8. Committed • State secure facility • Local secure facility	1,587 110	1,175 38	74% 35%	3.1 1.5
9. Population at-risk (age <u>10</u> through <u>17</u>)	1,041,140	245,019	24%	1.0

5. DATA SOURCES

Item 1: Uniform Crime Report (UCR)
 Item 2: State Statistical Analysis Center (SAC)
 Item 3: SAC
 Item 4: _____
 Item 5: SAC

Item 6: SAC
 Item 7: SAC
 Item 8: SAC and DYS
 Item 9: Bureau of Census & State DOJ

Example 1

This example reflects that major differences in processing of minority youth appear first at the arrest and detention stages. The latter stages reflect a continuation of overrepresentation started at detention. The suggested initial focus for this jurisdiction is at the point of detention procedures. The state JJ Planners and SAG should review county level matrices to determine if similar patterns exist across counties with respect to the use of detention. If so, then examination of legislation and/or state policy defining and controlling the use of detention is warranted. Delinquency prevention efforts may be aimed at the high percentage of arrests within the minority youth population.

C4

<u>FINDING</u>	<u>INTERPRETATION</u>	<u>RESEARCH ISSUE</u>	<u>POSSIBLE PROGRAM RESPONSE</u>
All indexes are above 1.0	There is an overall system problem which requires further exploration		
Arrest: Arrest index is 2.1	Minority youth are over-represented among arrested youth The current index will be used as a comparison for other indexes	Does the higher level of arrests reflect more serious behavior by minority youth or the enforcement of statutes against less serious behavior?	Training for law enforcement on cultural awareness. Investigate availability of alternatives to arrest.
Diverted: Diversion index 1.75, is lower than arrest index of 2.1	Although minorities are over-represented in relationship to the base population, when compared to the arrested population minority youth are under-represented in diversion programs.	Are differences in diversion rates attributable to differences in client or offense characteristics such as family status, type of offense, prior record?	Investigate development of alternative diversion programs targeted toward minority youth. Investigate referral and acceptance mechanisms for existing programs.
Detained: Secure detention index is 3.3	Minority youth are detained at rates higher than expected when compared to either the base population or the arrest rates.	Are differences in detention rates attributable to differences in client or offense characteristics such as family status, type of offense, prior record?	Establish objective criteria and definitions for detention usage. Review of existing non-secure detention programs and alternatives to determine adequacy for minority populations.
Adjudicated: Adjudication index is 2.2	Although over-represented compared to base population, adjudication index is roughly equivalent to the arrest index. This suggests little if any increment in over-representation.	If a reduction in the index for arrest and detention were to occur, would the rates of adjudication of minorities also decline?	Audit activities of other areas--arrest, detention and diversion, to ensure use of objective criteria. Ensure availability of culturally sensitive training for judicial personnel.

Example 1 (con't)

FINDING

INTERPRETATION

RESEARCH ISSUE

POSSIBLE PROGRAM RESPONSE

Transferred to adult court:
Transfer to adult court--index is 3.0

Reflects a higher level of over representation than arrest rates. Similar to the detention index.

Are these some of the same youth as in detention? Are differences in transfer rate attributable to differences in offense characteristics (type, severity, prior record)?

Review criteria for transfer. Establish programs for serious offenders within the juvenile justice system.

Disposition:
Case closed--index is 2.5 and commitment to public and private agencies--index is 2.9

Reflects higher level of case closing or other informal disposition for minority youth. Minority youth are committed to agencies at rates higher than expected based on either the base population or on arrest rates. The index is similar to that for secure detention.

Are cases more likely to be closed for evidence insufficiency or other legal deficiencies for minority youth? If so does this reflect judicial interpretation that minority youth are more likely arrested inappropriately? Are the differences in commitment attributable to case or client differences such as offense type or prior record? Are the youth who are detained more likely to be committed?

