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# **Final Report**

## **Understanding Ethnic Disparities in Juvenile Probation: What Affects Decisions?**

**Presented to:**

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Staff and administrators of the probation departments that were the focus of this research were extremely helpful and genuinely interested in determining the value of policies and practices for promoting the well-being and support of youth and their families in Sacramento County and San Joaquin County. I am grateful for the support and encouragement received from Chief Lee Seale (Sacramento) and Stephanie James (San Joaquin) and for the assistance of staff in both departments in obtaining data and arranging meetings with probation staff.

## **Executive Summary**

Ethnic disparities in juvenile justice system (JJS) involvement are well-documented and have been reported as persistent despite decades of effort. It has also been argued that JJS involvement does more harm than good, translating as continual and ongoing disadvantage for ethnic minorities. Although the evidence for ethnic bias in community corrections is equivocal and there are those who hold a more positive view of community corrections, any disparities are still a cause for concern.

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) solicited research focused on two of the primary research and evaluation objectives:

- Decision-making at disposition decision points impacting Hispanic/Latino youth, including disproportionate entry and deeper involvement in the juvenile justice system and/or transfer to the adult criminal justice system.
- Disproportionate use of secure detention, which includes adult jails and lockups, and placement for Hispanic/Latino youth.

The proposal for this study, like the solicitation itself, assumed that disparities exist, and argued that understanding the basis for disparities in a county—and therefore the potential for system change to reduce disparities—requires an understanding of the factors that govern decision making other than current offense, such as the dispositional alternatives available in a particular setting and the characteristics of youth in relation to the alternatives. The present study, however, was not limited to issues involving Hispanic/Latino youth. The data provided the ability to assess possible disparities for Blacks as well, and the analysis and results are presented for the three major ethnic groups in California (White, Black and Latino), with other groups combined into a fourth category.

It is possible that findings regarding ethnic bias in community corrections are mixed because there is a great deal of variation across jurisdictions. Such variation would make generalization from studies of single jurisdictions difficult. Therefore, prior to undertaking the kind of proposed qualitative research to help understand the bases for ethnic disparities, it is important to assess the nature and extent of the disparities in the jurisdictions being studied.

This proposed research was designed to explore the process of probation decision making that leads to disparities by placing it in the context of constraints and options available at various decision points. It proposed to use existing information on probation actions for cohorts of youth in two major mid-state California counties (electronic and hard-copy records) to derive an empirical overview of how cases are handled at various decision points for different types of referrals and for different ethnic groups. The decision making process that led to ethnic disparities was then to be described for each decision point, using documented policies and descriptions obtained from interviews with probation staff and administrators. Of particular interest was limitations and constraints on decision making resulting from laws/policies and resource availability. The goal was to describe decision making in the context of the options that are available at various decision points and how these may contribute to ethnic differences.

### Study Design and Sample

First, it was necessary to determine the nature and extent of ethnic disparities in the two counties. Using automated case data supplied by probation departments, analysis focused on interventions for youth referred to juvenile probation over several calendar years (2012 to 2015 for one county and 2012 to 2014 for the other county). Available information on any prior referrals for these youth was also obtained to explore how these decisions changed for youth who have more than one referral. The primary focus was on the kinds of “decision points” that have

been identified as most relevant to the study of ethnic disparities, using the Haywood Burns Institute Relative Rate Index points as a framework.

The study involved two major counties in the Central Valley of California (Sacramento and San Joaquin). These counties provide a diversity of sizes, population demographics, operational organizations, interventions, community resources, and geographical characteristics, and both have sizable Latino/Hispanic populations. Within these counties, data were gathered on all youth referred to probation over several recent years. All prior referrals for youth selected for the cohorts were gathered as well. This process was designed to ensure that the sample was representative of all youth referred while still allowing full inclusion and documentation of prior referrals for each selected youth.

Data received from Sacramento County included all referrals between 2010 and March 2016. The total number of records received was 71,817. After eliminating duplicate records (1,628) and aggregating all charges and counts at the referral level, there were 45,307 separate referrals. Ethnicity analysis focused on referrals between 2012 through 2015:

- 2012                      7,902
- 2013                      7,207
- 2014                      5,711
- 2015                      4,729

Focusing on referrals after 2011 allowed the best estimate of the effects of prior referrals, as at least two years of prior experience could be identified. The final Sacramento County sample comprised 25,549 referrals. The focus of the analysis was on the most serious or severe sanction applied for each referral. The individual charge dispositions and status change entries were used to refine the final disposition as much as possible so that they reflected the most serious action taken on the referral.



For San Joaquin County, analysis focused on all youths referred to probation during calendar years 2012 to 2014. During this time, the probation department operated a special program to address truancy (Project 654), involving 4,382 referrals. These referrals were not included directly, but were considered when calculating the number of prior referrals for some analyses. The final sample included 11,656 referrals:

- 2012                      4283
- 2013                      3771
- 2014                      3602

The primary source of data on youth was each probation department's management information system. Data for sampled youth was extracted from existing electronic databases, stripped of identifiers. To place each referral in the context of each youth's history of involvement with probation and all youths' experiences with probation, information on *all referrals*, whether or not the youth was placed on formal or informal probation, were obtained, including multiple referrals for individual youth. For each probation referral for each youth, analysis focused on the intervention decisions for that referral (by probation and by the court).

The commonly-used Haywood Burns Institute Relative Rate Index figures for these two counties were not directly addressed either to verify or to compare with the present findings. A review of these figures found rather major discrepancies in what is reported by the two counties. For example, Sacramento County reported on referrals only if they were the result of an arrest, while San Joaquin County included referrals based on "citations" to probation. Because citations almost always involve less serious offenses, the actions for the two counties cannot be meaningfully compared. More importantly, the RRI rates assume that offense types do not differ across ethnic categories and that decisions regarding referrals are independent. These rates cannot (and do not) take into account the seriousness of the offenses leading to probation referral

or prior involvement in the juvenile justice system (JJS), such as current wardship, other pending referrals, and the number of prior referrals for each youth. Clearly, JJS decisions seriously consider both of these factors in determining types and levels of intervention. Accordingly, no specific comparisons were made with the RRI numbers, although an attempt was made to use similar decision points in analyzing the referrals.

Referrals were classified in terms of prior status, the number of prior referrals and the type of instant offense—violent (Part 1) felony and sex offenses (including Lewd and Lascivious and Sexual Battery), other felony offenses, misdemeanor violent offenses, misdemeanor theft, other misdemeanor/infractions, probation (or informal court probation) failure, and, for Sacramento County only, fare evasion on local public transit, which involved 7,497 citations, or 29.3% of all referrals to probation.

Interventions were classified in terms of the extent of formal intervention, with similar categories used in both counties to the extent possible. Due to differences in how dispositions are noted, these categories included somewhat different specific actions in the two counties. Dispositional categories included no action (by probation, the DA or the juvenile court), consolidation with other referrals, conditional dismissal (warning letters), informal probation, referral to the district attorney (DA), DA filing/rejection, court dismissal, informal court probation, formal probation (home or placement), and filing in adult court. In California, the district attorney has, under certain conditions, the option of requesting a hearing to determine a youth's "fitness" to remain in juvenile court or of directly filing the case in adult court. These decisions must, by law, take into account the seriousness of the crime and the youth's previous involvement in the juvenile justice system.

These categories were collapsed into more general categories. The goal was to establish a limited number of categories of intervention intensity that capture the level of

supervision/control level and approach. Although, again, these were not entirely comparable across the two counties because of differences in the information maintained in their management information systems, the following general categories were used in both counties:

- No Action—cases left pending, merged with other referrals, referred to supervising officers, or simply closed with no action.
- Informal Probation-level Action—letter of warning, informal probation, referral to a local diversion program.
- District Attorney Reject/No Action by Juvenile Court—cases rejected by the district attorney or forwarded to the juvenile court, but without any action taken.
- Informal Court Action (654.2, 725a, or DEJ)—Juvenile Court-level informal six-month or twelve-month probation or, for felony cases, “deferred entry of judgement (DEJ), with the petition dropped if successfully completed.
- Probation (Home/Placement)—formal adjudication/true finding/wardship.
- Secure Facility/DJJ/Adult Court—formal adjudication with secure confinement in a county facility or state-level institution (DJJ). This category also included the few cases filed in adult court.

The last two categories involved important differences between the two counties. In Sacramento county, secure confinement was not shown in the electronic record (these were included in the “probation” category). In contrast, San Joaquin county probation sentences may have been shown as “secure confinement” if the youth was booked prior to adjudication (similar to “credit for time served” at the adult level).

Analyses focused on patterns of decision making for individual youth within each county, with consideration of each youth’s prior record of juvenile justice system involvement. The

primary objective was to develop an empirical description of decisions for youth with various combinations of prior referrals and current offense seriousness. Disparities, if found, would be the focus of additional targeted qualitative exploratory research that would aid in understanding these disparities in the context of constraints and limitations of decisions at this level.

### Results and Conclusions

In the present study, focusing on several years of probation referrals and many thousands of cases, this analysis found little evidence of consistent, systematic disparity in how juveniles were handled by probation and the juvenile courts. These two large California counties both have sizable minority populations, with White youth accounting for only 30% of the population aged 10-17 in Sacramento County and only 22% of that population in San Joaquin County. The large numbers and the sizable representation of major ethnic groups in these counties made direct comparisons, and clear tabular presentation possible—analysis did not have to rely on statistical techniques that try to simultaneously estimate the effects of a number of variables using relatively small samples.

Both counties were found to have low levels of formal adjudication. In Sacramento County, less than 20% of all referrals resulted in any action by the juvenile court and 13% in formal probation (which may have included secure confinement). For first referrals, regardless of seriousness, over 70% were treated informally by the probation department (conditional dismissal or informal probation) or the courts. Interestingly, the loss of the county-funded diversion program, did not result in an increase in formal processing but, instead, an increase in the percentage of youth given “conditional dismissal” (warning letter or informal family meeting), the least severe disposition available at probation intake. Another 22% involved no action at all (although some of these referrals were combined with later referrals for particular

youth). Only about 8% of first referrals were formally adjudicated. As the number of referrals increased, the percentage formally adjudicated rose, but only to about 18% for the ninth or later referrals. These later referrals tended, rather, to be merged with other referrals or dismissed altogether.

Similar results were found for San Joaquin County. The percent of youth formally adjudicated, although slightly higher overall than in Sacramento County, was relatively small, reaching about 35% for youth with two or more prior arrests or citations. The bulk of referrals were either handled informally or dismissed entirely, especially as the number of prior arrests/citations increased. Again, these subsequent referrals were typically merged with other referrals or dismissed as part of the process of handling individual youth (rather than “cases”). Only 12.3% of referred youth were ever made a ward of the court during the observation period.

More importantly for the present study, no evidence of ethnic disparity was found in either county. After controlling for basic characteristics of referrals that would be expected to affect dispositional decision, ethnic groups were handled similarly in both counties. For Sacramento County, analyses found no noteworthy differences in how youth in the major ethnic categories were handled when gender, the number of prior referrals and the level of offense were controlled. In San Joaquin County the crucial variables were the number of prior referrals and gender.

Differences were found, however, in referral rates to probation (for first referrals involving arrests or citations) and in re-referrals (recidivism) following arrest/citation referrals (other than probation violations). These differences were found only for Black youth and not for Hispanic/Latino youth. For first referrals, Black youth in both counties were referred to probation at much higher rates than White or Hispanic/Latino youth (around four times the rate). Hispanic/Latino youth, in contrast, were referred at virtually the same rate as Whites.

Recidivism, defined as re-referrals for arrests or citations and excluding referrals for probation violations, placement failures, or modifications of probation conditions, was higher for Hispanic/Latino youth at 24 months than for White youth (37.8% vs 27.9% in Sacramento County and 37.9% vs 33.5% in San Joaquin County). Black youth had the highest 24-month recidivism rates in both counties (45.5% in Sacramento County and 46.3% in San Joaquin County). Again with a few exceptions, these patterns were consistent for males and females, for arrests and citations, and for numbers of prior referrals. By excluding referrals for probation violations and other matters for which the referring agency was the probation department, the rates of referral and recidivism reflected the actions of agencies outside the probation department. The basis for these disparities, therefore, was not addressed as part of the present study. It appears, however, that these two probation departments do not exacerbate these disparities.

These results, then, suggest that efforts to ensure equitable treatment of youth from different ethnic backgrounds are paying off, at least in these two California counties. Both of the counties involved in the present study have been diligent in addressing possible ethnic bias, seeking analysis and guidance from organizations such as the Haywood Burns Institute. It appears that these efforts are paying their dividends in terms of fair and equal treatment across ethnic groups.

As stated in the introduction, it is important to understand the extent to which the availability and viability of interventions options constrains actual interventions used by counties. Although there may appear to be considerable discretion available to local probation and the courts, the reality is more limited. Informal probation, for example, either at the probation or court level can only be offered once to a particular youth. If the youth fails to meet expectations for school attendance, complying with parental rules, or staying out of trouble (in particular, getting arrested or cited again during the period of informal probation), the probation

department or the courts cannot simply start over. These options are meant to provide a certain leverage to help parents provide care and supervision to youth who have gotten off-track. Youth who continue to offend are considered in need of more strict (some would say “harsh”) controls. In most instances, other than most serious cases and those warranting only a warning letter, probation staff in both counties work closely with the parents to craft a disposition that maintains and strengthens family supervision and prosocial activity (such as school attendance and effort). Probation intake staff meet with parents, along with the youth, to discuss constraints on parental supervision and the youth’s compliance with parental rules and together determine whether probation’s assistance is needed. For example, a single working mother with several children may report that she cannot devote the time and energy needed to help with schoolwork or enforce rules about friends or staying out late. Another family may report that their child is unwilling to abide by their rules. In these cases, the probation officer may offer informal probation, offering to close the case (without a formal petition) if the youth attends school, maintains passing grades and complies with parents’ rules about curfew and outside activities. Compliance with these conditions is reviewed with the parents after six months. In most cases, charges are never filed and the youth does not get referred again.

Thus, although this proposed research was designed to explore the process of probation decision-making that leads to disparities, that aspect was predicated on their being disparities to explain. Consistent with earlier studies, probation decisions in this study were found to rely heavily on offense histories and other legal factors, especially after the first referral. It is reasonable and professionally appropriate to tailor interventions to build on what was done before, but these options may be smaller and smaller in number as these previous interventions prove unsuccessful (for whatever reasons). Thus, graduated interventions (such as referral of the case to the district attorney, informal court probation, or formal wardship) may seem more

prudent as the number of referrals increases, and this was found in the current study. In these counties, these legal factors and graduated sanctions seem to be paramount and applied equally across ethnic groups.

In summary, this study of decision-making in two major California Counties found only small differences in how youth of different ethnic backgrounds were handled, and these were explainable by the legal characteristics of the referral. This result should be considered good news for advocates of reforms aimed at minimizing or eliminating ethnic disparities in juvenile justice processing. Although these results are limited to these two counties in California, it is gratifying that ethnic disparities can be effectively minimized through concerted effort.



## **Introduction**

Ethnic disparities in juvenile justice system involvement are well-documented (Rovner 2014; Piquero, 2008; OJJDP, 2009) and have been persistent despite decades of effort (Leiber & Rodriguez, 2011). From the perspective that JJS involvement does more harm than good, these disparities translate as continual and ongoing disadvantage for ethnic minorities (Vincent, Guy, and Grisso, 2012; Fagan, 2010; Petrosino, Turpin-Petrosino, & Guckenbug, 2010; Gatti, Tremblay, & Vitaro, 2009; Austin, Johnson, & Weitzer, 2005). Although the evidence for ethnic bias in community corrections is equivocal (Caudill, Morris, Sayed, Yun, & DeLisi, 2013; Maggard, Higgins, & Chappell, 2012; Bechtold, Cauffman, & Monohan, 2011), and there are those who hold a more positive view of community corrections (Huizinga & Henry, 2008; McNeill, Farrall, Lightowler, & Maruna, 2012), any disparities are still a cause for concern.

The proposal for this study assumed that disparities exist, and argued that understanding the basis for disparities in a county—and therefore the potential for system change to reduce disparities—requires an understanding of the factors that govern decision making other than current offense, such as the dispositional alternatives available in a particular setting and the characteristics of youth in relation to the alternatives. To understand the basis for disparities, it is important to understand the extent to which the availability and viability of interventions options constrains actual interventions used by counties. Although there may be, theoretically speaking, considerable discretion available to local probation and the courts, the reality may be more limited. Researchers have acknowledged that the decisions made about youth are necessarily tied to local operations and resources, and a few have actually studied these decisions (Bechtold, Cauffman, & Monohan, 2011; Caudill, et al., 2013; Vincent, Paiva-Salisbury, Cook, Guy, & Perrault, 2012; Perrault, Paiva-Salisbury, & Vincent, 2012). However, more needs to be learned

about what actually happens, as this knowledge is critical to determining how to increase adherence to evidence-based principles and juvenile justice reforms. Understanding disparities requires examining actual probation decision making in the context of demographics, resources, geography, and other differences across jurisdictions.

This proposed research was designed to explore the process of probation decision making that leads to disparities by placing it in the context of constraints and options available at various decision points. It proposed to use existing information on probation actions for cohorts of youth in two major mid-state California counties (electronic and hard-copy records) to derive an empirical overview of how cases are handled at various decision points for different types of referrals and for different ethnic groups. The decision making process was then to be described for each decision point, using documented policies and descriptions obtained from interviews with probation staff and administrators. Of particular interest was limitations and constraints on decision making resulting from laws/policies and resource availability. The goal was to describe decision making in the context of the options that are available at various decision points.

Probation decisions have been found to rely heavily on offense histories and other legal factors, especially after the first referral (Caudill, et al., 2013; Bechtold, et al., 2011). Formal risk assessment instruments, which are encouraged as a way of standardizing decision-relevant factors, thereby reducing subjectivity and possible bias, also rely on measures of prior record and instant offense (Austin, Johnson & Weitzer, 2005; Davis, Irvine & Ziedenberg, 2014; Vincent, et al, 2012). For straight prediction, some have been shown to be reducible to only a few offense-related items (Fries, et al., 2013). Prior arrests, referrals, adjudications, even incarcerations are treated as indicators of higher criminal propensity and can also be understood as indicators that

prior attempts to modify behavior have been unsuccessful (Haapanen, Britton, & Croisdale, 2007; Haapanen, Britton, Croisdale, & Coebergh, 2009). It is reasonable and professionally appropriate to tailor interventions to build on what was done before, but these options may be smaller and smaller in number as these previous interventions prove unsuccessful (for whatever reasons). Prior unsuccessful interventions increase risk scores and, for therapeutic interventions, indicate what is not likely to be effective for particular clients moving forward. Thus, graduated interventions (such as referral of the case to the district attorney, informal court probation, or formal wardship) may seem more prudent as the number of referrals increases.

It is reasonable to assume that beyond the limits and constraints posed by legal factors, there may be similar limitations based on prior non-legal interventions. For first offenders (or first-time referrals to juvenile probation), official prior records may be minimal (contacts only), and in these cases extra-legal factors play a larger role in determining dispositions (Caudill, et al., 2013; Kalmbach & Lyons, 2013; Bechtold, et al., 2011). Extra-legal factors may include prior non-juvenile justice system interventions initiated by parents, schools, social services, or local law enforcement (Moffit, 1993; Richardson, 2001). Probation intake officers are expected to use and report these interventions (if known) as part of their decision making and their recommendations for further action (probation reports), and these may place limits or constraints on next steps. Taking these extra-legal factors into account for first-time referrals has been shown to reduce the direct predictive effects of race/ethnicity on dispositions (Kalmbach & Lyons, 2013), suggesting that at least part of ethnic disparities may spring from differences among ethnic groups in the extra-legal characteristics salient to probation decision making.

Therapeutically-oriented intervention options may also be limited in their availability, especially for multi-problem youth and their families. For example, youth who are (or were)

also involved in the Child Welfare System are known to have a higher risk of delinquent behavior (Bilchik, 2010). Their dual status complicates finding appropriate non-formal options, and these youth often penetrate deeper into the juvenile justice system than non-maltreated youth (Bilchik, 2010). Not only are they often unwelcome back in their foster homes (if the crime was committed there), they typically come with multiple problems and service needs, including previous delinquency referrals (Herz, Ryan, & Bilchik, 2010). When needs are extensive and options are limited, probation and the courts must choose among the alternatives that are available, including possible wardship and congregate care, even if they are not considered optimum for particular youth.

