

SAN DIEGO COUNTY'S JUVENILE DISPROPORTIONATE MINORITY CONTACT (DMC): IDENTIFICATION AND ASSESSMENT

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Sandy Keaton, M.A.
Cynthia Burke, Ph.D.
Kristen Rohanna, M.A.
Sylvia Sievers, Ph.D.
Ed Schafer, Ph.D.



401 B Street, Suite 800 • San Diego, CA 92101-4231 • (619) 699-1900

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ABSTRACT

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401 B Street, Suite 800
San Diego, CA 92101
(619) 699-1900

ABSTRACT: Funded through a grant from the California Standards Authority (CSA) and under the guidance of The Children's Initiative and the San Diego County Probation Department, the Criminal Justice Division of SANDAG randomly selected a large sample of youth who had a sustained petition in 2005, and conducted a thorough review of their backgrounds to understand those factors that were predictive of being detained pre-adjudication (after arrest) and/or receiving an institutional commitment. Utilizing multivariate analyses, results indicate that Black and Hispanic youth were overrepresented at both pre-adjudication and institutional commitment, but the reasons for this differed. Race, along with other legal and social factors, increased the likelihood of a youth being detained following arrest. At institutional commitment, race was not found to be a predictor; rather, factors associated with the current offense (e.g., violent and felony-level) and also non-legal factors, such as school performance, were significantly related to receipt of an institutional commitment. Recommendations based on these results and through the qualitative component of the research are included in the report and intended to inform the development of a DMC reduction plan.

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EXECUTIVE SUMMARY

EXECUTIVE SUMMARY

PROJECT BACKGROUND

Local, state, and national concerns about the overrepresentation of minority youth through-out the juvenile justice system have led to substantial research on the extent of its existence and the reasons contributing to it. This research has generated recommendations to support policy and program strategies aimed at reducing disproportionate minority contact (DMC). A 1992 amendment to the Juvenile Justice and Delinquency Prevention (JJDP) Act of 1974 required that states participating in the Formula Grants Program take steps to identify and address any DMC issues or risk losing funds. Under the direction of the Office of Juvenile Justice and Delinquency Prevention (OJJDP), a five-phase model was outlined to assist states in their DMC efforts. These five phases included identification, assessment, intervention, evaluation, and monitoring.

A review of the national research shows that minority youth, and Black youth in particular, are overrepresented along the continuum of the juvenile justice system. While the existence of DMC is indisputable, the reasons for it are less certain. That is, studies conducted in a variety of jurisdictions have yielded inconsistent results regarding which legal factors (e.g., prior criminal history, seriousness of offense) and non-legal factors (e.g., family background, poor school performance) may interact with race and be related to judicial system outcomes. The uncertainty in explanations of what contributes to DMC highlights its complexity and calls for research that is designed to account for the multiple issues and factors involved in DMC. It also complicates the development of policies to address the issue.

REPORT HIGHLIGHTS

Does DMC exist in the San Diego County Juvenile Justice system?

- Yes, DMC does exist. Compared to White youth, Black youth were overrepresented at the point of pre-adjudication (after arrest) detention and institutional commitment, and Hispanic youth were over-represented at pre-adjudication detention.

Does race increase the likelihood of a youth receiving an institutional commitment?

- No, race was not found to be a predictor of a youth's receipt of an institutional commitment.

What factors, legal and non-legal, contribute to the likelihood that a youth will receive an institutional commitment?

- Severity of current offense, prior criminal history, school performance, gang involvement, and family structure were all predictors of receiving an institutional commitment.

Does race directly influence a youth's odds of being detained pre-adjudication (after arrest)?

- Yes, race was found to increase the likelihood of a youth being detained. Hispanic youth were 2.8 times and Black youth were 1.8 times more likely to be detained in Juvenile Hall pre-adjudication compared to White youth.

What factors, legal and non-legal, contribute to the likelihood that a youth will be detained pre-adjudication?

- In addition to race, family structure, mental health, substance use, truancy, victim living in the home, seriousness of current offense, gang involvement, weapon use, and prior criminal history were predictors of a youth being detained pre-adjudication.

It is clear that no single reason is responsible for DMC and, therefore, any reduction plan requires a constellation of solutions to address it.

EXECUTIVE SUMMARY

San Diego County, like many other jurisdictions throughout the country, was concerned about the possible existence of DMC in the juvenile justice system. Turning the lens on itself in early 2000, The Children's Initiative, in partnership with the San Diego County Probation Department, formed a DMC Committee to identify and address DMC issues that might exist in the local juvenile justice system. In 2005, the DMC Committee asked the Criminal Justice Research Division of the San Diego Association of Governments (SANDAG) to conduct the identification and assessment phases of the DMC model. A random sample of youth who were arrested in 2003 showed that DMC existed in San Diego County's juvenile justice system. Black youth were shown to be overrepresented at arrest, pre-adjudication detention, and institutional commitment. Hispanic youth were found to be overrepresented at pre-adjudication detention.

Because of the limitations in the 2005 study (i.e., sample size), the San Diego County Probation Department sought additional funds from the California Standards Authority (CSA) DMC Technical Assistance Project (TAP) to increase the sample size and include a qualitative component to the research design. The current study is the first of three parts in this process, which is intended to inform the creation of a DMC reduction plan.

RESEARCH METHODOLOGY

The current study was designed to identify the factors that contribute to the documented overrepresentation of Black and Hispanic youth in San Diego County's juvenile justice system. This effort entailed conducting both bivariate and multivariate analyses (e.g., logistic regression) with data collected from a stratified (i.e., equally divided among Black, Hispanic, and White youth) random sample of 1,001 juveniles that had a sustained petition in 2005. The decision point of sustained petition was selected because it is the point prior to disposition and allowed for the greatest

retention of cases for analyses of factors that influence receipt of an institutional commitment. In addition, because pre-adjudication (after arrest) detention was a decision point in the juvenile justice system where DMC was previously found to exist, analyses were also conducted on this sample to identify contributing factors to being detained.¹ Both legal and non-legal variables were gathered and analyses were conducted to determine the relationship these factors had on race, institutional commitment, and ultimately on the relationship between race and institutional commitment, as well as pre-adjudication detention.

The qualitative portion of the research design included 15 interviews with juvenile justice professionals (Probation Officers, judges, a Deputy District Attorney, and a Deputy Public Defender). In addition to the interviews, four focus groups were conducted with assessment teams at gate-keeping points in the Probation decision-making process. Specifically, two focus groups were conducted with the Probation Screening Committee (the group that reviews most out-of-home pre-adjudication Probation sentencing recommendations), one Breaking Cycles (BC) Assessment team (the group responsible for creating a case plan for the youth post-adjudication, including custodial time), and the Detention Control Unit (DCU) (the group responsible for determining if a youth is detained into Juvenile Hall at time of arrest). A total of 15 professionals participated in the four groups. The purpose of the qualitative portion of the study was to help place the data within the context of how decisions are made and gather feedback on DMC and possible means to address it.

¹ The researchers are aware that the analysis of pre-adjudication detention is limited because the sample did not include those youth who never received a sustained petition but could have been detained pre-adjudication.

Despite the highly sensitive nature of this topic, DMC Committee members and the agencies they represent ensured that SANDAG researchers had unrestricted access to the data necessary, including meeting with professional staff and observing the decision process, which allowed for an objective examination of the system. This cooperation is a testament to San Diego County's commitment to provide the most equitable and appropriate treatment to youth in the juvenile justice system.

RESULTS OF DMC ANALYSES

Analyses of over 200 variables, grouped into five domains - family background, youth characteristics, adverse childhood experiences, delinquent behavior, and current offense - revealed that DMC does exist in the San Diego County juvenile justice system. Specifically, compared to White youth, Black and Hispanic youth were overrepresented at the point of pre-adjudication detention (55% and 56% versus 43%, respectively), and Black youth were also overrepresented at institutional commitment (28% versus 18% of White youth). However, the reasons for the overrepresentation varied by decision point. That is, race was not found to increase the likelihood of a youth receiving an institutional commitment. Table 1 shows the odds-ratio of the nine variables that were shown to be significantly related to receiving an institutional commitment. Five of the variables pertained to prior involvement in the juvenile justice system and seriousness of current offense, and four were related to non-legal factors. For example, a youth who was habitually truant was over two times more likely to receive an institutional commitment than a youth who was not.

Table 1
FACTORS THAT ARE RELATED TO
A YOUTH RECEIVING AN
INSTITUTIONAL COMMITMENT

Odds of Receiving Institutional Commitment

Non-Legal Factors

Living with parent and step-parent	2.4
Habitually truant	2.2
Ever expelled from school	1.8
Gang involvement	1.5

Legal Factors

Violent sustained petition (current offense)	2.4
Felony level sustained petition (current offense)	2.3
Ever received a prior institutional commitment	2.3
Ever received a prior detention	1.6
Number of prior sustained petitions	1.5

SOURCE: SANDAG; San Diego County's Juvenile Disproportionate Minority Contact (DMC): Identification and Assessment, January 2008

This outcome was consistent with professional staff's perceptions of what factors they considered when recommending a commitment. It also supported the idea of turning the lens from racial bias to examining those factors that influence delinquency. In essence, the results from the analyses of the case files were in alignment with those DMC theories that argue minority overrepresentation is due to different offending patterns.

However, at the decision point of pre-adjudication detention, the results of the logistic regression model showed that race did increase the likelihood of youth being detained at Juvenile Hall pre-adjudication. That is, after taking into account the other factors (e.g., criminal background, school performance) that could explain why Black and Hispanic youth were overrepresented at detainment, the results of the model showed that compared to White youth, Black youth were 1.8 times and Hispanic youth 2.8 times more likely to be detained (Table 2). In addition, several legal

and non-legal factors proved to be significantly related to pre-adjudication detention. For example, a youth who had DSM-IV diagnosis was almost three times (2.9) more likely to be detained pre-adjudication compared to those who did not and offenses that involved the victim living in the same home as the offender more often resulted in detention (3.4 times more likely than those without a victim in the home).

