



## **Disproportionality in the Juvenile Justice System**

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### **The Issue**

The No Child Left Behind Act of 2001 seeks to ensure equal education for all youth by improving the academic achievement of those youth that are identified as disadvantaged and to provide interventions for those at-risk for academic failure. Ethnic/racial minorities, particularly Black and Hispanic, are among the most disadvantaged and at-risk youth in the nation. Even though minority youth only made up 22% of the U.S. population in 2004, they accounted for 48% of the juvenile justice population (based on violent crime arrests rate)<sup>1</sup>. The overrepresentation of minority youth in the juvenile justice system, also known as Disproportionate Minority Contact (DMC) is a pervasive issue that first gained widespread attention in 1988 and led to the 1988 amendment of the Juvenile Justice and Delinquency Prevention (JJDP) Act of 1974.<sup>2</sup>

Disproportionality can occur at every key decision point and stage in the juvenile justice system. This issue is not only seen in detention and corrections but also in access to resources such as quality legal defense, diversion programs to curv the re-offender rates, proper diagnoses of mental health issues and subsequent mental health services, placement (e.g. mental health facility vs. correctional facility), sentencing (e.g. length of stay), and education. In particular, by addressing DMC at the state and local levels, it may be possible to improve the outcomes for this highly at-risk population.

### **What Can You Do? Advice from the Field**

In recognition of the overwhelming disproportionately in the juvenile justice system several groups (e.g. the MacArthur Foundation, Building Blocks for Youth, and the Annie E. Casey Foundation) have worked to address this issue. Some of these groups are researching not only the causes of DMC, and its subsequent disparities, but also the best practices for reducing them. The following resources provide a brief overview of some of the strategies for reducing DMC.

#### ***General DMC Reduction Strategies***

Through efforts to reduce DMC several organizations have produced some promising strategies for reducing the prevalence of the issue. For instance, the MacArthur Foundation created a new national network, the Disproportionate Minority Contact Action Network, to help improve the nation's juvenile justice system by reducing racial

and ethnic disparities. The foundation's Models for Change Initiative which promotes accountability, fairness, and better data collection and reporting, has led to several model States that have implementing promising strategies to reduce DMC.<sup>3</sup> Together with partners in your state, these strategies could be used to identify and reduce DMC and improve services to minority youth.

- ❖ **Pennsylvania** is working with the Juvenile Justice Court Judges' Commission to enhance the reliability and completeness of the State's data on the processing of Hispanic juveniles. Their efforts have led to the creation of a Racial Coding Training Booklet that provides detailed instructions and guidance to local juvenile courts and probation departments on techniques for gathering accurate information regarding the race and ethnicity of youth in Pennsylvania's juvenile justice system<sup>4</sup>
- ❖ **Illinois** Models for Change partners have produced informational literature that discuss key facts on DMC in the State's juvenile justice system, pointing out some missing components in the statistical pictures and the need to fill them in with better data collection and reporting practices, and describing cost-effective approaches that have reduced DMC in other jurisdictions.<sup>5</sup>

*Strategies*

- Improve the state's data collection and analysis efforts. In order to address DMC, Illinois needs to collect data on race and ethnicity at all key decision points in the system.
  - Increase awareness of DMC issues and encourage action. To maintain commitments for reform, more education needs to be done about the nature of DMC and why reform is crucial to the overall strength of the juvenile justice system.
  - Direct financial resources to communities to address DMC. Investing in community programs strengthens their ability to monitor progress and provide alternatives to incarceration for youth of color.
- ❖ **Louisiana** seeks to improve DMC data collection, develop the capacity for to collect and analyze DMC data at the state and parish levels, and to use DMC data analyses and other research to identify, implement, and monitor appropriate interventions to reduce disparate treatment and limit unnecessary penetration of minority youth in the juvenile justice system<sup>6</sup>