## **Study Design**

### **Design Overview**

Assuming that disparities exist, to understand why youth are handled differently within a juvenile justice agency, it is important to understand how and why intervention decisions are made and to identify the intervention options that are available at each decision point. Using qualitative methods, we proposed to describe not only what decisions are made at various decision points that lead to ethnic disparities but also why those decisions are made.

This information would potentially set the stage for future studies designed to measure these factors and incorporate them into explanatory models of probation decision making. It is unlikely that data currently available from automated sources would provide measures of all the relevant qualitative factors at each decision point, so the proposed approach could not have verified the relative importance of various factors or determined whether those factors

adequately explain empirically observed disparities. However, this information could help to convey the complexity of these decisions and suggest directions that future research can take.

First, it was necessary to determine the nature and extent of ethnic disparities in the two counties. Using automated case data supplied by probation departments, we analyzed interventions for youth referred to juvenile probation over several calendar years (2012 to 2015 for one county and 2012 to 2014 for the other). Available information on any prior referrals for these youth was also obtained to explore how these decisions changed for youth who have more than one referral. The primary focus was on the kinds of “decision points” that have been identified as most relevant to the study of ethnic disparities, using the Haywood Burns Institute (BI) Relative Rate Index points as a framework.

The Relative Rate Index for Black and Latino youth in these two counties for 2014 is shown Table 1. According to the Haywood Burns Institute (BI), the rates of referral to probation and other important decisions differ both across counties and by ethnicity in both counties. Hispanic rates of referral and most dispositions were generally higher than the rates for Whites, but lower than the rates for Black youth. Although some of the rates for Hispanics were the same, or even lower, than the rates for Whites (Relative Rate Index figures below 1.0), the overall data seem to show a higher rate of referral and of penetration into the juvenile justice system for youth of color in both counties.

In the present study, however, no attempt was made to verify or directly compare the present results to the BI Relative Rate Index data. After reviewing these data, it was clear that the data were not comparable. The rates of processing decisions, such as detention, petitions, and probation, were based on the number of referrals to probation each year. However, these numbers are based on different metrics in the two counties. In Sacramento County, the BI data

show 2,475 referrals to probation. Data received from the Sacramento County Probation Department show more than twice that number (5,711 as shown below in Table 2 below). The difference is due to referrals for this county only including referrals based on arrests (citations were not included). San Joaquin county data also did not match the BI data. In this case, referrals reported to BI did include citations and also included referrals for the county's probation-based truancy program, Project 654 (which were not included in the present study). The BI data for San Joaquin County also did not include referrals for simple probation violations or modifications of probation conditions. These differences make comparisons between the two counties or with the present data difficult.

More importantly, the RRI rates for diversion, secure detention, petitions, and other actions assume that types of offenses do not differ across ethnic categories and that decisions regarding referrals are independent. These rates cannot (and do not) take into account the seriousness of the offenses leading to probation referral or prior involvement in the juvenile justice system (JJS), such as current wardship, other pending referrals, and the number of prior referrals for each youth. Clearly, JJS decisions seriously consider both of these factors in determining types and levels of intervention. Accordingly, no specific comparisons were made with the RRI numbers, although an attempt was made to use similar decision points in analyzing the referrals.

Rather, the present analysis relied on data obtained directly from the two counties and attempted to use similar samples. Citation referrals were included for Sacramento County, as they were for San Joaquin County, and San Joaquin referrals excluded those that did not involve an arrest or citation (the Project 654 referrals). Percentages of dispositions or actions taken on referrals were calculated from all referrals or for similar subgroups of referrals (for example first

referrals, felony referrals, arrests, and so on). These percentages made the results somewhat more comparable across counties, although for the most part each county's decisions were considered separately. These percentages also took into account the factors that the juvenile justice system is expected to consider when determining the most appropriate disposition for individual youth coming into the system: the nature of the offense, the seriousness of harm, and the youth's prior experiences with the juvenile justice system.

Table 1  
Haywood Burns Institute  
Juvenile Decision Points and Relative Rate Index by County 2014

Decision Point	White		Black			Latino		
	Total Youth	Rate per 1,000	Total Youth	Rate per 1,000	RRI (Relative to White)	Total Youth	Rate per 1,000	RRI (Relative to White)
<b>Sacramento County</b>								
Youth Population 10-17	<b>56,125</b>		<b>17,278</b>			<b>48,311</b>		
Number and Rate per 1,000 Population								
Juvenile Arrests	<b>598</b>	10.7	<b>1,069</b>	61.9	<i>5.81</i>	<b>646</b>	13.4	<i>1.25</i>
Refer to Probation/Juvenile Court	<b>515</b>	9.2	<b>1,121</b>	64.9	<i>7.07</i>	<b>664</b>	13.7	<i>1.50</i>
Number and Rate per 100 Referrals to Prob/Juv Ct								
Cases Diverted	<b>74</b>	14.4	<b>221</b>	19.7	<i>1.37</i>	<b>118</b>	17.8	<i>1.24</i>
Cases Involving Secure Detention	<b>41</b>	8.0	<b>200</b>	17.8	<i>2.24</i>	<b>67</b>	10.1	<i>1.27</i>
Cases Petitioned (Charge Filed)	<b>370</b>	71.8	<b>794</b>	70.8	<i>0.99</i>	<b>466</b>	70.2	<i>0.98</i>
Cases Resulting in Delinquent Findings	<b>212</b>	41.2	<b>531</b>	47.4	<i>1.15</i>	<b>308</b>	46.4	<i>1.13</i>
Cases resulting in Probation Placement	<b>122</b>	23.7	<b>378</b>	33.7	<i>1.42</i>	<b>203</b>	30.6	<i>1.29</i>
Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	<b>0</b>	-	<b>2</b>	0.2		<b>0</b>	-	
Cases Transferred to Adult Court	<b>6</b>	1.2	<b>27</b>	2.4	<i>2.07</i>	<b>9</b>	1.4	<i>1.16</i>
<b>San Joaquin County</b>								
Youth Population 10-17	<b>20,828</b>		<b>6,452</b>			<b>45,013</b>		
Number and Rate per 1,000 Population								
Juvenile Arrests	<b>811</b>	38.9	<b>786</b>	121.8	<i>3.13</i>	<b>941</b>	20.9	<i>0.54</i>
Refer to Probation/Juvenile Court	<b>735</b>	35.3	<b>1,070</b>	165.8	<i>4.70</i>	<b>1,782</b>	39.6	<i>1.12</i>
Number and Rate per 100 Referrals to Prob/Juv Ct								
Cases Diverted	<b>16</b>	2.2	<b>16</b>	1.5	<i>0.69</i>	<b>35</b>	2.0	<i>0.90</i>
Cases Involving Secure Detention	<b>110</b>	15.0	<b>158</b>	14.8	<i>0.99</i>	<b>220</b>	12.3	<i>0.82</i>
Cases Petitioned (Charge Filed)	<b>214</b>	29.1	<b>364</b>	34.0	<i>1.17</i>	<b>547</b>	30.7	<i>1.05</i>
Cases Resulting in Delinquent Findings	<b>109</b>	14.8	<b>221</b>	20.7	<i>1.39</i>	<b>320</b>	18.0	<i>1.21</i>
Cases resulting in Probation Placement	<b>25</b>	3.4	<b>56</b>	5.2	<i>1.54</i>	<b>57</b>	3.2	<i>0.94</i>
Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	<b>57</b>	7.8	<b>133</b>	12.4	<i>1.60</i>	<b>196</b>	11.0	<i>1.42</i>
Cases Transferred to Adult Court	<b>4</b>	0.5	<b>11</b>	1.0	<i>1.89</i>	<b>19</b>	1.1	<i>1.96</i>

## Samples

The study involved two major counties in the Central Valley of California (Sacramento and San Joaquin). These counties provide a diversity of sizes, population demographics, operational organizations, interventions, community resources, and geographical characteristics. They have sizable Hispanic/Latino populations, but differ in the extent to which Hispanic/Latino youth have been argued to be over-represented at various decision points, compared to Whites. Again, no attempt was made to verify or directly compare the present results to the BI Relative Rate Index data because, after reviewing these data, it was determined that the data were not comparable.

Within these counties, data were gathered on all youth referred to probation over several recent years. All prior referrals for youth selected for the cohorts were gathered as well. This process was designed to ensure that the sample was representative of all youth referred while still allowing full inclusion and documentation of prior referrals for each selected youth.

## Data sources

Data on individual youth. The primary source of data on youth was each probation department's management information system. These are described in Appendix A. Data for sampled youth was extracted from existing electronic databases, stripped of identifiers. Human Subjects protection protocols were prepared and approved by the UC Davis Institutional Review Board prior to obtaining these data. At no time were individual youth interviewed or contacted.

To place each referral in the context of each youth's history of involvement with probation and all youths' experiences with probation, information on *all referrals*, whether or not the youth was placed on formal or informal probation, were obtained, including multiple



referrals for individual youth. For each probation referral for each youth, analysis focused on the intervention decisions for that referral (by probation and by the court).

The following information was obtained for each referral:

- Demographics (gender, age, race/ethnicity, county area of residence)
- Date of referral to probation
- Type of referral (detention center intake, citation to probation, etc.)
- Referral offense(s) or reason for referral (including probation violation)
- Detention decision (booked into juvenile hall)
- Release date, if booked
- Probation/DA disposition of referral (no action, informal probation, new charges added to original referral, referral to DA, petition)
- Court disposition of referral if petitioned (no true finding, no action, informal court probation, formal probation (home or placement), remand to adult court, etc.)

Referrals were classified in terms of the number of prior referrals and the type of instant offense—violent (Part 1) felony, other felony, misdemeanor violent, misdemeanor theft, other misdemeanor/infracton, probation (or informal court probation) failure, and violation of local ordinances (such as failure to pay fares for local public transit). Dispositional actions were classified in terms of the extent of formal intervention (e.g., no action, consolidation with other referrals, conditional dismissal (warning letters), informal probation, referral to the district attorney (DA), DA filing/rejection, court dismissal, informal court probation, formal probation (home or placement), and direct filing in adult court. The goal was to establish a limited number of categories of intervention intensity that capture the level of supervision/control level and approach (Wilson & Howell, 1993; Howell & Lipsey, 2012; Fagan, 2010). To the extent

possible, similar categories were used in both counties. Due to differences in how dispositions are noted, these categories included somewhat different specific actions in the two counties, however. The specifics of how these categories were operationalized in the two counties are discussed in the two results sections. The following general categories were used in both counties:

- No Action—cases left pending, merged with other referrals, referred to supervising officers, or simply closed with no action.
- Informal Probation-level Action—letter of warning, informal probation, referral to a local diversion program.
- District Attorney Reject/No Action by Juvenile Court—cases rejected by the district attorney or forwarded to the juvenile court, but without any action taken.
- Informal Court Action (654.2, DEJ)—Juvenile Court-level informal six-month or twelve-month probation or, for felony cases, “deferred entry of judgement,” with the petition dropped if successfully completed.
- Probation (Home/Placement)—formal adjudication/true finding/wardship.
- Secure Facility/DJJ/Adult Court—formal adjudication with secure confinement in a county facility or state-level institution (DJJ). This category also included the few cases filed in adult court.

The last two categories involved important differences between the two counties. In Sacramento county, secure confinement was not shown in the electronic record (these were included in the “probation” category). In contrast, San Joaquin county probation sentences may have been shown as “secure confinement” if the youth was booked prior to adjudication (similar to “credit for time served” at the adult level).

These categories were used to characterize interventions for types of referrals (first offenders, youth charged with felonies, recidivists, youth with many referrals, etc.) to determine the extent to which different ethnic groups received different interventions and progressed differently over time. The final categories were determined after a careful review of the data and descriptions of interventions used by the two counties based on consultation with probation staff.

In California, the district attorney has, under certain conditions, the option of requesting a hearing to determine a youth's "fitness" to remain in juvenile court or of directly filing the case in adult court. These decisions must, by law, take into account the seriousness of the crime and the youth's previous involvement in the juvenile justice system.

Data on counties. Other information about the county, its population, and its juvenile justice policies and practices were obtained from public documents (e.g., policy and procedure manuals, training standards, and other documents) and from interviews with probation personnel. These interviews focused on the county, the juvenile justice system, and the decision-making policies regarding youth in the juvenile justice system. Proposed interview guides and protocols were submitted to the UC Davis IRB for review and approval. However, information was obtained primarily from informal discussions involving several probation staff. These were intended as preliminary to more formal interviews focusing on decision points to help understand ethnic discrepancies, but these formal interviews became unnecessary when no major discrepancies were found, as discussed below.

### Data analyses

Analyses focused on patterns of decision making for individual youth in each county, with consideration of each youth's prior record of juvenile justice system involvement as these

differ by ethnicity. The analysis of extra legal considerations (for example, child welfare system involvement), risk assessment results, and the availability of various intervention options were to be employed to understand any observed disparities by ethnicity. Analyses focused on decision-making and actual interventions used by counties.

Discussions with counties also focused on the ways the counties have attempted to address local ethnic disparities (including detention and risk assessments). These discussions involved key juvenile justice personnel in each county and focused on the process of determining appropriate interventions for youth, constraints on decision making, and on perceived changes in the operation of the juvenile justice system over time.

Because the number of referrals was large for these counties, standard cross-tabular presentation of aggregated dispositional data (contingency tables) was able to capture and provide visual evidence of any differences in dispositions for youth by ethnicity during the target period. Chi-square statistical tests were used to determine whether differences were large enough not to be the result of sampling error or other chance variation. The chi-square statistic is a well-known non-parametric statistic used to determine if there is a difference between two or more groups of participants when the variable of interest is categorical or nominal (McHugh, 2013; Corder and Foreman, 2015). It tests for the independence of variables in a contingency table by comparing actual numbers in each cell to what would be expected in that cell if it were a simple function of the distributions of the two variables. For example, if 20% of the sample is White and 50% of the sample was placed on formal probation, we would expect the percentage of the sample that is White and placed on probation to be  $50\% * 20\% = 10\%$  of the full sample. A strength is that chi-square makes no assumptions about the distribution of the population, such as “normality.” This statistic is therefore appropriate for the kinds of comparisons made in this

study. However, the chi-square test is sensitive to sample size. The size of the calculated chi-square is directly proportional to the size of the sample, independent of the strength of the relationship between the variables. In this study, based on large numbers of referrals from each agency, comparisons were generally made for subcategories of cases based on level of offense (infractions vs misdemeanors vs felonies), numbers of prior referrals, and year of referral, reducing the sample sizes in the comparisons. Still, the individual comparisons generally comprised several hundred (sometimes thousands) of cases.

To summarize, the goal of this project was to aid in the understanding of probation's role in causing or sustaining ethnic disparities, especially for Hispanic/Latino youth. A major objective was to develop an empirical description of decisions at each decision point for youth with various combinations of prior referrals and current offense seriousness. Another objective was to document and describe the options available at each decision point for each county and the constraints placed on decision making by law, policy, and the availability of control-oriented and therapeutic alternatives. The third objective was to describe the process and factors that influence specific choices for specific types of youth among the available options as needed to explain and understand ethnic disparities. Together, these objectives combined to develop a description of the decision making process at each decision point, the factors that influence and constrain these decisions, and how these factors may differ for counties with different characteristics. In so doing, the research focused on two of the primary research and evaluation objectives of the solicitation upon which this study was funded:

- Decision-making at disposition decision points impacting Hispanic/Latino youth, including disproportionate entry and deeper involvement in the juvenile justice system and/or transfer to the adult criminal justice system.

- Disproportionate use of secure detention, which includes adult jails and lockups, and placement for Hispanic/Latino youth.

### **Results: Sacramento County**

Data were requested for all referrals between 2010 and March 2016. These records comprised separate records for each offense charged for each referral. The total number of records received was 71,817. Duplicate Records totaled 1,628, resulting in 70,189 unique records. For analysis, these records were aggregated at the referral level, with the numbers and types of different offense charges (including counts of specific offenses) summarized for each referral. After aggregating charged offenses within referrals, there were 45,307 separate referrals. Among these referrals 11,931 (26.3%) had more than one offense charged. A small number of referral records (1,373) did not include information on ethnicity; these were not used in the ethnicity analyses. To summarize, the full sample selection (2010 to early 2016) for Sacramento County included

• Total referral records	71,817
• Duplicate Records	1,628
• Unique records (separate charges and counts)	70,189
• Total Referrals (charges and counts aggregated)	45,307

Referrals to probation declined over this period:

• 2010	10,175
• 2011	7,792
• 2012	8,185
• 2013	7,435
• 2014	5,905
• 2015	4,879
• 2016	936 (partial year)

To get the best estimate of the effects of prior referrals, only referrals occurring between 2012 and 2015 were used in the analysis of ethnic disparities in case processing (highlighted above). At least two years of prior experience could be identified. Prior referrals, offense charges and counts of those charges were calculated for each referral. In addition, only referrals for which ethnicity information was available were used (855 of the 26,404 referrals during this period did not have ethnicity information). The final sample comprised 25,549 referrals. Recidivism analysis focused on referrals in 2010 to 2013 to maximize the number with at least two years of follow-up.

### **Sacramento Data**

Analysis of Sacramento Probation processes used electronic information provided by Sacramento County Probation on each referral: demographics (date of birth, gender, and ethnicity), reason for referral (charges and counts of charges), bookings (dates in and out, along with calculated time in detention), and actions taken on each referral by the probation department, the district attorney (DA) and the juvenile court. The file was de-identified by removing all names and other information that could be used to identify individual youth. The data were provided in a Microsoft Excel file, with separate subfiles for general referral information, status changes (actions taken), and bookings into detention. The information in these subfiles was linked by an anonymous ID number and a referral number, so that actions and bookings could be linked to a specific referral. The subfile containing general information on referrals included separate records for each individual referral charge, including multiple counts of particular charges. Charge information included offense, level (Infraction Misdemeanor, or Felony), legal code type (Penal Code, Health and Welfare Code, Welfare and Institutions Code, etc.), and the dispositions of each charge. Charges ranged from one to 15. The subfile

containing status changes (actions) for each referral contained separate records for each status change for each referral. Actions (status changes) taken on referrals ranged from one to 11.

A Look-up table obtained from the California Department of Justice for reporting crimes to the California Criminal Justice Statistics Center (CJSC) was used to assign each charge a Hierarchy code (for comparing seriousness) and a Bureau of Criminal Statistics (BCS) Summary Code (for collapsing offenses into commonly-used categories). Offense entries that were not found in the Look-up table were examined individually and recoded to correct typographical errors and other apparent errors of entry—for example using the wrong legal code entry, such as PC (Penal Code) instead of HW (Health and Welfare Code) for certain drug offenses. This file also contained information on the district attorney’s action (if any) for each charge and the juvenile court action (if any). These arrays were used to identify and/or calculate

- The most serious offense charge for the referral,
- The total number of charges,
- The total number of felony, misdemeanor, or infraction charges,

Status/action data for each referral were used to establish

- The number of actions per referral,
- Types of action (conditional dismissal, court probation, etc.),
- Refinements to Final Disposition, especially for cases “closed” or “dismissed,” and
- The number of hearings in which “wardship” was indicated (this occurred even in some cases for whom the final disposition was “Dismissed”).

For youth with multiple referrals, additional summary measures included

- The number of prior referrals,
- The number of prior bookings,
- The most serious prior disposition (wardship), and
- The most serious charge across prior referrals.



As suggested above, in some cases, it was possible to use individual status/action information to refine entries indicating final dispositions of the case. In many instances, the final disposition was “closed” or “dismissed” or “formal probation” when the status/action data indicated other actions, including “wardship.” It was assumed that the final disposition in these cases reflected the successful end result of actions by probation, the DA, or the courts and that these “closed” referrals may have included informal court actions and even probation terms successfully completed. The individual status change entries were used to refine the final disposition as much as possible so that they reflected the most serious action taken on the referral. The status/action data were also used to establish actions prior to the final disposition of the case (for example, court probation that led to formal probation indicating non-compliance with the conditions of informal probation).