**Table 2
FACTORS THAT ARE RELATED TO A YOUTH
BEING DETAINED PRE-ADJUDICATION**

Odds of Receiving Pre-Adjudication Detainment	
Non-Legal Factors	
Not living with either biological parent	4.4
Victim in the home	3.4
Living with parent and step-parent	3.9
DSM-IV diagnosis	2.9
Hispanic youth	2.8
Black youth	1.8
Single parent	1.8
Alcohol and drug issues	1.8
Habitually truant	1.6
Gang involvement	1.5
Legal Factors	
Ever received a prior institutional commitment	2.7
Felony level sustained petition (current offense)	2.6
Violent sustained petition (current offense)	1.9
Number of prior sustained petitions	1.6
Age at first arrest (the older, the more likely)	1.2

SOURCE: SANDAG: San Diego County's Juvenile Disproportionate Minority Contact (DMC): Identification and Assessment, January 2008

In addition, bivariate analyses of the 1,001 youth revealed several characteristics where Black and Hispanic youth differed from White youth in the system. These differences included family structure, socioeconomics, substance use, mental health diagnosis, school performance, and current and past offense history. Awareness of these differences will help inform the strategies to reduce DMC.

RESULTS FROM PROFESSIONAL INTERVIEWS AND FOCUS GROUPS

The results from the professional interviews and focus groups provided valuable insight into the general philosophical underpinnings (i.e., public safety and welfare of the youth) of juvenile justice professional decision-making. In general, the professional staff did not feel the system was biased against minority youth but did agree that it could be improved to better meet the needs of youth. Suggested improvements included decreased Probation caseloads to increase supervision of youth in the field, increased in-custody and out-of-custody capacity to meet the substance abuse and mental health needs of youth, and improved access and support to help parents maneuver through the system. The interviewees also felt the system could benefit from cultural awareness and norms training.

As for factors influencing detention and institutional commitment decisions, seriousness of offense and safety of the youth (e.g., abuse in home, substance use, out-of-control behavior) were the primary reasons cited. Detention was also seen as beneficial when used appropriately (i.e., short term and linked with rehabilitative services). Finally, lower socioeconomic status was seen by some as contributing to a youth's delinquency and also acting as a barrier for youth and families being able to access services due to lack of resources and/or programs in their communities.

RECOMMENDATIONS

Pre-Adjudication Detention Recommendations

- Examine the detention intake process:** Standardized assessments are pivotal in implementing probation evidence-based practices. The DCU currently uses a screening instrument to determine if a youth will be detained, the outcome of which could impact a youth's further involvement in the system. Examination of

the DCU screening tool and how the instrument and criteria are being applied is recommended to ensure equity in the detention decision-making process.

2. **Explore appropriate alternatives to detention:** Safe and feasible alternatives to detention, such as home supervision and community-based residential programs, should be utilized to ensure the most appropriate placement for youth.
3. **Strengthen and expand the involvement of stakeholders in the DMC reduction process:** Work collaboratively with those systems that have the opportunity to prevent and/or intervene in juvenile delinquency, including school districts, County Office of Education, Health and Human Services Agency, and local law enforcement agencies to provide a coordinated and comprehensive system of care to address the multiple needs of youth in San Diego County.

Institutional Commitment Recommendations

1. **Address the pathways to delinquency:** Focus attention on those factors which place a youth at higher risk for either detainment and/or institutional commitment and also are more likely associated with Black and Hispanic youth (e.g., truancy, gang involved). Areas to be examined include early assessment-based mental health screenings and availability of and access to substance abuse treatment, post-release linkages to educational and community services, and policies disproportionately affecting Black and Hispanic youth (e.g., zero tolerance).
2. **Identify strategies to adhere to recommended Probation caseload ratio standards:** To potentially reduce the number of youth overall, and Black and Hispanic youth in particular, who are

committed to institutions, it is important to increase the success of youth on probation. Adhering to a standard Probation Officer/client ratio is recommended to ensure the level of supervision is being implemented as designed (e.g., risk level, special treatment needs, and geographic location..

3. **Improve family access to the Juvenile Justice System:** Assist the families and youth in navigating the juvenile justice system to help them be better informed and prepared to address court and Probation requirements. Recommended improvements include providing families with increased opportunities to voice their perspectives, simplifying the language of the court documents, assisting with transportation and/or regionalizing court locations, offering families more time to meet with their attorney, and assigning them an advocate to help steer them through the system.

Systemic Recommendations

1. **Ensure cultural competency:** Institute training on cultural awareness and norms for all levels of the juvenile justice system. Training should be based on nationally recognized curriculum and able to address both individual and structural biases.
2. **Improve communication among agencies in the Juvenile Justice arena:** Develop protocols to enhance communication among juvenile justice professionals (e.g., Probation, District Attorney, Public Defender, and Judges); garner philosophical direction from the judicial bench; flesh out standards regarding institutional recommendations; training on alternatives to detention; and create a venue for ongoing dialogue to facilitate a clear understanding of each entity's decision-making process.

3. **Enhance prevention services:** Direct resources toward preventing youth from escalating in the juvenile justice system. Methods include expansion of diversion services, increased targeted service capacity for substance abuse and mental health treatment (i.e., services in the communities of need), and early administration of standardized mental health assessments.
4. **Examine the application of the San Diego Regional Resiliency Checkup (SDRRC):** Strengthen the application of the standardized assessment (i.e., SDRRC) through the systemic review of the implementation, interpretation, and utilization by Probation Officers and community-based organizations in guiding the development and monitoring of case plans.
5. **Identify what works:** Research the successes and failures of other jurisdictions' efforts to address DMC to inform San Diego County's DMC reduction plan.
6. **Institute ongoing monitoring and evaluation of DMC efforts:** An important phase in the DMC reduction process is to monitor DMC interventions to help improve the DMC reduction plan. In addition, regular use of the Relative Rate Index will provide consistent monitoring of the status of DMC.

CHAPTER 1

INTRODUCTION AND BACKGROUND

CHAPTER 1

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INTRODUCTION/PROJECT BACKGROUND

During the past decade, researchers throughout the nation have taken an objective look at the relationship between race and the juvenile justice system (Poe-Yamagata and Jones, 2000; Hsia, Bridges, and McHale, 2002; Bishop, 2005). Specifically, minority youth in general, and Black and Hispanic youth in particular, have been overrepresented in the juvenile justice system in comparison to their representation in the general population. This overrepresentation has not only raised serious concerns but spawned attention and action at the national, state, and local levels to address this complex issue.

Through the Juvenile Justice and Delinquency Prevention (JJDP) Act of 1974, Congress mandated that the Office of Juvenile Justice and Delinquency Prevention (OJJDP) require states participating in the Formula Grants Program to address disproportionate minority confinement² issues. The Act was updated in 1991 to include disproportionate minority contact (DMC) with the justice system at each of the decision points (arrest, pre-adjudication detainment, probation referral, petition filed, sustained petition, wardship, and institutional commitment), and again in 1992, making DMC a core protection for youth, placing states at risk for loss of funding if they did not show progress in addressing DMC. To help guide states in their efforts to examine DMC, OJJDP created the DMC Initiative in 1991, which recommended a five-step model consisting of identification, assessment, intervention, evaluation, and monitoring. In 2006, OJJDP published a detailed manual to help guide state and local jurisdictional efforts to identify and address DMC (Hsia, 2006). Within this model were several recommendations that helped guide San Diego's DMC evaluation efforts. These included:

A FEDERAL MANDATE: DISPROPORTIONATE MINORITY CONTACT

1988: The Juvenile Justice and Delinquency Prevention (JJDP) Act of 1974 was amended, authorizing the Office of Juvenile Justice and Delinquency Prevention (OJJDP) to require states participating in the Formula Grants Program to address disproportionate minority confinement at the state level.

1991: The Act was amended to include disproportionate representation at all stages of the juvenile justice system in the definition of DMC. As a result, DMC was changed to Disproportionate Minority Contact.

1992: The Act was amended, elevating DMC to a core protection for youth and placing states at risk for loss of funding if they did not show progress in addressing DMC.

² A glossary of terms is provided at the end of this report.

- Examination of DMC should include all contact points in the system because involvement in one stage can increase the likelihood of further involvement in the juvenile justice system;
- DMC efforts should include support from all levels of juvenile justice staff to ensure access to information and help facilitate the implementation of a DMC reduction plan;
- Both qualitative and quantitative data should be collected to determine which factors contribute to DMC;
- Once identification of DMC is completed, the assessment phase should focus the research on identifying the mechanisms that could explain why DMC exists; and
- Once DMC reduction plans have been implemented, data should be collected over time to monitor any trends or changes.

LITERATURE REVIEW

Disproportionate Minority Contact in the Juvenile Justice System

The existence of DMC along the continuum of the juvenile justice system is indisputable. The research in this area suggests that race is a factor in how a youth is processed in the juvenile justice system, with minority youth (e.g., non-White youth) overrepresented at different stages of the system, starting from arrest through court disposition (e.g., sentencing). Once an inequity has been found to exist among different racial groups, the question arises as to why such a difference exists. More specifically, is the reason for an overrepresentation of minority youth due to their race or are there other contributing factors that could be influencing how youth are handled in the system? Although there is variation among jurisdictions, the research suggests that the disproportionate representation is present at arrest, with an accumulative effect as a minority youth continues through the juvenile justice system (Snyder and Sickmund, 2006; Poe-Yamagata and Jones, 2000; Bishop and Frazier, 1996).

