

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.

State Assessments of Disproportionate Minority Contact

In juvenile justice, each jurisdiction is accountable for treating every youth who comes into contact with the system fairly regardless of racial or ethnic background. Data can help jurisdictions monitor fairness and indicate sources of inequity, states can direct reform efforts, monitor ongoing progress, and improve outcomes. Data collection and analysis are so significant that the Juvenile Justice and Delinquency Prevention Act (the Act) requires states to report data to monitor Disproportionate Minority Contact (DMC). In addition to reporting data, states are required to submit an assessment of DMC to the Office of Juvenile Justice and Delinquency Prevention (OJJDP) to identify potential causes and solutions for overrepresentation of minorities in their juvenile justice systems. States receive federal funding if they meet the requirements of the Act.

States' DMC Assessments Guide Strategies for Reducing Disparity and Improving Fairness

DMC assessments are diagnostic tools to obtain a better understanding of disproportionality and contributing factors in a state or jurisdiction. However, a DMC assessment is just one part of an ongoing DMC reduction process. OJJDP created the [DMC Technical Assistance Manual](#) to provide guidance to states on the DMC reduction process. The manual includes guidelines for each stage in the process: identification, assessment/diagnosis, intervention, evaluation, and monitoring.¹

The first stage, identification, pinpoints locations where disparity exists, to what degree, and which groups are most affected at each decision point. Following identification is the assessment stage. States complete an assessment to gain a better understanding of the factors related to disproportionate contact (such as policies and practices, geographic variations and community variables). Typically, state juvenile justice agencies partner with a research agency such as a state statistical analysis center or a private research organization or university to complete an assessment. This process can shed light on challenges to reducing disproportionality and make way for strategies that promote fairness.

The remaining stages of the process focus on developing specific strategies and interventions to reduce disproportionality and increase fairness, evaluating the effectiveness of reduction efforts, and completing ongoing analysis of progress and system changes.

Most States have Completed at Least One Assessment

According to OJJDP as of 2014, 46 states have submitted at least one DMC assessment. Some states have completed multiple assessments. There are 30 states that share their assessments online through their juvenile justice agency or state statistical analysis center website. The most recent assessments from all 30 states were collected for review.²

Data Limitations Often Limit the Scope of an Assessment

DMC assessments do not always include data for the entire state. Selecting sites for assessment can be affected by factors such as data availability, time constraints, or available funding. Some assessments include both state- and local-level data analysis. Of the 30 states that made their assessments public, 18 included statewide data. Of those, 8 presented only state-level findings. There were 23 assessments that included data specific to local jurisdictions such as counties, districts, or municipalities. Most (19) focused on one or more counties, and 4 included other local-level areas (municipalities or judicial districts). When assessments focused on local jurisdictions, states typically selected areas with the largest proportion of minorities or the highest rates of disparity. Delaware's 2010 assessment focused on five of the most populated cities across the state that had the highest juvenile arrest rates. Their sample of arrests contained 51% minority youth.

DMC Can Occur at any Stage in the System

OJJDP defines nine key decision points that states should include in their assessment process: arrest, referral to court, diversion from formal case processing, secure detention, petition, adjudication, probation, secure confinement, and transfer to adult court.

OJJDP's DMC Technical Assistance Manual recommends that an assessment examine as many decision points as possible; however many states focus on decision points where disproportionality has been identified or where quality data are available. The identification stage of the DMC reduction process can inform states which decision points and racial or ethnic groups should be included in the assessment.

OJJDP has identified the following eight DMC contributing factors

1. **Differential behavior:** Specific racial and ethnic groups may be more likely to have committed similar offenses in a jurisdiction.
2. **Mobility effects:** Attractions or events may draw more youth to a jurisdiction leading to an increased amount of minority youth in juvenile justice data for a jurisdiction.
3. **Indirect effects:** Race and ethnicity are linked to factors that put youth at risk for system involvement (e.g. living in a single-parent household or socioeconomic status).
4. **Differential opportunities for prevention and treatment:** Opportunities for prevention or treatment may be limited in some jurisdictions.
5. **Justice by geography:** Some jurisdictions may have higher rates of processing and high populations of minority youth.
6. **Legislation, policies, and legal factors:** Policy or legislation can target specific offenses or characteristics (e.g. offense history) that may disproportionately affect minority youth.
7. **Accumulated disadvantage:** Rates of disproportionality can increase deeper into the system due to differential treatment and imposing harsher penalties on minority youth.
8. **Differential processing or inappropriate decision-making criteria:** Common case processing practices within a jurisdiction may disproportionately affect minority youth.

Source: OJJDP. (2009) Disproportionate Minority Contact Technical Assistance Manual, Fourth Edition. www.ojjdp.gov/compliance/dmc_ta_manual.pdf.

OJJDP identified 8 factors in the DMC Technical Assistance Manual that contribute to DMC and can be identified through the assessment process. For example, in the 2010 assessment, Delaware concluded that indirect effects contribute to DMC at arrest. In other words, disproportionate arrest rates were attributed to societal factors such as high unemployment and poverty in communities with higher concentrations of minority youth.