Cases that were “closed at intake” at the probation level may have also reflected successful informal interventions, such as warning letters or informal probation, and the status/action data was helpful in identifying these informal interventions. In addition, many of these cases involved youth who had several previous referrals or were already wards of the court. For the final analyses, this distinction was made to approximately differentiate between referrals handled informally by probation and those for which it was more likely that the referral was merged with other referrals or considered in conjunction with other referrals. Referrals after the third for each youth for which no action was taken were placed in a category that included other closed referrals for youth that were already on probation or had an earlier referral that was still being actively handled by probation. A similar distinction was made for cases “Closed” or “Dismissed” at the DA level when no other information was available. It was assumed that first or second referrals were more likely to be considered on their merit while later referrals may be

closed or dismissed because other charges were pending or more relevant. For example, if a youth is already on formal probation and is re-referred for a non-serious offense, the DA and the court may gain little by pursuing the case in terms of the youth's disposition or status in the juvenile justice system. In particular, because of laws regarding juvenile justice actions, the level and type of offense associated with a referral petition determines the options available for handling the youth. A youth on probation for a very serious offense (e.g., felony robbery) may be confined and/or placed in a state facility if probation is unsuccessful. If that youth is petitioned on a new referral for a less serious offense (e.g., misdemeanor theft), the new offense becomes the "active" offense and may reduce the options available to the juvenile court. To preserve the ability to effectively handle youth committing serious crimes, these subsequent lesser crimes may simply be closed or dismissed without further action on that charge. These finer distinctions, however, were not the subject of comparative analysis, which focused on the more general category of "No action."

Detention is formally defined in terms of how long a youth is held in confinement. Rather than rely on the formal definition, however, the present analysis used booking ("in the door") date and release ("out of the door") date to determine whether a youth was booked into custody and, if so, the number of days (or hours) in confinement.

District Attorney and Juvenile Court handling of each referral was determined by entries concerning individual charges and status/actions. Any entries indicating that a charge was rejected by the DA or considered by the court were noted. A referral with any DA rejection but no court action was considered to have been rejected/dismissed at the DA level. A court decision (dismissed, informal probation, formal probation, secure confinement) indicated that the referral was forwarded to the DA and filed in juvenile court.

Recidivism was defined as any subsequent arrest or citation referral during the 12 or 24-month period following the date of referral. Excluded were referrals only for probation violations, even if an offense was listed (the listed charge may be the original charge leading to the probation). Also excluded were “court probation” failures and referrals for modifications of probation conditions (e.g., placement failures). Referrals were used rather than “adjudicated referrals because although being arrested or cited does not necessarily indicate that an offense has been committed, these are often considered better indicators of a youth’s actual behavior than adjudication due to the numerous other considerations that enter into decisions to

- refer a case to the District Attorney’s Office,
- file a petition,
- consider informal courses of action (654.2, 725a, or DEJ), and
- establish a “true finding.”

In addition, arrest/citation, rather than adjudication, increases the “independence” of prior referrals and recidivism. If the definition of recidivism goes beyond arrest to require adjudication, it is possible that youth with more prior referrals may be more likely to be petitioned to court and adjudicated as “guilty” because they had already been shown to be higher risk.

### Sample Characteristics

The characteristics of the Sacramento County sample are shown in Table 2, broken down by ethnicity. As shown, the percentages of ethnic groups during each year is similar. Across all years, the percentage of females is slightly higher among White youth than among other ethnic groups. The largest number of referrals was for youth 17 years of age, with most referrals being for youth 16 or 17 at the time of referral. Although this analysis focused on the period from 2012 to 2015, data were available back to 2010 (to more accurately identify prior referrals). Within this

sample of referrals, looking at the entire period, 9,347 (36.6%) of all referrals were “first referrals” during 2012-2015; that is, of all referrals made in 2012-2015, about 37% of the referrals were for youth seen for the first time since 2010. Within the 2012-2015 period, 11,770 of the referrals were the first ones occurring during this four-year period. Subtracting, we find that 2,423 (20.6%) of the first referrals in 2012-2015 were for youth who had prior referrals in 2010 or 2011 (not shown in the table). Considering the entire period for the 11,770 individual youth in the 2012-2015 sample, 6,347 (53.9%) had only one total referral on record—that is, no referrals before or after the current referral.

Ethnic differences. Ethnic differences in these youth and case characteristics were not substantial. However, the test statistics used (chi-square) is sensitive to sample size, and with this large sample, virtually all of these differences were statistically significant. More refined tests of differences in dispositions will be discussed below. Looking at Table 1, nearly half of all referrals for each of the four calendar years were for Black/African American youth. These figures suggest a much higher referral rate for Black youth in Sacramento County, and this is, indeed, the case (A detailed analysis of referral rates for first referrals is shown below). Looking down the table, these data also show that much of this discrepancy reflects a difference in the number of youth with multiple referrals. Among referrals for White youth, 63.5% had only one referral in the file. In contrast, only 44.4% of Black youth and 56.1% of Latino youth had only one referral on record.

Table 2  
Sacramento County Probation  
Sample Characteristics by Ethnicity

	Ethnicity								Total Referrals	
	White		Black		Latino		Other		N	Pct
	N	Pct	N	Pct	N	Pct	N	Pct		
Total	5847	100.0	12364	100.0	6333	100.0	1005	100.0	25549	100.0
Referral Year										
2012	1927	33.0	3759	30.4	1905	30.1	311	30.9	7902	30.9
2013	1607	27.5	3479	28.1	1821	28.8	300	29.9	7207	28.2
2014	1260	21.5	2798	22.6	1431	22.6	222	22.1	5711	22.4
2015	1053	18.0	2328	18.8	1176	18.6	172	17.1	4729	18.5
Gender										
Not specified	42	.7	50	.4	24	.4	4	.4	120	.5
Male	3923	67.1	8854	71.6	4775	75.4	731	72.7	18283	71.6
Female	1882	32.2	3460	28.0	1534	24.2	270	26.9	7146	28.0
Age at Referral										
13 or under	386	6.6	748	6.0	490	7.7	59	5.9	1683	6.6
14	577	9.9	1356	11.0	785	12.4	100	10.0	2818	11.0
15	1040	17.8	2341	18.9	1174	18.5	199	19.8	4754	18.6
16	1512	25.9	3177	25.7	1593	25.2	259	25.8	6541	25.6
17	1895	32.4	3578	28.9	1852	29.2	321	31.9	7646	29.9
18 or older	437	7.5	1164	9.4	439	6.9	67	6.7	2107	8.2
Number of This Referral 2010 - 2015										
First	2763	47.3	3597	29.1	2468	39.0	519	51.6	9347	36.6
Second (or Status)	1078	18.4	2121	17.2	1124	17.7	175	17.4	4498	17.6
Third to Fifth	1167	20.0	3177	25.7	1476	23.3	202	20.1	6022	23.6
Sixth to Eighth	460	7.9	1594	12.9	687	10.8	74	7.4	2815	11.0
Ninth or later	379	6.5	1875	15.2	578	9.1	35	3.5	2867	11.2
Number of This Referral 2012-2015										
First	3289	56.3	4803	38.8	3071	48.5	607	60.4	11770	46.1
Second (or Status)	1079	18.5	2410	19.5	1193	18.8	164	16.3	4846	19.0
Third to Fifth	1017	17.4	3113	25.2	1318	20.8	161	16.0	5609	22.0
Sixth to Eighth	324	5.5	1231	10.0	465	7.3	50	5.0	2070	8.1
Ninth or later	138	2.4	807	6.5	286	4.5	23	2.3	1254	4.9
Total referrals 2010-2016 (Indiv youth)										
1	2089	63.5	2134	44.4	1723	56.1	401	66.1	6347	53.9
2	536	16.3	783	16.3	484	15.8	87	14.3	1890	16.1
3	206	6.3	483	10.1	272	8.9	40	6.6	1001	8.5
4	129	3.9	307	6.4	136	4.4	24	4.0	596	5.1
5 or more	329	10.0	1096	22.8	456	14.8	55	9.1	1936	16.4

### Dispositions and Actions Taken on Referrals

Table 3 shows information on the characteristics of the referrals over this four-year period. As shown, most of the referrals over this period were citations (57.2%), and only about one in five (21.8%) were based on arrests. The remainder (although listed as arrests or citations) were for probation violations or warrants (16.6%) or other matters such as “modifications of Probation”

(4.4%). Nearly half (48.7%) of the referrals over this period were for misdemeanor offenses, with the next highest level being for infractions (mostly fare evasion on Regional Transit cars). This offense was charged as a misdemeanor (theft) in some cases, especially when the number of these violations increased for individual youth. Combined, the number of referrals for violation of local ordinances and RT fare evasion was the highest single category of offense charges (29.3%). Felony-level offenses accounted for 22.7% of all referrals. Note that probation violations, which were the second highest category of individual referral “offenses” may be charged at any level, although most (89%) were charged as misdemeanors (not shown). These charging levels may reflect the seriousness of the underlying behavior for the probation violation or the level of the offense that led to the probation. For the placed in the Probation Violation category regardless of the indicated level of offense (felony or misdemeanor).

The level and type of the referral offense differed by ethnicity. Although a similar percentage of referrals for all ethnicities were for felony-level offenses, Black youth were more likely to be referred for a violent felony offense (8.8%) than Whites (6.1%) or Latinos (6.9%). Blacks had a higher percentage of referrals for infractions (again, mostly fare evasion on Regional Transit) and a lower percentage of referrals for misdemeanors (especially theft). Blacks also had a higher percentage of referrals for probation violations serious enough to be charged as misdemeanors or felonies (that is, not merely technical violations of probation).

Of these referrals, 31.4% included a booking into juvenile hall. Bookings were related to the seriousness of the offense, with no infractions being booked, one-third of misdemeanor referrals and two-thirds of felony referrals including a booking (not shown in the table). The percentage of referrals booked differed somewhat by ethnicity, although once type and level of offense and referral year were taken into account, these differences were not statistically

Table 3  
Sacramento County Probation  
Referral Characteristics by Ethnicity

	Ethnicity								Total Referrals	
	White		Black		Latino		Other			
	N	Pct	N	Pct	N	Pct	N	Pct	N	Pct
Total	5847	100.0	12364	100.0	6333	100.0	1005	100.0	25549	100.0
Referral Type										
Arrest	1011	17.3	2947	23.8	1408	22.2	211	21.0	5577	21.8
Citation	3782	64.7	6479	52.4	3698	58.4	650	64.7	14609	57.2
PV/Warrant	829	14.2	2332	18.9	963	15.2	122	12.1	4246	16.6
Other (incl Mot to Modify)	225	3.8	606	4.9	264	4.2	22	2.2	1117	4.4
Highest Level of Referral Charge										
Felony	1167	20.0	2938	23.8	1435	22.7	232	23.1	5772	22.6
Misdemeanor	3164	54.1	5542	44.8	3229	51.0	501	49.9	12436	48.7
Infraction	1516	25.9	3884	31.4	1669	26.4	272	27.1	7341	28.7
Most Serious Offense Type										
None	1052		1	0.0	2	0.0			3	0.0
Felony Part 1 Violent	355	6.1	1085	8.8	436	6.9	76	7.6	1952	7.6
Other Felony	697	11.9	1540	12.5	884	14.0	137	13.6	3258	12.8
Misd Violent	389	6.7	802	6.5	394	6.2	74	7.4	1659	6.5
Misd Theft	578	9.9	810	6.6	460	7.3	129	12.8	1977	7.7
Other Misd/Infraction	1285	22.0	1246	10.1	1247	19.7	174	17.3	3952	15.5
Probation/Ct Probation Fail (some charged as felonies)	1029	17.6	2883	23.3	1200	18.9	139	13.8	5251	20.6
Local Ord/RT Fare	1514	25.9	3997	32.3	1710	27.0	276	27.5	7497	29.3
Booking indicated in file										
No	4259	72.8	8167	66.1	4368	69.0	734	73.0	17528	68.6
Yes	1588	27.2	4197	33.9	1965	31.0	271	27.0	8021	31.4
Days in Confinement (if booked)										
Less Than One Day	325	20.8	772	18.6	454	23.3	61	22.8	1612	20.4
One to Two Days	232	14.8	507	12.2	229	11.8	20	7.5	988	12.5
Three to six Days	191	12.2	481	11.6	202	10.4	35	13.1	909	11.5
Seven to 13 Days	118	7.5	256	6.2	120	6.2	20	7.5	514	6.5
14 to 29 Days	348	22.3	811	19.6	436	22.4	41	15.4	1636	20.7
30 Days or more	350	22.4	1314	31.7	504	25.9	90	33.7	2258	28.5
Any Charges Filed/Rejected by DA										
No Petition Requested	3346	57.2	6190	50.1	3397	53.6	606	60.3	13539	53.0
No DA Action Noted	942	16.1	2611	21.1	1102	17.4	130	12.9	4785	18.7
All Charges Rejected	36	0.6	35	0.3	31	0.5	8	0.8	110	0.4
1+ Charges Filed	1523	26.0	3528	28.5	1803	28.5	261	26.0	7115	27.8

significant (as discussed below). Once booked, a higher percentage of referrals for Black youth involved confinement over 30 days. Again, however, these differences were not statistically significant when type and level of offense and the number of prior referrals were controlled.

Overall, about half of all referrals (47%) included a Petition ID number, indicating a decision by the probation intake officer that a petition for wardship in juvenile court was

warranted. However, in over a third of those cases (18.7% of all referrals), no DA decision was noted in the file, suggesting that the petition request was never actually forwarded to the DA. In these cases, the petition request was held in abeyance, either as a “conditional dismissal” or informal probation, and the youth successfully met the conditions for dismissing the petition at the probation level. Of the petitions that were considered by the district attorney, almost all (98% of decisions and 27.8% of all referrals) were “filed” by the DA. Note that the DA may file a petition on any one of a number of charges involved in a particular referral, and this charge may not be the most serious charge included in the referral to probation. A slightly lower percentage of referrals for White youth were referred to the DA for a decision about whether to file a petition (42.8% of referrals, compared to 49.9% of referrals for Blacks and 46.4% for Latinos), but for those referrals that were referred, a slightly higher percentage of referrals were “filed” for White youth (a smaller percentage were rejected by the DA).

Using information on all actions taken on each referral, the highest level of action was identified. Information provided on all actions taken for each referral also allowed for a consideration of the steps taken along the way. Cases for which the final disposition reached a certain level of severity may have had less severe actions taken prior to the final disposition. Table 4 shows the highest level of disposition for all referrals combined and the number and percent of referrals for which various actions were taken. Actions considered for each referral were, from least to most serious, conditional. The large number of distinct actions were collapsed into general categories and then collapsed again into types of action:

No Action/Pending/Merged Referral (27.6%). These included

- charges left pending or unresolved (1.0%);
- referrals for which no action was taken—typically citations for infractions (2.4%);



Table 4  
Sacramento County Probation  
Highest Known Action/Disposition Ethnicity

	Ethnicity								Total Referrals	
	White		Black		Latino		Other			
	N	Pct	N	Pct	N	Pct	N	Pct	N	Pct
Total	5847	100.0	12364	100.0	6333	100.0	1005	100.0	25549	100.0
Actions Taken on Referrals Included										
Conditional Dismissal (Warning Letter)	2362	40.6	3906	31.9	2212	35.2	429	43.5	8909	35.1
Failed Conditional Dismissal	101	4.3	206	5.3	130	5.9	18	4.2	455	5.1
Informal Probation/Diversion	312	5.4	466	3.8	361	5.7	52	5.3	1191	4.7
Failed Informal Probation	58	18.6	121	26.0	64	17.7	10	19.2	253	21.2
Informal Probation by Juv Ct	523	9.0	733	6.0	445	7.1	81	8.2	1782	7.0
Failed Informal Ct Probation	87	16.6	171	23.3	90	20.2	22	27.2	370	20.8
Formal Probation (Home/Paced)	555	9.5	1554	12.7	820	13.0	119	12.1	3048	12.0
Highest Known Action/Disposition										
No Action (Pending, merged, supv)	1350	23.1	3616	29.2	1601	25.3	194	19.3	6761	26.5
Conditional Dismissal (Warning)	2261	38.7	3700	29.9	2082	32.9	411	40.9	8454	33.1
Informal Action (Prob, Diversion)	254	4.3	345	2.8	297	4.7	42	4.2	938	3.7
DA Reject/No Action by Juv Ct	876	15.0	2299	18.6	1038	16.4	140	13.9	4353	17.0
Informal Ct Action (654.2, DEJ)	436	7.5	562	4.5	355	5.6	59	5.9	1412	5.5
Probation (Home/Placement)	640	10.9	1714	13.9	908	14.3	140	13.9	3402	13.3
State facility/Adult Court	30	0.5	128	1.0	52	0.8	19	1.9	229	0.9
Highest Action/Disposition Subcategories										
No Action (Pending, merged, supv)										
Pending Charges	52	0.9	119	1.0	64	1.0	8	0.8	243	1.0
No Action on Charge	152	2.6	234	1.9	136	2.1	19	1.9	541	2.1
Transfers In/Out	110	1.9	79	0.6	82	1.3	3	0.3	274	1.1
Ref to Supv PO/Incl in Other Action	1036	17.7	3184	25.8	1319	20.8	164	16.3	5703	22.3
Conditional Dismissal (Warning)	2261	38.7	3700	29.9	2082	32.9	411	40.9	8454	33.1
Informal Action (Prob, Diversion)	254	4.3	345	2.8	297	4.7	42	4.2	938	3.7
DA Reject/No Action by Juv Ct										
Prob Viol/New Petition	287	4.9	724	5.9	304	4.8	34	3.4	1349	5.3
DA Reject/No Action	308	5.3	718	5.8	359	5.7	70	7.0	1455	5.7
Ct Dismissed	281	4.8	857	6.9	375	5.9	36	3.6	1549	6.1
Informal Ct Action (654.2, DEJ)	436	7.5	562	4.5	355	5.6	59	5.9	1412	5.5
Formal Probation										
Probation (Home)	552	9.4	1430	11.6	829	13.1	125	12.4	2936	11.5
Probation (Placement)	88	1.5	284	2.3	79	1.2	15	1.5	466	1.8
State facility/Adult Court										
State Facility (DJJ)	5	0.1	20	0.2	7	0.1	1	0.1	33	0.1
Adult Court	25	0.4	108	0.9	45	0.7	18	1.8	196	0.8

- transfers into or out of the jurisdiction (1.1%);
- referrals that were merged with other pending referrals (15.9%);
- referrals resulting in termination of current wardship, often because of the youth's age at the time the referral was reviewed by the court (0.1%); and

- matters referred to the supervising probation officer for youth on formal or informal probation (7.1%).

Conditional Dismissal/Letter of Warning (33%). Citations (and even some arrests) are reviewed by probation intake officers. At their discretion, they may merely send a letter to the youth and his or her parents advising them of consequences for continued misbehavior. The probation intake officers may also choose to meet face-to-face with the youth and parents to review the behavior and consider the youth's willingness to stay out of trouble and the family's resolve to monitor and supervise the youth. This meeting may result in a formal letter of warning or more serious actions. Conditional dismissal was the final disposition of one-third of all referrals to probation over the four-year period. A higher percentage of referrals for White youth reached only this level (38.7%), compared to referrals for Blacks (29.9%) and for Latinos (33.0%). Because of legal restrictions on when this option may be used, referrals beyond the first may be much less likely to have (and end) at this level. These differences, therefore, may reflect the fact that a higher percentage of referrals for Black and Latino youth were for referrals beyond the first.

Informal Action–Informal Probation or Diversion (3.2%). For cases that are deemed to warrant more than a simple warning letter or face-to-face meeting, probation has the option of placing the youth on informal probation, with the matter held in abeyance for six months. If the youth meets the conditions of this informal probation (attends school, obeys parents' rules, and stays out of trouble), the case is closed without further action. This option can be used only once for each youth. Alternatively, a small number of cases were referred to a diversion program or informal neighborhood organization for non-justice system disposition. These alternatives were based on county funding and were discontinued during the 2012-13 fiscal year. Only a handful of

cases were handled in this manner during the 2012 to 2015 period, with these types of cases handled alternatively by the probation department with conditional dismissals or informal probation.