Disproportionate contact is defined as an overrepresentation of minority youth in the justice system in proportion to their representation in the general population and compared to their representation in the previous justice system decision point (e.g., the percent detained compared to the percent arrested).³ Nationwide, the 2002 application of the OJJDP Relative Rate Index (RRI) (a diagnostic tool to assess state levels of DMC) revealed a disparity of Black youth at every juvenile justice decision point, except at adjudication, with almost a two-to-one arrest rate and a one-and-one-half detainment rate of Black youth compared to White youth (Snyder and Sickmund, 2006). More specifically, although Black youth comprised approximately 16 percent of the nation's population, they accounted for 27 percent of all juvenile arrests in 2002 compared to an underrepresentation of White youth, who comprised approximately 78 percent of the population and 71 percent of all arrests.⁴ Furthermore, between 1985 and 2002, the number of delinquency cases handled by the Juvenile Court nationwide rose 41 percent, which translated into a disproportionate percentage of minority youth being processed through the justice system. Specifically, there was a 15 percent increase in the rate of White youth processed compared to a 27 percent increase in the handling of Black youth in the system. In addition, in 2002, 36 percent of

³ OJJDP amended the definition of DMC to include representation at each stage to accurately reflect the location and degree of disparity that occurs within the system.

⁴ Based on 2002 National Census estimates, which include Hispanics in the White category.

detained youth were Black, which exceeded both their proportion in the population (16%) and their proportion in the overall delinquency caseload (29%). This proportion was a 64 percent increase from 1985, compared to a 32 percent increase in the number of White youth detained. Also, while the proportion of Black youth who were ordered by the court to residential placement (33%) increased from their representation in the previous decision point (adjudication) (29%), the proportion of White youth who received a residential placement by the courts after adjudication (67%) actually decreased (63%) (Snyder and Sickmund, 2006).

Factors Influencing DMC

The research is varied as to which factors contribute to DMC, with no reason more prominent than the next. Often the differences are directly related to the methodology employed by the specific study. Some of the more common hypotheses derived from the research to date are that the race effect is related to minors having different offending patterns (“differential involvement” thesis), minority youth are subject to inequitable treatment in the system (“differential treatment” thesis), and others have noted that there is a snowball effect in which being in the system leads to further involvement in the system (“structural-processual” thesis) (Engen, Steen, & Bridges, 2002; Hsia 2006; and Bishop 2005). These tenets manifest themselves at the individual, community, and structural or system levels.

Examples of systemic or structural factors that contribute to disparity include different policing practices (i.e., increased number of patrols in disenfranchised neighborhoods); biased probation assessments and recommendations to the court (i.e., attributing negative personal traits and attitudes to delinquent behavior of Black youth compared to White youth with similar charges); legislative policies emphasizing adult sanctions (i.e., laws that make it easier to prosecute youth as adults, which disproportionately affect minority youth); and increased overrepresentation in later stages due to disparity at arrest and detention (Steen, Bond, Bridges, and Kubrin, 2005; American Bar Association, 2003; Hoyt, Schiraldi, Smith, and Ziedenberg, 2002; Hsia, Bridges, and McHale, 2004; Bridges and Steen, 1998). There are also the non-legal structural issues such as class differences, coupled with diminished social and economic opportunities for minority youth and families (Feld, 2005; and Tracy, 2005).

At the individual (i.e., youth behavior or criminal history) and community (i.e., socioeconomic status) levels, as opposed to the system level, research has suggested that a youth’s family structure and characteristics, as well as social context, interact with race to influence DMC. For example, factors such as receiving government assistance (e.g., welfare), not living with two biological parents, living in poverty, lacking the resources to retain private counsel, and lacking transportation have been shown to negatively influence the juvenile justice system’s decisions about processing a youth and a youth’s ability to successfully maneuver through the system (Charish, Davis, and Damphousse, 2004; American Bar Association, 2003; Bishop and Frazier, 1996). In addition, research has not been able to definitively answer whether these conditions directly influence a youth’s behavior and, therefore, his/her involvement in the system, or if the perception of the justice system is that youth living in disruptive environments are more at risk and, therefore, would “benefit” from increased involvement in the system (Snyder and Sickmund, 2006; Dahlberg, 2003; Bridges and Steen, 1998). The research also has found differential patterns in offending and delinquency among youth, with Black youth being arrested and processed for more violent crimes (Snyder and Sickmund, 2006; Tracy, 2005; Farrington, Loeber, and Stouthammer-Loeber, 2003).

Despite the evidence of overrepresentation, state and local analysis is contradictory as to the extent and reasons for the existence of DMC in the various jurisdictions. As noted earlier, the wide variation among research methods, jurisdictional processing of cases, and geographic locations (i.e., urban versus rural and demographic differences) is cited as contributing to these mixed results (Pope and Snyder, 2003; Pope, Lovell, and Hsia, 2002). A systematic review of empirical research supports the argument that race does affect the processing of youth through the juvenile justice system, but calls for continued review of DMC to identify other factors that could influence the relationship between race and processing in the juvenile justice system (Pope, Lovell, and Hsia, 2002). Research has shown that when DMC is found to exist, in addition to analyzing possible system bias, effective strategies to address it also should include examination of other contributing factors, such as the education system, the family, and the current socioeconomic environment, in addition to individual level indicators (Devine, Coolbaugh, and Jenkins, 1998; Poe-Yamagata and Jones, 2000; The Sentencing Project, 2000; Hawkins, Laub, Lauritsen, and Cothorn, 2000; Pope, Lovell, and Hsia, 2002). Research has also shown that discussions with juvenile justice decision makers can be valuable in not only understanding why DMC may exist and helping to inform possible solutions, but also exposing possible biases (intentional or unintentional) on their part (Talley, Rajack-Talley, and Tewksbury, 2005; Lieber 1993). The prior research performed in San Diego has provided a solid platform for the type of data collection and analyses conducted in the current study.

PREVIOUS SAN DIEGO COUNTY DMC RESEARCH EFFORTS

During the late 1990s, members of the San Diego County community and government entities working with youth were concerned about the perceived overrepresentation of minority youth throughout the juvenile justice system. This concern, in addition to the national attention to this issue, spurred local action. Consistent with national, state, and local efforts (e.g., Santa Clara and Santa Cruz), The Children's Initiative and the San Diego County Probation Department formed a DMC Committee in early 2000 to examine if and how DMC manifested itself in the County's juvenile justice system.⁵ As part of OJJDP's technical assistance program, Dr. Michael Lieber, a national expert on DMC, was invited to San Diego County to conduct training in the spring of 2003, which provided an overview of the OJJDP DMC model and a description on how to gather data to inform the process.

Under the leadership of The Children's Initiative and with the guidance of the DMC Committee, the Criminal Justice Research Division of the San Diego Association of Governments (SANDAG) was tasked with gathering and analyzing data on youth arrested in San Diego County in calendar year 2003 to identify any disparities among the different races. This represented Phase One of San Diego's efforts.⁶ As Table 1.1 shows, these efforts revealed a DMC issue at three points in the decision-making process: at arrest, pre-adjudication (after arrest) detainment into Juvenile Hall, and institutional commitment. More specifically, these overrepresentations were statistically significant at the $p < .05$ level, indicating that these differences were not related to chance. Proportional representation of the racial groups in the system was compared to their representation in the previous decision point in the system. Although Black youth represented 6 percent of the population, they accounted for 17 percent of the arrested youth and nearly one-quarter (24%) of youth detained. On the back end of the system, Black youth represented 19 percent of those who

⁵ Appendix A lists the DMC Committee member agencies.

⁶ 2003 arrest and population data were the most recent and complete data available at the start of Phase One.

had a sustained petition, but 31 percent of youth who received an institutional commitment. Although to a lesser degree, Hispanic youth were also overrepresented at the point of arrest, comprising 38 percent of the population and 42 percent of those arrested. However, unlike Black youth, this pattern did not continue as Hispanic youth were processed through the system. Conversely, White youth were underrepresented at the point of arrest (41% of population and 34% of arrested) and detainment (25%). Asian and Other youth were also underrepresented at arrest (9% and 6% of the population compared to 5% and 2% of those arrested, respectively).

Table 1.1
2003 RACIAL COMPOSITION OF YOUTH
IN THE SAN DIEGO COUNTY JUVENILE JUSTICE SYSTEM

	White	Black	Hispanic	Asian	Other
General Population	41%	6%	38%	9%	6%
Arrested*	34%	17%	42%	5%	2%
Detained in Juvenile Hall*	25%	24%	45%	4%	2%
Probation Referral	28%	19%	45%	6%	2%
Petition Filed	30%	19%	44%	5%	2%
Sustained Petition	29%	19%	46%	5%	1%
Wardship	29%	20%	46%	5%	1%
Institutional Commitment*	22%	31%	42%	5%	0%

NOTES: Bold/circle indicates overrepresentation of youth in proportion to representation in previous decision point and bold indicates underrepresentation of youth in proportion to representation in previous decision point.

*Significant at $p < .05$.

SOURCE: SANDAG; San Diego County Juvenile Disproportionate Minority Contact: Identification and Assessment Report, May 2006

Upon completion of the Phase One portion of the study in 2005 and the presentation of results to the DMC Committee, the Committee agreed to have SANDAG complete the assessment portion (Phase Two) of the OJJDP model. The purpose of Phase Two was to assess the possible reasons for the existence of any disparities and to provide recommendations to address them. Given resource limitations, the Committee decided to focus the assessment at the decision point that had the potential to cause the greatest disruption in a youth’s life (i.e., removal from one’s home due to an institutional commitment). As such, analyses involved those 278 cases that had received a sustained petition (the decision point prior to institutional commitment) and continued in the system to the sentencing stage.

