

# Juvenile Disproportionate Minority Contact

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# Juvenile Justice and Delinquency Prevention Act

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

# From Confinement to *Contact*

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

# Key Terms in DMC Research

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

# Reasons for Overrepresentation

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

# Race and Ethnicity Categories

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

Source of data: US Census Bureau

# Implementation of DMC

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

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

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

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

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

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

# Identification Phase - Process

## ID Phase

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

# Key Findings Capacity Assessment

educating leaders, informing public policy, strengthening civic life



# Findings - Capacity Assessment

## MDPS – UCR Reporting

- MDPS reports juvenile demographics, such as age, gender, county and crime on an annual basis
  - Annual report does *not* include race or ethnicity of juveniles or adults arrested that year
  
- MDPS does *not* currently collect data on arrested or detained juveniles' Ethnicity (Hispanic/non-Hispanic)

# Findings - Capacity Assessment

## MDPS – UCR Reporting

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

# Findings - Capacity Assessment

## MDPS – UCR Reporting

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

# Findings - Capacity Assessment

## MDPS – UCR Reporting

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

# Findings - Capacity Assessment

## **MDOC - CORIS**

- The quality of the data are currently insufficient for reliable analysis of DMC - e.g. diversion and petition to court - and other purposes.
  
- SAC decided to compare CORIS data to hand-produced monthly statistical reports completed by each region and compiled by MDOC central office

# Findings - Capacity Assessment

## MDOC - CORIS

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

# Findings - Capacity Assessment

## **MDOC - CORIS**

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

# Findings - Capacity Assessment

## MDOC - CORIS

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

# Findings - Capacity Assessment

## MDOC – Detention Database

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

# Findings - Capacity Assessment

## ME Judicial Branch – MEJIS

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

# Recommendations

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

# Recommendations

## II. Train Staff Who Determine Race and Ethnicity of Juveniles

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

# Best Practice

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

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

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

# Recommendations

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

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

# Recommendations

## **IV. Record Race/Ethnicity Data Electronically at MDPS**

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

# Recommendations

## V. Complete CORIS Data Set

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

# Recommendations

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

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

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