It is noteworthy that the loss of this alternative did not lead to more formal processing of the youth who would have been sent to the diversion programs. Table 5 shows the informal dispositions of referrals by year, with 2010 and 2011 included as well as the 2012 and 2013 referrals. As seen in the table, informal probation and diversion were the actions of choice for probation-level interventions in 2010 and 2011. Most of these interventions were referrals to outside agencies, such as informal youth courts and neighborhood accountability boards. When these options were no longer available due to funding cuts, probation relied almost exclusively on “conditional dismissals” (letters of warning or informal meetings with the youth and parents). In fact, in 2012 and 2013 a higher percentage of referrals were handled at the probation level than in the previous two years. Thus, while probation recognizes the value of neighborhood options for handling relatively minor referrals, staff responded to their absence in other informal ways. Also shown in this table are the percentages of referrals for which no action was taken at all, either because the matter was unresolved in the time frames permitted, merged with other matters being considered for the youth, or considered by the DA or court not to warrant formal action. In all, four out of five referrals each year were handled without juvenile court intervention (including informal court probation).

Table 5  
Sacramento County Probation  
Percent of Informal and non-Court Dispositions by Year of Referral

Year	Conditional Dismissal (Warning)	Informal Probation/Diversion	All Probation-Level Informal	No Action (Pending, merged, referred to supv)	No Action by DA or Juv Ct	Total Non-formal Disposition
2010	7	23.7	<b>30.7</b>	20.3	25.9	<b>76.9</b>
2011	10.6	18.4	<b>29</b>	25.1	22.7	<b>76.8</b>
2012	33.3	4.6	<b>37.9</b>	26.8	18	<b>82.8</b>
2013	38.7	3.5	<b>42.2</b>	25.5	13.3	<b>80.9</b>

Even though the alternative to diversionary referral was Conditional Dismissal, the extent of intervention by these neighborhood organizations was unknown, and for the remaining analysis they were combined with informal probation, rather than the Conditional Dismissal category. In all, only about 3% of all referrals during the 2012-2015 period had this level of informal intervention as their highest dispositional action. Many more had this option as one of the actions taken on the referral (as discussed below).

DA Reject/Court Dismissal/Probation Modification (16.5%). Cases referred to the district attorney may be closed (5.3%) because the DA feels there is insufficient evidence to move the case forward or takes no action on the petition request—typically because other charges or other petitions are already being processed for the youth. Similarly, the court may also dismiss the charges, taking no action on the petition (5.9%). Also in this category were placed referrals involving minor probation violations (often placement failures) that merely resulted in petitions for a modification of existing conditions of formal probation (5.2%).

Informal Court Action—654.2, 790/DEJ (5.5%). The juvenile court can offer a similar informal probation period to that available to probation. In this case, the court can order that the petition be held open for six months. For felony charges, this action is termed “deferred entry of judgment,” or DEJ, and can last one year. In both instances, the court will dismiss the petition if

the youth meets conditions similar to those used in informal probation cases (attends school, obeys parents' rules, stays out of trouble, etc.). As with informal probation, this option is generally available only once for each youth.

Probation--Home/Placement (13.2%). If the court sustains the petition, the youth is made a ward of the juvenile court, with formal conditions of probation. The youth may be returned to his or her home (11.4%) or, in relatively rare instances, placed outside the home (1.8%).

DJJ/Adult Court (0.9%). Youth who commit with very serious (primarily violent felony) offenses may be committed to state custody with the Division of Juvenile Justice (DJJ) within the California Department of Corrections and Rehabilitation (CDCR). Such commitment is not automatic; rather, youth committed to DJJ must have had a sustained petition for particular crimes and generally have continued criminal behavior despite local interventions. Very few youth are found to be in need of state custody (33 total, 0.1%, over the four-year period). Alternatively, youth age 14 or older who are charged with very serious offenses may have their charges filed in adult court. There were 196 cases handled in this manner over the four-year period (0.8%). Of these, the vast majority (157 cases) were over the age of 16, and almost all (170 cases) were charged with violent felony crimes. The remainder involved action on pending charges (not already filed in juvenile court) based on additional arrests.

Overall, most (about 61%) of all referrals resulted in no action more serious than a letter of warning to the youth and parents. An additional 20% were handled by probation (informal probation) or were not forwarded by the DA for formal processing by the juvenile court. Thus, over 80% of all referrals were never heard by the juvenile court or were dismissed at the court. Of those cases for which any action was taken by the juvenile court (19.6% of all referrals), over a quarter (28%) were handled informally by the court. Although two out of three referrals resulting

in formal action resulted in formal probation, commitment to state custody, or remand to adult court, these cases accounted for only about 14% of all referrals to probation during this period.

Information provided on all actions taken for each referral also allowed for a consideration of the steps taken along the way. Cases for which the final disposition reached a certain level of severity may have had less severe actions taken prior to the final disposition. Table 6 shows the number and percent of referrals for ethnic groups for which various actions were taken on referrals. These actions are also broken down by highest level of charges and by the number of the referral for each youth (first, second or third, and fourth or later). These breakdowns help to understand how actions differ based on the legal characteristics of the referral.

These figures show that, overall, only a slightly higher number of cases were offered a conditional dismissal (35.1%) than were closed at that level (33.1%), as shown in Table 3. Thus, the vast majority of cases receiving this disposition were successful and had no further action taken on their referrals.

Of those for whom this option was not successful, about a third were placed on informal probation (and succeeded), while two thirds were referred to the DA/court—almost all of the latter cases resulted in no further action, typically due to the unwillingness of the district attorney to pursue these relatively minor cases or because certain time limits were reached (one year from the initial referral or age 18). Similarly, more cases (4.7%) were offered informal probation than successfully completed and had their cases closed at that level (3.2%). Two out of three of the cases that went beyond the informal probation level had no further action taken (DA reject or dismissal by the court), and an additional 25% of cases were handled by informal court probation. Only 7.5% of the cases for whom informal probation was unsuccessful were handled formally (placed on formal probation) by the juvenile court (1.6% of all cases offered informal probation

**Table 6**  
**Sacramento County Probation**  
**Actions Taken on Referrals by Ethnicity**

Note: More than one action may be taken on each referral

	Ethnicity								Total	
	White		Black		Latino		Other		N	Pct
	N	Pct	N	Pct	N	Pct	N	Pct		
Total	5847	100.0	12364	100.0	6333	100.0	1005	100.0	25549	100.0
All Referrals										
Conditional Dismissal (Warning Letter)	2362	40.6	3906	31.9	2212	35.2	429	43.5	8909	35.1
Failed Conditional Dismissal	101	4.3	206	5.3	130	5.9	18	4.2	455	5.1
Informal Probation/Diversion	312	5.4	466	3.8	361	5.7	52	5.3	1191	4.7
Failed Informal Probation	58	18.6	121	26.0	64	17.7	10	19.2	253	21.2
Informal Probation by Juv Ct	523	9.0	733	6.0	445	7.1	81	8.2	1782	7.0
Failed Informal Ct Probation	87	16.6	171	23.3	90	20.2	22	27.2	370	20.8
Formal Probation (Home/Paced)	555	9.5	1554	12.7	820	13.0	119	12.1	3048	12.0
Infractions Only										
Conditional Dismissal (Warning Letter)	1220	80.5	2719	70.0	1235	74.0	214	78.7	5388	73.4
Failed Conditional Dismissal	34	2.8	96	3.5	41	3.3	8	3.7	179	3.3
Informal Probation/Diversion	28	1.8	75	1.9	36	2.2	5	1.8	144	2.0
Failed Informal Probation	6	21.4	13	17.3	4	11.1	1	20.0	24	16.7
Informal Probation by Juv Ct	5	0.3	7	0.2	6	0.4			18	0.2
Failed Informal Ct Probation	1	20.0							1	5.6
Formal Probation (Home/Paced)			4	0.1	2	0.1			6	0.1
Misdemeanors Only										
Conditional Dismissal (Warning Letter)	1127	35.7	1178	21.3	966	29.9	213	42.5	3484	28.1
Failed Conditional Dismissal	62	5.5	102	8.7	83	8.6	9	4.2	256	7.3
Informal Probation/Diversion	241	7.6	359	6.5	284	8.8	45	9.0	929	7.5
Failed Informal Probation	36	14.9	86	24.0	50	17.6	8	17.8	180	19.4
Informal Probation by Juv Ct	233	7.4	333	6.0	200	6.2	27	5.4	793	6.4
Failed Informal Ct Probation	29	12.4	60	18.0	37	18.5	8	29.6	134	16.9
Formal Probation (Home/Paced)	202	6.4	454	8.2	273	8.5	36	7.2	965	7.8
Felony Charges										
Conditional Dismissal (Warning Letter)	15	1.3	9	0.3	11	0.8	2	0.9	37	0.6
Failed Conditional Dismissal	5	33.3	8	88.9	6	54.5	1	50.0	20	54.1
Informal Probation/Diversion	43	3.7	32	1.1	41	2.9	2	0.9	118	2.0
Failed Informal Probation	16	37.2	22	68.8	10	24.4	1	50.0	49	41.5
Informal Probation by Juv Ct	285	24.4	393	13.4	240	16.7	54	23.3	972	16.8
Failed Informal Ct Probation	57	20.0	111	28.2	54	22.5	14	25.9	236	24.3
Formal Probation (Home/Paced)	354	30.3	1100	37.4	546	38.0	85	36.6	2085	36.1

by the probation department). In contrast only about 30% of cases placed on informal court probation had that as their final disposition—more cases were placed on informal court probation at some point (17.1%) than showed that as their final disposition (5.5%). Of those cases that were

not closed at that level, however, less than half (47%) received a more severe disposition (formal probation or commitment to DJJ or remand to adult court), while most (53%) resulted in no further action by the DA or the court, again partially due to time limits and age of the youth.

These results indicate that referrals to juvenile probation in Sacramento County over this four-year period were handled, for the most part, very informally. Even when these measures are not particularly successful, youth are not often moved to higher, more formal, levels of processing.

#### Referral Rates for First Referrals.

Before looking at differences in outcomes for youth differing by ethnicity, it is important to place these results in the context of overall referral rates for different ethnic groups. Referrals to probation are not under the control of the Sacramento Probation Department. Law enforcement agencies throughout the county and from other jurisdictions referred youth, but the vast majority came from the Sacramento Regional Transit District (infraction citations for fare evasion accounting for 89% of all infractions, 47% of all citations, and 27% of all referrals over this period), the Sacramento Police Department (26% of all referrals), the Sacramento County Sheriff's Department (16% of all referrals), and the Sacramento County Juvenile Probation Department (10% of all referrals). These four agencies accounted for 78% of referrals. Other local police departments accounted for an additional 14% of referrals.

To determine how many youth in each ethnic category were referred to probation and their relative rates of referral, analysis focused on first referrals only. Table 7 shows the number of youth first referred to probation during the 2012-2015 period within each year, broken down by ethnicity and gender. Also included in the table are the estimated population figures for youth



**Table 7**  
**Sacramento County Probation**  
**First Referrals and Rate per 1,000 by Ethnicity**

	Ethnicity								Total Referrals	
	White		Black		Latino		Other		N	Pct
	N	Pct	N	Pct	N	Pct	N	Pct		
Total First Referrals	2763	30%	3597	38%	2468	26%	519	6%	9347	100%
First Referrals (% across)										
2012	962	30%	1180	37%	841	27%	183	6%	3166	100%
2013	772	30%	989	38%	687	27%	143	6%	2591	100%
2014	560	28%	794	40%	524	26%	109	5%	1987	100%
2015	469	29%	634	40%	416	26%	84	5%	1603	100%
Population 10-17 (% across)										
2012	57881	36%	18098	11%	46991	30%	35789	23%	158759	21.0
2013	56806	36%	17601	11%	47617	30%	35673	23%	157697	17.4
2014	56125	36%	17278	11%	48311	31%	35876	23%	157590	13.9
2015	55728	35%	17066	11%	49241	31%	36435	23%	158470	11.0
Rate per 1,000 Population	Rate	Compared to White	Rate	Compared to White	Rate	Compared to White	Rate	Compared to White	Rate	
2012	16.5	1.0	65.4	4.0	17.9	1.1	5.2	0.3	19.9	
2013	13.6	1.0	56.2	4.1	14.5	1.1	3.9	0.3	16.4	
2014	10.1	1.0	46.5	4.6	10.9	1.1	3.0	0.3	12.7	
2015	8.5	1.0	37.7	4.4	8.5	1.0	2.3	0.3	10.2	
Unspecified Gender	21		16		7		2		46	
Male										
First Referrals										
2012	592		718		530		119		1959	
2013	490		587		466		91		1634	
2014	357		510		352		72		1291	
2015	316		389		262		54		1021	
Population 10-17										
2012	29632		9150		24027		18481		81290	
2013	28966		8895		24306		18463		80630	
2014	28538		8757		24598		18588		80481	
2015	28339		8656		25079		18819		80893	
Rate per 1,000 Pop	Rate	Compared to White	Rate	Compared to White	Rate	Compared to White	Rate	Compared to White	Rate	
2012	20.0	1.0	78.5	3.9	22.1	1.1	6.4	0.3	24.1	
2013	16.9	1.0	66.0	3.9	19.2	1.1	4.9	0.3	20.3	
2014	12.5	1.0	58.2	4.7	14.3	1.1	3.9	0.3	16.0	
2015	11.2	1.0	44.9	4.0	10.4	0.9	2.9	0.3	12.6	
Female										
First Referrals										
2012	357		454		308		64		1183	
2013	276		397		218		50		941	
2014	202		281		171		37		691	
2015	152		245		154		30		581	
Population 10-17										
2012	28249		8948		22964		17308		77469	
2013	27840		8706		23311		17210		77067	
2014	27587		8521		23713		17288		77109	
2015	27389		8410		24162		17616		77577	
Rate per 1,000 Pop	Rate	Compared to White	Rate	Compared to White	Rate	Compared to White	Rate	Compared to White	Rate	
2012	12.6	1.0	50.7	4.0	13.4	1.1	3.7	0.3	15.3	
2013	9.9	1.0	45.6	4.6	9.4	0.9	2.9	0.3	12.2	
2014	7.3	1.0	33.0	4.5	7.2	1.0	2.1	0.3	9.0	
2015	5.5	1.0	29.1	5.2	6.4	1.1	1.7	0.3	7.5	

aged 10-17 in Sacramento County (from the California Department of Finance Population Unit) for each of the four years and the referral rate (per 1,000 youth in the population). For the three primary ethnic groups, results showed similar, considerable declines across the four years, with overall rates for Whites dropping from 16.5 per 1,000 to 8.5 per 1,000. Latinos were referred at a slightly higher rate of 17.9 per 1,000 in 2012, dropping to the same 8.5 per 1,000 in 2015. Rates for Black youth were considerably higher, starting at 65.4 per 1,000 in 2012 and dropping to 37.7 in 2015. Compared to the rate for White youth, Blacks were referred at a rate over 4 times higher. Latino youth, on the other hand, were referred at nearly the same rate as White youth (about 1.1 times the rate or 10% higher during 2012 to 2014, but dropping to the same rate in 2015). Rates for females were considerably lower than for males, but the patterns of ethnic comparisons were the same. Black males and females were referred at about four times the rate of Whites, and Latino males and females were both referred at about the same rate as Whites.

Reasons for these discrepancies was not the topic of this study. Sorting out the relative contributions of differences in behavior vs. differences in law enforcement handling of that behavior is a complex undertaking that was beyond the scope of this report. Rather, the present concern was whether probation decision-making contributed to these differences, increasing (or causing) disparities in how youth that are referred make their ways through the juvenile justice system.

#### Probation Actions and Dispositions by Ethnicity.

As mentioned above, differences in actions taken on referrals for youth of different ethnic backgrounds and the final dispositions of those referrals differed to a statistically significant

extent when referrals across all four years were considered. However, it was also noted that legal characteristics that would be expected to affect decisions also differed by ethnicity as well. Further, it was mentioned that the test statistic used in this study (chi-square) is sensitive to sample size, with smaller differences reaching statistical significance as sample size increases. Consequently, in the present analysis of actions taken and dispositions, we attempted to account for characteristics of cases that could reasonably explain observed variation. In addition, the analysis controlled for year of referral, partly to reduce the relevant samples to reasonable levels and also to determine whether patterns of increased or decreased discrepancy might occur. Because of the large samples, it was possible to control directly for a number of relevant variables without reducing the numbers in each cell to unreasonable levels. For most analyses, sample sizes for comparisons were over 1,000 referrals. Analyses were performed controlling for year of referral, gender, age at referral, type of referral (arrest vs citation), level of offense (infraction vs misdemeanor vs felony), and number of prior referrals.

As it turned out, the crucial variables were gender, the number of prior referrals and the level of the most serious charge. When these variables were controlled, using categorized number of the referrals (second, third through 5<sup>th</sup>, 6<sup>th</sup> through 8<sup>th</sup>, and 9<sup>th</sup> or later) no consistent disparities were found in the dispositions of youth. These numbers and percentages are shown in Table 8 through Table 10.

Although a small number of specific comparisons for certain groups (based on referral year, number of prior referrals, and level of offense) reached statistical significance, there was no major observable pattern to these. It should be noted that in the small number of comparisons that showed statistically significant differences, referrals for White youth appeared to be treated less formally. In many of the comparisons showing differences, especially for later referrals,

Table 8  
Sacramento County Probation  
Referral Dispositions for Infractions by Ethnicity

	Ethnicity								Total	
	White		Black		Latino		Other		N	Pct
	N	Pct	N	Pct	N	Pct	N	Pct		
Total	1516	100.0	3884	100.0	1669	100.0	272	100.0	7341	100.0
<b>All Infraction Referrals</b>										
No Action (Pending, merged, supv)	224	14.8	888	22.9	333	20.0	44	16.2	1489	20.3
Conditional Dismissal (Warning)	1186	78.2	2623	67.5	1194	71.5	206	75.7	5209	71.0
Informal Action (Prob, Diversion)	22	1.5	62	1.6	32	1.9	4	1.5	120	1.6
DA Reject/No Action by Juv Ct	79	5.2	300	7.7	102	6.1	18	6.6	499	6.8
Informal Ct Action (654.2, DEJ)	4	.3	7	.2	6	.4			17	.2
Probation (Home/Placement)	1	.1	3	.1	2	.1			6	.1
State facility/Direct File			1	0.0					1	0.0
<b>Number of This Referral (any prior type)</b>										
<b>First Referral</b>	<b>766</b>	<b>100.0</b>	<b>1442</b>	<b>100.0</b>	<b>776</b>	<b>100.0</b>	<b>148</b>	<b>100.0</b>	<b>3132</b>	<b>100.0</b>
No Action (Pending, merged, supv)	71	9.3	120	8.3	57	7.3	9	6.1	257	8.2
Conditional Dismissal (Warning)	666	86.9	1269	88.0	690	88.9	134	90.5	2759	88.1
Informal Action (Prob, Diversion)	15	2.0	11	0.8	10	1.3	2	1.4	38	1.2
DA Reject/No Action by Juv Ct	12	1.6	37	2.6	17	2.2	3	2.0	69	2.2
Informal Ct Action (654.2, DEJ)	2	.3	4	.3	2	.3			8	.3
Probation (Home/Placement)										
State facility/Direct File			1	0.1					1	0.0
<b>Second or Third Referral</b>	<b>434</b>	<b>100.0</b>	<b>1184</b>	<b>100.0</b>	<b>513</b>	<b>100.0</b>	<b>85</b>	<b>100.0</b>	<b>2216</b>	<b>100.0</b>
No Action (Pending, merged, supv)	62	14.3	232	19.6	88	17.2	17	20.0	399	18.0
Conditional Dismissal (Warning)	338	77.9	855	72.2	373	72.7	61	71.8	1627	73.4
Informal Action (Prob, Diversion)	6	1.4	15	1.3	11	2.1	1	1.2	33	1.5
DA Reject/No Action by Juv Ct	26	6.0	79	6.7	37	7.2	6	7.1	148	6.7
Informal Ct Action (654.2, DEJ)	2	.5			2	.4			4	.2
Probation (Home/Placement)			3	.3	2	.4			5	.2
State facility/Direct File										
<b>Fourth or later</b>	<b>316</b>	<b>100.0</b>	<b>1258</b>	<b>100.0</b>	<b>380</b>	<b>100.0</b>	<b>39</b>	<b>100.0</b>	<b>1993</b>	<b>100.0</b>
No Action (Pending, merged, supv)	91	28.8	536	42.6	188	49.5	18	46.2	833	41.8
Conditional Dismissal (Warning)	182	57.6	499	39.7	131	34.5	11	28.2	823	41.3
Informal Action (Prob, Diversion)	1	0.3	36	2.9	11	2.9	1	2.6	49	2.5
DA Reject/No Action by Juv Ct	41	13.0	184	14.6	48	12.6	9	23.1	282	14.1
Informal Ct Action (654.2, DEJ)			3	.2	2	.5			5	.3
Probation (Home/Placement)	1	.3							1	.1
State facility/Direct File										

Differences tended to be in whether the case was left pending (with no indication that the case was reviewed by the DA or the juvenile court) or closed without action. Because both instances typically involve decisions as to whether and how to consider the current referral in the context of other active referrals, the importance of this difference is unclear.