The analytical strategy for both Phases One and Two was informed by previous DMC research (Pope, Lovell, and Hsia, 2002; Hawkins, Laub, Lauritsen, and Cothorn, 2000; Bishop and Frazier, 1996). Phase One included descriptive and inferential statistics and Phase Two involved a multivariate analytical approach (logistic regression analysis). This analytical strategy was intended to examine the empirical relationship between race and other variables that could be intervening between race and institutional commitment. For example, a youth’s prior criminal history could be predictive of receiving an institutional commitment. These analyses revealed that after taking into account family

background, individual characteristics, criminal history, and adverse childhood experiences, the odds of Black youth receiving an institutional commitment were three times higher than White youth, indicating that race was a factor in a youth receiving an institutional commitment. However, the small sample size limited the statistical power and the absence of input from key stakeholders (Probation Officers, judges, Deputy Public Defenders, District Attorneys) did not allow for alternative explanations as to why this effect existed.

Recommendations from these two phases called for additional research using a larger sample size and for also gathering input from local juvenile justice professionals to help place the findings in context of the juvenile justice system. In 2006, the California Standards Authority (CSA) provided San Diego County the opportunity to implement these recommendations through the release of the DMC Technical Assistance Project (TAP) proposal. The San Diego County Probation Department, in partnership with The Children's Initiative and SANDAG, submitted a DMC TAP proposal and was selected as one of five sites across the State. Funding received from the proposal allowed San Diego to draw a larger and more current (2005)⁷ sample and include a qualitative component to the research design. The intention of the larger sample was to help identify which factors, legal (e.g., criminal history, current offense characteristics) and non-legal (e.g., individual characteristics), might be contributing to the existence of DMC at institutional commitment and, secondarily, to pre-adjudication detention.⁸ In addition, by including interviews and discussions with professionals in the field, the study hoped to shed light on those factors such as youth's attitude or the perceived role (i.e., rehabilitative) of the juvenile justice system and their effects on decision making. This research design, of combining both qualitative and quantitative data collection, has been shown to be beneficial in helping inform DMC reduction strategies (Lieber, 1993; Talley, Talley, and Tewksbury, 2005). The purpose of this two-pronged approach was to identify contributing factors to DMC, to educate the local juvenile justice system about DMC, to inform trainings to address DMC, and to guide a DMC reduction plan.

METHODOLOGY

Research Objectives

The current study was designed to identify the factors that contribute to the observed racial disparity in San Diego County, with the goal of informing the development of an infrastructure within the juvenile justice system to reduce DMC. To accomplish this primary objective, the following research questions guided the analytical plan.

1. Does a race effect exist at the point of institutional commitment in the San Diego County juvenile justice system?
2. What factors, legal and non-legal, contribute to the probability that youth who have a sustained petition will receive an institutional commitment in San Diego County?
3. Does a race effect exist at the point of pre-adjudication in San Diego County for those youth who had a sustained petition (i.e., a "true finding")?

⁷ 2005 was selected because it was the most recent sample available that also assured enough time had elapsed to know the outcome of each case.

⁸ Because the sample was selected several decision points after pre-adjudication, only youth who had a sustained petition would be included in the pre-adjudication analysis. This occurred because again institutional commitment was the primary focus, but information gleaned from this sample in regard to pre-adjudication was still seen as valid and valuable to informing the reduction plan.

4. What factors contribute to the odds that a youth who has a sustained petition is detained at Juvenile Hall in San Diego County?
5. How do juvenile justice professionals perceive the effectiveness of the juvenile justice system in meeting the diverse needs of the offending population?

Samples

Youth Probation Case Files

A stratified random sample of 1,001 youth was selected from all youth who had a sustained petition in 2005 (the most comprehensive data available) to answer the first four research questions. The sample was stratified by race, consisting of Black (n = 333), Hispanic (n = 334), and White youth (n = 334).⁹ The decision point of sustained petition was selected because it is the point prior to disposition. This decision point also allowed for a larger sample size for analyses of those who received an institutional commitment.¹⁰ Again, institutional commitment was seen as the decision point that had the greatest possibility of disrupting a youth's life and, therefore, was chosen as the focal point for this research. However, it was still deemed important to examine DMC at the point of detention, and the analytical strategy described below delineates how this sample was used to address this issue.

Interviews and Focus Groups

The qualitative portion of the study consisted of 15 interviews with staff working in the juvenile justice system and answered the fifth research question. Specifically, the interviews were conducted with eleven Probation Officers from Director level to Deputy Probation Officers, one Deputy Public Defender, one Deputy District Attorney (DDA), and two judges. Probation Officers were selected from a current roster of Juvenile Field Service Probation staff. Correctional Deputy Probation Officers were not included in the sampling pool because of their limited experience outside of the institutions. In addition, because of the larger number of Probation Officers (in comparison to court officials) and how significant the Probation Officer's sentencing recommendation is to informing the other decision points, they comprised the majority of interviews. Input from committee members was solicited as to whom to interview from the juvenile court system (Deputy Public Defender, DDA, and judge). Selection was based on individuals who had current experience in the juvenile justice field and could speak to the issue of DMC.

⁹ Following the example put forth by DMC research in the field, the sample was limited to those groups (i.e., Black and Hispanic youth) in which disparity was found to exist and the majority group (White youth) was the reference group. As such, questions and analyses were designed with the White youth as the comparison group by which overrepresentation was measured. The 333 Black youth were due to non-sampling a case that was later found to not have a sustained petition in 2005.

¹⁰ While initially the sample was to be drawn at the point of arrest, the decision point prior to detainment into Juvenile Hall (pre-adjudication), the researchers, with approval from the DMC Committee, decided it was important to maintain as large a sample size as possible when examining institutional commitment for the purposes of statistical power.

In addition to the interviews, four focus groups were conducted with assessment teams at gate-keeping points in the Probation decision-making process. Specifically, two focus groups were conducted with the Probation Screening Committee (the group that reviews most out-of-home pre-adjudication Probation sentencing recommendations), one with the Breaking Cycles (BC) Assessment team (the group responsible for creating a BC case plan for the youth post-adjudication, including custodial time), and one with the Detention Control Unit (DCU) (the group responsible for determining if a youth is detained into Juvenile Hall at time of arrest). A total of 15 professionals participated in the four groups.

Data Sources

Youth Probation Case Files

Data from the 1,001 cases were collected from the Probation Case Management System (PCMS), which includes probation and court information. Two methods were used to collect the data: manual collection and electronic extraction. The former method consisted of research staff downloading the youth's probation file from PCMS and transcribing the data onto the data collection form. The latter method involved Probation staff downloading data electronically from PCMS into an Excel file and then transferring it to research staff, who reconfigured the files to match the needed variables. Excluded from this sample were cases that were sealed, that were determined to be 790s (Deferred Entry of Judgment) or 654s (on Informal Probation), as well as cases that were out-of-county residents and, thus, after being found true locally in San Diego (where the offense occurred), were transferred back to their place of residence for disposition.

Research in the field on DMC informed the type of data collected from PCMS. Specifically, case file data included both legal and non-legal variables. In addition to current and prior criminal history, data were gathered on family background (e.g., living with biological parents, parent incarcerations, substance abuse, receipt of public support, abuse in the home) and youth characteristics (e.g., school involvement, mental health issues, substance use). Official documents recorded in PCMS were the primary source of data collection. These included psychological and behavioral assessments, as well as prior criminal history. Only information in PCMS that was available to the court at the time of disposition for the current offense was collected. Any information documented after the disposition would not have played a role in the decision-making process and, therefore, was not taken into account for this analysis.

Reliance on archival data has inherent limitations in any research. These include missing data, risk of data entry errors due to multiple users entering into the system, variation in reporting practices among Probation Officers, and variation associated with multiple data collectors. To help mitigate these issues, research staff implemented several quality assurance practices. These included the following standard procedures.

- **Standardized Data Collection Practices:** If contradictory information was documented in the file, the most reliable and consistent source was identified and used as the primary data source. For example, documentation of childhood abuse could appear in different parts of the case file. Because of this variation, a data collection rule was established to collect abuse information only from documented Child Welfare Service reports (the most reliable and standardized source) or if there was documentation of self-report in the case file.

- **Training of Data Collectors:** Data collectors received an initial training on the forms and where to collect the data from the PCMS file, and then subsequent trainings to review common errors and ensure consistency in collection was being maintained. In addition, new data collectors were teamed with experienced data collectors to allow for close monitoring and a timely response to questions.
- **Quality Controlled Data Collection:** To lessen the chance of error associated with data collector bias, a minimum of 20 percent of the cases were reviewed by two different research staff for consistent interpretation.
- **Cross-Checking Data Discrepancies With Probation:** When anomalies were found in PCMS, Probation staff were consulted to clarify how data should be interpreted and coded.

Juvenile Justice Interviews and Focus Group Instruments

One of the primary enhancements to this study (from Phases One and Two) was the inclusion of interviews and focus groups with professionals in the field to gather their perspectives on the local juvenile justice system and DMC. To accomplish this, face-to-face interviews were conducted with 15 juvenile justice professionals. Because of the difference in perspectives and time constraints among the individuals, three separate measurement instruments were created to conduct the interviews.¹¹ To help develop the interview and focus group questions, research staff first observed the various gate-keeping points prior to creating the instruments. Interviews and focus group questions were also informed by referring to other proven research tools as models (Lieber, 1993; Feyerherm, Snyder, & Villarruel, 2006), as well as conferring with Probation staff about the terminology and content. Interviews and focus groups were completed between July and August of 2007, with groups consisting of staff who regularly participate on the screening teams. Two research staff conducted the groups, one responsible for facilitation and the other for documentation. Prior to beginning the focus groups and interviews, the participants were given an overview of past DMC research efforts, the current research effort, and assured that their identities would be kept confidential and responses would be reported in the aggregate. Focus groups were approximately 90 minutes long and were tape recorded and transcribed. Handwritten notes were documented for interviews and later transcribed and coded. As with the archival data, steps were taken to ensure accurate and consistent data were collected and recorded for the focus groups and interviews. These included:

- **Training of Data Collectors:** Two senior staff experienced in conducting interviews were responsible for completing the interviews. The first two interviews were conducted by both staff to ensure questions were being asked consistently. In addition, the research staff member responsible for facilitating the focus group was experienced in conducting similar types of groups.
- **Double Coding of Qualitative Data:** To lessen the chance of misrepresenting open-ended responses for interviews and focus groups, a minimum of two staff separately coded the answers and then cross-checked their codes with the other staff member to create one consistent categorization.

