

The Federal Advisory Committee on Juvenile Justice 2013 Annual Request for Information

May 2013

A Report of the Justice Research and Statistics Association's
National Juvenile Justice Evaluation Center

This project was supported by Grant No. 2010-JF-FX-0063 awarded by the Office of Juvenile Justice and Delinquency Prevention. The Office of Juvenile Justice and Delinquency Prevention is a component of the Office of Justice Programs, which also includes the Bureau of Justice Assistance, the National Institute of Justice, the Office for Victims of Crime, and the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice, the Office of Juvenile Justice and Delinquency Prevention, and the Federal Advisory Committee on Juvenile Justice.

Acknowledgments

The authors of this report are Carrie Williamson, Research Associate; Shawn Flower, Research Associate; and Stan Orchowsky, Research Director.

Other JRSA staff members assisted with the preparation of this report, including: Jason Trask, Program Associate, and Nancy Michel, Director of Publications.

We would also like to thank Karen Bachar, Francesca Stern, and other staff at the Office of Juvenile Justice and Delinquency Prevention for providing extensive support for the project; as well as Cheryl Tutt of the Development Services Group and Joyce Burrell of the State Training and Technical Assistance Center for their assistance with data collection. In addition, we appreciate the support and input of the members of the Federal Advisory Committee on Juvenile Justice.

Table of Contents

Introduction	4
Part One: Annual Request for Information	5
Part Two: Disproportionate Minority Contact and Crossover Youth	17
Commonly Identified Factors Contributing to DMC in Juvenile Justice Systems	17
DMC and the Crossover Youth Phenomenon	20
Effectiveness of Approaches to Reducing DMC	23
System Interventions	27
Summary	29
References	31
Appendix A: Request for Information data collection instrument	35
Appendix B: Complete list of responses to Question 6	42
Appendix C: Complete list of responses to Question 7	44

Introduction

The National Juvenile Justice Evaluation Center (NJJEC) is a project of the Justice Research and Statistics Association (JRSA) funded by the Office of Juvenile Justice and Delinquency Prevention (OJJDP). Through its training and technical assistance efforts, NJJEC assists juvenile justice practitioners and policymakers in understanding performance measurement, evaluation, and evidence-based practices for youth.

As part of the project's efforts to engage the State Advisory Groups (SAGs), JRSA's NJJEC staff members administered the Federal Advisory Committee on Juvenile Justice (FACJJ)'s Annual Request for Information (ARI). The FACJJ is responsible for advising the President, Congress, and OJJDP on significant issues facing the nation's juvenile justice system.

The current report summarizes the results from the ARI responses received from the field, and provides the FACJJ with updates on issues of specific concern to the Committee in forming its 2013 recommendations. This report has two sections. The first section presents SAG Chairs, Juvenile Justice Specialists, and Disproportionate Minority Contact (DMC) Coordinators' responses to the Annual Request for Information. The questions focused on issues of interest to the FACJJ such as performance measurement, evaluation, and evidence-based practices; current programs and policies in use to address school suspension, expulsion, and school violence; youth involvement in the work of the SAGs; and training and technical assistance needs. The second section provides an overview of current literature on DMC practices and DMC as it relates to crossover youth; that is, youth known to and interacting with both child welfare and juvenile justice agencies/systems.

**PART ONE:
Annual Request for Information**

In January 2013, members of the Federal Advisory Committee on Juvenile Justice (FACJJ) submitted topics of interest to JRSA for the 2013 Annual Request for Information (ARI). These topics addressed the current priorities of the Committee, which include Youth Justice in Schools, Evidence-Based Youth Justice Practices, Youth Justice and Disproportionate Minority Contact (DMC), and Youth Engagement. JRSA staff worked with members of subcommittees formed to address these priorities to determine the scope and specific topics of the information request.

In February 2013, JRSA administered the ARI to State Advisory Group (SAG) Chairs, Juvenile Justice Specialists, and DMC Coordinators in each state and territory. We completed collection of the responses in March 2013.

The request included questions about program data collection, and the SAG's level of involvement in evaluation and evidence-based practices (EBP). Respondents were asked about state and local efforts related to school suspension, expulsion, and violence, as well as the availability of law enforcement training related to DMC. The request included a section on youth involvement in the SAG, including opportunities for youth engagement beyond the input received from youth SAG members.

Finally, respondents were asked about training and technical assistance OJJDP could provide that would be of assistance to them, as well as their thoughts on ways public funds could be best spent to reduce juvenile crime. A field was provided for any additional issues respondents wanted to bring to the attention of the FACJJ.

The instructions directed respondents to reply based on the knowledge they have in their current positions, and to leave any question blank that was not relevant to them or for which they did not know the answer. We requested that Juvenile Justice Specialists and DMC Coordinators respond from the perspective of their positions, and that SAG Chairs respond on behalf of the SAG.

For the full text of the request, please see Appendix A.

Annual Request for Information Results

In total, we received 53 information request responses.¹ Nearly 70 percent (36 responses) of the responses were provided by Juvenile Justice Specialists, while 12 responses (23 percent) were received from SAG Chairs. Five responses were received from individuals serving only as DMC Coordinator; however, 11 Juvenile Justice Specialists who responded to the request also serve as a DMC Coordinator, for a total of 16 responses representing DMC Coordinators.

We received at least one response from 80 percent (44 of 55) of the states and territories who received the information request.

The information request instructions informed respondents that the FACJJ was interested in obtaining perspectives from each position, and directed respondents to reply according to his/her current position. The purpose of this instruction was to allow additional analysis comparing the perspectives of SAG chairs (representing their committees), Juvenile Justice Specialists, and DMC Coordinators. However, due to the low response rate by SAG Chairs and DMC Coordinators as well as the number of respondents serving both in the Juvenile Justice Specialist and DMC Coordinator capacities, such analysis is not feasible at this time. Additionally, due to the low overall response rate from the entire pool, the information provided in this report should not be interpreted as nationally representative.

Performance Measurement, Evaluation, and Evidence-Based Practices

Respondents were asked if their state agencies/SAGs collected additional performance measures from sub-grantees beyond those required by OJJDP's Data Collection and Technical Assistance Tool (DCTAT). Twenty-three respondents reported that their agencies or SAGs collected additional measures.

A comment section was provided for respondents to include links to performance measure reports and/or data collection instruments, or instructions on how these measures might be accessed should the FACJJ wish to explore at a later date the specific measures being collected. Some respondents made use of this section to explain the reasons their state agencies/SAGs choose

¹ One respondent completed only one section of the request. Unless otherwise stated, percents are calculated based on 52 responses.

to collect additional measures. These reasons included increased transparency and accountability for state taxpayers and stakeholders. Some respondents stated that they needed to collect additional data to tailor measures to specific programs/program areas and/or receive input from grant applicants on the performance measures that most adequately assessed their accomplishments. Further, some respondents noted that they collected more outcome-oriented measures than are required by DCTAT to determine progress made towards achieving established objectives.

Respondents were asked to describe the current level of effort by their state agencies/SAGs to facilitate evaluation and the implementation of evidence-based practices. Sixty-three percent (33 responses) indicated that the respondent's state agency or SAG was actively involved in these activities, while another 25 percent (13 respondents) indicated they were working towards developing evaluation capacity and generating interest in evidence-based programs and practices.

Respondents indicated that they "recommend" and "encourage" grant applicants to include or at least address evidence-based practice (EBP) in their proposals, and gave "strong preference" to grant applicants who use EBP. Few states responding to this question were able to require, mandate, or fund evaluations, but promotion of EBP was apparent throughout the responses in terms of preference in scoring applications. Eight respondents relied on resources like CrimeSolutions.gov, the Model Programs Guide, and the Substance Abuse and Mental Health Services Administration (SAMHSA)'s National Registry of Evidence-Based Programs and Practices (NREPP). One respondent indicated that his/her state had established an inventory of research-based and promising youth service practices for its grant applicants to reference.

Six respondents (11 percent) indicated their state agencies/SAGs were not currently involved with evaluation and evidence-based practice efforts. Some respondents identified specific limitations to their ability to participate in evaluation and utilize EBP, including the lack of ethnically or culturally appropriate evidence-based programs to address identified problems. States receiving minimum allocations from OJJDP noted that other requirements attached to their grant awards restricted the ability to press evaluation efforts due to resource constraints, and that anything beyond minimal performance measure reporting was not feasible.

Respondents were asked if their state agencies/SAGs have a definition or standard interpretation of "evidence-based programs or practices." The majority (30 responses or 58

percent) indicated that they do not have a definition or standard interpretation; however, 40 percent of respondents indicated that the state agency/SAG does have a definition for EBP.

