

*Juvenile Justice GPS (Geography, Policy, Practice & Statistics) is an online repository providing state policy makers and system stakeholders with a clear understanding of the juvenile justice landscape in the states. The site layers the most relevant national and state-level statistics with information on state laws and practice and charts juvenile justice system change. In a landscape that is highly decentralized and ever-shifting, JJGPS provides an invaluable resource for those wanting to improve the juvenile justice system.*

## Racial and Ethnic Fairness in Juvenile Justice: Availability of State Data

It is well documented that minority youth are overrepresented in juvenile justice systems across the United States. For example, nationally black youth are arrested at a rate more than two times that of white youth. However, rates of disparity vary across states and localities. The federal Juvenile Justice and Delinquency Prevention Act (the Act) requires states to address racial and ethnic disproportionality in their juvenile justice systems to be eligible to receive funding under the Act.

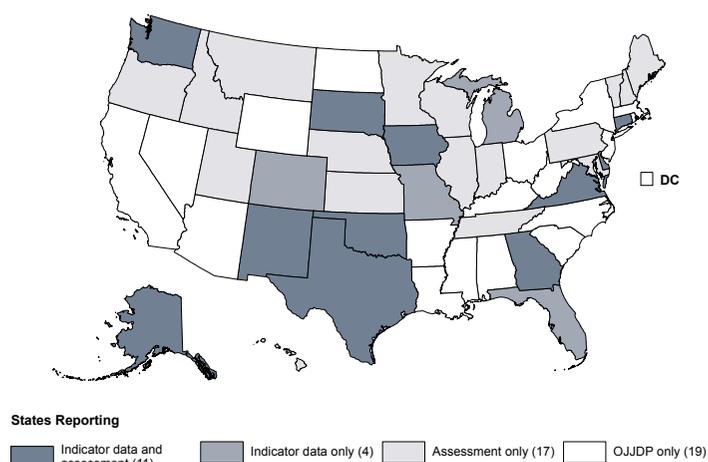
The Act requires states to identify where the problem exists and conduct assessments to develop strategies to reduce disproportionality. States must report data to the Office of Juvenile Justice and Delinquency Prevention (OJJDP) at the state and county levels to measure the extent of disproportionate minority contact (DMC). States must collect and report data at multiple juvenile justice decision points: arrest, referral to court, diversion from formal case processing, secure detention, petition to court, adjudication of guilt, court-ordered probation, secure confinement, and transfer to criminal court. Collecting and reporting DMC data is not the goal. It is the first step in a process. The intent is to develop data-driven strategies to reduce disparities and increase racial and ethnic fairness.

### Assessing Disproportionality is a Challenge

Measuring race and ethnicity is inherently complex. The federal Office of Management and Budget (OMB) defines five racial categories for federal statistics and program administrative reporting as follows:<sup>1</sup>

- **American Indian or Alaska Native.** A person having origins in any of the original peoples of North and South America (including Central America), and who maintains tribal affiliation or community attachment.
- **Asian.** A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.
- **Black or African American.** A person having origins in any of the black racial groups of Africa.
- **Native Hawaiian or Other Pacific Islander.** A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.
- **White.** A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.

### Online Publication of DMC Data



Explore the interactive map, <http://www.jjgps.org/racial-fairness#reported-data>

Additionally, the OMB standards define Hispanic ethnicity as follows:

- **Hispanic or Latino.** A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.

However, not all jurisdictions collect and report data in these categories. Juvenile courts and agencies within the same state may collect and report data to represent different race and ethnicity categories that don't easily correspond to the OMB standards.

Furthermore, race and ethnicity are

### Relative Rate Index—One Measure of Disparity

OJJDP recommends that states document the presence of disproportionality using the Relative Rate Index (RRI) Method. This involves comparing the rate of activity for each major stage of the system for minority youth with the rate of that activity for white youth. The relative rate is calculated by dividing a minority group's rate for a decision point by the white rate at the same decision point.