*Strategies*

- Developing effective DMC data collection at the local level, isolating race, ethnicity, gender, and other variables (e.g., age, location of the offense) in terms of the key decision points in the juvenile justice system.
- Analyzing available parish and state data to identify overrepresentation and disparate treatment at various points of contact, from arrest through disposition and aftercare.
- Developing a standardized model for quantitative DMC data collection and analysis throughout the juvenile justice system.
- Using data and qualitative analysis to identify targeted interventions likely to reduce DMC, including mapping decision points and collecting data, using objective criteria for decision making, having diverse and culturally competent staff in key positions, developing partnerships with families and

community resources, developing alternatives to formal handling and incarceration, and creating a full continuum of treatment, supervision, and placement options.

- ❖ **Washington** hopes to reduce DMC particularly for African-Americans and Native Americans because their data suggests an overrepresentation of these youth in their juvenile justice system<sup>7</sup>

*Strategies*

- Partnering with state agencies to develop a uniform DMC data collection system and a standardized model for quantitative DMC data collection and analysis throughout the state.
- Analyzing available county and state data to identify overrepresentation and disparate treatment at various points of contact, from arrest through disposition and aftercare.
- Conducting further research on the sources and consequences of overrepresentation and disparate treatment.
- Working with selected counties to enhance DMC data collection and analysis that will drive effective interventions.
- Monitoring the impact of DMC data collection, analysis, and interventions at the local level.

Similarly, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) has created a DMC Technical Assistance Manual that provides detailed guidance on DMC identification and monitoring, assessment, intervention, and evaluation as steps to reducing DMC.

***Education-specific DMC Reduction Strategies***

While the steps described in the OJJDP manual are general in nature, they can easily apply to reducing DMC and educational disparities, thereby improving the education of minority youth in the juvenile justice system.<sup>8</sup> NDTAC has revised these steps for the purposes of this presentation to make them applicable to Title I, Part D.

1. **Identification.** Determine the extent to which DMC occurs in your State by calculating the rate of disproportionality.
  1. Calculate what percentage of youth in your State are classified as an ethnic/racial minority.
  2. Calculate what percentage of the youth in the juvenile justice system in your State are classified as minorities (Asian/Pacific Islander; Black, non-Hispanic; Hispanic, Native American/American Indian).
2. **Assessment.** Determine how your State currently assesses the educational achievement and academic and vocational outcomes of minority youth in the juvenile justice system. This should involve ongoing data collection.
  1. Evaluate your States reporting and data collection practices.
  2. Consider reporting information on the educational outcomes of each ethnic/racial group to measure how well chosen strategies work.
    - i. Academic achievement scores for each ethnic/racial group

- ii. Rate of graduation, attainment of a high school diploma or it equivalent, dropout, post-secondary education, etc. for minority youth in the juvenile justice system.
  3. Compare the academic achievement of each ethnic/racial group in your State with their white counterparts.
    - i. Use pre-post testing to assess educational outcomes
    - ii. Longitudinal studies on the long term academic and vocational outcomes of minority youth and compare these outcomes to their white counterparts.
  4. Identify possible targets for intervention activity. Which ethnic groups need more intense intervention? How much funding should be allocated to intervention programs for minority youth who may need more intensive intervention because they are at high risk for academic failure?
    - i. Consider possible reasons why the educational outcomes for certain ethnic/racial groups (e.g. White, Asian/Pacific Islander) are more favorable then for other ethnic/racial groups (e.g. Hispanic, Black)
      1. Assess/monitor conditions for learning in Part D facilities
      2. Access to resources
      3. Cultural competence of JJ staff
  5. Create the framework and baseline information for later evaluation activities.
3. **Intervention.** After SEA's and LEA's understand the extent of DMC in its State, it should assess the needs of minority youth based on their academic achievement and then use that data to develop and implement intervention strategies to address the educational attainment of minority youth. Interventions should be based on best practices and strategies, and data obtained on student outcomes from pre-post testing.
4. **Evaluation.** Evaluate the effectiveness of the chosen intervention strategies using effective tools and models.
5. **Monitoring.** Though the capacity to monitor and analyze DMC can vary considerable from state to state and from locality to locality, monitoring the academic progress of each ethnic/racial group compared to their white counterparts may improve services. Note changes in educational disproportionality trends and to adjust intervention strategies as needed and to insure that academic programs promote equitable education to all juveniles within the JJ system regardless of race or ethnicity.<sup>9</sup>

## **Additional Resources**

The following resources provide additional information about reducing DMC, improving outcomes for minority youth, and general resources on assessment.