Respondents were asked to provide their definitions or interpretations of evidence-based programs and practices, if applicable. Thirteen respondents provided language specific to their state agency or SAG. Examples of these state-specific definitions include:

- “These interventions have been evaluated to the highest degree, often using the ‘gold standard’ of random assignment. For an intervention to be deemed evidence-based, the empirical research must have shown reductions in at least two criminogenic needs, or a reduction in the recidivism rate of the program participants versus the comparison group(s). The effect of the intervention must have been statistically significant and must have lasted for an adequate time period (at least one year for recidivism).”
- “A practice that incorporates the principles that research shows to be effective in reducing juvenile crime and recidivism. A set of program assessment criteria is based on the program’s adherence to the following principles: 1) Evidence Based Program level of rating; 2) Empirically Valid Research and Theory; 3) Risk Principles (use of a validated JCP assessment tool); 4) Criminogenic Need Principle; 4) Responsivity Principle; 5) Quality Service Delivery; 6) Collaboration; 7) Cognitive-Behavioral Principle.”
- “The term ‘what works’ means that evidence exists that the program or intervention is effective in reducing recidivism. Effectiveness is demonstrated through empirical research—not stories, anecdotes, common sense, or personal beliefs about effectiveness.”

Eight respondents cited a federal definition of evidence-based programs and practices, either from OJJDP, the Office of Justice Programs (OJP), or the National Institute of Corrections (NIC) evidence-based principles. Eight respondents replied that their state agencies/SAGs rely on EBP resources such as the Model Programs Guide (MPG), Crimesolutions.gov, or SAMHSA’s NREPP to interpret the meaning of EBP. (Note: Some respondents provided more than one definition/interpretation.)

Current Programs and Policies

Respondents were asked if their state agencies/SAGs had adopted any evidence-based programs or practices from the Model Programs Guide or CrimeSolutions.gov. The majority of

respondents (69 percent) indicated that they had adopted such programs, and provided the following as examples²:

- Aggression Replacement Training (ART)
- Juvenile Detention Alternatives Initiative (JDAI)
- Multi-Systemic Therapy (MST)
- Functional Family Therapy (FFT)
- Olweus Bullying Prevention

Respondents were also asked if they had adopted other programs or practices they felt were evidence-based. More than half (52 percent) indicated that they had adopted such programs.

School suspension or expulsion programs and school violence programs were of particular interest to FACJJ members, and respondents were asked if there were current programs or policies operating in their states to address these issues. More than 70 percent of respondents indicated that there were existing efforts to address school suspension/expulsion and school violence, utilizing some of the following strategies³:

- Anti-bullying campaigns
- Truancy prevention
- Teen courts/ conflict mediation
- Day/evening reporting centers
- Anti-drug and alcohol campaigns/interventions

Law Enforcement Training on DMC

The ARI included a question regarding respondents' awareness of training for law enforcement regarding Disproportionate Minority Contact (DMC), or the overrepresentation of minority youth in contact with the juvenile justice system. Of 51 respondents, 28 (55 percent) indicated that there was some form of DMC-related training for law enforcement officials in their states.

Respondents also referred to these trainings as compliance, diversity, or cultural sensitivity training. These programs were made available to police officers as well as juvenile probation and

² See Appendix B for the complete listing of programs.

³ See Appendix C for the complete listing of programs.

parole officers. Eighteen of the respondents indicated that training is offered in some localities, academies, or groups of officers but not universally, and several of these respondents noted that they were piloting these efforts and planned to extend them if they were successful. Notably, seven respondents specifically referred to Connecticut's DMC reduction efforts and Effective Police Interactions with Youth (EPIY) program as the current or future model for their own programming.

Youth Involvement

As noted previously, the ARI included several questions about youth involvement/input in SAG activities. Slightly less than half of respondents replied that their SAG hears directly from youth through mechanisms other than having youth members present at SAG meetings. Other groups of youth participating in the SAG's work included juveniles in secure detention facilities as well as youth receiving grant-funded school or community-based services (mentoring, arts, development, youth advocacy, etc.)

Respondents were asked about successes and challenges related to youth engagement. Several respondents noted the importance of youth involvement in the work of the SAG, and expressed support for efforts to engage youth in the SAG's work. Examples of successes include:

- Partnerships or working relationships with other youth-oriented committees or task forces.
- Changing policy/practice at secure detention facilities for youth.
- Accommodating youths' schedules, supporting travel.
- Receiving input from system-involved youth.
- SAG participation or representation in conferences and workshops.

Twenty-eight respondents stated that youth involvement in the work of the SAGs and SAG meetings was a challenge. The majority of respondents who indicated youth involvement was a challenge specifically noted difficulty with scheduling meetings that did not conflict with youths' work or school schedules and issues with travel/transportation to and from meetings, although, as noted above, accommodating youths' schedules was considered a success by some respondents. Other challenges included:

- Difficulties maintaining youth presence due to transience, particularly upon high school graduation and entry into college.

- Delays in the youth member appointment process or barriers to the appointment of system-involved youth; a lack of involvement of parents and other children related to system-involved youth.
- Lack of incentives for youth to participate at the expense of other activities.
- Low participation from youth under 18.
- Time constraints preventing the full execution and implementation of youth subcommittee members' ideas during their tenure.

Training and Technical Assistance Needs

Respondents were asked open-ended questions regarding ways OJJDP might assist them in implementing evidence-based or research informed practices. Of the 53 respondents, 43 provided suggestions to meet their training and technical assistance needs. This section summarizes the themes that emerged from the responses to these questions.

Implementation Assistance. Respondents repeatedly noted the need to focus on implementation of evidence-based programs and practices. Respondents stated that additional resources to assist them with correctly implementing EBP, as well as training to increase understanding of *how* to monitor implementation, are critical. One respondent requested that OJJDP “actively provide resources and written material regarding proper implementation.”

Respondents also requested additional information about appropriate modifications to evidence-based practice: “What are appropriate modifications given the unique needs of the project area, and what modifications compromise fidelity?” Additionally, there was an expressed need for additional information about assessing the effectiveness of an EBP once it has been locally implemented.

Appropriateness of Evidence-Based Program/Practices. Many respondents noted the need for contextual appropriateness of evidence-based programs and practices, specifically with regard to culture and geography. Respondents stated that it is often not feasible or beneficial to apply a program designated as an EBP to certain minority ethnic groups, or to properly implement a successful urban practice into a rural location.

Disproportionate Minority Contact Programs. Respondents expressed a need for additional information and resources related to DMC reduction, specifically noting the need for culturally relevant DMC programs. Comments regarding DMC-related training and technical assistance needs included:

- “More research is needed in the area of programs designed to reduce DMC.”
- “The OJJDP website needs to be easier to use.... Finding links to program guides. DMC information and TA sites need to be easier to find for general use. I... am baffled by the website and difficulty in navigating it or linking to information.”
- “Assistance in research and program development for evidence-based programs that are culturally relevant and address reduction of DMC.”

Funding. Many respondents included a need for additional funding as a response to this question, generally to illustrate that execution of information provided by current training and technical assistance efforts was insufficient without supporting funds for program execution, data collection, analysis, and improvement. One respondent noted, “Training would always be helpful but the minimum allocation to.... small states is insufficient to expand on these practices.”

Data Collection and Evaluation. Respondents continue to express a need for basic information on data collection and evaluation, including the construction of data collection tools and ways to assess the success of EBPs once they have been implemented in local contexts. Examples of suggested modes of delivery for this information included hands-on training, webinars, workshops, conferences, and networking or collaboration opportunities to share resources, particularly among rural localities and smaller programs.

Recommendations Regarding the Use of Federal and/or Local Funds

Respondents provided a range of recommendations on ways federal and local funds might best be used to reduce juvenile crime.

One of the dominant themes among the 46 responses was the importance of systemic efforts to combat juvenile crime that include education and social service agencies. The need for holistic, system-wide approaches addressing a range of risk factors was repeatedly mentioned, including the engagement of community members with agencies involved in broader systems of care for justice-involved youth. Recommendations were diverse, including the need to support programs or practices that span multiple agencies to address crossover youth, the need to collaborate and communicate better to improve efficiency, and the need to address barriers to information sharing across agencies. Comments included:

- “Federal, state, and local funds need to be aligned and leveraged to produce the most impact. Collectively, we should make targeted investments that support practices based on research and evidence of long term success, measure outcomes across systems, promote strength-based approaches that involve meaningful participation of youth, their families and communities, and pay close attention to education, high school completion and work readiness.”
- “Redundancy of services across disciplines is a high-cost item everywhere... Give [states] the support and tools to get past the political barriers that would allow the streamlining of services.”
- “Efforts are being made to make better coordinate (sic) systems that serve youth in the juvenile justice system so that funds can be used to maximum impact. Efforts should be made to link federal and local funds to programs and activities designed to improve communication, sharing of information and coordination of service across systems.”

Respondents indicated a need for increased funding, specifically for DMC, diversion, prevention, community-based programs, and research and program evaluation. One of the most prevalent funding-related recommendations was to pass more federal funds through the states rather than provide direct awards to localities and nonprofits. Respondents felt this process would reduce duplication and ensure expenditures were consistent with the work and priorities of the SAGs. One respondent articulated this reasoning as, “the state knows more what is needed in our state than a federal agency.”