¹¹ Longer and more close-ended questions were included on the Probation Officer's interview, with fewer and more open-ended questions directed at the court officials. The primary reason for these differences was to protect confidentiality among the court officials because of the small number of interviews, but also gather information on the overarching themes of the study.

Analyses

As noted earlier, the overall analytical strategy for the study was informed by previous DMC research models, including the federal DMC guidelines (Hsia, 2006; Pope, Lovell, and Hsia, 2002; Hawkins, Laub, Lauritsen, and Cothorn, 2000; Bishop and Frazier, 1996; Lieber, 1993). More specifically, studies have encouraged DMC research to incorporate methods that include analyses of the decision-making structure (how the decision-making process can affect overrepresentation), the offending characteristics, and racial differences (Engen, Steen, Bridges, 2002; Hsia, 2006; Tracy, 2005). As such, prior criminal history or involvement in the system, current offense characteristics, and individual level factors, such as school involvement or family background, were included in the analyses. Also included in the analyses was the possible effect neighborhood factors could have on youth's involvement in the juvenile justice system. Past DMC efforts, noted earlier in the report, also helped inform the analyses, especially in identifying key variables of interest. In addition, input received from the qualitative data collection process was pivotal in identifying possible factors that could be influencing the relationship between race and institutional commitment.

Because of the early phases of DMC research that occurred in San Diego County, this current research started from the premise that DMC does exist in San Diego at the point of arrest, pre-adjudication, detention into Juvenile Hall, and institutional commitment. From this platform, the primary focus of this study was to better understand the relationship between race and institutional commitment, and secondly to measure if there were any differences among this sample in pre-adjudication detention at Juvenile Hall. Again relying on prior research in the field to guide the strategy, a multivariate analytical approach was employed to examine the multiple factors and their interactions which could possibly influence detention and institutional commitment.

Specifically, logistic regression analyses were conducted¹², the goal of which was to determine if race was a factor, even after other legal and non-legal factors were considered. For example, just examining the numbers indicated that race predicted the likelihood of some juveniles being committed and others not. However, when analyzing multiple factors, it became clear that there may have been other reasons contributing to commitment, such as family structure or the level of current offense. These other factors may have been associated with race, and thus, confounded the relationship between race and commitment. The logistic regression models included these other possible reasons along with race.

The logistic regression models included three sets of variables. The first set was race alone. The second set was background variables that were organized by domains: family history, socioeconomic status, school performance, substance abuse, mental health, gang affiliation, and criminal history.¹³ The third set of variables pertained to the current offense (e.g., type and level of sustained petition).

¹² Given the nature of the variables of this study, that is the binary dependent variable (institutional commitment, no institutional commitment), and the categorical and interval independent variables (age at first arrest, truancy), logistic regression was the most appropriate technique to determine the unique contribution to commitment given the presence of other variables.

¹³ The public subsidy socioeconomic variable was removed from the model because it had too many missing cases and significantly lowered the sample size. It also was not a predictor of being committed. The other indicator of socioeconomic status was a disadvantaged neighborhood. Analyses revealed that living in a disadvantaged neighborhood at the time of the current offense did not have an effect on whether someone was committed or not, so it also was removed from the model.

Variables from each of the domains were selected to be in the model through several steps. First, variables from the data collection instrument were either used as direct measures of a condition (e.g., whether or not a youth had been expelled from school in the past year) or combined with other variables to measure a particular condition (e.g., alcohol and drug use, which was an amalgamation of alcohol use, marijuana use, or other illicit drug use). Additionally, other variables from the data collection instrument were combined with variables extracted directly from PCMS as a way of capturing information possibly overlooked within one source alone (e.g., gang affiliation/association).

Secondly, variables were removed if there was not variation in their values (i.e., 90% or more had one value). The remaining variables were tested to see if they were correlated with the dependent variable (institutional commitment) and with race (using a .10 significance level). If a variable was not related to *both* institutional commitment *and* race, then it was removed from the model. Additional correlation analyses tested the relationships between the remaining variables. Highly-correlated independent variables were removed to make the model as efficient as possible.¹⁴ In total, 898 (of the 1,001) cases were included in the logistic regression model.

Using the three sets of variables, the model was set up in three blocks. Block one established the relationship between race and institutional commitment without the other factors. The background variables were included in the second block to determine whether race was still a factor after these background characteristics were considered. The third block added the current offense variables to gauge their effect on the relationship between race and institutional commitment.¹⁵ Similarly, when examining the race effect on pre-adjudication detainment, the same variables that were used within the institutional commitment model were selected, and the same three-block logistic regression procedures were followed.

¹⁴ The following variables were recoded to set missing values as “no”: truancy, expulsion, and criminal history variables (such as number of sustained petitions, sustained petition with weapon, total detained days, and prior institutional commitments). Because of how the social study is completed, if the information is “unknown” (e.g., history of truancy, expulsion), the response is often left unanswered. Because decisions are based on known information only, cases with “unknown” were coded as zero, indicating “not-yes.” The criminal history variables, on the other hand, were directly extracted from PCMS and cases that did not have information were recorded as “none” and recoded to zero for the model.

¹⁵ Two interaction variables were created and tested in the model. Race (Black and Hispanic) and substance abuse were combined to see if there was an extra effect if youth had both characteristics. Race and a felony-level petition also were combined into an interaction term. These interaction terms were not significant and were removed from the model.

SUMMARY

Over the past decade, jurisdictions across the nation have begun to take an objective look at the relationship between race and the juvenile justice system. That is, practitioners and policy makers have acknowledged that DMC is an issue, identified contributing factors, and explored ways to change the system. In San Diego County, a DMC Committee was formed in early 2000 and Phases One (Identification) and Two (Assessment) of the OJJDP model began in 2003. In 2006, CSA released a proposal throughout the State, which provided San Diego the opportunity to enhance previous DMC research efforts by drawing a large sample of cases to analyze and adding a qualitative component to the research design. This current research project includes analyses of 1,001 youth who received a sustained petition in 2005, 15 interviews with juvenile justice professionals, and 4 focus groups with representatives from juvenile justice gate-keeping units. The results of the descriptive and inferential analyses, including logistic regression, are presented in the following chapters.

CHAPTER 2
RESULTS FROM JUVENILE
CASE FILE REVIEW

CHAPTER 2

RESULTS FROM JUVENILE CASE FILE REVIEW

INTRODUCTION

This chapter outlines the analyses conducted on the randomly-selected 1,001 youth who had a sustained petition (the stage prior to institutional commitment) in 2005. The expanded research effort described here focused on those factors contributing to DMC at the point of detainment pre-adjudication and at institutional commitment. This chapter is divided into two segments: a description of differences (legal and non-legal) among the three racial/ethnic groups and the results of the multi-variate analyses of those legal and non-legal factors to determine if the race effect remained after considering these additional variables.

SAMPLE DESCRIPTION

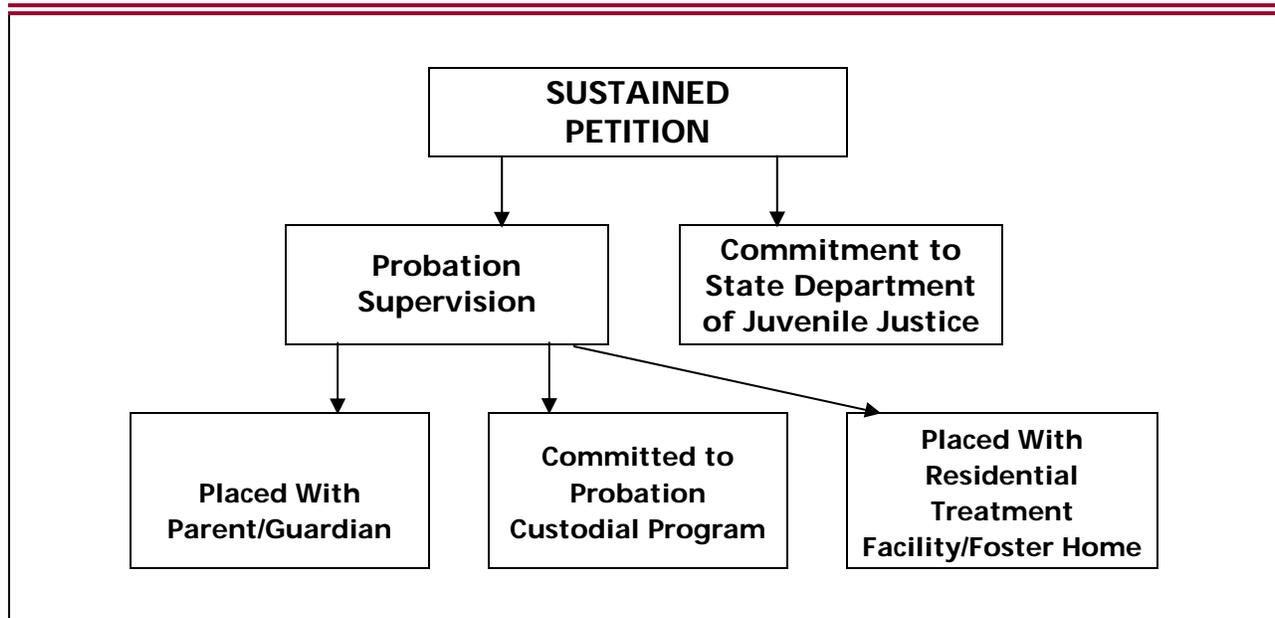
What Were the Demographic Characteristics of the Sample?