For example, based on data from the National DMC Databook, the 2012 arrest rate for white youth was 32.0 arrests for every 1,000 white persons ages 10-17 in the population, and the black arrest rate was 73.2 for black youth ages 10-17. The Relative Rate Index at arrest is the black rate divided by the white rate (73.2/ 32.0) yielding an RRI of 2.3.

To remain in compliance with the JJDP Act, states are required to report RRI data to OJJDP data for 9 major juvenile justice system decision points: arrest, referral, diversion, detention, petition, adjudication, probation, confinement, and transfer to adult court.

Sources: OJJDP. (2009). *Disproportionate Minority Contact Technical Assistance Manual, Fourth Edition*. [www.ojjdp.gov/compliance/dmc\\_ta\\_manual.pdf](http://www.ojjdp.gov/compliance/dmc_ta_manual.pdf).

Puzzanchera, C. and Hockenberry, S. (2015). *National Disproportionate Minority Contact Databook*. Developed by NCJJ for OJJDP. Online: <http://www.ojjdp.gov/ojstatbb/dmcdcb/>.

increasingly difficult to identify as the population across the United States becomes more mixed and diverse.

Accurately representing the racial and ethnic composition of a jurisdiction's juvenile justice population faces several challenges. For instance, a youth's race or ethnicity can be identified based on the judgment of juvenile justice professionals or through self-reporting. These different data collection methods do not always obtain the same result. Although OMB recommends collecting race and ethnicity information through two separate questions (variables), many perceive Hispanic or Latino as a race and are confused by the separation. Thus, some jurisdictions collect Hispanic ethnicity information as a race using one question (variable).

Methods for identifying race and ethnicity and collecting race and ethnicity data vary across states, and across agencies and jurisdictions within states. This can introduce challenges when states compile statewide data from jurisdictions with different data collection practices. For instance, Washington Administrative Office of the Courts publishes statewide DMC data in an online data display. Because local jurisdictions vary in their practices related to capturing ethnicity, approximately 40% of cases were missing ethnicity detail and were therefore omitted from the statewide data set.<sup>2</sup>

Aside from these obstacles, states often must obtain data from a variety of sources such as law enforcement agencies, juvenile justice agencies, and juvenile courts to measure disparity across their justice system. This requires formal data sharing agreements that can be difficult to establish. At times, the necessary data may not be available for every jurisdiction, making it impossible to create statewide indicators.

Additionally, the disparate data sources may have incompatible units of count or definitions for key variables. For example, law enforcement may count arrests, court intake may count charges, and the corrections agency may count youth. One court in a state may

keep data on all matters that come to court intake. Another court in the same state may only track cases that are petitioned to be heard before a judge. Combining such disparate data to perform calculations creates additional challenges.

### Sharing Data Publicly Shows Commitment to Transparency

While the Act requires states to report data to OJJDP, some states also make data available to the public. A recent review of websites of state juvenile justice agencies, juvenile justice advisory groups, and state statistical analysis centers found that 15 states share data on disproportionality in juvenile justice online. Of those, 8 publish these data in annual or biennial reports, while 9 publish them on juvenile justice agency or statistical analysis center online data displays. Florida and Colorado publish both online reports and data displays.

Displaying data publicly shows a commitment to transparency in juvenile justice system processing. It also contributes to an awareness of disproportionate contact and can begin conversations with the community about racial and ethnic fairness in the juvenile justice system. Community engagement is an important step to collaborative solutions.

Aside from making data publicly available, sharing and presenting the data in different ways also contributes to a broader understanding of DMC. Of the 15 states that make their data public online, 13 use the Relative Rate Index (RRI, see sidebar) as their measure of DMC; 2 states have opted to use simple rates to measure disparity. Simple rates differ from RRIs, because they fail to take into account the relative contribution of the various decisions made as a youth's case moves through the system.