Table 9  
Sacramento County Probation  
Referral Dispositions for Misdemeanors by Ethnicity

	Ethnicity								Total	
	White		Black		Latino		Other		N	Pct
	N	Pct	N	Pct	N	Pct	N	Pct		
<b>Total</b>	3164	100.0	5542	100.0	3229	100.0	501	100.0	12436	100.0
<b>All Misdemeanor Referrals</b>										
No Action (Pending, merged, supv)	986	31.2	2358	42.5	1117	34.6	126	25.1	4587	36.9
Conditional Dismissal (Warning)	1065	33.7	1076	19.4	883	27.3	204	40.7	3228	26.0
Informal Action (Prob, Diversion)	205	6.5	273	4.9	234	7.2	37	7.4	749	6.0
DA Reject/No Action by Juv Ct	470	14.9	1034	18.7	519	16.1	71	14.2	2094	16.8
Informal Ct Action (654.2, DEJ)	204	6.4	273	4.9	163	5.0	19	3.8	659	5.3
Probation (Home/Placement)	231	7.3	513	9.3	309	9.6	44	8.8	1097	8.8
State facility/Direct File	3	0.1	15	0.3	4	0.1			22	0.2
<b>Number of This Referral (any prior type)</b>										
<b>First Referral</b>	<b>1528</b>	<b>100.0</b>	<b>1465</b>	<b>100.0</b>	<b>1226</b>	<b>100.0</b>	<b>264</b>	<b>100.0</b>	<b>4483</b>	<b>100.0</b>
No Action (Pending, merged, supv)	147	9.6	135	9.2	114	9.3	14	5.3	410	9.1
Conditional Dismissal (Warning)	885	57.9	774	52.8	685	55.9	178	67.4	2522	56.3
Informal Action (Prob, Diversion)	150	9.8	177	12.1	149	12.2	24	9.1	500	11.2
DA Reject/No Action by Juv Ct	186	12.2	199	13.6	148	12.1	28	10.6	561	12.5
Informal Ct Action (654.2, DEJ)	129	8.4	128	8.7	89	7.3	11	4.2	357	8.0
Probation (Home/Placement)	30	2.0	51	3.5	41	3.3	9	3.4	131	2.9
State facility/Direct File	1	0.1	1	0.1					2	0.0
<b>Second or Third Referral</b>	<b>792</b>	<b>100.0</b>	<b>1454</b>	<b>100.0</b>	<b>861</b>	<b>100.0</b>	<b>125</b>	<b>100.0</b>	<b>3232</b>	<b>100.0</b>
No Action (Pending, merged, supv)	308	38.9	626	43.1	312	36.2	46	36.8	1292	40.0
Conditional Dismissal (Warning)	151	19.1	230	15.8	162	18.8	23	18.4	566	17.5
Informal Action (Prob, Diversion)	44	5.6	78	5.4	64	7.4	12	9.6	198	6.1
DA Reject/No Action by Juv Ct	149	18.8	282	19.4	171	19.9	24	19.2	626	19.4
Informal Ct Action (654.2, DEJ)	58	7.3	105	7.2	58	6.7	7	5.6	228	7.1
Probation (Home/Placement)	81	10.2	129	8.9	93	10.8	13	10.4	316	9.8
State facility/Direct File	1	0.1	4	0.3	1	0.1			6	0.2
<b>Fourth or later</b>	<b>844</b>	<b>100.0</b>	<b>2623</b>	<b>100.0</b>	<b>1142</b>	<b>100.0</b>	<b>112</b>	<b>100.0</b>	<b>4721</b>	<b>100.0</b>
No Action (Pending, merged, supv)	531	62.9	1597	60.9	691	60.5	66	58.9	2885	61.1
Conditional Dismissal (Warning)	29	3.4	72	2.7	36	3.2	3	2.7	140	3.0
Informal Action (Prob, Diversion)	11	1.3	18	0.7	21	1.8	1	0.9	51	1.1
DA Reject/No Action by Juv Ct	135	16.0	553	21.1	200	17.5	19	17.0	907	19.2
Informal Ct Action (654.2, DEJ)	17	2.0	40	1.5	16	1.4	1	.9	74	1.6
Probation (Home/Placement)	120	14.2	333	12.7	175	15.3	22	19.6	650	13.8
State facility/Direct File	1	0.1	10	0.4	3	0.3			14	0.3

Overall, the present analysis of four years of recent referrals to the Sacramento Probation Department found no noteworthy differences in how youth in the major ethnic categories were handled when case characteristics that would be expected to affect these decisions were

Table 10  
Sacramento County Probation  
Referral Dispositions for Felonies by Ethnicity

	Ethnicity								Total	
	White		Black		Latino		Other		N	Pct
	N	Pct	N	Pct	N	Pct	N	Pct		
<b>Total</b>	1167	100.0	2938	100.0	1435	100.0	232	100.0	5772	100.0
<b>All Felony Referrals</b>										
No Action (Pending, merged, supv)	140	12.0	370	12.6	151	10.5	24	10.3	685	11.9
Conditional Dismissal (Warning)	10	0.9	1	0.0	5	0.3	1	0.4	17	0.3
Informal Action (Prob, Diversion)	27	2.3	10	0.3	31	2.2	1	0.4	69	1.2
DA Reject/No Action by Juv Ct	327	28.0	965	32.8	417	29.1	51	22.0	1760	30.5
Informal Ct Action (654.2, DEJ)	228	19.5	282	9.6	186	13.0	40	17.2	736	12.8
Probation (Home/Placement)	408	35.0	1198	40.8	597	41.6	96	41.4	2299	39.8
State facility/Direct File	27	2.3	112	3.8	48	3.3	19	8.2	206	3.6
<b>Number of This Referral (any prior type)</b>										
<b>First Referral</b>	<b>496</b>	<b>100.0</b>	<b>729</b>	<b>100.0</b>	<b>479</b>	<b>100.0</b>	<b>108</b>	<b>100.0</b>	<b>1812</b>	<b>100.0</b>
No Action (Pending, merged, supv)	19	3.8	19	2.6	15	3.1	1	0.9	54	3.0
Conditional Dismissal (Warning)	6	1.2	1	0.1	5	1.0	1	0.9	13	0.7
Informal Action (Prob, Diversion)	25	5.0	6	0.8	27	5.6	1	0.9	59	3.3
DA Reject/No Action by Juv Ct	149	30.0	269	36.9	142	29.6	29	26.9	589	32.5
Informal Ct Action (654.2, DEJ)	148	29.8	173	23.7	127	26.5	31	28.7	479	26.4
Probation (Home/Placement)	145	29.2	247	33.9	156	32.6	38	35.2	586	32.3
State facility/Direct File	4	0.8	14	1.9	7	1.5	7	6.5	32	1.8
<b>Second or Third Referral</b>	<b>356</b>	<b>100.0</b>	<b>806</b>	<b>100.0</b>	<b>401</b>	<b>100.0</b>	<b>59</b>	<b>100.0</b>	<b>1622</b>	<b>100.0</b>
No Action (Pending, merged, supv)	38	10.7	90	11.2	37	9.2	7	11.9	172	10.6
Conditional Dismissal (Warning)	3	0.8							3	0.2
Informal Action (Prob, Diversion)	2	0.6	3	0.4	4	1.0			9	0.6
DA Reject/No Action by Juv Ct	109	30.6	259	32.1	115	28.7	14	23.7	497	30.6
Informal Ct Action (654.2, DEJ)	64	18.0	86	10.7	46	11.5	7	11.9	203	12.5
Probation (Home/Placement)	128	36.0	332	41.2	187	46.6	27	45.8	674	41.6
State facility/Direct File	12	3.4	36	4.5	12	3.0	4	6.8	64	3.9
<b>Fourth or later</b>	<b>315</b>	<b>100.0</b>	<b>1403</b>	<b>100.0</b>	<b>555</b>	<b>100.0</b>	<b>65</b>	<b>100.0</b>	<b>2338</b>	<b>100.0</b>
No Action (Pending, merged, supv)	83	26.3	261	18.6	99	17.8	16	24.6	459	19.6
Conditional Dismissal (Warning)	1	0.3							1	0.0
Informal Action (Prob, Diversion)			1	0.1					1	0.0
DA Reject/No Action by Juv Ct	69	21.9	437	31.1	160	28.8	8	12.3	674	28.8
Informal Ct Action (654.2, DEJ)	16	5.1	23	1.6	13	2.3	2	3.1	54	2.3
Probation (Home/Placement)	135	42.9	619	44.1	254	45.8	31	47.7	1039	44.4
State facility/Direct File	11	3.5	62	4.4	29	5.2	8	12.3	110	4.7

controlled. This finding differs from the study by Caudill, et al (2013), which suggested that extra-legal characteristics (such as ethnicity) affect first-time referrals but not subsequent referrals. The present study found no ethnic differences in how first referrals were handled by probation once legal factors were controlled.

## Recidivism

For this study, recidivism was defined as any subsequent referral for an arrest or citation within 24 months that included at least one charge that was not listed as a probation violation only or another technical matter (e.g., placement change, transfer, modification of conditions, etc.). Recidivism at 12 months is also shown for the full sample. This definition is therefore narrower than simply the percentage of referrals with subsequent referrals. Referrals for truancy (Project 654) and for probation violations or modifications were excluded from the analysis, focusing the analysis of recidivism on arrest and citation referrals. All referrals with at least 24 months of follow-up were included in this analysis. Recidivism percentages by ethnicity were calculated for all referrals and separately for males and females, first referrals, type of referral (arrests vs. citations), and the number of the referral for each youth (which can also be seen as analysis by the number of prior referrals). Finally, recidivism rates for first and subsequent referrals were analyzed by referral year to consider changes over time.

Recidivism results are shown in Table 11. Of all referrals over this four-year period, 30.3% were followed by another referral for an offense other than a probation violation within 12 months. This number rose to 37.7% within 24 months. These overall 24-month rates differed by ethnicity, with Black youth having the highest re-referral rates (45.5%) and youth not falling into one of the major groups having the lowest rates (22.7%). White youth had the next lowest rates (27.9%). The rate for Latinos (37.4%) was at about the mid-point between the rates for White and Black youth. Recidivism rates increased substantially with the number of prior referrals, increasing from 23.4% overall for first referrals and rising to 55.8% overall for the third or later referral. Similar relative differences among the ethnic groups were shown at each level. Similar results were also found when considering only arrest referrals and citation referrals.

Table 11  
Sacramento County Probation  
Re-referral (Recidivism) Rate in 24 Months for Referrals in 2010 to 2013

	Ethnicity (White Black Latino Other)								Total	
	White		Black		Latino		Other		N	Pct
	N	Pct	N	Pct	N	Pct	N	Pct		
<b>Total</b>	7920	100.0	15480	100.0	8261	100.0	2476	100.0	34137	100.0
<b>All Referrals</b>										
<b>12 months</b>										
No	6494	78.6	9776	62.7	6027	70.0	2178	81.6	24475	69.7
Yes	1764	21.4	5822	37.3	2587	30.0	490	18.4	10663	30.3
<b>24 months</b>										
No	5234	72.1	7383	54.5	4672	62.2	1797	77.3	19086	62.3
Yes	2030	27.9	6157	45.5	2842	37.8	528	22.7	11557	37.7
<b>Gender</b>										
<b>Male</b>										
No	3214	67.3	4714	48.1	3192	56.7	1168	73.0	12288	56.3
Yes	1561	32.7	5089	51.9	2439	43.3	432	27.0	9521	43.7
<b>Female</b>										
No	1945	81.4	2614	71.7	1441	79.1	614	86.8	6614	77.2
Yes	444	18.6	1033	28.3	381	20.9	93	13.2	1951	22.8
<b>Number of This Referral</b>										
<b>First Known Referral</b>										
No	3427	81.0	3398	70.0	2793	76.1	1350	86.4	10968	76.6
Yes	804	19.0	1456	30.0	877	23.9	213	13.6	3350	23.4
<b>Second</b>										
No	962	64.0	1786	54.0	962	55.2	273	65.3	3983	57.1
Yes	542	36.0	1524	46.0	781	44.8	145	34.7	2992	42.9
<b>Third or later</b>										
No	845	55.3	2199	40.9	917	43.6	174	50.6	4135	44.2
Yes	684	44.7	3177	59.1	1184	56.4	170	49.4	5215	55.8
<b>Referral Type</b>										
<b>Arrest</b>										
No	1046	62.6	2484	48.2	1256	53.0	326	61.0	5112	52.6
Yes	625	37.4	2666	51.8	1116	47.0	208	39.0	4615	47.4
<b>Citation</b>										
No	4188	74.9	4899	58.4	3416	66.4	1471	82.1	13974	66.8
Yes	1405	25.1	3491	41.6	1726	33.6	320	17.9	6942	33.2
<b>Year of Referral</b>										
<b>2010</b>										
No	1678	68.9	2241	49.9	1440	57.8	542	72.8	5901	58.1
Yes	758	31.1	2252	50.1	1051	42.2	203	27.2	4264	41.9
<b>2011</b>										
No	1227	70.6	1646	52.2	1097	61.3	397	73.9	4367	60.5
Yes	510	29.4	1509	47.8	692	38.7	140	26.1	2851	39.5
<b>2012</b>										
No	1217	73.4	1706	57.4	1054	64.5	444	82.4	4421	65.0
Yes	442	26.6	1267	42.6	580	35.5	95	17.6	2384	35.0
<b>2013</b>										
No	1051	78.0	1660	61.1	1003	67.5	376	81.6	4090	68.0
Yes	297	22.0	1055	38.9	484	32.5	85	18.4	1921	32.0



In each comparison except for arrest referrals, youth in the Other category had the lowest re-referral rates, followed by Whites, then Latinos. Blacks consistently had the highest rates of recidivism. For Blacks and Latinos on their third or later referral, more than half of the referrals were followed by another within 24 months. For White youth, four in ten referrals after the second were followed by a new referral in that period.

Recidivism rates were found to decrease markedly over the four years for which all referrals had at least 24 months of follow-up time. Overall rates dropped from 41.9% for youth referred in 2010 to 32.0% for youth referred in 2013. Similar patterns of decline were found for all ethnic groups, with the 2013 rates being about 30% lower than the 2010 rates.

### **Results:San Joaquin County**

Analysis of ethnic disparities in San Joaquin County focused on all youths referred to probation during calendar years 2012 to 2014.

Data were obtained on all referrals during calendar years 2012 to 2014. During this time, the probation department operated a special program to address truancy (Project 654). Referrals to this program were included in the file obtained from the probation department and shown as “status offenses.” These referrals were not included in the analysis directly, but were considered when calculating the number of prior referrals for some analyses.

- Total referrals 16,038
- Referrals for Special Truancy (654) Project 4,382 (27.3%)
- Total non-Project 654 referrals 11,656

Referrals to Probation declined over this period:

<u>Year</u>	<u>Arrest/Citation</u>	<u>Project 654</u>	<u>Total</u>
2012	4283	1552	5835
2013	3771	1480	5251
2014	3602	1350	4952
Total	11656	4382	16038

### **San Joaquin Data**

Analysis of San Joaquin Probation processes used basic demographic information (date of birth, gender, and ethnicity), detailed referral information (why the detention decision was being made), and outcome data extracted from the Probation Department's management information system. The file was de-identified by removing all names and other information that could be used to identify individual youth. The data were provided in a single Microsoft Excel file containing information on each individual referral in separate records. For each referral, information on all separate charges (and the disposition of each) and all court appearances was provided in single text fields. These text fields were subdivided into separate individual charges and their dispositions and into separate court hearings by type, along with some information on court outcomes. Charge arrays included offense, level (M or F), legal code type (Penal Code, Health and Welfare Code, Welfare and Institutions Code, etc.), and the dispositions of each charge. Charges ranged from one to 25. Court arrays included dates and hearing type/outcome. Court entries ranged from zero to 20.

A Look-up table obtained from the California Department of Justice for reporting crimes to the California Criminal Justice Statistics Center (CJSC) was used to assign each charge a Hierarchy code (for comparing seriousness) and a Bureau of Criminal Statistics (BCS) Summary

Code (for collapsing offenses into commonly-used categories). Offense entries that were not found in the Look-up table were examined individually and recoded to correct typographical errors and other apparent errors of entry—for example, using the wrong legal code entry, such as PC (Penal Code) instead of HW (Health and Welfare) for certain drug offenses. These arrays were used to identify and/or calculate

- The most serious offense charge for the referral,
- The total number of charges,
- The total number of felony charges,
- The number of charges noted as closed at intake, dismissed for lack of evidence, and dismissed in the interest of justice (an important category for understanding youth-level decision-making),
- Refinements to Final Disposition, especially for cases “closed” or “dismissed”,
- The most serious action taken on the referral—any charge (referred to the DA, adjudicated, filed in adult court, etc.), and
- The most serious charge for which action was taken and the action taken.

Court data were used to establish

- The number of hearings per referral,
- Types of court hearings (Detention, Arraignment, Disposition, Review, etc.),
- Refinements to Final Disposition, especially for cases “closed” or “dismissed,” and
- The number of hearings in which “wardship” was indicated (this occurred even in some cases for whom the final disposition was “Dismissed”).

For youth with multiple referrals, additional summary measures included

- The number of prior referrals,

- The number of prior bookings,
- The most serious prior disposition (wardship), and
- The most serious charge across prior referrals.

As suggested above, in some cases, it was possible to use individual charge dispositions and court dispositions to refine entries for REFERRAL DISPOSITION and FINAL DISPOSITION. In many cases, the final disposition was “closed” or “dismissed” when the charge data or court data indicated other actions, including “wardship.” It was assumed that the final disposition in these cases reflected the successful end result of actions by probation, the DA, or the courts and that these “closed” referrals may have included informal court actions and even probation terms successfully completed. The individual charge dispositions and court entries were used to refine the final disposition as much as possible so that they reflected the most serious action taken on the referral.

Cases that were “closed at intake” at the probation level may have also reflected successful informal interventions, but in these cases the charge data and court information were not helpful because the charges were never considered by the DA or the juvenile court. However, many of these cases involved youth who had several previous referrals or were already wards of the court. For the final analyses, this distinction was made to approximately differentiate between referrals handled informally by probation and those for which it was more likely that the referral was merged with other referrals or considered in conjunction with other referrals. Referrals for youth “closed at intake” or dismissed/closed by the juvenile court that were identified as referrals involving transfers, modifications of probation, orders to show cause, or other non-offense-related matters were placed in this category. This category also included other closed referrals for which it was clear that the youth was already on probation or had an

earlier referral that was still being actively handled by probation. A similar distinction was made for cases “Closed” or “Dismissed” at the DA or court level when no other information was available and the youth was already on formal probation or with active referrals. It was assumed that these referrals may be closed or dismissed because other charges were pending or more relevant. For example, if a youth is already on formal probation and is re-referred for a non-serious offense, the DA and the court may gain little by pursuing the case in terms of the youth’s disposition or status in the juvenile justice system. In particular, because of laws regarding juvenile justice actions, the level and type of offense associated with a referral petition determines the options available for handling the youth. A youth on probation for a very serious offense (e.g., felony robbery) may be confined and/or placed in a state facility if probation is unsuccessful. If that youth is petitioned on a new referral for a less serious offense (e.g., misdemeanor theft), the new offense becomes the “active” offense and may reduce the options available to the juvenile court. To preserve the ability to effectively handle youth committing serious crimes, these subsequent lesser crimes may simply be closed or dismissed without further action on that charge.

Detention is formally defined in terms of how long a youth is held in confinement. Rather than rely on the formal definition, however, the present analysis used REFERRAL DATE and RELEASE DATE to determine whether a youth was booked into custody and, if so, the number of days (or hours) in confinement.

District Attorney and Juvenile Court handling of each referral was determined by entries concerning individual charges and court actions. Any entries indicating that a charge was rejected by the DA or considered by the court were noted. A referral with any DA rejection but no court action was considered to have been rejected/dismissed at the DA level. A court

decision (dismissed, informal probation, formal probation, secure confinement) indicated that the referral was forwarded to the DA and filed in juvenile court.