The sample for this study consisted of a stratified random sample of 1,001 Black, Hispanic, and White youth who were selected from a pool of all youth who had a sustained petition in 2005 (the most recent year comprehensive data were available). As noted earlier, while DMC was found to exist at three points in the juvenile justice decision process in the 2003 sample (arrest, detainment into Juvenile Hall, and institutional commitment), the decision was made to draw the sample from those who had a sustained petition and, therefore, were subject to court disposition, which was the pathway to receiving an institutional commitment. Table 2.1 summarizes the court's options when a petition is sustained. At this point, a youth could receive different court judgments, including probation supervision on an out-of-home commitment.

CHAPTER HIGHLIGHTS

- Black youth more often lived with a single parent or with no biological parent, in households that received public support, and with a parent who was not employed full-time.
- White youth were more likely to have had an issue with substance use, had a DSM-IV diagnosis, received a psychological evaluation, and had an RTF placement.
- Hispanic youth were more likely to be habitually truant and not attend traditional school.
- Black and Hispanic youth were younger at age of first arrest and had more prior contacts with the juvenile justice system.
- When both legal and non-legal factors were considered, no race effect was found at the point of institutional commitment.
- A direct race effect was found to exist at the point of pre-adjudication detention, with Hispanic youth almost three times and Black youth two times more likely to be detained than White youth.

Table 2.1
SAN DIEGO COUNTY JUVENILE COURT SENTENCING OPTIONS



SOURCE: SANDAG; San Diego County's Juvenile Disproportionate Minority Contact (DMC): Identification and Assessment, January 2008

The majority (79%) of the sample were male, with no significant gender differences across the racial groups. The average age of youth in the sample at the time of the sustained petition was 16.9 ($SD = 1.5$), with significant differences by race. Specifically, Whites and Hispanics were significantly older (16.3, $SD = 1.4$ and 16.1, $SD = 1.4$, respectively) than Black youth (15.9, $SD = 1.5$) (not shown).

Did Youth Vary by Personal and Criminal Background and Characteristics?

To understand what factors influence the relationship between race and institutional commitment, a wide range of variables was examined. Both legal (e.g., prior criminal history, current offense level and type) and non-legal (e.g., school performance, history of child abuse, mental health diagnosis) factors were included in the data collection and analytical plan. These specific variables were selected for inclusion because they have been found to have an effect by other DMC researchers, they have been shown to be related to delinquency, or they were cited by interviewees and focus group participants as influencing a youth's behavior and/or the decision-making process. These data were grouped in five domains and are summarized in Table 2.2. Only those variables that were found to be significantly related to race at the $p < .05$ level are presented and highlighted in the table. A full list of variables collected is in Appendix E.

"Many different factors, such as a youth's family, peers, drug addictions, offense history, current offense, gang involvement, and their mental health status play a role in leading a youth to being an adjudicated ward."
Focus Group Participant

Table 2.2
**POSSIBLE FACTORS THAT COULD INFLUENCE HOW A YOUTH
 IS PROCESSED IN THE JUVENILE JUSTICE SYSTEM**

FAMILY BACKGROUND

Family Structure (single parent, not living with biological parent)

Not Able to Return Home (at time of assessment)

Parental History of Alcohol or other Drug Use

Domestic Violence in the Home

Parental Incarceration or Incarceration of Other Family Members

Receipt of Public Financial Support

Parental Employment Status

YOUTH CHARACTERISTICS

Type of School (traditional versus other types)

History of Truancy

Suspensions/Expulsions

School Performance (attendance, behavior, and grades)

Learning Disability (diagnosed and IEP)

Use of Alcohol or Other Drugs

Early Use of Alcohol, Tobacco, or Other Drugs (12 years or younger)

Receipt of Psychological Evaluation

DSM-IV Diagnosis and/or Mental Health Hospitalizations

ADVERSE CHILDHOOD EXPERIENCES

Abuse (emotional, physical, sexual, and neglect)

Out-of-Home Placements

Neighborhood Deprivation Index*

DELINQUENT BEHAVIOR

History of Assaultive Behavior

Previous Justice System Involvement (i.e., detention, institutional commitments, prior petitions)

CURRENT OFFENSE (LEVEL AND TYPE)

Current Offense

Gang Involvement (either documented or associated)

Weapons Possession

NOTE: Bolded text indicates significant difference related to race at $p < .05$.

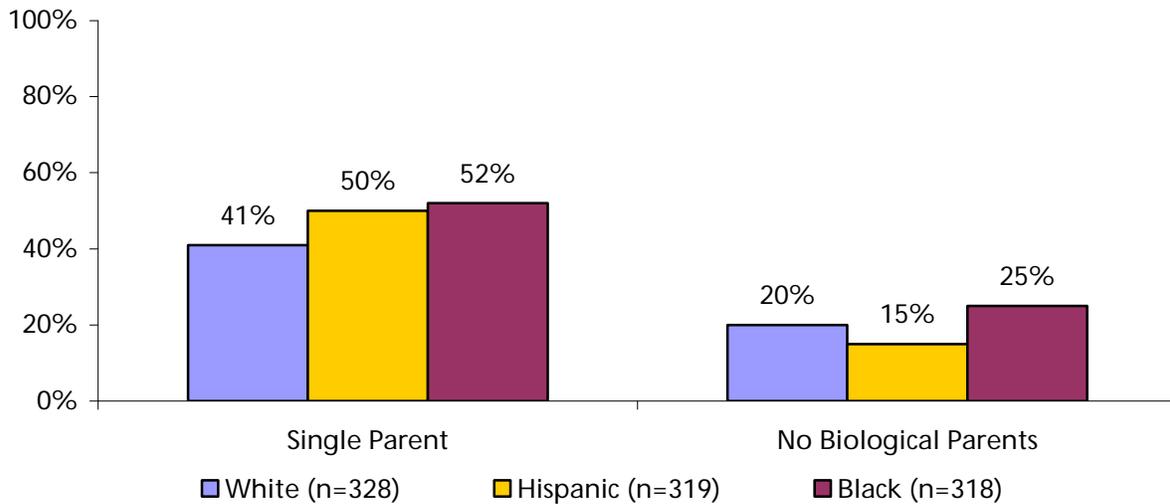
SOURCE: SANDAG; San Diego County's Juvenile Disproportionate Minority Contact (DMC): Identification and Assessment, January 2008

** An index measuring the level of deprivation of a youth's neighborhood.*

Family Background

Examination of a youth’s family background revealed significant differences between racial/ethnic groups and family structure and economics. That is, Hispanic and Black youth were more likely to be living with a single parent than White youth (50% and 52% versus 41%, respectively) ($\chi^2 (2) = 7.797$) and Black youth were also more likely than Hispanic youth to *not* be living with either biological parent (25% versus 15%) ($\chi^2 (2) = 11.403$) (Figure 2.1).

Figure 2.1
RACIAL/ETHNIC GROUPS DIFFER IN WHO THEY ARE LIVING WITH

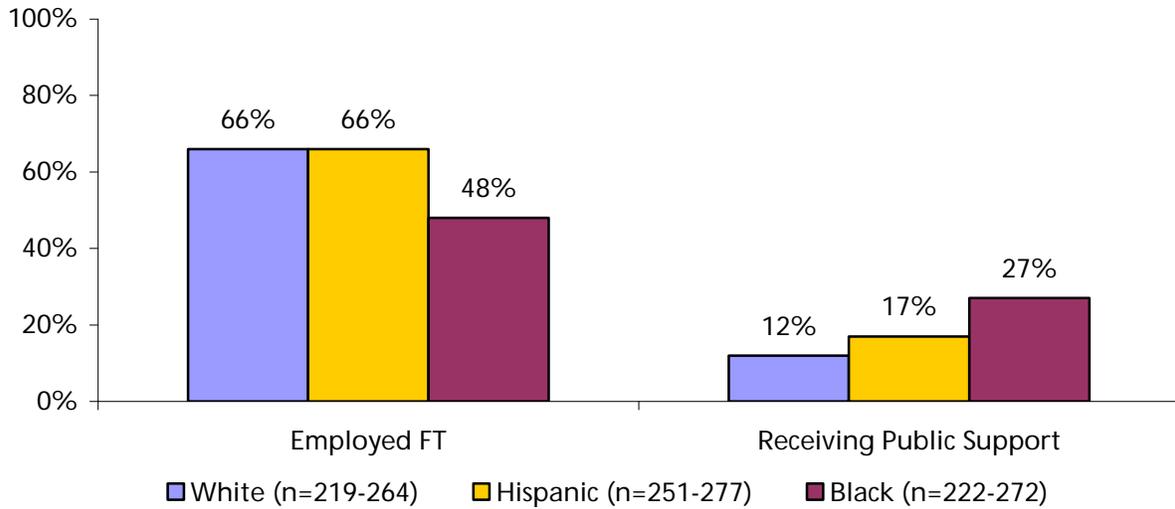


NOTE: Cases with missing information not included.

SOURCE: SANDAG; San Diego County’s Juvenile Disproportionate Minority Contact (DMC): Identification and Assessment, January 2008

Black youth were also significantly less likely than both Whites and Hispanics to have a parent who was employed full-time (48% versus 66% each, respectively) ($\chi^2(2) = 24.501$) and more likely to be receiving some type of public support (27% versus 12% and 17%, respectively) ($\chi^2(2) = 16.650$) (Figure 2.2).

Figure 2.2
RACIAL/ETHNIC GROUPS DIFFER IN HAVING A PARENT EMPLOYED FULL-TIME AND RECEIVING PUBLIC SUPPORT



NOTE: Cases with missing information not included.