To complete an assessment, OJJDP recommends applying both qualitative and quantitative research methods.

Qualitative methods such as surveys or focus groups with juvenile justice professionals provide context for quantitative data analysis. For example, in Maine's 2009 assessment, researchers discovered that a significant contributor to DMC was a language barrier with an influx of African immigrants in several communities. The assessment concluded that to address DMC these communities should provide interpreters to translate for non-English speaking youth and language and cultural training for professionals.

The detention decision point was examined in 21 states' assessments. The detention decision is included in many assessments because it often shows a high level of disparity. State DMC assessments also frequently included referral (20), arrest (18), and confinement (17). Others included diversion from court (15), petition (15), adjudication or delinquent finding (14), and probation (15). Transfer to criminal court was the least common decision point included in states' DMC assessments (12).

Of the 30 states in the sample, 4 states included all nine decision points identified by OJJDP and 6 states included eight decision points. There were 5 states that chose to focus their assessments on 1 or 2 decision points.

There were 7 assessments that included decision points aside from those recommended by OJJDP. Additional decision points are chosen based on data availability and the context of each

state's juvenile justice system. For example, Montana assessed disparity for consent decrees. South Carolina assessed disparity for a post-adjudication evaluation process called Reception and Evaluation (R&E).

Data Sources and Research Methods Varied

To complete an assessment, data must be obtained from multiple sources including: law enforcement agencies, juvenile courts, and juvenile justice agencies. Each assessment reviewed here used some type of quantitative analysis. DMC assessments in 25 states used descriptive statistics. There were 22 assessments that included multivariate analysis using methods such as logistic regression or bivariate correlations. Investigative methodologies were used in 20 assessments, including focus groups (8), surveys (9), and interviews with community members or juvenile justice professionals (13).

The racial and ethnic groups included in state assessments are selected based on disparity indicated in the identification stage. The majority of assessments reviewed included black or African American youth (26) or Hispanic youth (21). Less than half of states (12) assessed data for Asian or American Indian youth. Several states (11) combined non-white populations into one group "all minorities."

Conducting a Comprehensive DMC Assessment is Challenging

It is not easy to complete a comprehensive DMC assessment. The quality of an assessment is limited by the quality of available data. The limitations of existing data were a theme throughout the sample of assessments. Assessments from 21 states described data limitations that inhibited the ability to complete further analysis. Of those 21, 18 cited problems with obtaining the data necessary for analysis, such as lack of data system capacity or the absence of information sharing agreements. For example, according to Indiana's 2012 assessment, some jurisdictions were not automated; therefore necessary

data elements were not available statewide. In New Hampshire's 2013 assessment, the lack of formal data sharing agreements with program providers was a barrier to obtaining informal diversion data.

Even when data are available, poor data quality can limit the value of an assessment. Many assessments (16) noted problems with missing data elements. For example, ethnicity may not be collected consistently across counties to report on Hispanic youth for the entire state. Data sets may be omitted entirely if too many data elements are missing. For example, the 2009 assessment for Maine excluded state police data for arrest because there was a large amount of missing data.

Assessments Offer a Range of Recommendations

Each state DMC assessment contains a list of recommendations to address the identified mechanisms contributing to racial and ethnic disparity to reduce disproportionate contact. The following items are themes identified in the sample of assessments.

Staff Development: The majority of assessments reviewed here (21) included recommendations regarding staff development. Specifically, 8 assessments mentioned cultural sensitivity training. This was most often applied to law enforcement personnel. Five assessments suggested that agency staff should reflect the diversity of the communities they served.

Data Improvements: In this sample, 20 assessments noted a need to improve overall data capacity and quality. Some strategies for improving data quality included adopting standard statewide definitions of variables and standardized reporting practices. Other assessments (4) recommended focusing on improving existing data management systems, 5 suggested creating a statewide data system or warehouse to facilitate data collection, and 8 observed a need for greater data sharing and reporting. Another 11 assessments highlighted the need to collect

detailed information such as family structure, socioeconomic status, or juvenile delinquency history to further assess potential contributing factors of DMC.

Additional Research: Assessments recommended additional research for 20 states. Of these, 16 recognized the need for additional DMC assessment. Another 16 assessments suggested further examination of specific subpopula-

tions such as Hispanic youth with violations of probation or African American females. Evaluating specific prevention, detention, and diversion programs was recommended in 5 assessments and 5 more recommended further research on contributing factors.