Sources of publicly available DMC data vary in the amount of detail and exploration they enable. One innovative example, Florida Department of Juvenile Justice's "Disproportionate Minority Contact Racial Ethnic Disparity Dashboard," charts several

years of RRIs for eight decision points alongside the total population for each racial/ethnic group in their online data display, the Disproportionate Minority Contact Racial Ethnic Disparity Benchmark Report.<sup>3</sup> The juxtaposition of these numbers visually shows the degree of disparity and how it has changed over time. The database also shows the trends in RRIs along with frequencies for black and Hispanic youth at several decision points. The user can see that the disparity at arrest between black and white youth has stayed within a limited range over the last few years, although the number of arrests for black youth has actually dropped by 36% since 2008.

### Racial and Ethnic Groups Measured Differ Between States

States commonly measure disparity in the following racial groups: Black or African American, Asian, Native Hawaiian or other Pacific Islanders, Native Alaskan, and American Indian or Alaska Native. These groups are preferred by OJJDP; however, reporting is only required for racial groups greater than 1% of the statewide population of

youth. States select the racial groups to be measured based on the composition of their juvenile population and data availability. Across 17 sources from 15 states, disparity data were published for the following race groups: Black or African American (16), Asian (11), Native Hawaiian or other Pacific Islanders (7), American Indian or Alaska Native (12). Nine sources combined minority groups to report disparity of all minorities combined compared with white youth.

Members of any racial group can also identify as being of Hispanic or Latino ethnicity. As opposed to race, ethnicity refers to cultural heritage. The preferred approach for collecting and displaying race and ethnicity data is to use two distinct variables. In this way, youth can be identified by race and also by ethnicity. The alternative includes “Hispanic or Latino” in a single combined race/ethnicity variable.

The two variable approach allows Hispanic youth to be counted according to their identified racial group (e.g. white, Hispanic or white, non-Hispanic; American Indian/Alaska native,

Hispanic, or American Indian/Alaska native, non-Hispanic). With the one variable approach Hispanic youth are counted as a group regardless of their race. Of the 15 states that make their data public online, 12 reported an RRI for Hispanic youth. Only six reports stated that race data were separate from ethnicity. The remaining reports did not specify if they assessed ethnicity separately.

### Nine States Publicly Report Sub-State Level Detail

Every source published a statistic representing the disparity for the entire state, and 12 states also reported data specific to local jurisdictions. State-level statistics do not necessarily represent disparities everywhere in the state due to variance in populations and practices across jurisdictions. For that reason, states will often look to local jurisdictions, counties, or municipalities for more targeted measures. States select jurisdictions for analysis based on data availability or youth population.

**Table 1: RRI Decision Points Reported Publicly Online, by State, 2015**

State	Data Year	Arrest	Referral to Court	Diversion From Court	Secure Detention	Petition	Adjudication	Probation	Secure Confinement	Transfer to Criminal Court
Total		13	11	11	12	11	12	11	12	12
Alaska	2013	■	■	■	■	■	■	■	■	■
Colorado	2013	■		■	■	■	■	■	■	■
Connecticut	2010	■	■	■	■	■	■	■	■	■
Delaware	2005	■								
Florida	2013	■	■	■	■	■	■	■	■	■
Georgia	2011		■		■				■	■
Iowa	2011	■	■	■	■	■	■	■	■	■
Michigan	2012	■	■	■	■	■	■	■	■	■
Missouri	2013		■	■	■	■	■	■	■	■
New Mexico	2013	■	■	■	■	■	■	■	■	■
Oklahoma	2012	■								
South Dakota	2010	■			■		■	■	■	
Texas	2010	■	■	■	■	■	■	■	■	■
Virginia	2013	■	■	■	■	■	■	■	■	■
Washington	2011	■	■	■		■	■			■

Source: Juvenile Justice Geography, Policy, Practice & Statistics. Online. Available: <http://www.jjgps.org/racial-fairness#reported-data>.

## Many States Provide Data for Nine Decision Points

According to OJJDP, 35 states report DMC compliance data to them for all 9 of the recommended contact points; however, only 7 states share data for all 9 points online. Of the 15 states that share data online, the majority publish data for at least 8 decision points, while 2 states publicly report only 1, arrest. Of the 15 that make their data public, 13 reported on arrest, and 12 states reported on detention, delinquent findings, confinement, and transfer to adult court.