Systematic review of case closing. Provide systematic feedback on case closing to previous decision makers (police, intake workers, prosecutors). Review decision criteria for commitment. Review available alternatives to commitment. Review detention procedures.

Committed:
Commitment to state facilities index is 3.1, to local facilities is 1.5

Index is higher than expected for state facilities. Minority youth are more likely to be sent to state as opposed to local facilities.

Is the difference in use of state versus local facilities attributable to case characteristics? Is it related to detention?

Review availability of state and local facilities. Review availability of non-secure alternatives to commitment.

Example 2

DISPROPORTIONATE PROCESSING OF MINORITY YOUTH INDEX MATRIX

1. AREA REPORTED

Check one: Statewide
 MSA Gotham
name area(s)
 Other _____
name area(s)

2. MINORITY REPORTED

Check one: All Minorities
 American Indians
 Black
 Asian
 Hispanic
 Pacific Islanders
 Other _____
 Combination _____

3. REPORTING PERIOD: 1/89 through 12/89
month/year month/year

4. DATA ITEMS

Data Items	-A- Total Number of all Youth	-B- Total Number of Minority Youth	-C- % Minority	-D- Index
1. Arrested • Status • Delinquent	14,328	10,316	72%	2.3
2. Diverted	3,484	2,369	68%	2.2
3. Detained • Own home • Nonsecure • Secure	1,136	841	74%	2.4
4. Prosecuted	3,080	2,310	75%	2.4
5. Adjudicated • Status • Delinquent	1,425	1,012	71%	2.3
6. Transferred to adult court	26	20	75%	2.4
7. Disposition • Case closed • Probation in own home • Probation in nonsecure • Probation in secure • Commitment to private agency • Commitment to state agency	1,200 471 48 460	828 325 33 331	69% 69% 68% 72%	2.2 2.2 2.2 2.3
8. Committed • State secure facility • Local secure facility	389 40	288 28	74% 69%	2.3 2.2
9. Population at-risk (age <u>10</u> through <u>17</u>)	119,527	37,053	31%	

5. DATA SOURCES

Item 1: UCR
Item 2: Gotham Court Annual Report
Item 3: " " " "
Item 4: " " " "
Item 5: " " " "

Item 6: Gotham Court Annual Report
Item 7: " " " "
Item 8: " " " " and DYS
Item 9: State Dept. of Labor Census

Example 2

This particular example identifies a constant overrepresentation problem across the system with the source at the entry point (arrest) of the system. Since no major fluctuations occur after arrest the key research question presented is "why is the index value of arrest at 2.3?" In this case thorough study of arrest practices is necessary to determine what factors are influencing arrest rates. It may be that police arrests reflect the areas of the city that are more closely patrolled and minorities live in these areas. It may be based on the severity of the offenses being committed by minority youth. It could be based upon a lack of programs that adequately serve minority youth and/or the arrest rate be driven up because, from the police view point, they do not have confidence in programs serving minority youth. In any case, conducting a study to determine the cause will most likely require a researcher to design a valid study.

Beyond an analysis of factors effecting arrests, overrepresentation throughout the system must also be reviewed. The "research issues" identified in example 1 would apply here. At the point of effective change in arrest rates, other decision points of the system would require close monitoring for changes in indexes.

Example 3

DISPROPORTIONATE PROCESSING OF MINORITY YOUTH
INDEX MATRIX

1. AREA REPORTED

- Check one: Statewide
 MSA _____
 name area(s)
 Other _____
 name area(s)

2. MINORITY REPORTED

- Check one: All Minorities
 American Indians
 Black
 Asian
 Hispanic
 Pacific Islanders
 Other _____
 Combination _____