Policy, Practice, and Legislation: There were recommendations for states and local jurisdictions to review and evaluate policies and practice for

Table 1: Most State DMC Assessments Included State- and/or County-Geographic Detail in their Analysis

Geographic Detail in DMC Assessments				
States	Publication Year	State	County	Judicial District or Municipality
Total Assessments		18	19	4
Alaska	2006			■
Connecticut	2009	■		
Delaware	2010			■
Georgia	2012		■	
Hawaii	2012	■		
Idaho	2014	■		
Illinois	2013	■	■	
Indiana	2012	■	■	
Iowa	2007		■	
Kansas	2013	■		■
Maine	2009		■	
Maryland	2011	■	■	
Minnesota	2012	■		
Montana	2012		■	
Nebraska	2012		■	
New Hampshire	2013	■	■	
New Mexico	2012	■		
Ohio	2009		■	
Oklahoma	2013		■	
Oregon	2012	■	■	
Pennsylvania	2012	■	■	
South Carolina	2012	■		
South Dakota	2005	■	■	
Tennessee	2012	■		
Texas	2010		■	
Utah	2012		■	
Vermont	2014		■	
Virginia	2012	■	■	■
Washington	2013	■	■	
Wisconsin	2014	■		

potential impact on racial and ethnic fairness in 12 states. Kansas' 2013 assessment recommended revising policy to ensure the appropriate level of supervision for youth in the custody of the state juvenile corrections authority. Several advised reviewing current legislation to gauge its effect on fairness. For example, in 2012 Indiana's assessment directed expanding their definition of status offenses to include liquor law violations. Many assessments reviewed here suggested requiring local jurisdictions to report their data to state agencies to ensure greater consistency in data quality and reporting.

Program Implementation:

Assessments in 17 jurisdictions recommended implementing specific programs to provide a greater range of services to at-risk youth. For example, Tennessee's 2012 assessment, programs improving parenting skills or other societal risk factors were recommended. Hawaii's 2012 assessment suggested developing culturally appropriate programs to accommodate language barriers and differing customs. A recommendation from Idaho's 2007 assessment recognized the need to implement gang intervention programs for Hispanic youth when data indicated this population was disproportionately arrested for gang activity.

System and Community Engagement:

Assessments stressed the importance of interagency collaboration for 11 states. Washington State's 2013 assessment suggested jurisdictions collaborating with other jurisdictions in the state that are experienced in DMC reduction. Agencies, particularly law enforcement, were advised to communicate with the Department of Education to establish criteria for referral and diversion opportunities. For states with large American Indian populations, states were encouraged to establish partnerships with Tribal governments.

System collaboration was also noted to improve overall services to youth. To increase system collaboration, 8 assessments recommended improving communication and information sharing

between agencies to help avoid duplication or missing services. Hawaii's 2012 assessment recommended coordinating existing programs and services to prevent future system involvement.

In 6 assessments, states were encouraged to increase awareness of DMC among community stakeholders. In 2012 Pennsylvania's assessment advised data dissemination as a means to educate public officials and stakeholders in DMC as a statewide issue. Many assessments, such as Minnesota (2012) and Wisconsin (2014), suggested training school resource officers.

Reduce System Involvement: Almost half of the assessments (14) recommended implementing structured decision making tools, such as a standardized risk assessment, to inform decisions concerning case processing especially at the point of detention. Assessments (12) also encouraged expanding diversion services. For example, Virginia was advised in a 2012 assessment to increase restorative justice options (victim-offender mediation, youth courts, and reconciliation programs) and expand diversion options for police.

Restricting the use of detention was recommended in 9 assessments. Methods included expanding alternatives to detention, requiring a court order, and reducing the length of stay. Virginia (2012) was also encouraged to hire an expeditor to ensure timely case processing when youth are in detention.

Conclusion

An assessment illuminates the underlying factors that contribute to disparate representation in system involved youth. Using this information, states can create informed strategies to reduce disparity as required by OJJDP. However, a state assessment is more than a means for states to receive federal funding for juvenile justice services. It is the responsibility of each state and individual jurisdiction to ensure that all youth with system contact are treated fairly. The ongoing process of

DMC reduction draws attention to disparities which may otherwise remain unnoticed. Each step represents an important and necessary aspect of implementing lasting system change.

Endnotes:

¹OJJDP. (2009) Disproportionate Minority Contact Technical Assistance Manual, Fourth Edition. www.ojjdp.gov/compliance/dmc_ta_manual.pdf.

²The publicly available state DMC assessments can be viewed at the JJGPS site. Juvenile Justice Geography, Policy, Practice & Statistics. Online. Available: <http://www.jjgps.org/racial-fairness#reported-data>.

Methods

The purpose of this research was to identify states that have completed an assessment of DMC and shared this assessment through a publicly accessible website. Researchers reviewed a variety of state websites including juvenile justice agencies, state advisory groups, and state statistical analysis centers for 50 states and Washington DC to collect a sample of 30 state DMC assessments. These assessments were reviewed to create a summary of key characteristics and themes.

The National Center for Juvenile Justice (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.

Lauren Vessels, formerly a Research Assistant with the National Center for Juvenile Justice, prepared this document with support from the John D. and Catherine T. MacArthur Foundation. Points of view or opinions expressed are those of the author and not necessarily those of the Foundation.

© National Center for Juvenile Justice
3700 South Water Street, Suite 200
Pittsburgh, PA 15203-2363

Suggested Citation: Vessels, L. (2015). State Assessments of Disproportionate Minority Contact. *JJGPS StateScan*. Pittsburgh, PA: National Center for Juvenile Justice.