Recidivism was defined as any subsequent arrest or citation referral during the 12 or 24-month period following the date of referral. Excluded were referrals only for probation violations, even if an offense was listed (the listed charge may be the original charge leading to the probation). Also excluded were “court probation” failures and referrals for modifications of probation conditions (e.g., placement failures). Referrals were used rather than “adjudicated referrals because although being arrested or cited does not necessarily indicate that an offense has been committed, these are often considered better indicators of a youth’s actual behavior than adjudication due to the numerous other considerations that enter into decisions to

- refer a case to the District Attorney’s Office,
- file a petition,
- consider informal courses of action (court probation or deferred entry of judgment),  
and
- establish a “true finding.”

In addition, arrest/citation, rather than adjudication, increases the “independence” of prior referrals and recidivism. If the definition of recidivism goes beyond arrest to require adjudication, it is possible that youth with more prior referrals may be more likely to be petitioned to court and adjudicated as “guilty” because they are considered to be higher risk.

### Sample Characteristics

The characteristics of the San Joaquin County sample are shown in Table 12, broken down by ethnicity. As shown, the percentages of ethnic groups during each year is similar. Across all

years, the percentage of females was similar, although slightly lower among Latino youth than among other ethnic groups. The largest number of referrals was for youth 17 years of age, with about half of all referrals being for youth 16 or older at the time of referral.

There were 5,937 individual youth with records on the file. Some of these youth were previously involved with probation. To get a better picture of the number of referrals for each youth (including referrals to the 654 Project), an adjustment was made to take into account indicators of prior experiences with the probation department, such as notations of probation violations, failures to appear, or prior wardship. Thus, if the first referral during the 2012-2014 period was for a probation violation or if actions taken by the probation department, the DA or the juvenile court referred to earlier referrals or adjudications, the referral was considered the “second” referral for the youth. There may have been several previous referrals, but the interest was mainly in identifying as closely as possible, the first referral for each youth in the sample. Using this criterion, within the 2012-2014 period, 5,114 (43.9%) of the referrals were the first ones occurring during this four-year period and which included no indicators of prior probation involvement. A majority (56.1%) of the referrals were for youth who had previous referrals in the file or who had other indicators of prior probation experience. As noted above, the prior referrals may have been for participation in the 654 Project. Considering only prior referrals for arrests or citations, 6,654 (57.1%) of the referrals were for youth who had no prior arrest/citation referrals (or prior formal adjudications resulting in wardship) at the time of referral. Of the 5,937 individual youth in the 2012-2015 sample, 3,254 (54.8%) had only one total referral on record—that is, no referrals before or after the current referral and no indications of prior involvement in the system.

Table 12  
San Joaquin County Probation  
Sample Characteristics by Ethnicity

	Ethnicity								Total	
	White		Black		Latino		Other		Referrals	
	N	Pct	N	Pct	N	Pct	N	Pct	N	Pct
Total	2293	100.0	3487	100.0	4987	100.0	889	100.0	11656	100.0
Year of Referral (Pct Across)										
2012	844	19.7	1241	29.0	1888	44.1	310	7.2	4283	100.0
2013	759	20.1	1161	30.8	1520	40.3	331	8.8	3771	100.0
2014	690	19.2	1085	30.1	1579	43.8	248	6.9	3602	100.0
Gender										
1 Male	1625	70.9	2482	71.2	3702	74.2	656	73.8	8465	72.6
2 Female	668	29.1	1005	28.8	1285	25.8	233	26.2	3191	27.4
Age at Referral										
13 or Under	233	10.2	431	12.4	571	11.5	95	11.7	1330	11.5
14	287	12.5	479	13.7	759	15.2	113	13.9	1638	14.1
15	498	21.7	740	21.2	1016	20.4	154	19.0	2408	20.8
16	565	24.6	833	23.9	1195	24.0	176	21.7	2769	23.9
17	622	27.1	873	25.0	1232	24.7	229	28.2	2956	25.5
18 or older	88	3.8	131	3.8	213	4.3	45	5.5	477	4.1
Individual Youth on File										
One or more records	1280		1537		2589		531		5937	
Number of This Referral										
First	1134	49.5	1286	36.9	2258	45.3	436	49.0	5114	43.9
Subsequent (incl indicators)	1159	50.5	2201	63.1	2729	54.7	453	51.0	6542	56.1
Prior Arrest/Citation Referrals										
None	1389	60.6	1778	51.0	2887	57.9	600	67.5	6654	57.1
One	422	18.4	722	20.7	1016	20.4	153	17.2	2313	19.8
Two	198	8.6	405	11.6	538	10.8	77	8.7	1218	10.4
Three or more	284	12.4	582	16.7	546	10.9	59	6.6	1471	12.6
Total Referrals for Individual Youth										
One Only	759	59.3	756	49.2	1425	55.0	314	59.1	3254	54.8
Two (or other indicator)	284	22.2	369	24.0	537	20.7	134	25.2	1324	22.3
Three	85	6.6	136	8.8	234	9.0	30	5.6	485	8.2
Four or more	152	11.9	276	18.0	393	15.2	53	10.0	874	14.7
Referral Source										
Stockton PD	285	12.4	1097	31.5	954	19.1	227	25.5	2563	22.0
San Joaquin SO	351	15.3	375	10.8	638	12.8	82	9.2	1446	12.4
CHP/Other PD	964	42.0	332	9.5	1393	27.9	177	19.9	2866	24.6
SJ Probation	405	17.7	876	25.1	1039	20.8	202	22.7	2522	21.6
School/College	208	9.1	657	18.8	790	15.8	140	15.7	1795	15.4
Other	80	3.5	150	4.3	173	3.5	61	6.9	464	4.0



Law enforcement agencies throughout the county and from other jurisdictions referred youth, but the majority came from the Stockton Police Department (22.0%), the San Joaquin Sheriff's Department (12.4%), and from other police departments in the county (24.6%). The San Joaquin County Juvenile Probation Department accounted for 21.6% of all referrals. These four agencies accounted for 80.6% of referrals. Schools, colleges, and other jurisdictions accounted for an additional 19.4% of referrals.

Ethnic differences. Ethnic differences in these youth and case characteristics were not substantial. Looking at Table 12, about four in ten of all referrals for each of the four calendar years were Latino youth. A detailed analysis of referral rates for first referrals is shown below. Looking down the table, these data also show a difference in the number of youth with multiple referrals. Among referrals for White youth, 59.3% had only one referral in the file, while less than half (49.2%) of Black youth had only one referral, and 55.0% of Latino youth had only one referral on record.

Table 13 shows information on the handling of the referrals to San Joaquin Probation over this three-year period. Most of the referrals over this period were citations by law enforcement, with actual arrests accounting for only one in five referrals. Black youth had a higher percentage of referrals for probation violations serious enough to be charged as misdemeanors or felonies (that is, not merely technical violations of probation). Two out of three (66.2%) of the referrals over this period were charged as misdemeanor offenses. Unlike Sacramento County, there were few citations for infractions (such as violation of local ordinances or evasion of fare on mass transit). Felony-level offenses accounted for 27.3% of all referrals. Note that probation violations, which accounted for 15.1% of referral reasons may be charged at any level. These charging levels reflect the seriousness of the underlying behavior for the probation violation, but

Table 13  
San Joaquin County Probation  
Referral Characteristics by Ethnicity

	Ethnicity								Total	
	White		Black		Latino		Other		Referrals	
	N	Pct	N	Pct	N	Pct	N	Pct	N	Pct
Total	2293	100.0	3487	100.0	4987	100.0	889	100.0	11656	100.0
Referral Type										
Arrest	502	21.9	826	23.7	1062	21.3	155	17.4	2545	21.8
Citation	1366	59.6	1706	48.9	2832	56.8	506	56.9	6410	55.0
PV/DEJ fail/FTA	282	12.3	626	18.0	767	15.4	86	9.7	1761	15.1
Other (Trnsf, Modify, OSC, etc.)	143	6.2	329	9.4	326	6.5	142	16.0	940	8.1
Charge Level										
1 Felony	592	25.8	972	27.9	1363	27.3	253	28.5	3180	27.3
2 Misdemeanor	1576	68.7	2267	65.0	3348	67.1	523	58.8	7714	66.2
3 Infraction	31	1.4	49	1.4	70	1.4	8	0.9	158	1.4
5 N/A (eg, Ct Action)	92	4.0	194	5.6	201	4.0	33	3.7	520	4.5
9 Unspecified	2	0.1	5	0.1	5	0.1	72	8.1	84	0.7
Most Serious Charge										
Felony Part 1 Violent	183	8.0	373	10.7	421	8.4	81	9.1	1058	9.1
Felony Sex Offense	26	1.1	33	0.9	32	0.6	9	1.0	100	0.9
Other Felony	382	16.7	560	16.1	902	18.1	160	18.0	2004	17.2
Misd Violent	394	17.2	544	15.6	677	13.6	122	13.7	1737	14.9
Misd Sex Offense	37	1.6	32	0.9	47	0.9	12	1.3	128	1.1
Other Misd/Infraction	876	38.2	1098	31.5	1906	38.2	308	34.6	4188	35.9
Prob,Ct Fail/FTA	305	13.3	656	18.8	801	16.1	165	18.6	1927	16.5
Other Ct Matters	90	3.9	191	5.5	201	4.0	32	3.6	514	4.4
Booked on this Referral										
No	1816	79.2	2680	76.9	3950	79.2	743	83.6	9189	78.8
Yes	477	20.8	807	23.1	1037	20.8	146	16.4	2467	21.2
Days in Confinement (if booked)										
Less Than One Day	163	34.2	212	26.3	285	27.5	53	36.3	713	28.9
One to Two Days	79	16.6	114	14.1	109	10.5	18	12.3	320	13.0
Three to six Days	77	16.1	127	15.7	177	17.1	21	14.4	402	16.3
Seven to 13 Days	30	6.3	43	5.3	53	5.1	8	5.5	134	5.4
14 to 29 Days	51	10.7	105	13.0	141	13.6	18	12.3	315	12.8
30 Days or more	77	16.1	206	25.5	272	26.2	28	19.2	583	23.6
District Attorney Action										
Not Referred to DA	1242	54.2	1631	46.8	2527	50.7	449	50.5	5849	50.2
DA closed (no action)	90	3.9	169	4.8	198	4.0	25	2.8	482	4.1
DA Rejected	223	9.7	255	7.3	403	8.1	84	9.4	965	8.3
Referred to Juv Ct	738	32.2	1432	41.1	1859	37.3	331	37.2	4360	37.4

in these instances a decision was made to pursue the matter as a violation of existing probation rather than as a fresh charge. For the breakdown of charges by seriousness, these were placed in a separate category, regardless of charging level.

Less than 10% of the referrals included charges for serious (Part 1) felonies, such as murder, rape, robbery, or kidnapping. A similar percentage of referrals for all ethnicities were for felony-level offenses, although Black youth were slightly more likely to be referred for a violent felony offense (10.7%) than Whites (8.0%) or Latinos (8.4%). Another 15% of referrals involved charges for misdemeanor-level violent offenses, such as assault and battery, with White youth having a slightly higher percentage of these offenses. Other felony offenses, such as burglary, auto theft, or drug sales accounted for about 17% of referrals. Felony sex offenses other than rape accounted for less than 1% of all referrals. The most common category of offenses were non-violent misdemeanors, such as theft.

Of these referrals, 21.2% included a booking into juvenile hall. Bookings were related to the seriousness of the offense, with no infractions being booked, one in ten of misdemeanor referrals and about half of felony referrals including a booking (not shown in the table). The percentage of referrals booked differed somewhat by ethnicity, although once type and level of offense and referral year were taken into account, these differences were not statistically significant (as discussed below). Once booked, a smaller percentage of referrals for White youth involved confinement over 30 days. Again, however, these differences were not statistically significant when type and level of offense and the number of prior referrals were controlled.

Half of all referrals were handled at the probation level (not referred for filing consideration by the District Attorney). Just under four in ten referrals were “filed” in juvenile court by the DA. In a small number of cases (4.1% of all referrals), no DA decision to reject the

charges was noted in the file, and the petition request was simply closed at the DA level. In these cases, the petition request was likely held in abeyance, either as a “conditional dismissal” or informal probation, and the youth successfully met the conditions for dismissing the petition at the probation level. Of the petitions that were not closed in this manner, most (82% of decisions and 37.4% of all referrals) were “filed” by the DA. Note that the DA may file a petition on any one of a number of charges involved in a particular referral, and this charge may not be the most serious charge included in the referral to probation. A slightly higher percentage of referrals for White youth were handled at the probation level—not referred to the DA for a petition decision (54.2% of referrals, compared to 46.8% of referrals for Blacks and 50.7% for Latinos). In addition, for those referrals that were forwarded to the DA, a lower percentage of referrals were “filed” for White youth (a larger percentage were rejected by the DA). Again, these differences were not statistically significant when number of referrals and level and type of offense are considered.

### Dispositions and Actions Taken on Referrals

Using information from individual charge dispositions and court actions, as well as “final disposition for each referral, the “highest” disposition action was identified. These dispositions, shown in Table 14, were collapsed into general types:

No Action/Pending/Merged Referral (13.3%). These included

- cases closed by probation or the court when the referral reason (regardless of charges) was listed as transfer, modification of probation, or orders to show cause;
- cases closed for youths already on probation;
- cases closed by the court “in the interest of justice”;

Table 14  
San Joaquin County Probation  
Highest Known Disposition by Ethnicity

	Ethnicity								Total Referrals	
	White		Black		Latino		Other			
	N	Pct	N	Pct	N	Pct	N	Pct	N	Pct
Total	2293	100.0	3487	100.0	4987	100.0	889	100.0	11656	100.0
Highest Known Disposition										
No Action (Pending, merged, supv)	308	13.4	520	14.9	572	11.5	149	16.8	1549	13.3
Inf Prob Action (Warn/Inf Prob/Divert)	1095	47.8	1396	40.0	2269	45.5	411	46.2	5171	44.4
DA Reject/No Action by Juv Ct	473	20.6	717	20.6	944	18.9	184	20.7	2318	19.9
Informal Ct Action (654.2, DEJ)	57	2.5	48	1.4	100	2.0	24	2.7	229	2.0
Probation (Home/Placement)	103	4.5	181	5.2	202	4.1	38	4.3	524	4.5
Secure Fac/DJJ/Adult Court	257	11.2	625	17.9	900	18.0	83	9.3	1865	16.0
Highest Disposition Subcategories										
No Action (Pending, merged, supv)										
Prob Closed (Pend, Trnf, MOP, OSC, etc.)	75	3.3	117	3.4	120	2.4	27	3.0	339	2.9
Probation-Closed (Prior Wardship)	72	3.1	118	3.4	138	2.8	11	1.2	339	2.9
Court-Dism/Closed (OSC)	37	1.6	81	2.3	75	1.5	8	0.9	201	1.7
Court-Dism/Closed (IOJ)	14	0.6	18	0.5	19	0.4	76	8.5	127	1.1
Court-Closed Warrant/VOP/DEJ Non-Comp	110	4.8	186	5.3	220	4.4	27	3.0	543	4.7
Inf Prob Action (Warning/Inf Prob/Diversion)										
Probation-Closed at Intake	1095	47.8	1396	40.0	2269	45.5	411	46.2	5171	44.4
DA Reject/No Action by Juv Ct										
DA-Dismissed/Rejected	273	11.9	341	9.8	500	10.0	100	11.2	1214	10.4
DA-Dismissed/Rej (Prior Ward)	40	1.7	83	2.4	101	2.0	9	1.0	233	2.0
Court-Dism/Closed (Pend, Trnf, Prior Adj)	113	4.9	179	5.1	218	4.4	52	5.8	562	4.8
Court-Dism/Closed (Mod of Prob)	47	2.0	114	3.3	125	2.5	23	2.6	309	2.7
Informal Ct Action (654.2, DEJ)										
Court-Inf Prob (654.2 WI)	39	1.7	29	0.8	63	1.3	12	1.3	143	1.2
Court-Non-Ward Prob (725(a) WI)	7	0.3	3	0.1	11	0.2	5	0.6	26	0.2
Court-DEJ (790 WI)	11	0.5	16	0.5	26	0.5	7	0.8	60	0.5
Probation (Home/Placement)										
Court-Wardship (Own/Relative Home)	64	2.8	111	3.2	148	3.0	31	3.5	354	3.0
Court-Wardship (Pub/Non-secure Fac)			4	0.1	1	0.0	1	0.1	6	0.1
Court-Wardship (Private Fac)	39	1.7	66	1.9	53	1.1	6	0.7	164	1.4
Secure Fac/DJJ/Adult Court										
Court-Wardship (Secure Co Fac)	246	10.7	571	16.4	819	16.4	71	8.0	1707	14.6
Court-Wardship (DJJ)			2	0.1	4	0.1	2	0.2	8	0.1
DA-Remand or Direct File - Adult	11	0.5	52	1.5	77	1.5	10	1.1	150	1.3

- cases closed by the court with a notation that a warrant was “cleared” or when the court was considering a simple probation violation or informal court probation failure;

Informal Action–Informal Probation or Diversion (44.4%). The electronic files from this county did not detail all of the reasons for cases being “closed at intake” at probation. In discussions with probation staff, they noted that these cases typically involved successful informal actions, such as “conditional dismissal,” or informal probation. Citations (and even some arrests) are reviewed by probation intake officers. At their discretion, they may merely send a letter to the youth and his or her parents advising them of consequences for continued misbehavior. The probation intake officers may also choose to meet face-to-face with the youth and parents to review the behavior and consider the youth’s willingness to stay out of trouble and the family’s resolve to monitor and supervise the youth. This meeting may result in a formal letter of warning or more serious actions. If the youth complies with these conditions, the referral is “closed” with no further action. For cases that are deemed to warrant more than a simple warning letter or face-to-face meeting, probation has the option of placing the youth on informal probation, with the matter held in abeyance for six months. If the youth meets the conditions of this informal probation (attends school, obeys parents’ rules, and stays out of trouble), the case is closed without further action. This option can be used only once for each youth. Alternatively, a small number of cases may have been referred to a diversion program or informal neighborhood organization for non-justice system disposition. Together, over four in ten of all referrals were successfully handled through these actions leading to case closure at the probation level.

DA Reject/Court Dismissal/Probation Modification (19.9%). Cases referred to the district attorney may be closed (10.4%) because the DA feels there is insufficient evidence to move the case forward or takes no action on the petition request—typically because other charges or other petitions are already being processed for the youth (2.0%). Similarly, the court may also dismiss the charges similarly take no action on the petition (4.8%). Also in this category were placed

referrals involving minor probation violations (often placement failures) that merely resulted in petitions for a modification of existing conditions of formal probation (2.7%).

Informal Court Action—654.2, 790/DEJ (2.0%). The juvenile court can offer a similar informal probation period to that available to probation. In this case, the court can order that the petition be held open for six months. For felony charges, this action is termed “deferred entry of judgment,” or DEJ, and can last one year. In both instances, the court will dismiss the petition if the youth meets conditions similar to those used in informal probation cases (attends school, obeys parents’ rules, stays out of trouble, etc.). As with informal probation, this option is generally available only once for each youth.

Probation--Home/Placement (4.5%). If the court sustains the petition, the youth is made a ward of the juvenile court, with formal conditions of probation. The youth may be returned to his or her home or, in relatively rare instances, placed outside the home.

Secure Facility/DJJ/Direct File (16.0%). In San Joaquin County, if a youth is booked into juvenile hall for more than a few days, the court may order that this confinement was part of the formal probation, making the final disposition “secure confinement in a county facility.” Sacramento County did not note this type of confinement, even for youth with lengthy stays in county facilities. Youth who commit with very serious (primarily violent felony) offenses may be committed to state custody with the Division of Juvenile Justice (DJJ) within the California Department of Corrections and Rehabilitation (CDCR). Such commitment is not automatic; rather, youth committed to DJJ must have had a sustained petition for particular crimes and generally have continued criminal behavior despite local interventions. Very few youth were found to be in need of state custody (8 total, 0.1%, over the three-year period). Alternatively,

youth age 14 or older who are charged with very serious offenses may have their charges filed in adult court. There were 150 cases handled in this manner over the three-year period (1.3%).