3. REPORTING PERIOD: 7/89 through 6/90
 month/year month/year

4. DATA ITEMS

Data Items	-A- Total Number of all Youth	-B- Total Number of Minority Youth	-C- % Minority	-D- Index
1. Arrested • Status • Delinquent	94,862 8,112 86,750	30,356 1,728 28,628	32% 21% 33%	1.3 0.9 1.4
2. Diverted	20,600	3,708	18%	0.75
3. Detained • Own home • Nonsecure • Secure	1,320 4,505	290 1,847	22% 41%	0.9 1.7
4. Prosecuted (not available)	N/A	N/A	N/A	N/A
5. Adjudicated • Status • Delinquent	1,110 12,594	233 6,927	21% 55%	0.9 2.3
6. Transferred to adult court	75	54	72%	3.0
7. Disposition • Case closed • Probation in own home • Probation in nonsecure • Probation in secure • Commitment to private agency • Commitment to state agency	6,531 4,439 920 1,624	3,200 2,308 239 1,202	49% 52% 26% 74%	2.0 2.2 1.1 3.1
8. Committed • State secure facility • Local secure facility	1,587 110	1,238 45	78% 41%	3.3 1.7
9. Population at-risk (age <u>10</u> through <u>17</u>)	1,041,140	245,019	24%	1.0

5. DATA SOURCES

- Item 1: Uniform Crime Reports
Item 2: State Statistical Analysis Center (SAC)
Item 3: SAC
Item 4: _____
Item 5: SAC
- Item 6: SAC
Item 7: SAC and DYS
Item 8: SAC and DYS
Item 9: Bureau of Census

Example 3

In this example, overrepresentation of minorities increases the further a juvenile progresses through the justice system (i.e., accumulated disadvantage status). Practices following arrest show a bias toward delinquency charges, the use of secure facilities (i.e., severe sanctions) and use of transfer to adult court.

FINDING

INTERPRETATION

RESEARCH ISSUES

POSSIBLE PROGRAM
RESPONSES

Arrest:

The arrest index (1.3) is slightly higher than the at risk population index.

Minority youth are being arrested at a greater rate than they should be.

How does this arrest practice influence decisions later in the system? What is causing a higher rate of arrest?

Await a review of various decision points of the system in conjunction with arrest practices. Possible training for officers on cultural awareness and objective decision making.

Diverted:

Minority youth are being diverted at a lower rate than the at risk population index (0.75 v. 1.0), and at nearly one half (1/2) the rate of arrest.

Minorities are being processed through the system in lieu of being diverted.

Is the low diversion rate attributable to the juveniles legal status and history, current offense, family background, etc.? How do police arrest practices impact on diversion of minority youth?

Review existing diversion options for minority youth. Review screening criteria for diversion programs. Expand diversion programs targeted toward minorities.

Detained:

The secure detention index is 1.7. Minority youth are entering nonsecure settings at nearly the same proportion to the at risk population, but are entering secure detention at nearly twice the rate of the at-risk population index.

Minority youth are being detained in secure facilities at nearly twice the rate they should be, and at higher rate than arrested. Thus, minority youth are more often held securely rather than released.

What decision making factors are adversely affecting the higher rate of detention? What is the correlation between arrest and detention practices? What type of offenders are being securely detained?

Review detention criteria for objectivity. Develop a training initiative on objective screening and decision-making.

Adjudicated:

Minority youth are adjudicated at 3.2 times the at-risk population. Delinquent minority youth comprise the greatest percentage of adjudications at 2.3 times the at-risk population index.

Minority youth are increasingly being treated with more serious sanctions the further they penetrate into the system. They are adjudicated at more than twice the rate of arrest.

What is the profile of minority youth being arrested versus those detained and subsequently adjudicated? How do petitions filed compare with adjudications? How do delinquent adjudications for minorities compared to all adjudications?

Disclose findings to D.A.'s and judges and jointly develop a strategy to reduce over-representation. Develop diversion programs to reduce overreliance on adjudication.

Transferred to Adult Court:

Minority youth are transferred at 3 times the rate of the at-risk population index.