SOURCE: SANDAG; San Diego County's Juvenile Disproportionate Minority Contact (DMC): Identification and Assessment, January 2008

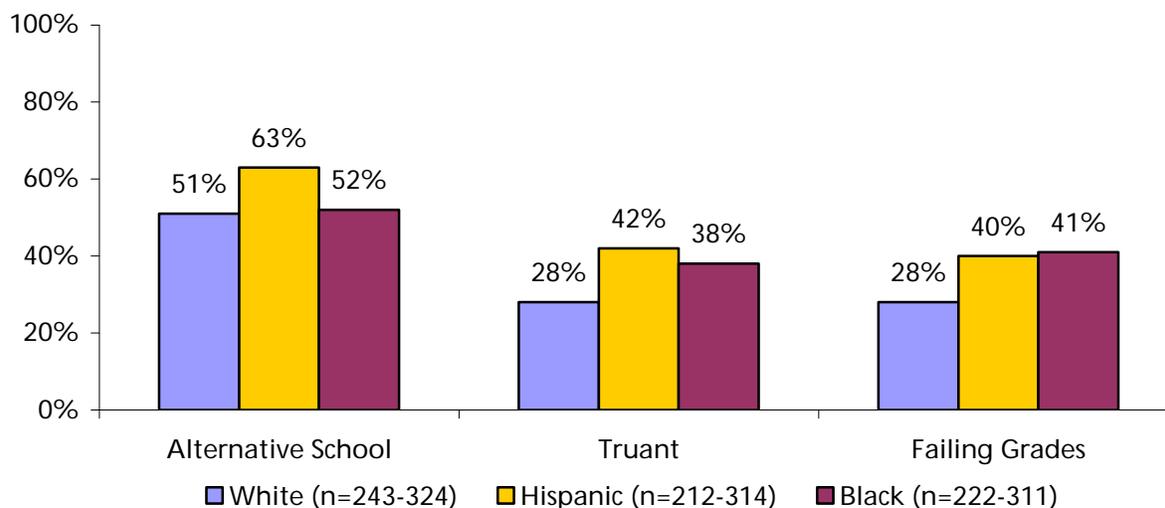
Youth Characteristics

School Performance

Research has shown an association between poor school performance and future involvement in the adult justice system. Specifically, two out of five (44%) California prisoners (twice as many as the general population (22%)), and close to two-thirds (63%) of Hispanic California prisoners fail to have a high school diploma or GED (Baily and Hayes, 2006). Given the nexus between poor educational achievement and involvement in the justice system, several variables were collected to measure educational performance (e.g., attendance, failing grades, enrolled in traditional school). Analyses of youth characteristics revealed several significant differences among the racial/ethnic groups. Specifically, Hispanic youth were the most likely to be attending some type of alternative school (63%) and the most likely to be habitually truant (42%) compared to White (51% and 28%, respectively) ($\chi^2(4) = 20.299$) and Black youth (52% and 38%, respectively) ($\chi^2(2) = 10.178$). A similar percentage of Hispanic (40%) and Black (41%) youth had failing grades versus White youth (28%) (Figure 2.3).

“What is needed post-release from institutions to meet the needs of delinquent youth is stronger linkages to the educational system; there are delays on Probation’s side in linking them to school when out (of custodial facilities).”
 Court Official Interviewee

Figure 2.3
RACIAL/ETHNIC GROUPS DIFFER IN WHO ARE ATTENDING AN ALTERNATIVE SCHOOL, HABITUALLY TRUANT, AND HAVE FAILING GRADES



NOTE: Cases with missing information not included.

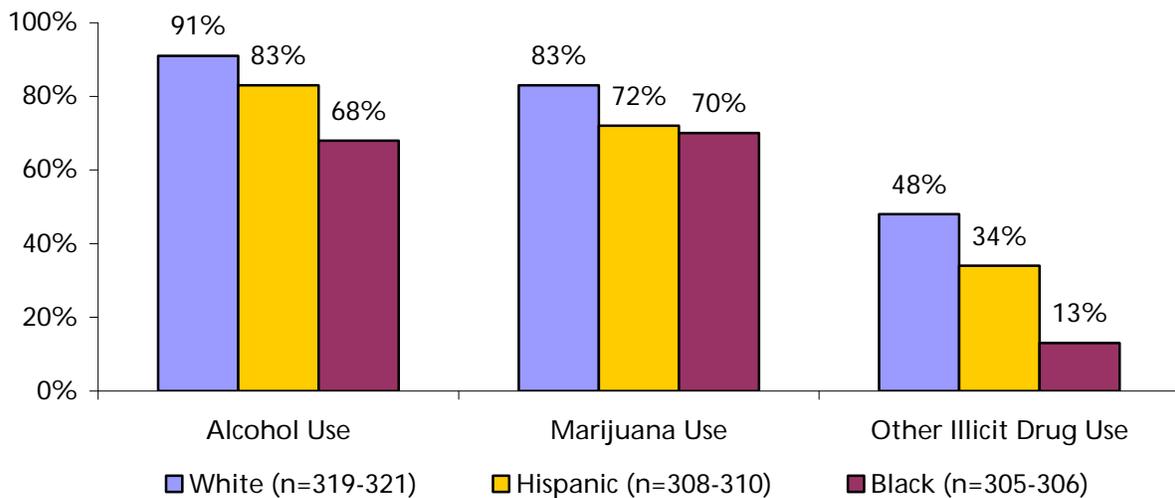
SOURCE: SANDAG; San Diego County’s Juvenile Disproportionate Minority Contact (DMC): Identification and Assessment, January 2008

Conversely, White youth were more likely to have been diagnosed with a learning disability (35%) and received an Individual Education Plan (IEP) (23%) than the other racial/ethnic groups (19% and 11% for Hispanics, and 28% and 18% for Blacks) ($\chi^2 (2) = 19.237$ and $\chi^2 (2) = 15.429$) (not shown). Given the additional resources that are available to youth who have an IEP, it would be remiss to not raise the question of whether there is a true difference among the groups in the existence of a learning disability or if the difference is related to who received an assessment.

Substance Use/Mental Health Needs

The prevalence of substance use by the delinquent population and the subsequent need for increased treatment capacity are documented in the literature and were noted by the juvenile justice professionals. The quantitative analysis supports this perspective, with a large percentage of youth in the sample documented as having used alcohol, marijuana, or some other illicit drug in the past. White youth were significantly more likely to have a history of substance use and Black youth the least likely, compared to each of the other racial/ethnic groups. That is, 93 percent of White youth, 90 percent of Hispanic youth, and 81 percent of Black youth had used one or more of these drugs in the past ($\chi^2 (2) = 25.281$) (not shown). There was also variation among the three groups in the type of substance used. Nine out of ten (91%) White youth had used alcohol in the past, 83 percent had used marijuana, and 48 percent had used some type of other illicit drug. On the other hand, a little more than two-thirds of Black youth had used alcohol (68%) or marijuana (70%), and just 13 percent had used some other type of drug (Figure 2.4) ($\chi^2 (2) = 53.096$; $\chi^2 (2) = 18.619$; and $\chi^2 (2) = 86.537$, respectively).

Figure 2.4
RACIAL/ETHNIC GROUPS DIFFER IN HISTORY OF ALCOHOL OR DRUG USE



NOTE: Cases with missing information not included.

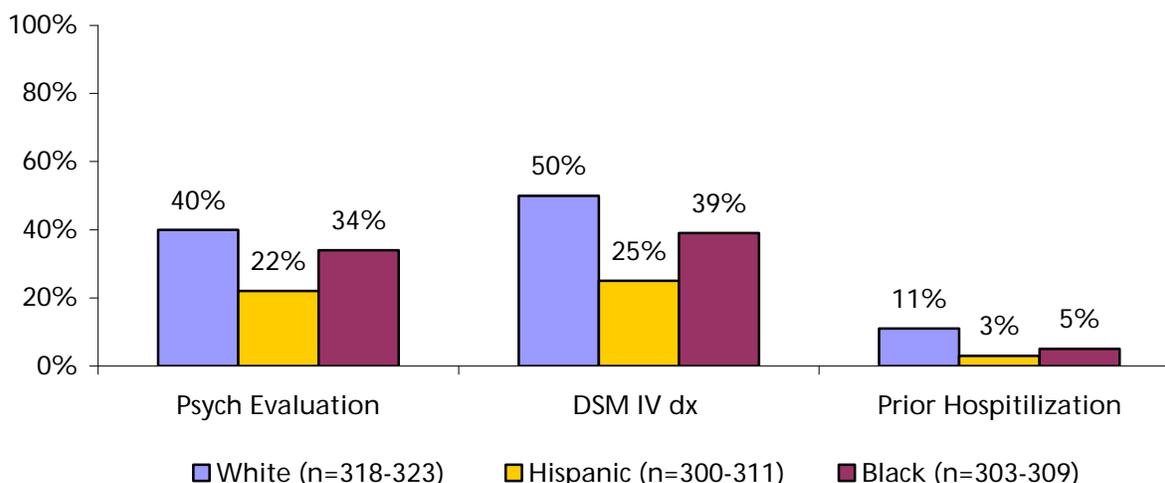
SOURCE: SANDAG; San Diego County's Juvenile Disproportionate Minority Contact (DMC): Identification and Assessment, January 2008

As with substance abuse, mental health is a growing concern for the juvenile justice system because of the number of youth in the system that have mental health issues and the challenge of meeting their needs. As noted by juvenile justice professionals in Chapter 3, mental health services were seen as an intervention that could be improved. In fact, one of the recommendations from the Breaking Cycles Committee was to have more consistent attendance by a psychologist at the assessment meetings.