Overall, most (about 58%) of all referrals resulted in no action or some type of informal probation intervention. An additional 20% were not forwarded by the DA for formal processing by the juvenile court or were dismissed at the court level. Thus, almost 80% of all referrals were never heard by the juvenile court or were dismissed at the court. Referrals resulting in formal action, such as formal probation, commitment to state custody, or remand to adult court, accounted for only about 20% of all referrals to probation during this period.

These results indicate that referrals to juvenile probation in San Joaquin County are handled, for the most part, informally. Even when these measures are not particularly successful, youth are not often moved to higher, more formal, levels of processing.

#### Referral Rates for First Referrals.

As for Sacramento County, it is important to place these results in the context of overall referral rates in San Joaquin county for different ethnic groups. To determine how many youth in each ethnic category were referred to probation and their relative rates of referral, analysis focused on first referrals only. Table 15 shows the number of youth first referred to probation during the 2012-2014 period within each year, broken down by ethnicity and gender. Also included in the table are the estimated population figures for youth aged 10-17 in San Joaquin County (from the California Department of Finance Population Unit) for each of the three years and the referral rate (per 1,000 youth in the population). For the three primary ethnic groups, results showed similar, considerable declines across the four years, with overall rates for Whites dropping from 23.3 per 1,000 to 13.8 per 1,000. Latinos were referred at a slightly lower rate of



**Table 15**  
**San Joaquin County Probation**  
**First Referrals and Rate per 1,000 by Ethnicity**

	Ethnicity								Total Referrals	
	White		Black		Latino		Other		N	Pct
	N	Pct	N	Pct	N	Pct	N	Pct		
Total First Referrals	1134	22%	1286	25%	2258	44%	436	9%	5114	100%
First Referrals (% across)										
2012	513	22%	606	26%	1004	44%	179	8%	2302	100%
2013	333	22%	343	23%	681	45%	145	10%	1502	100%
2014	288	22%	337	26%	573	44%	112	9%	1310	100%
Population 10-17 (% across)										
2012	22045	25%	6740	7%	44187	49%	16924	19%	89896	21.0
2013	21347	24%	6573	7%	44352	50%	16767	19%	89039	17.4
2014	20828	23%	6452	7%	45013	50%	16892	19%	89185	13.9
Rate per 1,000 Population	Rate	Compared to White	Rate	Compared to White	Rate	Compared to White	Rate	Compared to White	Rate	
2012	23.3	1.00	89.9	3.86	22.7	0.976	10.6	0.45	25.6	
2013	15.6	1.00	52.2	3.35	15.4	0.984	8.6	0.55	16.9	
2014	13.8	1.00	52.2	3.78	12.7	0.921	6.6	0.48	14.7	
Unspecified Gender	21		16		7		2		46	
<b>Male</b>										
First Referrals										
2012	348		399		678		124		1549	
2013	210		207		446		102		965	
2014	192		209		396		75		872	
Population 10-17										
2012	11356		3461		22608		18481		46146	
2013	10983		3360		22612		18463		45595	
2014	10681		3303		23011		18588		45687	
Rate per 1,000 Pop	Rate	Compared to White	Rate	Compared to White	Rate	Compared to White	Rate	Compared to White	Rate	
2012	30.6	1.00	115.3	3.76	30.0	0.98	6.7	0.22	33.6	
2013	19.1	1.00	61.6	3.22	19.7	1.03	5.5	0.29	21.2	
2014	18.0	1.00	63.3	3.52	17.2	0.96	4.0	0.22	19.1	
<b>Female</b>										
First Referrals										
2012	165		207		326		55		753	
2013	123		136		235		43		537	
2014	96		128		177		37		438	
Population 10-17										
2012	10689		3279		21579		8203		43750	
2013	10364		3213		21740		8127		43444	
2014	10147		3149		22002		8200		43498	
Rate per 1,000 Pop	Rate	Compared to White	Rate	Compared to White	Rate	Compared to White	Rate	Compared to White	Rate	
2012	15.4	1.00	63.1	4.09	15.1	0.98	6.7	0.43	17.2	
2013	11.9	1.00	42.3	3.57	10.8	0.91	5.3	0.45	12.4	
2014	9.5	1.00	40.6	4.30	8.0	0.85	4.5	0.48	10.1	

22.2 per 1,000 in 2012, dropping to the 12.7 per 1,000 in 2014. Rates for Black youth were considerably higher, starting at 89.9 per 1,000 in 2012 and dropping to 52.2 in 2014. Compared to the rate for White youth, Blacks were referred at a rate about 4 times higher. Latino youth, on

the other hand, were referred at nearly the same rate as White youth (about .98 times the rate or 2% lower during 2012 to 2014, and dropping to 92% of the White rate in 2014). Rates for females were considerably lower than for males, but the patterns of ethnic comparisons were the same. Black males and females were referred at about four times the rate of Whites, and Latino males and females were both referred at slightly lower rates than Whites.

As noted earlier, reasons for these discrepancies was not the topic of this study. Sorting out the relative contributions of differences in behavior vs. differences in law enforcement handling of that behavior is a complex undertaking that was beyond the scope of this report. Rather, the present concern was whether probation decision-making contributed to these differences, increasing (or causing) disparities in how youth that are referred make their ways through the juvenile justice system.

#### Probation Actions and Dispositions by Ethnicity.

Differences in final highest dispositions for youth of different ethnic backgrounds differed to a statistically significant extent when referrals across all three years were considered. However, it was also noted that legal characteristics that would be expected to affect decisions also differed by ethnicity as well. Further, it was mentioned that the test statistic used in this study (chi-square) is sensitive to sample size, with smaller differences reaching statistical significance as sample size increases. Consequently, in the present analysis of actions taken and dispositions, we focused on dispositions for referrals that were not simply dismissed or held in abeyance—that is, referrals that were either handled informally by probation or the juvenile court or those that resulted in formal probation, secure county confinement, or filing in adult court. Analysis attempted to account for characteristics of cases that could reasonably explain observed

variation—in this case gender and number of prior referrals for arrests or citations (excluding simple probation violations or placement failures). In addition, the analysis only included referrals during 2013 and 2014 to more accurately control for number of prior referrals. The San Joaquin data only occasionally made reference to earlier referrals or adjudication status, and, as a result, a much higher proportion of 2012 referrals had no indication of prior arrests or citations. As with Sacramento County, the large samples made it possible to control directly for a number of relevant variables without reducing the numbers in each cell to unreasonable levels. Analyses were performed controlling for characteristics of the youth or of the referral that may be expected to affect dispositions: year of referral, gender, age at referral, type of referral (arrest vs citation), level of offense (infraction vs misdemeanor vs felony), and number of prior referrals.

The crucial variables in this county were the number of prior referrals (for arrests or citations) and gender. A breakdown of dispositions by the number of prior referrals is shown in Table 16. These figures show that youth with no prior referrals or only one prior referral were handled mostly at the probation level, with warning letters or informal probation. Youth with higher numbers of priors were handled more formally or their referrals were not acted on at all. These referrals may have been merged with other pending referrals or dismissed due to current probation status. Indeed, over half of those with two or more prior referrals had no action taken by probation or the juvenile court on their current referral. As the number of priors went up, however, so did the percentage of youth given formal probation, typically with some confinement time.

Statistical analysis of ethnic differences focused on whether the youth was formally processed (excluding referrals for which no action was taken). Controlling for the categorized number of the priors (none, one, two, three or more), these comparisons showed few ethnic

Table 16  
San Joaquin County Probation  
Dispositions by Ethnicity and Number of Priors

	Ethnicity								Total Referrals	
	White		Black		Latino		Other			
	N	Pct	N	Pct	N	Pct	N	Pct	N	Pct
<b>Total</b>	2293	100.0	3487	100.0	4987	100.0	889	100.0	11656	100.0
<b>All Referrals</b>										
No Action (Pending, merged, supv)	308	13.4	520	14.9	572	11.5	149	16.8	1549	13.3
Inf Prob Action (Warn/Inf Prob/Divert)	1095	47.8	1396	40.0	2269	45.5	411	46.2	5171	44.4
DA Reject/No Action by Juv Ct	473	20.6	717	20.6	944	18.9	184	20.7	2318	19.9
Informal Ct Action (654.2, DEJ)	57	2.5	48	1.4	100	2.0	24	2.7	229	2.0
Probation (Home/Placement)	103	4.5	181	5.2	202	4.1	38	4.3	524	4.5
Secure Fac/DJJ/Adult Court	257	11.2	625	17.9	900	18.0	83	9.3	1865	16.0
<b>Prior Arrests or Citations</b>										
<b>No Prior Arrests/Citations</b>										
No Action (Pending, merged, supv)	77	5.5	113	6.4	124	4.3	47	7.8	361	5.4
Inf Prob Action (Warn/Inf Prob/Divert)	891	64.1	1036	58.3	1818	63.0	353	58.8	4098	61.6
DA Reject/No Action by Juv Ct	259	18.6	330	18.6	472	16.3	121	20.2	1182	17.8
Informal Ct Action (654.2, DEJ)	44	3.2	30	1.7	69	2.4	19	3.2	162	2.4
Probation (Home/Placement)	42	3.0	76	4.3	107	3.7	22	3.7	247	3.7
Secure Fac/DJJ/Adult Court	76	5.5	193	10.9	297	10.3	38	6.3	604	9.1
<b>One Prior</b>										
No Action (Pending, merged, supv)	9	3.4	16	3.7	21	3.5	8	8.9	54	3.9
Inf Prob Action (Warn/Inf Prob/Divert)	137	51.1	238	55.0	328	54.8	50	55.6	753	54.2
DA Reject/No Action by Juv Ct	74	27.6	90	20.8	133	22.2	18	20.0	315	22.7
Informal Ct Action (654.2, DEJ)	10	3.7	8	1.8	23	3.8	4	4.4	45	3.2
Probation (Home/Placement)	16	6.0	13	3.0	20	3.3	4	4.4	53	3.8
Secure Fac/DJJ/Adult Court	22	8.2	68	15.7	73	12.2	6	6.7	169	12.2
<b>Two Priors</b>										
No Action (Pending, merged, supv)	115	32.7	208	30.0	273	28.6	67	47.9	663	31.0
Inf Prob Action (Warn/Inf Prob/Divert)	37	10.5	68	9.8	89	9.3	4	2.9	198	9.2
DA Reject/No Action by Juv Ct	79	22.4	158	22.8	225	23.5	33	23.6	495	23.1
Informal Ct Action (654.2, DEJ)	2	0.6	7	1.0	5	0.5	1	0.7	15	0.7
Probation (Home/Placement)	30	8.5	51	7.3	52	5.4	6	4.3	139	6.5
Secure Fac/DJJ/Adult Court	89	25.3	202	29.1	312	32.6	29	20.7	632	29.5
<b>Three or more Priors</b>										
No Action (Pending, merged, supv)	107	37.7	183	31.4	154	28.2	27	45.8	471	32.0
Inf Prob Action (Warn/Inf Prob/Divert)	30	10.6	54	9.3	34	6.2	4	6.8	122	8.3
DA Reject/No Action by Juv Ct	61	21.5	139	23.9	114	20.9	12	20.3	326	22.2
Informal Ct Action (654.2, DEJ)	1	0.4	3	0.5	3	0.5			7	0.5
Probation (Home/Placement)	15	5.3	41	7.0	23	4.2	6	10.2	85	5.8
Secure Fac/DJJ/Adult Court	70	24.6	162	27.8	218	39.9	10	16.9	460	31.3

differences in the percentage that were handled informally (by probation or the courts) and those that resulted in formal adjudication (probation with or without secure confinement). A few of these comparisons showed a somewhat lower percentage of White youth being handled formally,

although only one of these comparisons reached statistical significance. In particular, the analysis showed a lower percentage of White referrals being formally process among referrals with three or more prior arrests/citations. Looking more closely at this group, it appeared that, for males, Latino youth were more likely to be placed in a secure county facility by the courts than were White or Black youth (who were also somewhat more likely to be securely confined than Whites).

To better understand the importance of the higher percentage of referrals placed in secure confinement as part of formal probation (wardship), additional analysis compared the number of days spent in confinement by youth placed in confinement and, more generally, formally adjudicated (placed on home probation or securely confined). No differences in days spent in confinement were found (Table 17), suggesting that this disposition likely reflected policies regarding how to characterize certain dispositions more than actual confinement time.

Finally, comparisons of whether or not a particular youth was ever made a ward of the court (formally adjudicated) during this period were performed. These analyses took into account the number of total referrals each youth had in the data file—each youth was represented once in the analysis. Results, shown in Table 18, showed no differences in the percentage of youth who were made wards of the juvenile court by ethnicity at each level of referral numbers.

Overall, the present analysis of three years of recent referrals to the San Joaquin Probation Department found no noteworthy differences in how youth in the major ethnic categories were handled when case characteristics that would be expected to affect these decisions were controlled. As with Sacramento County, this finding differs from the study by Caudill, et al (2013), which suggested that extra-legal characteristics (such as ethnicity) affect first-time referrals but not subsequent referrals. The present study found no ethnic differences in how first referrals were handled by probation once legal factors were controlled.

Table 17  
San Joaquin County Probation  
Days in Confinement for Referrals Formally Adjudicated

	Ethnicity								Total	
	White		Black		Latino		Other		Referrals	
	N	Pct	N	Pct	N	Pct	N	Pct	N	Pct
<b>Total</b>	172	100.0	359	100.0	520	100.0	43	100.0	1094	100.0
<b>Days in Confinement (if booked)</b>										
0 Less Than One Day	16	9.3	30	8.4	47	9.0	4	9.3	97	8.9
1 One to Two Days	17	9.9	31	8.6	28	5.4	2	4.7	78	7.1
3 Three to Six Days	28	16.3	44	12.3	71	13.7	3	7.0	146	13.3
7 Seven to 13 Days	11	6.4	20	5.6	28	5.4	4	9.3	63	5.8
14 14 to 29 Days	31	18.0	68	18.9	94	18.1	7	16.3	200	18.3
30 30-89 Days	45	26.2	95	26.5	134	25.8	13	30.2	287	26.2
90 90+ Days	24	14.0	71	19.8	118	22.7	10	23.3	223	20.4

Table 18  
San Joaquin County Probation  
Wardship for Individual Youth by Ethnicity

	Ethnicity								Total Referrals	
	White		Black		Latino		Other			
	N	Pct	N	Pct	N	Pct	N	Pct	N	Pct
<b>Number of Individual Youth</b>	1134	100.0	1286	100.0	2258	100.0	436	100.0	5114	100.0
<b>All Individual Youth</b>										
No wardship	1012	89.2	1098	85.4	1972	87.3	405	92.9	4487	87.7
One or more wardship findings	122	10.8	188	14.6	286	12.7	31	7.1	627	12.3
<b>Total Referrals on File</b>										
<b>One</b>										
No wardship	747	98.4	745	98.5	1393	97.8	306	97.5	3191	98.1
One or more wardship findings	12	1.6	11	1.5	32	2.2	8	2.5	63	1.9
<b>Two</b>										
No wardship	166	91.7	186	86.5	304	89.1	55	93.2	711	89.3
One or more wardship findings	15	8.3	29	13.5	37	10.9	4	6.8	85	10.7
<b>Three</b>										
No wardship	54	75.0	81	76.4	155	79.9	20	83.3	310	78.3
One or more wardship findings	18	25.0	25	23.6	39	20.1	4	16.7	86	21.7
<b>Four or more</b>										
No wardship	45	36.9	86	41.1	120	40.3	24	61.5	275	41.2
One or more wardship findings	77	63.1	123	58.9	178	59.7	15	38.5	393	58.8

## Recidivism

For this county, recidivism was defined as any subsequent referral for an arrest or citation within 12 months or 24 months that included at least one charge that was not listed as a probation violation only or another technical matter (e.g., placement change, transfer, modification of conditions, etc.). This definition is therefore narrower than simply the percentage of referrals with subsequent referrals. Referrals during 2014 and 2015 were excluded from the analysis because of insufficient follow-up time through the date of data collection (early 2016). Referrals during calendar years 2010 and 2012 were included in this analysis. Recidivism percentages by ethnicity were calculated for all referrals and separately for first referrals, all subsequent referrals, and the number of the referral for each youth (which can also be seen as analysis by the number of prior referrals). Finally, recidivism rates for first and subsequent referrals were analyzed by referral year to consider changes over time.

Recidivism results are shown in Tables 19 and 20. Of all referrals during this two-year period, 30.8% were followed by another referral for an offense other than a probation violation within 12 months, rising to 38.3% at 24 months. These overall rates differed by ethnicity, with Black youth having the highest referral rates (38.1% at 12 months and 46.3% at 24 months) and youth not falling into one of the major groups having the lowest rates (17.6% and 23.5%). White youth had the next lowest rates (27.8% and 33.5%). The rate for Latinos was close to that of White youth (37.9% at 24 months). Recidivism rates tended to increase with the number of prior referrals, with 24-month recidivism rates increasing from 31.6% for first referrals to 62.7% for referrals beyond the second. The pattern of ethnic differences was similar for first referrals and for categories of referral numbers (second, third and later). In each category of referral numbers (with a few exceptions), youth in the Other category had the lowest re-referral rates, followed by

Table 19  
San Joaquin County Probation  
12- and 24-Month Recidivism by Ethnicity, Gender, and Number of Priors

			Ethnicity								Total	
			White		Black		Latino		Other		Referrals	
			N	Pct	N	Pct	N	Pct	N	Pct	N	Pct
<b>All Referrals</b>												
<b>12 Mo</b>	No	941	72.2	1096	61.9	1881	70.4	375	82.4	4293	69.2	
	Yes	363	27.8	675	38.1	789	29.6	80	17.6	1907	30.8	
<b>24 Mo</b>	No	472	66.5	509	53.7	933	62.1	176	76.5	2090	61.7	
	Yes	238	33.5	438	46.3	569	37.9	54	23.5	1299	38.3	
<b>Gender</b>												
<b>Male</b>												
<b>12 Mo</b>	No	623	69.8	707	58.6	1275	67.7	263	83.2	2868	66.7	
	Yes	269	30.2	499	41.4	608	32.3	53	16.8	1429	33.3	
<b>24 Mo</b>	No	314	63.3	328	49.6	621	57.8	122	77.2	1385	57.9	
	Yes	182	36.7	333	50.4	454	42.2	36	22.8	1005	42.1	
<b>Female</b>												
<b>12 Mo</b>	No	318	77.2	389	68.8	606	77.0	112	80.6	1425	74.9	
	Yes	94	22.8	176	31.2	181	23.0	27	19.4	478	25.1	
<b>24 Mo</b>	No	158	73.8	181	63.3	312	73.1	54	75.0	705	70.6	
	Yes	56	26.2	105	36.7	115	26.9	18	25.0	294	29.4	
<b>Referral Number</b>												
<b>First known</b>												
<b>12 Mo</b>	No	689	81.5	663	70.2	1304	77.7	277	86.0	2933	77.4	
	Yes	156	18.5	282	29.8	375	22.3	45	14.0	858	22.6	
<b>24 Mo</b>	No	379	74.0	358	59.5	687	68.7	144	80.9	1568	68.4	
	Yes	133	26.0	244	40.5	313	31.3	34	19.1	724	31.6	
<b>Second</b>												
<b>12 Mo</b>	No	147	61.5	264	59.6	358	62.2	69	76.7	838	62.2	
	Yes	92	38.5	179	40.4	218	37.8	21	23.3	510	37.8	
<b>24 Mo</b>	No	65	54.6	106	46.5	180	54.4	30	73.2	381	53.0	
	Yes	54	45.4	122	53.5	151	45.6	11	26.8	338	47.0	
<b>Third or later</b>												
<b>12 Mo</b>	No	105	47.7	169	44.1	219	52.8	29	67.4	522	49.2	
	Yes	115	52.3	214	55.9	196	47.2	14	32.6	539	50.8	
<b>24 Mo</b>	No	28	35.4	45	38.5	66	38.6	2	18.2	141	37.3	
	Yes	51	64.6	72	61.5	105	61.4	9	81.8	237	62.7	



Table 20  
San Joaquin County Probation  
12- and 24-Month Recidivism by Ethnicity, Type of Referral, and Year

			Ethnicity								Total	
			White		Black		Latino		Other		Referrals	
			N	Pct	N	Pct	N	Pct	N	Pct	N	Pct
<b>All Referrals</b>												
<b>12 Mo</b>	No	941	72.2	1096	61.9	1881	70.4	375	82.4	4293	69.2	
	Yes	363	27.8	675	38.1	789	29.6	80	17.6	1907	30.8	
<b>24 Mo</b>	No	472	66.5	509	53.7	933	62.1	176	76.5	2090	61.7	
	Yes	238	33.5	438	46.3	569	37.9	54	23.5	1299	38.3	
<b>Referral Type</b>												
<b>Arrest</b>												
<b>12 Mo</b>	No	199	62.2	307	55.4	433	63.0	79	80.6	1018	61.4	
	Yes	121	37.8	247	44.6	254	37.0	19	19.4	641	38.6	
<b>24 Mo</b>	No	91	56.2	136	46.6	199	51.8	31	68.9	457	51.8	
	Yes	71	43.8	156	53.4	185	48.2	14	31.1	426	48.2	
<b>Citation</b>												
<b>12 Mo</b>	No	742	75.4	789	64.8	1448	73.0	296	82.9	3275	72.1	
	Yes	242	24.6	428	35.2	535	27.0	61	17.1	1266	27.9	
<b>24 Mo</b>	No	381	69.5	373	56.9	734	65.7	145	78.4	1633	65.2	
	Yes	167	30.5	282	43.1	384	34.3	40	21.6	873	34.8	
<b>12 Mo Recivism By</b>												
<b>Year of Referral</b>												
<b>2012</b>	No	599	71.0	763	61.5	1269	67.2	252	81.3	2883	67.3	
	Yes	245	29.0	478	38.5	619	32.8	58	18.7	1400	32.7	
<b>2013</b>	No	538	70.9	702	60.5	1050	69.1	238	71.9	2528	67.0	
	Yes	221	29.1	459	39.5	470	30.9	93	28.1	1243	33.0	

Whites and Latinos, who had similar rates of recidivism. Blacks consistently had the highest rates of recidivism. For the third or later referral, more than six in ten referrals were followed by another within 24 months, and White youth had a slightly higher rate than Blacks or Latinos. However, the numbers in this comparison are relatively small.