The courts are transferring minority youth at significantly higher rates due to the accumulation of severe sanctions imposed on minority youth at earlier decision points in the system. Thus, minority youth are viewed as serious.

How are transfers decided upon by the courts? How would lower rates of adjudication, detention, and arrest affect transfers? Is there a correlation among the rates of each of these decision points?

Implement the program options mentioned at earlier decision points of the systems to see if they affect the transfer rate. If necessary, develop juvenile correctional programs that are effective with minority youth and are targeted to treat those youth typically transfer to adult court.

Example 3 (con't)

FINDING

Disposition:

Minority youth reach the disposition phase of the court system twice the rate of the at-risk population index, dispositions of cases closed and probation reflect this rate, but commitments to state agencies are at 3 times the rate of the population at risk index. Private programs are used infrequently, although at a rate consistent with the rate of the minority at-risk population.

Committed:

Minority youth enter secure facilities operated by the state at 3.3 times the minority at-risk population.

INTERPRETATION

Minority youth most often wind up in state custody as a result of accumulated over-representation at decision points prior to disposition. Nearly 3/4 of all youth committed are minority youth, thus only 1 in 4 enter private agencies.

Minority youth are substantially over-represented in secure facilities. Again, the rate reflects a cumulative trend of more severe sanctions for minority youth than warranted by their numbers in the at-risk population.

RESEARCH ISSUES

How are disposition decisions made and what factors influence the decision to place youth in the custody of the state? What is the legal history of all youth who are committed? Are social histories and other information sensitive to cultural issues and if not, would change to this end affect dispositions?

How will changes to address over-representation earlier in the system affect final commitment rates? (Research issues under "disposition" also apply here.)

POSSIBLE PROGRAM RESPONSES

Study the needs of minority youth committed to the state and develop programs that are culturally sensitive and will work with minority youth.

(Same program options as in "disposition phase.")

Example 4

This particular example uses three matrices, one for each of two counties in an MSA and one for the total MSA. The example is prepared to demonstrate the dramatic effects that differences between counties may have on the statewide and/or multi-county analyses. In this example there are relatively few issues to discuss. In the first county, relatively few minority youth are detained in the county. The county also reflects lower overall rates of arrests, detention, and commitment to state institutions for all youth. As may be seen, the index of disproportionate treatment of minorities indicates that minority youth are slightly more likely to receive these outcomes as might be expected from their proportion of the population. The example has been constructed so that no point in the system appears to contribute to (or remove) the over-representation of minority youth.

In the second county, minority youth comprise the largest component of the county youth population. The juvenile justice system in this county reflects an orientation toward use of formal sanctions and secure facilities. The index of disproportionality is relatively consistent at 1.1, indicating only a slight over-representation of minority youth in this system.

When the two counties are combined to form a "MSA" average, the degree of disproportionate handling of minority youth is larger than in either county considered alone. With indexes ranging to 2.0 and above it is clear that minority youth in this MSA jurisdiction are treated much more harshly than majority youth. No single county or decision point has "created" this disparity, rather it is the product of the operation of two different systems of juvenile justice, operating under different approaches and primarily applied to two different populations (minority and majority) of youth.

The example is intended to illustrate the need for juvenile justice specialists and analysts to carefully consider the ways in which the county level processes combine to form a picture of the treatment of minorities within their states. One may not be able to identify a jurisdiction or a decision point as the "source" of disparity, yet the combination of different systems applied to different youth may create glaring disparities.