Another notable request among the responses was for balance between funding levels and requirements. Many viewed requirements to be increasing while funding continues to be substantially reduced. Respondents recommended increased funding for mandated positions such as the Juvenile Justice Specialist, Juvenile Accountability Block Grant (JABG) Coordinator and DMC Coordinator, and the use of incentives rather than penalties to encourage Juvenile Justice and Delinquency Prevention Act (JJDP) compliance, performance measure reporting, and evaluation. Related comments include:

- “As the requirements for the funding increase, so should the support for implementation (TTA).”
- “Halt unfunded mandates such as the JABG Coordinator, Compliance Monitor, JJ Specialist... each should be accompanied with some funding for the position.”
- “Pass-through requirements for federal grants should be totally waived when funding is so low, and... waived (without yearly justification) for states with centralized juvenile justice systems.”
- “Shifting funds from Byrne Grants to JJDP funds or at least requiring that a percentage of Byrne funds be used exclusively for juvenile issues.”

Respondents also expressed a need for increased capacity building related to evaluation for state and local practitioners. This capacity would prevent states and localities from having to pay for outside consultants or experts to demonstrate program or policy success. Related comments include:

- “You can’t change what you don’t know exists or is not an accurate picture of what exists. Good data is vital in supporting viable change.”
- “Instead of recommending and/or requiring that a state and/or community seek a ‘consultant’ or ‘expert’ to be brought in... provide states more opportunities to acquire the ‘expert’ skills and status with their own staff.”
- “Need to focus on juvenile data issues and importance of this in moving the needle on juvenile justice reforms.”

Other Issues

Finally, respondents were asked if there were any other issues they would like to bring to the attention of the FACJJ. We received 22 substantive responses to this question. In addition to specifically addressing the structure and operations of OJJDP and the FACJJ, some respondents made general recommendations regarding policy and practice.

Recommendations Regarding OJJDP. One of the most frequent themes in the comments regarding OJJDP policy and operations was the need to engage and consult the states more extensively. One Juvenile Justice Specialist noted a decline in the relationship between OJJDP and the states over the past decade, commenting that OJJDP seems to serve more of a “regulatory role that is not good for states or the children” rather than working as a partner with the states, and that this condition stems from declining budgets and a lack of Congressional support for OJJDP’s work.

In particular, respondents in some states felt their efforts to implement best practices were not understood or represented in current efforts to increase the use of EBP. One respondent stated, “My advice to OJJDP would be to consult with the states from time to time about those programs within their state. As we are working closer with them, we may have information that would be helpful in determining whether or not you all [OJJDP] should be calling them a model program.” Respondents requested more state and local input in developing performance measures that better

capture the work that is being accomplished, as well as in examining usefulness of current measures.

Several respondents disapproved of OJJDP's monitoring of the core provisions of the Juvenile Justice and Delinquency Prevention Act (JJDPA). Criticisms included the lack of official implementation guidelines and/or the perceived use of ad hoc guidelines to impose penalties related to the 2002 JJDPA Reauthorization, lack of timeliness in response to audits, and, more specifically, the failure of OJJDP to comply with the stipulations of the Administrative Procedure Act with regard to JJDPA implementation. One respondent noted that it is increasingly difficult for states to participate in the formula grant program due to the difficulty of JJDPA compliance in the face of resource constraints.

Timeliness was also a pronounced issue with regard to grant administration, particularly in the delayed distribution of funds past the actual award date. Delayed dispensation of funds results in the recurring need to file for extensions. Respondents noted the difficulty of collecting performance measure data when measures in the DCTAT are changed without advance notice to the grantee and these changes are mandated retroactively; i.e., the performance data required to be reported for any given grant award change over the life of that award. One respondent proffered that performance reporting requirements could be better communicated by including them in funding solicitations and adhering to those requirements throughout the course of the grant.

Finally, respondents requested a clearer and more consistent mission, articulated by one respondent as, "Until we have a meaningful approach to properly communicate and frame the reasoning behind a separate juvenile system we will never be able to garner enough support to make systematic meaningful change... This is the piece that... has been missing from OJJDP for the past 4+ years."

Recommendations regarding the FACJJ. Respondents recognized the role of the FACJJ in advising OJJDP to use its funds in the most impactful way possible, and noted the need for careful decision-making with drastically reduced funding levels. Overall, respondents wanted greater input than the current FACJJ structure allows. One respondent stated that the "new structure of the FACJJ seems removed from the SAG and operates in isolation." Consistent with that criticism, another respondent recommended the creation of district subcommittees (in addition to the current subcommittees which are based on the FACJJ's priorities), with the voting member of

each district serving as chair. This subcommittee structure would ensure that a voting member of the FACJJ is able to adequately represent the issues of his/her respective district.

One respondent disagreed with the distribution of the FACJJ's current (2013) Annual Request for Information to the SAG Chair, JJ Specialist, and DMC Coordinator and the request for their distinct perspectives, stating that it "seems to be directed to 3 individuals in each state. The timeline for responses does not allow rural and frontier states... to hold a SAG meeting and coordinate a response."

General Recommendations. Numerous comments related to issues of race and ethnicity. Respondents called for an increased focus on and attention to issues of racism and inequality in juvenile justice. Echoing responses to previous questions in the ARI, Disproportionate Minority Contact was a point of emphasis. These comments included requests for a nationwide effort to emphasize the importance of DMC and provide resources and guidance to the states to implement DMC initiatives. Additional funds were requested for Native American youth specifically, with an emphasis on comprehensive approaches to violence, abuse, substance abuse, and delinquency.

Respondents expressed concern about the limitation on government employee participation on the SAGs. One respondent noted that members working with government entities were more engaged and invested in the work of the SAG, and that the input of many government entities including child welfare, mental health professionals, and educators were vital to the SAGs' work.

Additional miscellaneous issues brought to the attention of the FACJJ included the need for additional guidance on the implementation of the Prison Rape Elimination Act (PREA) in juvenile facilities; the role of the SAG, JJ Specialist, and Compliance Monitor in implementing PREA's recommendations; and the need for coordinated effort to remove juveniles from adult sex offender registration laws.

PART TWO: Disproportionate Minority Contact and Crossover Youth

The FACJJ requested a summary of current issues and best practices related to Disproportionate Minority Contact (DMC) in juvenile justice, as well as the relationship between overrepresentation of minority youth in the child welfare system, commonly referred to as Crossover Youth. This section provides reviews of the literature in both of these areas.

Background

In 1988, amendments to the 1974 Juvenile Justice and Delinquency Prevention Act (JJDPA) (Pub. L. 93–415, 42 U.S.C. 5601 et seq.) mandated that states that receive funding from the Part B Formula Grants Program address the issue of disproportionate minority contact in their states. States were required to assess the extent of this problem, determine the reason for it, and employ strategies to remedy it. In 1992, Congress elevated its concern about overrepresentation of minority youth by making efforts to reduce disproportionate confinement one of the four core requirements of the Act. Twenty-five percent of each state’s Formula Grants allocation became contingent upon compliance with this requirement.

The Juvenile Justice and Delinquency Prevention Act of 2002 expanded the core requirement of addressing overrepresentation of minorities in “confinement” to addressing overrepresentation of minorities who come in “contact” with the juvenile justice system. Specifically, the legislation requires that states’ participation in the Part B Formula Grants Program undertake “juvenile delinquency prevention efforts and system improvement efforts designed to reduce, without establishing or requiring numerical standards or quotas, the disproportionate number of juvenile members of minority groups, who come into contact with the juvenile justice system.” OJJDP determines states’ compliance each year. Of the states’ Formula Grant allocation in the subsequent year, 20 percent is contingent upon compliance with the DMC requirement.

This expansion from “confinement” to “contact” highlights the importance of examining disproportionate representation of minorities at all stages of the juvenile justice system, the complexity of this issue, and the need for comprehensive, multi-pronged intervention strategies. In an exhaustive review of the literature, Pope, Lovell, and Hsia (2002) found that over half (53 percent) of the studies reviewed measured more than one point of contact. Some studies show that

the effect is cumulative; that is, as minorities pass through the juvenile justice system, the likelihood of their receiving tougher responses (e.g., more likely to be arrested or placed in secure detention) than their white counterparts is significantly greater (Liska & Tausig, 1979; McCarthy & Smith, 1986; Poe-Yamagata & Jones, 2000).

While racial disparities may be slight at the early decision points, they become larger as juveniles proceed through the system (Zatz, 1984). An assessment conducted in Alaska measured four primary decision points: referral through arrest records, preadjudicatory detention screening, intake investigation, and court proceedings or disposition. The authors concluded that minority overrepresentation escalates as youths move through the decision points of the juvenile justice system. This was particularly evident for African-American and to a lesser extent Native American youths (Alaska Department of Health and Social Services, 2002).