Recidivism rates were higher for arrests than for citations, and recidivism rates were similar for referrals during the two years in the analysis, with ethnic differences consistent across the two years.

## Discussion

The proposal for this study assumed that disparities exist, and argued that understanding the basis for disparities in a county—and therefore the potential for system change to reduce disparities—requires an understanding of the factors that govern decision making other than current offense, such as the dispositional alternatives available in a particular setting and the characteristics of youth in relation to the alternatives. From the perspective that JJS involvement does more harm than good, these disparities translate as continual and ongoing disadvantage for ethnic minorities (Vincent, Guy, and Grisso, 2012; Fagan, 2010; Petrosino, Turpin-Petrosino, & Guckenburg, 2010; Gatti, Tremblay, & Vitaro, 2009; Austin, Johnson, & Weitzer, 2005). Although there are those who hold a more positive view of community corrections (Huizinga & Henry, 2008; McNeill, Farrall, Lightowler, & Maruna, 2012), any disparities based on ethnicity are still a cause for concern.

However, findings regarding ethnic bias in community corrections are mixed (Caudill, Morris, Sayed, Yun, & DeLisi, 2013; Maggard, Higgins, & Chappell, 2012; Bechtold, Cauffman, & Monohan, 2011), and it is likely that there is a great deal of variation across jurisdictions. Such variation would make generalization from studies of single jurisdictions difficult. Therefore, prior to undertaking the kind of proposed qualitative research to help understand the bases for ethnic disparities, it is important to assess the nature and extent of the disparities: the degree of difference in dispositional actions and the specific decision points that contribute to any overall disparity. In the present study, focusing on several years of probation referrals and many thousands of cases, this analysis found little evidence of consistent, systematic disparity in how juveniles were handled by probation and the juvenile courts. These two large California counties both have sizable minority populations, with White youth accounting for only 30% of

the population aged 10-17 in Sacramento County and only 22% of that population in San Joaquin County. The large numbers and the sizable representation of major ethnic groups in these counties made direct comparisons, and clear tabular presentation possible. It did not have to rely on statistical techniques that try to simultaneously estimate the effects of a number of variables using relatively small samples.

The commonly-used Haywood Burns Institute Relative Rate Index figures for these two counties were not directly addressed either to verify or to compare with the present findings. A review of these figures found rather major discrepancies in what is reported and did not (could not) take into account the seriousness of the offenses leading to probation referral or the number of prior referrals for each youth. For example, one county reported referrals to probation only if they resulted from an arrest (by law enforcement or the probation department), while the other reported all referrals including referrals to their informal truancy program, excluding only simple probation violations and placement failures. In addition, one county did not report secure confinement when included as part of formal adjudication, while the other may have included a somewhat inflated number that reflected how the courts classified dispositions for certain cases. Thus, no specific comparisons were made with the RRI numbers, although an attempt was made to use similar decision points in analyzing the referrals.

The focus of the study was not the value of dispositional processes or decision-making in these two counties. Although many have argued that juvenile justice policies need reform to reduce reliance on formal processing, in general, and secure confinement, in particular, the need for such reforms in these counties was not addressed in this study. However, the data bear out the expressed goals of staff and administrators in the two counties to minimize formal adjudication and consider the youth's interests along with the interests of "justice"

(accountability for serious offenses). In Sacramento County, fewer than 20% of all referrals resulted in any action by the juvenile court and 13% in formal probation. For first referrals, regardless of seriousness, over 70% were treated informally by the probation department (conditional dismissal or informal probation) or the courts. Interestingly, the loss of the county-funded diversion program, did not result in an increase in formal processing but, instead, an increase in the percentage of youth given “conditional dismissal” (warning letter or informal family meeting), the least severe disposition available at probation intake. Another 22% involved no action at all (although some of these referrals were combined with later referrals for particular youth). Only about 8% of first referrals were formally adjudicated. As the number of referrals increased, the percentage formally adjudicated rose, but only to about 18% for the ninth or later referrals. These later referrals tended, rather, to be merged with other referrals or dismissed altogether.

Similar results were found for San Joaquin County. The percent of youth formally adjudicated, although slightly higher overall than in Sacramento County, was relatively small, reaching about 35% for youth with two or more prior arrests or citations. The bulk of referrals were either handled informally or dismissed entirely, especially as the number of prior arrests/citations increased. Again, these referrals were likely merged with other referrals or dismissed as part of the process of handling the youth as a whole person. Indeed, only 12.3% of referred youth were ever made a ward of the court during this period.

The focus of the present study, however, was possible ethnic disparities in these dispositions or in the handling of similar youth along the way. Here the findings were clear. After controlling for basic characteristics of referrals that would be expected to affect dispositional decision, ethnic groups were handled similarly in both counties. For Sacramento

County, we found no noteworthy differences in how youth in the major ethnic categories were handled when gender, the number of prior referrals and the level of offense were controlled. In San Joaquin County the crucial variables were the number of prior referrals and gender. It was not surprising that after controlling for these few variables, there were no significant ethnic differences in disposition because the initial differences (as shown in Tables 7 and 11) were not particularly large. However, given the common finding that ethnic disparities exist despite differences among youth, that result was not assured.

These results suggest that efforts to ensure equitable treatment of youth from different ethnic backgrounds are paying off, at least in these two California counties. Both of the counties involved in the present study have been diligent in addressing possible ethnic bias, seeking analysis and guidance from organizations such as the Haywood Burns Institute. It appears that these efforts are paying their dividends in terms of fair and equal treatment across ethnic groups.

Differences were found, however, in referral rates to probation (for first referrals involving arrests or citations) and in re-referrals (recidivism) following arrest/citation referrals (other than probation violations). Looking at first referrals, Black youth in both counties were referred to probation at much higher rates than White youth (around four times the rate). Latino/Hispanic youth, in contrast, were referred at virtually the same rate as Whites. Consistent with findings that Black and Hispanic youth had a higher number of referrals during the periods of observation, recidivism rates were higher for these groups than for Whites. Considering only re-referrals for arrests or citations (and excluding referrals for probation violations, placement failures, or modifications of probation conditions), recidivism rates for these groups were higher than for whites. Blacks had the highest recidivism rates, often ten percentage points higher than Whites, and (with some exceptions) Hispanics had recidivism rates between those of Whites and Blacks.

Again with a few exceptions, these patterns were consistent for males and females, for arrests and citations, and for numbers of prior referrals. Recidivism rates were higher for arrests, which involved more serious offenses, than for citations, and rates increased markedly with the number of prior referrals. Rates tended to decrease over time in Sacramento, where four years of referrals were included in the analysis, but were not as different between referrals in 2012 and 2013.

Referrals over these two years in San Joaquin County did not change appreciably. Note that by excluding referrals for probation violations and other matters for which the referring agency was the probation department, the rates of referral and recidivism reflected the actions of agencies outside the probation department. The basis for these disparities, therefore, was not addressed as part of the present study. It appears, however, that these two probation departments do not exacerbate these disparities.

As stated in the introduction, it is important to understand the extent to which the availability and viability of interventions options constrains actual interventions used by counties. Although there may appear to be considerable discretion available to local probation and the courts, the reality is more limited. Informal probation, for example, either at the probation or court level can only be offered once to a particular youth. If the youth fails to meet expectations for school attendance, complying with parental rules, or staying out of trouble (in particular, getting arrested or cited again during the period of informal probation), the probation department or the courts cannot simply start over. These options are meant to provide a certain leverage to help parents provide care and supervision to youth who have gotten off-track. Youth who continue to offend are considered in need of more strict (some would say “harsh”) controls, especially if the parents report that their efforts are not taken seriously by their children. In most instances, other than most serious cases and those warranting only a warning letter, probation

staff in both counties work closely with the parents to craft a disposition that maintains and strengthens family supervision and prosocial activity (such as school attendance and effort).

Thus, although this proposed research was designed to explore the process of probation decision-making that leads to disparities, that aspect was predicated on their being disparities to explain. Probation decisions have been found to rely heavily on offense histories and other legal factors, especially after the first referral (Caudill, et al., 2013; Bechtold, et al., 2011). In these counties, these factors seem to be paramount and applied equally across ethnic groups. Prior arrests, referrals, and adjudications were shown to be important factors in determining case dispositions. These factors are treated as indicators of higher criminal propensity and can also be understood as indicators that prior attempts to modify behavior have been unsuccessful (Haapanen, Britton, & Croisdale, 2007; Haapanen, Britton, Croisdale, & Coebergh, 2009). It is reasonable and professionally appropriate to tailor interventions to build on what was done before, but these options may be smaller and smaller in number as these previous interventions prove unsuccessful (for whatever reasons). Thus, control-oriented interventions may seem more prudent as the number of referrals increases, and this was found in the current study.

In summary, this study of decision-making in two major California Counties found only small differences in how youth of different ethnic backgrounds were handled, and these were explainable by the legal characteristics of the referral. This result should be considered good news for advocates of reforms aimed at minimizing or eliminating ethnic disparities in juvenile justice processing. Although these results are limited to these two counties in California, it is gratifying that ethnic disparities can be effectively minimized through concerted effort.

## References

- Austin, J. Johnson, K.D., and R. Weitzer. 2005. Alternatives to the Secure Detention and Confinement of Juvenile Offenders. *Juvenile Justice Bulletin*. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.
- Bechtold, J., Cauffman, E., and Monahan, K. (2011). Knowledge Brief: Are Minority Youths Treated Differently in Juvenile Probation? Chicago, IL: John D. and Catherine T. MacArthur Foundation.
- Bilchik, S. (2010) Addressing the needs of youth known to both the child welfare and juvenile justice systems. in C. Flango, A. McDowell, C. Campbell, and N. Kauder. *Future Trends in State Courts 2010*. Williamsburg, VA: National Center for State Courts.  
Available at: <http://vis-res.com/pdf/Trends2010.pdf>
- Caudill, J., Morris, R., Sayed, S., Yun, M., & DeLisi, M. (2013). Pathways through the juvenile justice system: Predictors of formal disposition. *Youth Violence and Juvenile Justice*. Vol. 11(3), 183-195
- Corder, G. & Foreman, D. (2014). *Nonparametric Statistics: A Step-by-Step Approach*. New York, NY: Wiley.
- Davis, A., Irvine, A., & Ziedenberg, J. (2014) *Supervision Strategies for Justice-involved youth*. National Council on Crime and Delinquency.
- Fagan, J. (2010). The contradictions of juvenile crime & punishment. *American Academy of Arts & Sciences Daedalus*, Vol. 139(3), Summer 2010
- Fries, D., Rossegger, A., Endrass, J., Singh, J. (2013) The prediction of criminal recidivism using routinely available file information. *International Journal of Psychological Research*, Vol. 6 (2), 8-14
- Gatti, U., Tremblay, R. E., & Vitaro, F. (2009). Iatrogenic effect of juvenile justice. *Journal of Child Psychology and Psychiatry*. Vol. 50(8), 991-998.
- Haapanen, R., Britton, R., and Croisdale, T. (2007) Persistent Criminality and Career Length. *Crime & Delinquency*, Vol. 53(1), 133-155.
- Haapanen, R., Britton, R., Croisdale, T., and Coebergh, B. (2009) Serious juvenile offenders and persistent criminality, in Savage, J. (ed.) *The Development of Persistent Criminality*. New York: Oxford University Press.



- Herz, D.C., Ryan, J.P., and Bilchik, S. (2010). Challenges facing crossover youth: An examination of juvenile-justice decision making and recidivism. *Family Court Review*, Vol. 48(2), 305-321.
- Howell, J., & Lipsey, M. (2012). Research-based guidelines for juvenile justice programs. *Justice Research and Policy*, Vol. 14(1), 17–34.
- Huizinga, D.H. & Henry, K.L. (2008). The effect of arrest on subsequent behavior: Findings from longitudinal and other studies. In Liberman, A. (Ed.) *The Long View of Crime: A Synthesis of Longitudinal Research*. New York, NY: Springer.
- Kalmbach, K., & Lyons, P. (2012). Predictors of juvenile court dispositions in a first-time offender population. *Applied Psychology in Criminal Justice*, Vol. 8(1), 15-35.
- Leiber, M., & Rodriguez, N. (2011). The implementation of the Disproportionate Minority Confinement/Contact (DMC) mandate: A failure or success? *Race and Justice*, Vol. 1, 103-124.
- Maggard, S., Higgins, J., & Chappell, A. (2012): Predispositional juvenile detention: An analysis of race, gender and intersectionality. *Journal of Crime and Justice*. Available at: <http://dx.doi.org/10.1080/0735648X.2011.651793>
- McHugh, M. (2013) The chi-square test of independence. *Biochemia Medica*, Vol. 23(2), 143–149
- McNeill, F., Farrall, S., Lightowler, C., & Maruna, S. (2012). Re-examining evidence-based practice in community corrections: Beyond a “confined” view of what works. *Justice Research and Policy*, Vol. 14(1), 35–60.
- Moffitt, Terrie E., 1993, Adolescence-Limited and Life-Course Persistent Antisocial Behavior: A Developmental Taxonomy. *Psychological Review*, 100:674-701.
- Mulvey, E., Steinberg, L., Piquero, A., Besana, M., Fagan, J., Schubert, C., Cauffman, E. (2010) Trajectories of desistance and continuity in antisocial behavior following court adjudication among serious adolescent offenders.” *Development & Psychopathology*, Vol. 22(2), 453-475.
- Perrault, R., Paiva-Salisbury, M., and Vincent, G. (2012). Probation Officers' Perceptions of Youths' Risk of Reoffending and Use of Risk Assessment in Case Management. *Behavioral Sciences & the Law Special Issue: Integrating Risk Assessment and Treatment*. Vol. 30(4), 487–505.
- Petrosino, A., Turpin-Petrosino, C., & Guckenburg, S. (2010). *Formal system processing of juveniles: Effects on delinquency*. Campbell Systematic Reviews. The Campbell Collaboration. Oslo, Norway.

- Piquero, A. (2008). Disproportionate minority contact. *The Future of Children*, 18, 59-79.
- Richardson, N. (2001) *Out of Sight, Out of Mind: Central San Joaquin Valley Delinquents and the California Youth Authority*. Available at:  
[http://s3.amazonaws.com/zanran\\_storage/www.greatvalley.org/ContentPages/5178934.pdf](http://s3.amazonaws.com/zanran_storage/www.greatvalley.org/ContentPages/5178934.pdf)
- Rovner, J. (2014). Disproportionate minority contact in the juvenile justice system. The Sentencing Project 1-2. Available at:  
[http://sentencingproject.org/doc/publications/jj\\_Disproportionate%20Minority%20Contact.pdf](http://sentencingproject.org/doc/publications/jj_Disproportionate%20Minority%20Contact.pdf).
- Vincent, G., Guy, L., and Grisso, T. (2012). *Risk assessment in juvenile justice: A guidebook for implementation*. John D. and Catherine T. MacArthur Foundation.
- Vincent, G., Paiva-Saulsbury, M., Cook, N., Guy, L., & Perrault, R. (2012) Impact of risk/needs assessment on juvenile probation officers' decision making: Importance of implementation. *Psychology, Public Policy, and Law*, Vol 18(4), 549-576.
- Wilson, J. J., & Howell, J. C. (1993). *A comprehensive strategy for serious, violent and chronic juvenile offenders*. Washington, DC: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention.

## Appendix A

### Management Information Systems Descriptions

#### Sacramento County Juvenile Probation

Sacramento County Law Enforcement agencies share a “known persons” database permitting agencies to identify youth already known to law enforcement. Entries are internally linked to current information contained in the system. This system resides on an AS400 mainframe, and was designed and built by the Sacramento County Department of Technology, which is also responsible for ongoing maintenance. Sacramento County Probation has its own management information system (MIS), which is linked to the county-wide database. Probation’s MIS uses an SQL Server relational database built by Probation IT to meet the specific business and operational needs of Sacramento County Probation. This system tracks each charge for each referral from referral date to disposition. New referrals are entered at intake by probation juvenile court officers assigned to the intake unit. Additional referral information (for example, actions taken) and all subsequent actions related to each referral charge are entered by specially-trained probation clerical staff. District attorney and Juvenile Court actions, if any, are entered for each charge. A separate module contains booking information (primarily entry and exit dates/times) for youth detained or placed in juvenile hall. This information is entered by Youth Detention Center booking officers.

Access to various types of information in the system is carefully controlled by login ID, following both legal requirements (including HIPAA) and county policies. Built-in protocols control which users have rights to add, edit, and read types of data in the system. The system automatically keeps an audit log of all changes (entries and edits) to the system, noting who

made the change and when. Some of the older modules, however, only keep this information for the last change/update. Entry errors are minimized by the use of drop-down menus and checkboxes whenever possible. In addition, the system generates a number of reports that are reviewed by administrative clerical staff and supervisors to look for errors. These reports are designed to locate out-of-range values and missing data.

### San Joaquin County Juvenile Probation

San Joaquin County Probation's management information system (MIS) is a web-based Oracle relational database built by outside consultants to meet the specific business and operational needs of San Joaquin County Probation. This system is administered by staff within the Probation Department's Research and Evaluation Unit, with technical maintenance conducted by the outside consulting firm on contract with the county. This system tracks individual juvenile referral from referral date to disposition. New referral records, additional referral information, DA actions related to each referral charge, juvenile court hearings/actions, and final dispositions are entered by specially-trained probation clerical staff. District attorney actions, if any, are entered for each charge in a single text field. Juvenile Court hearings (e.g., detention, arraignment, review, and dispositions) are also entered in a single text string. For youth detained or placed in juvenile hall, a separate module contains booking information, including entry and exit dates/times, Detention Risk Assessment information, and type of release from detention. This information is entered by Youth Detention Center intake officers. Case management notes, programming information, and incident reporting are completed by operations staff in Juvenile Hall, intake, and field probation.

Access to various types of information in the system is carefully controlled by login ID, following both legal requirements (including HIPAA) and county policies. Built-in protocols control which users have rights to add, edit, and read types of data in the system. The system automatically keeps an audit log of all changes (entries and edits) to the system, noting who made the change and when. Entry errors are minimized by the use of drop-down menus and checkboxes whenever possible. In addition, the system generates a number of reports that are reviewed by administrative clerical staff and supervisors to look for errors. The system was designed to meet requirements of California's Juvenile Court and Probation Statistical System (JCPSS) to which a report is submitted monthly. System data errors are checked during the JCPSS reporting period, and errors are corrected with the assistance of the research and evaluation team. These reports are designed to locate out-of-range values and missing data.