APPENDIX D

Sample Program Action Plan Forms

**DISPROPORTIONATE REPRESENTATION OF MINORITY YOUTH
PROGRAM ACTION PLAN**

OJJDP Phase: _____	Estimated Achievement Date:	Lead Responsibility:
Specific Objective: _____ _____ _____	_____	_____
Total Cost: _____ Planning Action Step: _____	_____	_____
Activity/Task 1: _____ _____ _____	_____	_____
Resources Required: _____ _____	_____	_____
Expected Product: _____ _____	_____	_____
Associated Cost: _____ _____	_____	_____
Activity/Task 2: _____ _____ _____	_____	_____
Resources Required: _____ _____	_____	_____
Expected Product: _____ _____	_____	_____
Associated Cost: _____ _____	_____	_____
Activity/Task 3: _____ _____ _____	_____	_____
Resources Required: _____ _____	_____	_____
Expected Product: _____ _____	_____	_____
Associated Cost: _____ _____	_____	_____

Example

DISPROPORTIONATE REPRESENTATION OF MINORITY YOUTH PROGRAM ACTION PLAN

OJJDP Phase: 1

Estimated Achievement Date:

Lead Responsibility:

Specific Objective: To identify the data sources for gathering the information on facility confinement requested by OJJDP.

July 1, 1990

SAG Subcommittee

Total Cost: 0

Planning Action Step: 1

Activity/Task 1: Send letters to state agencies most likely to have data.

May 31, 1990

JJ Specialist

Resources Required: 0

Expected Product: Receipt of part of the information needed.

Associated Cost: 0

Activity/Task 2: Determine data gaps and method for obtaining remaining data. One option is to conduct a survey for 30 days to acquire missing data.

June 15, 1990

JJ Specialist

Resources Required: Development and computerization of a survey.

Expected Product: A complete data index as required by OJJDP.

Associated Cost: \$ 300 to duplicate, disseminate, return and print out data.

Activity/Task 3: _____

Resources Required: _____

Expected Product: _____

Associated Cost: _____

**DISPROPORTIONATE REPRESENTATION OF MINORITY YOUTH
PROGRAM ACTION PLAN**

OJJDP Phase: _____ Associated Cost Estimated Achievement Date: Lead Responsibility:

Specific Objective: _____

Total Cost: _____

Planning Action Step: _____

Activity/Task 1: _____

Activity/Task 2: _____

Activity/Task 3: _____

Activity/Task 4: _____

Resources Required: _____

Expected Product(s): _____

Example

DISPROPORTIONATE REPRESENTATION OF MINORITY YOUTH PROGRAM ACTION PLAN

OJJD Phase: II

	Associated Cost	Estimated Achievement Date	Lead Responsibility
<u>Specific Objective: To asses the basis for decisions made at every stage of the juvenile justice system and develop solutions to reduce the disproportionate involvement of minority youth.</u>		<u>07/01/92</u> <u>(1st year funding)</u>	<u>SAG Committee</u>

Total Cost: _____

Planning Action Step: 3

<u>Activity/Task 1: Formulate and issue a RFP for conducting the assessment.</u>	<u>30,000</u>	<u>09/01/90</u>	<u>JJ Specialist</u>
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<u>Activity/Task 2: Develop legislative and funding workplans to implement the recommendations of the contractor.</u>	<u>0</u>	<u>11/01/91</u>	<u>SAG Committee</u>
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<u>Activity/Task 3: Approach the Governor and legislature with a funding plan detailing changes in policies and procedures and new programs to develop over 5 years.</u>	<u>1,000,000 (1st year)</u>	<u>07/01/92</u>	<u>SAG Committee and Legislative Staff</u>
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<u>Activity/Task 4: Implement policies and programs with the greatest potential for success, make their success visible and request expansion of the initiative in FY 94.</u>	<u>(See Task 3)</u>	<u>07/01/93</u>	<u>SAG Committee</u>
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Resources Required: Assessment—Cooperation from every phase of the system and contact with the legislature to inform them of the issues and solutions. Funding plan—SAG Committee needs time to develop viable workplans and a funding strategy as a result of the findings and present the legislature with fiscal and policy requirements.

Expected Product(s): Assessment—Reason and basis for overrepresentation, along with specific recommendations for addressing the problem. Legislative Plan—endorsement by the legislature of workplans and appropriation of funds to implement programs and services.

APPENDIX E

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