Commonly Identified Factors Contributing to DMC in Juvenile Justice Systems

Many studies provide evidence that shows that race effects may be greater at some processing points in the juvenile justice system than at others (see, for example, Frazier, Bishop, & Henretta, 1992; Leiber & Stairs, 1999; McCarthy & Smith, 1986; Sampson & Laub, 1993; Tittle & Curran, 1988). However, some researchers have found little to no evidence of disparate treatment (see, for example, Cohen & Kleugel, 1979), while others report ambiguous results regarding whether minorities are treated more harshly for similar crimes (see, for example, Bell & Lang, 1985; Leiber & Stairs, 1999). Still others maintain that differential offending rates are the cause of disproportionate minority representation in the system (Daly & Tonry, 1997; Sampson & Lauritsen, 1997).

The lack of consensus in the academic literature on why minorities tend to become involved in the juvenile justice system is an indication that the cause(s) and extent of DMC may vary within jurisdictions or across jurisdictions over time. In any case, the evidence is increasingly clear that race effects are indeed present in juvenile justice processing. In a 2002 review of recent empirical research in this area, Pope, Lovell, and Hsia found that 25 of the 34 studies they reviewed provided some evidence of a disparate impact on minorities in the juvenile justice system (Pope, Lovell, & Hsia 2002).

Research focused on juvenile justice system contact points provides five common explanations for the existence of overrepresentation: differential offending; differential

opportunities for prevention and treatment; differential handling of minority youths; indirect effects; and legislative changes, administrative policies, and legal factors. Each is described in more detail below.

Differential Offending. Some research shows that minority youths are disproportionately involved in criminal offending. For instance, some studies indicate that minority youths are more likely to be involved in drug-related offenses (Blumstein, 1995), gangs (Chiricos, 1996; Farrington, Loeber, Stouthamer-Loeber, Van Kammen, & Schmidt, 1996; Hindelang, Hirschi, & Weis, 1981), and serious crimes (Farrington et al., 1996; Hawkins, Laub, & Lauritsen, 1998). The high rate of participation in criminal activity by minority youth may explain why minorities are more heavily represented in the juvenile justice system.

Differential Opportunities for Prevention and Treatment. Research also shows that minority youths have less access to prevention and treatment programs than nonminorities, making minority youths more vulnerable to risk factors associated with juvenile delinquency (U.S. Department of Health and Human Services, 2001). Youths who are given more opportunities to participate in effective prevention and treatment programs should be less likely to offend and subsequently enter or remain in the juvenile justice system.

Differential Handling of Minority Youths. All other factors being equal, minorities may be more likely to enter and remain in the juvenile justice system longer than nonminority youths. For example, research in local communities demonstrates that minority youths may be treated differently even when they commit the same crimes as their nonminority counterparts (Poe-Yamagata & Jones, 2000). However, evidentiary support is mixed, as another national study of arrest rates indicates no significant difference between minorities and nonminorities in terms of arrest. The authors note that findings from this national study should be interpreted with caution, though, as they looked at arrests for 17 states combined (Pope & Snyder, 2003).

Indirect Effects. Direct effects such as differential rates in offending (mentioned above) are factors that lead to involvement in the juvenile justice system independent of other factors. In contrast, indirect effects are those factors that contribute to presence in the system because of their coexistence with other factors. Some research points to the effects of factors correlated with race such as family socioeconomic status and concentrated neighborhood poverty as the explanation for minority overrepresentation in the juvenile justice system (Leiber, 2003). In other words, those who live in poor areas are more likely to be minorities. Those who live in poor areas may, in turn,

have fewer protective factors and more risk factors that lead to crime. The correlation between race and poverty results in minority youth being more heavily represented in the juvenile justice system.

Legislative Changes, Administrative Policies, and Legal Factors. Legislative changes may inadvertently affect minority youths' processing through the juvenile justice system. Some studies have shown that "get tough" policies, such as "three strikes" legislation and mandatory waiver legislation, have pulled more minorities into the system than nonminorities (see, for example, Sickmund, Snyder, & Poe-Yamagata, 1997). For instance, a study released in the mid-1990s showed that African-Americans residing in California were 13 times more likely to be sentenced under the state's "three-strikes" law than white youths (Males & Macallair, 2000).

Administrative policies within the juvenile justice system also may unintentionally draw more minority youths into the system or keep them there. For example, requirements that youths in custody only be released to guardians who are home may discriminate against minority youths, since single-parent homes with a working parent are more common among minority groups (Justice Policy Institute, 2002). Legal factors such as prior arrest record have also come under scrutiny for their potential inadvertent effects on DMC. The use of legal factors such as number of prior arrests to determine a youth's disposition can disproportionately affect minority youths if those youths have already been subject to differential opportunities or treatment (Leiber, 2003).

Empirical evidence also shows zero tolerance policies have resulted in disproportionate treatment of minority youths. Zero tolerance laws were originally designed to deter students from carrying guns to school and engaging in violence at school. Over time, zero tolerance policies were extended to restrict other behaviors; research indicates that these policies are more likely to exist in predominantly African-American and Latino school districts. In addition, minority youths appear to be more likely to be disciplined for minor infractions than their nonminority counterparts (Civil Rights Project, 2000).

DMC and the Crossover Youth Phenomenon

The overrepresentation of minority youth in both the child welfare and juvenile justice systems (referred to as "crossover" youth⁴) is complex, and recently there has been tremendous

⁴ There are several terms for these youth; "crossover youth" is the broadest category, defined as youth who "experience maltreatment and delinquency, but they may or may not enter the child welfare and/or juvenile justice

interest in the contribution of child welfare involvement to DMC. While “the relationship between child maltreatment (i.e., abuse and/or neglect) and delinquency is well established” (Herz, Lee, Lutz, Stewart, Tuell, & Wiig, 2012, pg. 1), the mechanisms that result in disproportionate minority contact (DMC) in both systems is less well understood.⁵

Overrepresentation of Minority Youth in Child Welfare Agencies. The reasons for minority overrepresentation in the child welfare system are debated among child welfare professionals. Research shows that while minority youth have a differential need for services, this difference can be exaggerated by discriminatory practices both within the social welfare system and society as a whole (Needell, Brookhart, & Lee, 2003). For example, Freisthler, Bruce, & Needell (2007) note that “race and poverty often are entangled” with the issue of child maltreatment because families with fewer resources are less able to provide for the basic needs of their children, and neglect is more likely to occur and to be reported to the authorities as a result (p. 8). In a study of neighborhoods, these researchers found that structural characteristics (e.g., percentage of female headed households, rates of poverty, and unemployment) were related to differential rates of maltreatment by race.⁶

However, the representation of minority youth in the child welfare system remains disproportionate even when the differential need for child welfare services by race is taken into account. In cases of substantiated allegations of mistreatment, African American youth are more likely to enter the foster care system than white or Hispanic children (Needell, Brookhart, & Lee 2003). This holds true even after controlling for a number of explanatory factors, including age of the child, reason for maltreatment and neighborhood poverty. There are also disparities for children in exiting the welfare system. The length of time for African-American youth living in single-parent families to be reunified with their families is longer than the time for white or Hispanic families (Courtney & Skyles, 2003; Harris & Courtney, 2003).

systems” (Herz, Lee, Lutz, Stewart, Tuell, & Wiig, 2012, p.1). See Herz et al., 2012 for more on the various definitions.

⁵ See Kakar, 2006 and Maschi, Hatcher, Schwalbe, & Rosato, 2008 for reviews of the factors related to DMC in juvenile justice and the relationship of social services to juvenile justice.

⁶ For African-American children, while poverty was related to maltreatment, those living in areas with higher density of African-Americans were *less* likely to be maltreated (although this may be a result of underreporting); but in neighborhoods with higher densities of liquor stores children had higher rates of maltreatment. For Hispanic children, percentage of female headed households, poverty, and unemployment were related to higher rates of maltreatment. For white children, poverty, percentage of elderly people, and areas with higher ratios of children less than 12 to adults were related to higher rates of maltreatment.

Differential Treatment of Youth Involved in Child Welfare Systems. This leads to a second question: are youth in the child welfare system actually different, or are they treated differently from other youth in the juvenile justice system? As previously noted, the causes of DMC in juvenile justice often are attributed to a higher number of minorities living in distressed communities which are policed more heavily, as well as differential involvement in criminal activity, particularly with less serious offending. Similar to justice-involved youth, youth in the child welfare system have a higher risk for delinquency due to a variety of risk factors. Youth in group home settings are exposed to more negative peer influences and delinquent associations, and have fewer intact prosocial relationships, thus resulting in weaker social bonds (Ryan, Herz, Hernandez, & Marshall, 2007). The lack of positive family or other prosocial relationships also plays a role in gang involvement – child welfare youth are more likely to seek out gangs to fulfill needs for family and attachment, and subsequently get involved in crime (Krinsky, 2010). Placement instability is a factor as well, in that youth in the child welfare system move from place to place, and so from school to school, making it more difficult for them to succeed academically and be attached to school (Ryan, Herz et. al., 2007). Other key factors for delinquency include unmet mental health needs and substance abuse. Youth who are not provided mental health or substance abuse treatment services may be referred to the child welfare system in order to obtain these services, leading to increased risk for involvement in the juvenile justice system (Maschi, Hatcher, Schwalbe, & Rosato, 2008).