### Information about Disproportionate Minority Contact (DMC)

- Disproportionate Minority Contact website: <http://ojjdp.ncjrs.gov/dmc/index.html>
- Disproportionate Minority Contact (DMC) Chronology: 1988 to Date: Available at <http://ojjdp.ncjrs.gov/dmc/about/chronology.html>
- The Office of Juvenile Justice and Delinquency Prevention (OJJDP) has added a National Disproportionate Minority Contact (DMC) Databook to its Statistical Briefing Book that enables users to review the processing of delinquency cases within the juvenile justice system and assess levels of disproportionate minority contact at various decision points.  
<http://ojjdp.ncjrs.gov/ojstatbb/dmcdm/index.html>.
- The Disproportionate Minority Contact Technical Assistance Manual, 3rd Edition.  
[http://www.ncjrs.gov/html/ojjdp/dmc\\_ta\\_manual/index.html](http://www.ncjrs.gov/html/ojjdp/dmc_ta_manual/index.html)
- MacArthur Foundation Models for Change Initiative  
<http://www.modelsforchange.net/>
- Building Blocks for Youth  
<http://www.buildingblocksforyouth.org>
- Annie E. Casey Foundation  
<http://www.aecf.org/>
- The W. Haywood Burns Institute for Juvenile Justice Fairness and Equity:  
[www.burnsinstitute.org](http://www.burnsinstitute.org)
- Center for Children's Law and Policy  
[www.cclp.org](http://www.cclp.org)
- The Juvenile Justice Initiative  
[www.jjustice.org](http://www.jjustice.org)

### Assessment

- NDTAC Guide for Selecting and Using Pre-Post Assessments.  
<http://www.neglected-delinquent.org/nd/resources/spotlight/spotlight200604a.asp>.

## Sources

- <sup>1</sup> Snyder, H.N. Juvenile arrests 2004. OJJDP Juvenile Justice Bulletin, December 2006.
- <sup>2</sup> DMC Manual. Available at [http://www.ncjrs.gov/html/ojjdp/dmc\\_ta\\_manual/index.html](http://www.ncjrs.gov/html/ojjdp/dmc_ta_manual/index.html)
- <sup>3</sup> MacArthur Foundation Models for Change Initiative. Available at <http://www.modelsforchange.net/>
- <sup>4</sup> Pennsylvania Models for Change work plan. Available at <http://www.modelsforchange.net/pdfs/PA%20Workplan%20Overview.pdf>
- <sup>5</sup> Illinois Models for Change work plan. Available at <http://www.modelsforchange.net/pdfs/IL%20Workplan.pdf>
- <sup>6</sup> Louisiana Models for Change work plan. Available at <http://www.modelsforchange.net/pdfs/Louisiana%20Workplan%20Overview.pdf>
- <sup>7</sup> Washington Models for Change work plan. Available at <http://modelsforchange.net/pdfs/Washington%20Work%20Plan%20Summary.pdf>
- <sup>8</sup> DMC Manual. Available at [http://www.ncjrs.gov/html/ojjdp/dmc\\_ta\\_manual/index.html](http://www.ncjrs.gov/html/ojjdp/dmc_ta_manual/index.html)

*The tools, programs, and resources highlighted in this paper have not been evaluated by the Technical Assistance Center, nor do we support them in any way. If you have any comments, questions, or additional resources, please contact DeAngela Milligan at [dmilligan@air.org](mailto:dmilligan@air.org), or by phone at (202) 403-5281.*