Some states customize decision points to represent their system structure or policy environment. Four states reported additional details or decision points. For example, Washington publishes average RRIs across 5 years for referrals with a disposition offense category B+ or higher. Florida separates RRIs for youth that are disposed non-judicially and those disposed judicially. The Colorado Commission on Criminal and Juvenile Justice displays RRIs for a single year for 21 points including 8 decision points and case outcome detail at the state level and for each district. Users can also view and download the data. Georgia also publishes additional detail for delinquent findings by providing data for commitments to DJJ and secure confinements.

## Most States Publish Multiple Years of DMC Data

States that report data consistently are able to monitor trends over time. This

### National Indicators

While it is necessary for states to collect data to indicate disparity at the state and local level, it is beneficial for jurisdictions to compare and benchmark their own rates to national indicators. National RRIs for each decision point are available on the National Disproportionate Minority Contact Databook (<http://www.ojjdp.gov/ojstatbb/dmcd/index.html>). For displays of national and state-level simple rates of representation, visit [www.JJGPS.org](http://www.JJGPS.org).

enables states to gauge the potential impact of strategies to reduce disparity. Four of the states share data for only a single year. The Alaska Department of Health and Human Services has shared data on their website for the state and several local jurisdictions since 2005 and displays 9 years at a time. Most states (10) display data for fewer than 4 years at a time.

When disparity is identified, further assessment is necessary to determine potential contributing factors. OJJDP requires that states complete an assessment to shed light on both the mechanisms that might contribute to disparity and the results of past efforts to reduce disproportionality. As of 2015, at least 46 states have completed a DMC assessment to fulfill the OJJDP requirement, and 30 states have posted reports from these assessments online. Data on racial and ethnic disparities and assessment reports are available online in 11 states.

## Conclusion

Collecting data and calculating measures of racial and ethnic disparities is only the first step toward increasing fairness in a jurisdiction. It is just as important to use data in meaningful ways to contribute to efforts to reduce disparity. Completing an assessment is a significant way to identify not only where there is disparity, but also potential reasons why the disparity exists. Analysis of factors that contribute to disparity can lead to solutions to increase fairness and reduce racial and ethnic disparity in the juvenile justice system.

### Endnotes:

- <sup>1</sup> Office of Management and Budget. 1997. Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity. Available online: [https://www.whitehouse.gov/omb/fedreg\\_1997standards/](https://www.whitehouse.gov/omb/fedreg_1997standards/).
- <sup>2</sup> Puzzanchera, C., Hurst, H., Zipoy, J., and Veele, S. 2012. Washington DMC Databook: 2005-2012. Developed by the National Center for Juvenile Justice with the Washington State Center for Court Research. <http://www.courts.wa.gov/wscrr/?fa=ccr.dmc>.
- <sup>3</sup> Florida Department of Juvenile Justice. Disproportionate Minority Contact Racial Ethnic Disparity Dashboard. Retrieved May 27, 2015, from [http://www.djj.state.fl.us/services/prevention/federal-programs-grants/disproportionate-minority-contact-\(dmc\)/dmc-red-dashboard](http://www.djj.state.fl.us/services/prevention/federal-programs-grants/disproportionate-minority-contact-(dmc)/dmc-red-dashboard).

## Methods

The purpose of this research was to identify states that demonstrate a commitment to transparency regarding racial and ethnic disparity in their juvenile justice system. This commitment is demonstrated through the consistent publication and sharing of data. To identify states that fit this profile, during the winter of 2015 NCJJ researchers reviewed a variety of publicly available state websites, including juvenile justice agencies, state advisory groups, and state statistical analysis centers for 50 states and Washington, DC. Some states publish annual reports, and others display data through an interactive website. These two types of information sharing were the focus for this review.

The National Center for Juvenile Justice ([www.ncjj.org](http://www.ncjj.org)) is a non-profit organization that conducts research (statistical, legal, and applied) on a broad range of juvenile justice topics and provides technical assistance to the field. NCJJ is the research division of the National Council of Juvenile and Family Court Judges.

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