What does distinguish crossover youth from other youth are the *circumstances* generated by their child welfare status. These circumstances may limit the options of the court and create a “pathway ... between the child welfare to juvenile justice systems” (Maschi et al., 2008, p. 1378). This may help explain the disparate outcomes for these youth in juvenile justice processing (Ryan, Herz et al., 2007). For example, child welfare youth are more likely to be detained than other youth in part because of the lack of communication between child welfare and juvenile justice systems in locating a legal guardian or appropriate representative in a timely manner (Ryan, Herz et al., 2007). Foster parents are often unwilling to continue to support a child once they become involved in delinquent behavior (Ryan, Marshall, Herz, & Hernandez, 2007).

In addition, there is bias in the system by juvenile justice actors who view child welfare youth as higher risk and/or less amenable to rehabilitation because they don’t come from “good” (i.e., intact) families, concerns related to lack of adequate supervision. These youth have a history

of placement instability and poor academic outcomes (including truancy) (Ryan, Herz et al., 2007; Maschi et al., 2008). Consequently, crossover youth are less likely to receive probation and more likely subject to out-of-home placement (Ryan, Herz et al., 2007; Maschi et al., 2008). These youth are at higher risk for recidivism and for entering the adult justice system (Ryan, Herz et al., 2007).

Overall, engagement in the child welfare system is considered a “contributing source” of disparity within the juvenile justice system “as disproportion exists within the child welfare systems and the risk of delinquency is significantly increased for African American youth in out of home placement” (Ryan, Herz et al., 2007, p. 1037).

Effectiveness of Approaches to Reducing DMC

The literature on what works to reduce DMC is not as extensive as the “what works” literature in other areas of juvenile justice. Nonetheless, a number of approaches to DMC reduction have been tried and assessed to one degree or another. The status of these initiatives is summed up nicely by OJJDP in their DMC technical assistance manual:

Thus, while there are no “blueprints” for reducing DMC, a number of jurisdictional initiatives composed of diverse strategies that have demonstrated encouraging results in reducing minority overrepresentation at various decision points do exist. Because the research base for these initiatives is not sufficiently rigorous, they cannot be ranked using the same rating system applied to programs in OJJDP’s Model Programs Guide and Database. Instead, they are best described as developing or encouraging initiatives that have a strong theoretical base and for which some empirical and anecdotal evidence of effectiveness exists. It is important to note, however, the evidence is not sufficient to establish a reasonable causal inference between the intervention strategy and the outcomes. These initiatives are, nevertheless, excellent foundations from which other jurisdictions can learn (Office of Juvenile Justice and Delinquency Prevention, 2009, p. 4-4).

The Manual provides a useful classification of DMC intervention strategies based on target audience. The three categories include: (1) direct services, which address the requirements of youth; (2) training and technical assistance, which focus primarily on the needs of law enforcement and juvenile justice personnel; and (3) system change, which involves altering aspects of the juvenile justice system that may contribute to DMC. Direct services include prevention and early intervention, diversion, alternatives to secure confinement, and advocacy.

Training and technical assistance consists primarily of cultural competency training and program development. System change includes legislative reforms, administrative, policy and procedural changes, and structured decisionmaking (i.e., risk assessment).

Some of the strategies identified above may affect both minority and nonminority youths, while others are intended specifically to reduce the number and proportion of minority youths who come into contact with the juvenile justice system. For instance, evidence-based substance abuse prevention programming should lower substance abuse for all youths who participate in the program. If minority overrepresentation is explained by unequal access to prevention and treatment, implementing a substance abuse prevention program for all youths in an area—including minorities—should reduce involvement of minorities and nonminorities in the juvenile justice system. If only minorities receive the substance abuse program this should reduce DMC without affecting the remainder of the juvenile population. However, if the program is open to all youth but ends up serving mostly nonminority youth (if, for example, nonminority youth are disproportionately referred to, or accepted into, the program), then there will be no impact on disproportionality. Similarly, if differential access to drug prevention and treatment has not specifically been identified as a contributing factor to DMC, then reductions in DMC as a result of program implementation should not be expected. This is a critical point: in assessing the effectiveness of DMC reduction initiatives, the key outcome must be a reduction in DMC. Reducing overall rates of arrest, detention, and confinement, for example, while worthy outcomes, may not result in changes in disproportionality related to race.

To further explore this issue, JRSA staff reviewed the 72 programs provided by the Model Programs Guide's DMC Reduction Best Practices Database in April of 2013. Of these, staff identified 21 programs that were specifically targeted to non-white youth: African-American, Hispanic/Latino, Pacific Islander, Native American, or Hmong. Twelve of the 21 programs focused on non-white youth specifically addressed system involvement of African-American youth only or were implemented with a target population of 90 percent or more African-American youth.

Bringing together key stakeholders interested in the DMC issue is likely to lead to increased access to data, more confidence in the results of data analysis, greater agreement on how to interpret data, and enhanced support of and commitment to findings. Keeping relevant policymakers, court administrators, law enforcement, prosecutors, schools, youth program

administrators, parents, media, and others aware of the efforts to reduce minority overrepresentation, as well as regularly soliciting their opinions and suggestions, will help develop a cohesive team approach to reducing DMC. In jurisdictions where DMC is a problem at multiple stages in the system, having decision- and policymakers from each stage of the juvenile justice system involved in reducing DMC will enable them to develop a comprehensive plan to address overrepresentation.

The strategies selected to reduce DMC should be based on the contributing factors at each stage of the juvenile justice system where it exists. Multnomah County, Oregon, is frequently cited as an example of how to implement an effective systems-level effort to reduce minority overrepresentation in the juvenile justice system. Beginning in the late 1990s, Oregon initiated an effort to discover *why* overrepresentation existed, facilitated by committed researchers, political support, and accessible data. These factors allowed the state to draw reliable conclusions about the nature of overrepresentation and to make informed decisions about strategies to reduce DMC. As a result, Multnomah County successfully moved from overrepresentation of minorities in detention in the mid 1990s to proportional representation in the early 2000s (Feyerherm, 2008). This success was in large part due to a comprehensive exploration of why overrepresentation existed in the first place—it seemed to be fueled by unequal procedures for detention processing and police referrals—followed by a “data-driven approach” designed to make appropriate changes to the *entire* juvenile justice system in its treatment of minority youths (Justice Policy Institute, 2002).

Prevention and Early Intervention. Prevention and early intervention programs are targeted at youths who present risk factors that may increase their chances of entering the juvenile justice system. There are many evidence-based programs that appear to prevent or reduce involvement in the juvenile justice system. The OJJDP Model Programs Guide contains a comprehensive listing of evidence-based programs.

Alternatives to Secure Detention. One strategy to reduce DMC that exists at the point of detention is the development of alternatives to secure detention. Developing and maintaining non-secure detention options, such as evening reporting centers, for youths with little supervision at home will meet the need for supervision to reduce the likelihood of offending and/or provide interventions while reducing the number of minority youths held in detention. Community-based programs are often effective at preventing repeat offenses. For example, using alternatives to

secure detention was employed successfully in Cook County, Illinois, for the explicit purpose of reducing the number of minority youths in detention (Hoytt, Schiraldi, Smith, & Ziedenberg, 2001).

Administrative Rule Modification. Another strategy for reducing DMC is eliminating the use of decisionmaking criteria that may inadvertently bring minority youths into detention or confinement. Risk or detention assessments can draw more minorities into the system if they capture information that is correlated with minority status (Hoytt et al., 2001). For instance, a detention assessment that calls for automatic detention for youths who live in a single-parent home may bring more minority youths into the system if minority youths are more likely to come from single-parent homes. Thus, the utility of this criterion (based on the notion that youths from single-parent homes will not be supervised properly if they are released) must be weighed against the possibility of increasing the rate at which minority youth are brought into the system. Note that both questions can be addressed empirically. That is, data can be collected and analyzed to determine whether youths from single-parent homes are at greater detention risk, and whether minority juvenile arrestees are more likely to come from single-parent homes.

Cultural Competency Training. Another proposed DMC reduction strategy is cultural competency training for decisionmakers and staff who routinely interact with youths in the system. DMC research conducted in Cook County, Illinois, demonstrated positive effects in reducing DMC as a result of cultural competency training made available to law enforcement, the judiciary, the public defender's office, the juvenile detention center, the state's attorney's office, and juvenile probation and court services personnel (Hoytt et al., 2001). The cultural competency training resulted in "DMC-sensitive thinking" which helped decisionmakers and staff have a better understanding of circumstances in the lives of minority youths (e.g., single-parent homes). Consequently, they were able to identify changes to make, such as changes in the detention assessments that were inadvertently biased against minority youths, which might help reduce DMC. In Santa Cruz, California, the probation department hired a cultural competency coordinator and developed a cultural competence plan. They held regular training sessions on cultural competency, ensured that staff represented the bilingual and bicultural makeup of the youth population, and also ensured that key staff members were bilingual (Hoytt et al., 2001). Increased cultural awareness can contribute to reductions in DMC because those who come in

contact with juveniles do not make assumptions about their behavior based on cultural ignorance that may inadvertently draw these youths into the system.

Development of Objective Decisionmaking Tools for Selected Decision Points. A promising strategy for reducing DMC is the use of objective decisionmaking tools when deciding whom to hold in secure detention. Objective tools are those that apply criteria consistently to each case in order to make a decision. Tools such as risk and detention assessments increase the visibility of the decision process and can reduce the likelihood of discrimination or inappropriate decisions based on race. In Multnomah County, Oregon, for example, the development of a risk assessment team, along with changes made to the risk assessment tool, led to more efficient and fair processing of minority and nonminority youths (Justice Policy Institute, 2002).

System Interventions

Two commonly referenced system interventions to address DMC are the Annie E. Casey Foundation's Juvenile Detention Alternatives Initiative (JDAI) and the Burn's Institute's work with state and local juvenile justice systems.

JDAI. JDAI was initiated by the Annie E. Casey Foundation in 1992 to reduce localities' reliance on secure detention without increasing the risk to public safety. JDAI promotes changes to policies, practices, and programs to reduce reliance on secure confinement, improve public safety, reduce racial disparities and bias, and stimulate overall juvenile justice reforms. According to the JDAI website (www.aecf.org/majorinitiatives/juveniledetentionalternativesinitiative.aspx), there are now 100 JDAI sites in 24 states and DC.

The Casey Foundation provides monetary support to JDAI sites for training, planning, and coordination as well as technical support, resource materials and tools, and opportunities to learn from other JDAI sites. The JDAI approach involves eight "core strategies:" 1) collaboration; 2) use of accurate data; 3) use of objective admissions criteria and instruments; 4) development of new or enhanced non-secure alternatives to detention; 5) case processing reforms; 6) strategies to reduce the number of special detention cases; 7) reducing racial disparities; and 8) improving conditions of confinement. Casey's strategies for specifically addressing DMC include: formulating a vision and related policy goals; creating structures (e.g., task forces) charged with sustaining a focus on DMC; collecting data and conduct research to document where disparity occurs; building coalitions and alliances with communities and people of color; diversifying the

composition of the system's work force and the service delivery system by contracting with organizations located in neighborhoods and managed by people of color; providing cultural and racial sensitivity training for staff at all levels of every agency of the system; minimizing opportunities for discriminatory decisions by creating objective instruments and guidelines free of racial bias; improving defense representation to increase advocacy for youth of color; and changing the policies and practices of other systems (e.g., mental health, child welfare) to prevent "dumping" youth better served by those systems into secure detention.

In the JDAI summary report released in 2009, the Foundation claims that JDAI has resulted in: smaller detention populations; improved public safety; cost savings; reductions in the number of minority youth in detention in a number of sites; improving conditions of confinement; and stimulating broader changes in juvenile justice systems. Regarding DMC specifically, the report states that "[w]hile JDAI sites have not collectively reduced the overall disproportionality of their detention populations, many sites have substantially reduced the number of minority youth in detention" and that "[i]n a handful of sites, JDAI leaders have substantially reduced disparities in the detention rates of white youth and youth of color" (Annie E. Casey Foundation, 2009, p. 22). In support of the first claim, the report notes that 61 JDAI sites reported detaining 873 fewer minority youth (an average of just over 14 youths per site) in 2007 than they did prior to their becoming JDAI sites.

In a separate report citing the effectiveness of detention reform in reducing DMC, the Casey Foundation notes that three model JDAI sites have reduced disproportionate minority contact by a) lowering the proportion of youth of color in secure detention, b) evening the odds that young people of color are detained following arrest, and c) reducing the number of youth of color in detention (Annie E. Casey Foundation, 2009).

Burns Institute. The Burns Institute is a non-profit organization whose stated mission is "to protect and improve the lives of youth of color and poor youth and the well-being of their communities by reducing the adverse impacts of public and private youth-serving systems to ensure fairness and equity throughout the juvenile justice system" (www.burnsinstitute.org). The Institute works with key agency and community stakeholders in a "data-driven, consensus-based approach to change policies, procedures and practices that result in the detention of low-offending youth of color and poor youth." The key elements of the Institute's approach to working with local jurisdictions include: a jurisdictional assessment; formation of a local "governing collaborative;"

securing a local coordinator; establishing consistent meetings; developing a work plan; data collection and decision point analysis; collecting the appropriate data; analyzing and interpreting the data; establishing an institutional response; defining success and purpose of detention; objective decision-making; examining case processing issues; and creating alternatives to detention (Bell, Ridolfi, Finley, & Lacey, 2009). According to its most recent annual report, the Institute has worked in over 90 jurisdictions (W. Hayward Burns Institute, 2011).

Both the JDAI initiative and the Burns Institute provide some data on apparent reductions in DMC, along with testimonials and anecdotal reports. Neither initiative has been subjected to a comprehensive and objective evaluation.

OJJDP's DMC Technical Assistance Manual presents case studies of "jurisdictional DMC initiatives that have shown encouraging results in reducing minority overrepresentation at various juvenile justice decision points" (p. 4-27). Many of the cases studies, according to the Manual, are the result of one or more of three initiatives that have been implemented "over the last two decades to develop and assess efforts to reduce minority overrepresentation in the juvenile justice system" (p. 4-27). Two of the three initiatives are JDAI and the Burns Institute's efforts (the third being OJJDP's 1991 five-state DMC initiative). Of the seven case studies, four actually show improvements in DMC (as opposed to overall reductions in, for example, detention populations that affect both white and minority youth). Of these four, two (Multnomah County, OR and Santa Cruz County, CA) report evidence of DMC improvement for detention only (with no information on other stages provided), and a third (Hillsborough County, FL) shows evidence only in "community control" and delinquency commitment cases. The final case study (Mesa County, CO) shows mixed results, with improvements in detention and confinement, but either no change or increases in DMC at arrest and probation.

Summary

In our OJJDP-funded study of DMC, JRSA concluded that "there is little objective evidence that interventions designed to reduce DMC actually do so" (Poulin, Orchowsky & Iwama, 2011). In their recently published report, the National Research Council's Committee on Assessing Juvenile Justice Reform agreed with our general conclusion (Bonnie, Johnson, Chemers & Schuck, 2012, p. 8-17). Our assessment of the accumulated evidence on DMC interventions is that there is some evidence to suggest some promising DMC interventions, almost exclusively at

the detention stage. Systemic interventions, such as JDAI and the Burns Institute approaches, seem to have the benefit of energizing, at least temporarily, local efforts to address the DMC issue. There is no evidence that meets any reasonable standard of scientific validity and objectivity that shows either JDAI or the Burns Institute approach to be successful in reducing DMC.

A review of the literature on DMC published by OJJDP in 2002 noted that some states and localities have made explicit efforts to reduce DMC and implemented a number of other juvenile justice reforms. The report goes on to note that “[w]hat is not reflected in the literature (as represented by this review) is a systematic assessment of the impact of these efforts on the level of DMC within the affected communities or a systematic effort to identify characteristics of programs that appear to reduce DMC levels (Pope, Lovell, & Hsia, 2002).” An online listing of 145 studies related to state and local DMC initiatives published between 1990 and 2006 identifies only 13 evaluations, and five of these were related to OJJDP’s multistate DMC initiative in the early 1990s (Office of Juvenile Justice and Delinquency Prevention, n.d.).

There is clearly a need for more evaluative information regarding the effectiveness of DMC initiatives. This paucity of evaluation information is not unique to DMC, or even to juvenile justice. Lack of resources, including expertise, time, money, and easily accessible data, results in relatively few evaluations of state and local justice initiatives. However, we believe that in this case there is more that OJJDP could be doing to encourage states and localities to at least begin to document, using data, the nature of their DMC problems and the effectiveness of their proposed solutions. Both JDAI and the Burns Institute stress the need for systematic data collection and analysis in their approaches to addressing DMC, and their efforts seem to result in increased use of data by localities as they consider their DMC problems. Similar emphasis must be placed on documenting the effects of their DMC interventions.

References

- Alaska Department of Health and Social Services, Division of Juvenile Justice (2002). *Analysis of minority youth representation*, Anchorage, AK: Author.
- Annie E. Casey Foundation (2009). *Detention reform: An effective approach to reduce racial and ethnic disparities in juvenile justice*. Detention Reform Brief #3. Baltimore, MD: Author.
- Bell, D., & Lang, K. (1985). The intake dispositions of juvenile offenders. *Journal of Research in Crime and Delinquency*, 22, 309-328.
- Bell, J., Ridolfi, L.J., Finley, M., & Lacey, C. (2009). *The Keeper and the Kept: Reflections on Local Obstacles to Disparities Reduction in Juvenile Justice Systems and a Path to Change*. San Francisco: W. Haywood Burns Institute.
- Blumstein, A. (1995). Youth violence, guns, and the illicit-drug industry. *Journal of Criminal Law and Criminology*, 86(1), 10-36.
- Bonnie, R.J., Johnson, R.L., Chemers, B.M., & Schuck, J. (2012). *Reforming juvenile justice: a developmental approach*. Washington, DC: National Academies Press.
- Chiricos, T. (1996). Moral panic and ideology: Drugs, violence, race, and punishment in America. In M. Lynch & E.B. Patterson (Eds.), *Justice with prejudice: Race and criminal justice in America* (pp.19-48). Guilderland, NY: Harrow and Heston.
- Civil Rights Project, Harvard University. (2000). *Opportunities suspended: The devastating consequences of zero tolerance and school discipline*. A report from A National Summit on Zero Tolerance, June 15-16. Washington, DC.
- Cohen, L., & Kleugel, J. (1979). Selecting delinquents for adjudication: An analysis of intake screening decisions in two metropolitan juvenile courts. *Journal of Research in Crime and Delinquency*, 10, 143-163.
- Courtney, M. & Skyles, A. (2003). Racial disproportionality in the child welfare system. *Children and Youth Services Review*, 25, (5/6), 355-358.
- Daly, K., & Tonry, M. (1997). Gender, race, and sentencing. *Crime and Justice: A Review of Research*, 22, 201-252.
- Farrington, D., Loeber, R., Stouthamer-Loeber, M., Van Kammen, W., & Schmidt, L. (1996). Self-reported delinquency and a combined delinquency seriousness scale based on boys, mothers, and teachers: Concurrent and predictive validity for African Americans and Caucasians. *Criminology*, 34, 493-518.

- Feyerherm, W. (2008). *DMC and Multnomah County: A play in four acts*. Presented at the annual meeting of the Bureau of Justice Statistics and the Justice Research and Statistics Association, Portland, OR.
- Frazier, C. E., Bishop, D., & Henretta, J.C. (1992). The social context of race differentials in juvenile justice dispositions. *Sociological Quarterly*, 33(3), 447-458.
- Freisthler, B., Bruce, E., & Needell, B. (2007). Understanding the geospatial relationship of neighborhood characteristics and rates of maltreatment for black, Hispanic and white children. *Social Work*, 52(1), 7-16.
- Harris, M.S., & Courtney, M.E. (2003). The interaction of race, ethnicity, and family structure with respect to the timing of family reunification. *Children and Youth Services Review*, 25(5/6), 409-429.
- Hawkins, D. F., Laub, J. H., & Lauritsen, J. L. (1998). Race, ethnicity, and serious juvenile offending. In R. Loeber & D. Farrington (Eds.), *Serious violent juvenile offenders: Risk factors and successful interventions* (pp. 30-46). Beverly Hills, CA: Sage Publications.
- Herz, D., Lee, P., Lutz, L., Stewart, M., Tuell, J., & Wiig, J. (2012). Addressing the needs of multi-system youth: Strengthening the connection between child welfare and juvenile justice. Washington DC: Center for Juvenile Justice Reform and Robert F. Kennedy Children's Action Corps. Available from: <http://cjjr.georgetown.edu/pdfs/msy/AddressingtheNeedsofMultiSystemYouth.pdf>
- Hindelang, M., Hirschi, T., & Weis, J. (1981). *Measuring delinquency*. Beverly Hills, CA: Sage Publications.
- Hoytt, E. H., Schiraldi, V., Smith, B. V., & Ziedenberg, J. (2001). *Reducing racial disparities in juvenile detention*. Baltimore, MD: Annie E. Casey Foundation.
- Justice Policy Institute (2002). *Reducing disproportionate minority confinement: The Multnomah County, Oregon success story and its implications*. Washington, DC: Author.
- Kakar, S. (2006) Understanding the causes of disproportionate minority contact: Results of focus group discussions. *Journal of Criminal Justice*, 34, 369-381.
- Krinsky, M.A. (2010). Disrupting the pathway from foster care to the justice system – A former prosecutor's perspectives on reform. *Family Court Review*, 48(2), 322-337.
- Leiber, M. J. (2003). *The contexts of juvenile justice decision making*. Albany, NY: State University of New York Press.
- Leiber, M. J. & Stairs, J. M. (1999). Race, contexts, and the use of intake diversion. *Journal of Research on Crime and Delinquency*, 36(1), 56-86.

-
- Liska, A., & Tausig, M. (1979). Theoretical interpretations of social class and racial differences in legal decision-making for juveniles. *Sociological Quarterly*, 20, 197-207.
- Males, M., & Macallair, D. (2000). *Color of justice: An analysis of juvenile adult court transfers in California*. Washington, DC: Building Blocks for Youth.
- Maschi, T., Hatcher, S.S., Schwlabe, C.S., & Rosato, N.S. (2008). Mapping the social service pathways of youth to and through the juvenile justice system: A comprehensive review. *Children and Youth Services Review*, 30, 1376-1385.
- McCarthy, B. R. & Smith, B. L. (1986). The conceptualization of discrimination in the juvenile justice process: The impact of administrative factors and screening decisions on juvenile court dispositions. *Criminology*, 24 (1), 141-164.
- Needell, B., Brookhart, M., & Lee, S. (2003). Black children and foster care placement in California. *Children and Youth Services Review*, 25(5/6), 393-408.
- Office of Juvenile Justice and Delinquency Prevention. (2009). *Disproportionate minority confinement technical assistance manual* (4th ed). Washington, DC: Author.
- Office of Juvenile Justice and Delinquency Prevention. (n.d.). *A Catalog of State Research Reports on Disproportionate Minority Contact*. Available from: http://www.ojjdp.gov/dmc/state_research_reports.html.
- Poe-Yamagata, E., & Jones, M. (2000). *And justice for some*. Oakland, CA: National Council on Crime and Delinquency.
- Pope, C.E., Lovell, R., & Hsia, H. (2002). *Disproportionate minority confinement: A review of the research literature from 1989 through 2001*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.
- Pope, C.E. & Snyder, H.N. (2003). *Race as a factor in juvenile arrests*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.
- Poulin, M., Orchowsky, S., & Iwama, J. (2011). Assessing DMC initiatives: a case study of two states. In N. Parsons-Pollard (Ed.), *Disproportionate minority contact*. Durham, NC: Carolina Academic Press.
- Ryan, J.P., Herz, D., Hernandez, P.M., & Marshall, J.M. (2007). Maltreatment and delinquency: Investigating child welfare bias in juvenile justice processing. *Children and Youth Services Review*, 29(8), 1035-1050.
- Ryan, J.P., Marshall J.M., Herz, D., & Hernandez, P.M. (2007). Juvenile Delinquency in Child Welfare: Investigating Group Home Effects. *Children and Youth Services Review*, 30, (9), 1035-1050.

- Sampson, R. J., & Laub, J. H. (1993). Structural variations in juvenile court processing: Inequality, the underclass, and social control. *Law and Society Review*, 27(2), 285-311.
- Sampson, R. J., & Lauritsen, J. L. (1997). Racial and ethnic disparities in crime and criminal justice in the United States. *Crime and Justice: A Review of Research*, 21, 311-374.
- Sickmund, M., Snyder, H., & Poe-Yamagata, E. (1997). *Juvenile offenders and victims: 1997 update on violence*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention.
- Tittle, C. R., & Curran, D. A. (1988). Contingencies for dispositional disparities in juvenile justice. *Social Forces*, 61(1), 23-58.
- U.S. Department of Health and Human Services (2001). *Youth violence: A report of the Surgeon General*. Rockville, MD: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Injury Prevention and Control; Substance Abuse and Mental Health Services Administration, Center for Mental Health Services; and National Institutes of Health, National Institute of Mental Health.
- W. Haywood Burns Institute (2011). *2011 annual report*. San Francisco, CA: W. Haywood Burns Institute.
- Zatz, M. (1984). Race, ethnicity, and determinant sentencing: A new dimension to an old controversy. *Criminology*, 22, 147-171.

Appendix A

Request for Information From the Federal Advisory Committee on Juvenile Justice (FACJJ)

The Federal Advisory Committee on Juvenile Justice (FACJJ) requests your response to its 2013 Annual Request for Information. The FACJJ is tasked with advising the President, Congress, and the Office of Juvenile Justice and Delinquency Prevention on a range of juvenile justice issues. Your responses to the information request will assist the FACJJ members in forming their 2013 recommendations. For more information on the work of the FACJJ, see <http://www.facjj.org/>.

This Information Request is being disseminated to SAG Chairs, Juvenile Justice Specialists, and DMC Coordinators. The FACJJ is interested in obtaining the perspectives of each of these individuals. Please respond independently and from your personal viewpoint. SAG Chairs should collaborate with other Advisory Group members so that their responses represent the SAG's perspective.

Your responses will be kept confidential. If you do not have a response to a question or if you feel a question does not apply to you, please leave it blank.

Please complete this brief information request no later than **Tuesday, March 5th, 2013**. If you have any questions regarding the request, please contact Dr. Carrie Williamson at the Justice Research and Statistics Association (cwilliamson@jrja.org) or call 202-842-9330.

Background Information

1. State or Territory abbreviation:

2. What is your current position?

- State Advisory Group (SAG) chair
- Juvenile Justice Specialist
- DMC Coordinator

Performance Measurement, Evaluation, and Evidence-Based Practices

3. Does your state agency/SAG collect additional performance measures from sub-grantees aside from those required by OJJDP's Performance Data Reporting Tool (DCTAT)?

Yes

No

If so, please provide a link to a website or information about where those performance measures are located (for example, See Three-Year Plan).

4. From your perspective, which statement *best* describes your state agency/SAG's current efforts to facilitate evaluation and the implementation of evidence-based programs or practices?

- My state agency/SAG is actively involved in evaluation and the promotion or implementation of evidence-based programs or practices.
- My state agency/SAG is working towards developing evaluation capacity and generating interest in evidence-based programs and practices.
- My state agency/SAG is not yet regularly involved in evaluation and the promotion or implementation of evidence-based practices.

Provide additional details below.

5. From your perspective, does your state agency/SAG have a definition for or standard interpretation of "evidence-based programs or practices"?

- Yes
- No

If so, please provide that definition.

6. Has your state agency/SAG adopted or implemented any evidence-based programs from the Model Programs Guide or Crimesolutions.gov?

Yes

No

If so, please list.

7. Has your state agency/SAG adopted or implemented any other programs or practices you consider to be evidence-based?

Yes

No

If so, please list.

Current Programs and Policies

8. Are there any *currently operating* programs or policies in your state designed to address school suspension and expulsion?

Yes

No

If so, please list.

9. Are there any *currently operating* programs or policies in your state designed to address school violence?

Yes

No

If so, please list.

10. Are you aware of any law enforcement training currently offered or required in your state that addresses Disproportionate Minority Contact (DMC)?

Yes

No

If so, please list.

Youth Involvement

11. Does your State Advisory Group hear directly from youth through mechanisms other than having youth members present at the State Advisory Group meetings?

Yes

No

If so, how? How often?

12. What practices have worked well in your SAG and in your state with regard to youth voice and youth engagement?

13. What challenges does your SAG face regarding youth engagement in the SAG's work?

14. How many youth members do you have on your SAG? Do youth members speak at meetings? If so, how frequently?

Training and Technical Assistance Needs

15. What would you like **OJJDP** to do to assist you in promoting or implementing evidence-based and/or research-informed practices?



16. How can federal and/or local funds be better spent to provide more meaningful impact to reduce juvenile crime?



17. Are there any other issues you would like to bring to the attention of the FACJJ?



Thank you for your participation!

Appendix B:
Complete List of Responses to Question 6

Note multiple respondents indicated they were not providing an exhaustive list. Number in parentheses indicates the number of respondents listing the program, if more than one.

Question 6: Has your state agency/SAG adopted or implemented any evidence-based programs from the Model Programs Guide or CrimeSolutions.gov? If so, please list.

1. Across Ages
2. After school programs/extended services in schools/school liaison/school counselors (3)
3. Aftercare
4. Aggression Replacement Training (ART) (8)
5. All Stars
6. AMIkids (2)
7. BASIC Program (The Incredible Years)
8. Baton Rouge Area Violence Elimination (BRAVE)**
9. Big Brothers Big Sisters Community-Based Mentoring (5)
10. Bitterroot Venture†
11. Boys and Girls Clubs (3)
12. Boys' Council
13. Choice Program
14. Cognitive-behavioral Therapy (CBT)/Trauma Focused Cognitive Behavioral Therapy (TF-CBT) (5)
15. Communities that Care (CTC)
16. Crossover Youth Programming
17. Diversion programs (4)
18. Effective Police Interactions with Youth (EPIY) (2)
19. Equine Assisted Learning Program
20. Functional Family Therapy (FFT) (8)
21. Gang Resistance Education and Training (GREAT)
22. Gender-specific services/programming (2)
23. Girls' Circle (2)
24. Graduated Responses/Sanctions (3)
25. Guiding Good Choices (GGC)
26. Homebuilders (2)
27. Intensive Aftercare Program Model- Reentry
28. JDAI- Deep End
29. Juvenile Detention Alternatives Initiative (JDAI) (4)
30. Juvenile Drug Court Diversion Program
31. Leadership and Development
32. Let One Teach One
33. LifeSkills; culture-specific LifeSkills (5)
34. Lion's Quest
35. Mentoring

36. Minority Family Advocacy
37. Motivational Enhancement Therapy- substance abuse
38. Motivational Interviewing (MI) (4)
39. Multi-dimensional Treatment Foster Care (MTFC) (4)
40. Multi-systemic Therapy (MST) (8)
41. National Center for Missing and Exploited Children
42. OJJDP DMC Community and Strategic Planning (CASP) Model (2)
43. OJJDP Gang Reduction Model (3)
44. Olweus Bullying Prevention
45. Operation EIGER ‡
46. Operation SAVE KIDS
47. Parenting Wisely (2)
48. Parenting With Love and Limits
49. Peer Assistance and Leadership (PALS) (2)
50. Peer Mediation
51. Positive Achievement Change Tool (PACT)*
52. Positive Action Program (2)
53. Project Alert
54. Project Northland
55. Project Success
56. Project Towards No Drug Abuse (PTND)
57. Promoting Alternative Thinking Strategies (PATHS)
58. Reporting centers (3)
59. Restorative Justice (4)
60. Say It Straight
61. Second Step
62. Skills for Success
63. Skillstreaming
64. Specialized Courts (youth, teen, panel, drug) (8)
65. Strengthening Families (3)
66. Therapeutic Treatment Foster Care
67. Too Good for Drugs
68. Too Good for Violence
69. Weed and Seed
70. Wraparound services, wraparound case management (4)
71. Youth Level of Service Inventory (YLSI)*

* Needs assessment or risk assessment tool.

** Modeled after Operation Ceasefire.

† Modeled after Project Venture.

‡ Modeled after the Boston Gun Project.

Appendix C:
Complete List of Responses to Question 7

Note some respondents indicated they were unsure if some of their responses were commonly considered to be evidence-based. Number in parentheses indicates the number of respondents listing the program, if more than one.

Question 7: Has your state agency/SAG adopted or implemented any other programs or practices you consider to be evidence-based? If so, please list.

1. Adolescent Domestic Battery Intervention Program
2. Adolescent substance abuse treatment (tribal)
3. Big Brothers Big Sisters
4. Bullying prevention
5. OJJDP DMC Community and Strategic Planning (CASP) Model Citation Reduction Program
6. Clinical Services Project*
7. Cognitive-behavioral interventions
8. Communities That Care
9. Community Conferencing
10. Community Incentive Program
11. Criminogenic needs interventions
12. Culturally-specific alcohol and substance abuse prevention program
13. Data collection efforts
14. Day/Evening Reporting Centers
15. Diversion programs (2)
16. DMC statewide assessment process
17. Educational Program
18. Evidence-based Screening/Assessment*
19. Family Solutions Program
20. Girls' Circle (2)
21. Gun Court Program
22. Hope Home for Girls
23. Integrated Assessment Centers*
24. Iowa Delinquency Assessment (IDA)*
25. Justice Data Warehouse (JDW)—information-sharing
26. Juvenile Detention Alternatives Initiative (JDAI) (2)
27. Juvenile Detention Assessment (JDTA) Risk Assessment Instrument (RAI)*
28. Liaisons to multidisciplinary delinquency prevention teams (tribal)
29. LifeSkills (2)
30. Olweus Bullying Prevention Program (2)
31. Positive Action
32. Positive Alternative Thinking Strategies (PATHS)
33. Reentry Initiative
34. Respondent Notification Caller
35. Restorative Justice (2)

36. Safe and Drug Free Schools
37. Say it Straight
38. School House Adjustment Program Enterprise (SHAPE)
39. School-Based Peer Court
40. Sustainability efforts, e.g. quality control, improvement, assurance
41. Talking Circles (tribal)
42. The Incredible Years
43. Tribal Peace Courts
44. Youth Aid Panels
45. Youth Canoe Family (tribal)
46. Youth Snow Camps (tribal)

* Risk assessment tool, needs assessment, mental/emotional health screening (per respondent's description)