“(Probation) needs to address their (juvenile’s) mental health needs; (we) haven’t the ability to identify (assess the level of need) all the kids who have issues and right now they are just medicated in the hall.”
 Probation Officer Interviewee

When analyzing the mental health variables, as with learning disabilities, White youth were more likely than Hispanic and Black youth to have received a psychological evaluation (40% versus 22% and 34%, respectively) ($\chi^2 (2) = 23.172$) and to have a DSM-IV diagnosis (50% versus 25% and 39%, respectively) ($\chi^2 (2) = 42.170$). Similarly, they were also more likely to have a prior mental health hospitalization (11% versus 3% and 5%, respectively) ($\chi^2 (2) = 20.723$) (Figure 2.5). Again, it is not clear from these data if this is a result of an existing mental health issue or access to better diagnostic assessments.

Figure 2.5
RACIAL/ETHNIC GROUPS DIFFER IN DOCUMENTED MENTAL HEALTH NEEDS



NOTE: Cases with missing information not included.

SOURCE: SANDAG; San Diego County’s Juvenile Disproportionate Minority Contact (DMC): Identification and Assessment, January 2008

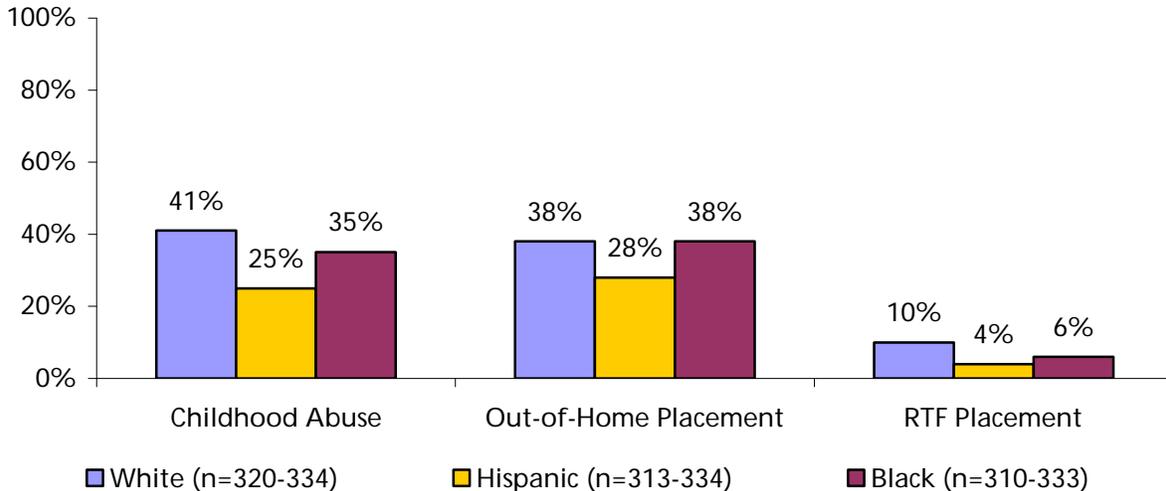
These data support the argument in the literature that there is racial/ethnic disparity in the utilization of mental health treatment, especially for those individuals living in lower socioeconomic communities (Surgeon General Report: 2001; Chow, Jaffee, and Snowden 2003). As noted earlier, these data raise the questions of where the discrepancy lies (with the diagnosis or access to the assessment) and what criteria are used that guide the decision to conduct a psychological evaluation on a youth? In other words, do the White youth present with symptoms that trigger an evaluation or are the evaluations being underutilized for youth of color due to cultural differences or misinterpreting their behaviors as criminogenic, rather than possibly due to mental health issues?

In light of the research that demonstrates racial/ethnic minorities' mental health treatment is inadequate, this is an issue that requires further exploration. This is especially true since having a psychological evaluation is important in the local decision-making process. As one court official noted when asked about which factors are most influential in receiving a residential treatment facility (RTF) recommendation, "(a youth's) mental health issues. I give a lot of weight to the psychologist's report."

Adverse Childhood Experiences

Research has shown a connection between childhood maltreatment and later violent behavior and delinquency (Kelley, Thornberry, and Smith, 1997). It also has been shown to factor into the decisions made in the system (Vidal and Skeem, 2007). The emphasis placed on the youth's safety by the interviewees and focus group participants was evidence of this. Analyses of the case files revealed that White youth in the sample were more likely than Hispanic or Black youth to have had to cope with being a victim of abuse¹⁶ and to have been placed in a Residential Treatment Facility (RTF) at some point in their life. In addition, White and Black youth were more likely to have had the experience of being removed from or fleeing their home and living in another setting (e.g., with a relative, a friend, Polinsky Center for Children, hospital, homeless shelter) compared to Hispanic youth (Figure 2.6).

Figure 2.6
RACIAL/ETHNIC GROUPS DIFFERED IN WHO HAD A REPORTED INCIDENT OF ABUSE OR OUT-OF-HOME PLACEMENT



NOTE: Cases with missing information not included.

SOURCE: SANDAG; San Diego County's Juvenile Disproportionate Minority Contact (DMC): Identification and Assessment, January 2008

¹⁶ Abuse includes neglect, and physical, sexual, and emotional abuse. Except for neglect incidents, which required a substantiated case, only incidents that had a substantiated case from Child Welfare Services or self-report from the parent or youth were documented. In addition, out-of-home placement did not include foster care, which was coded as a separate variable.

These data differ from national and other local data in which Black youth actually had a higher rate of child maltreatment reports than White youth, and Hispanics had a similar rate to Whites. For instance, in 2005, nationwide there were 19.5 substantiated maltreatment reports per 1,000 Black youth, 10.8 for White youth, and 10.7 for Hispanic youth (U.S. Department of Health and Human Services, 2007).

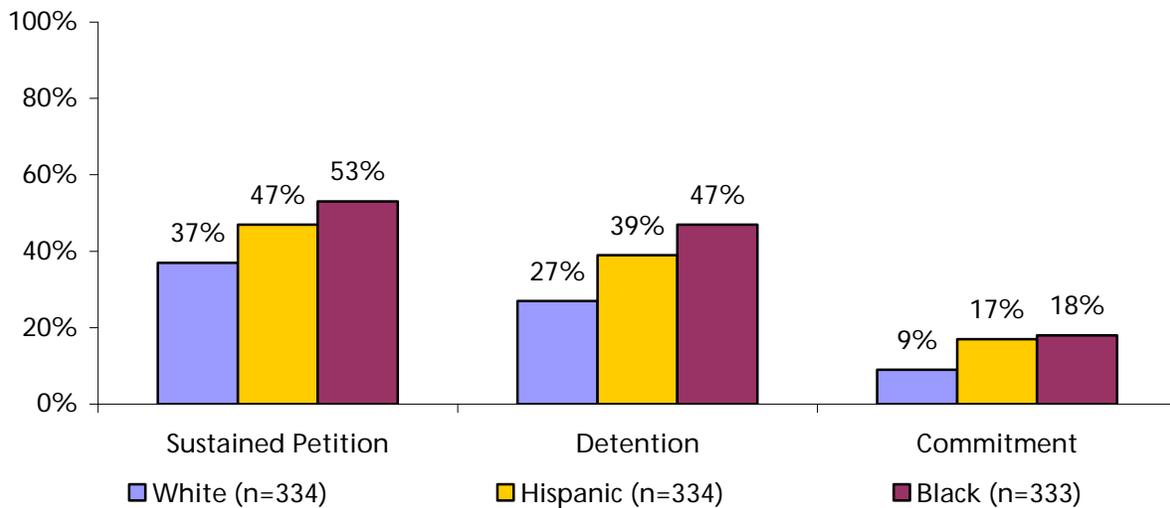
There is a movement in the criminal justice field to include the neighborhood effect in analyses when examining juvenile delinquency (Kubrin and Stewart, 2006; Liberman, 2007). In an effort to capture how a youth's neighborhood might impact his/her relationship with the juvenile justice system, a Neighborhood Deprivation Index was created using six indicators¹⁷ to capture the degree of deprivation in the neighborhoods where the youth lived at the time of sustained petition. This index revealed that the odds of living in deprived neighborhoods were four times (4.23) ($\chi^2(1) = 69.650$) higher for Black youth than White youth and two times higher (2.35) ($\chi^2(1) = 23.859$) for Hispanic youth than White youth (not shown). That is, Black and Hispanic youth more often lived in poverty stricken neighborhoods with higher crime rates, higher density housing, with lower educational attainment, and with individuals whose primary language was not English. This analysis was supported by the interviewees' perception that Black and Hispanic youth often lived in lower socioeconomic and high-crime areas. A map of these analyses is attached in Appendix F.

¹⁷ The six indicators included poverty rate, per capita income, percent of population that are non-English speakers, percent of population with no high school diploma, percent of households with more than one occupant per room, and violent crimes reported per 1,000 population.

Delinquent Behavior

As noted earlier, prior contact with the juvenile justice system could influence future and deeper involvement in the system. An examination of a youth’s prior criminal history showed that there were differences among the three groups with respect to their prior contact with the San Diego County juvenile justice system. Black and Hispanic youth were more likely to have (not including current offense) a prior sustained petition (53% and 47%) ($\chi^2 (2) = 17.401$), a prior pre-adjudication detention (47% and 39%) ($\chi^2 (2) = 27.800$), and a prior institutional commitment (18% and 17%) ($\chi^2 (2) = 12.068$) compared to White youth (37%, 27%, and 9%, respectively) (Figure 2.7). Of those youth who had a prior sustained petition, Black youth were more likely to have one for a violent offense (60% versus 33% for White youth) ($\chi^2 (8) = 34.163$) (not shown). In addition, Black and Hispanic youth had more sustained petitions on average (1.41, SD = 1.40) and (1.25, SD = 1.15, respectively) than White youth (1.05, SD = .86) ($F = 4.060$). They were also younger on average at age of first probation referral (14.08, SD = 1.88 for Black youth and 14.80, SD = 1.70 for Hispanic youth) than White youth (15.33, SD 1.69) ($F = 42.364$) (not shown).

Figure 2.7
RACIAL/ETHNIC GROUPS DIFFER IN THEIR PRIOR CRIMINAL HISTORY



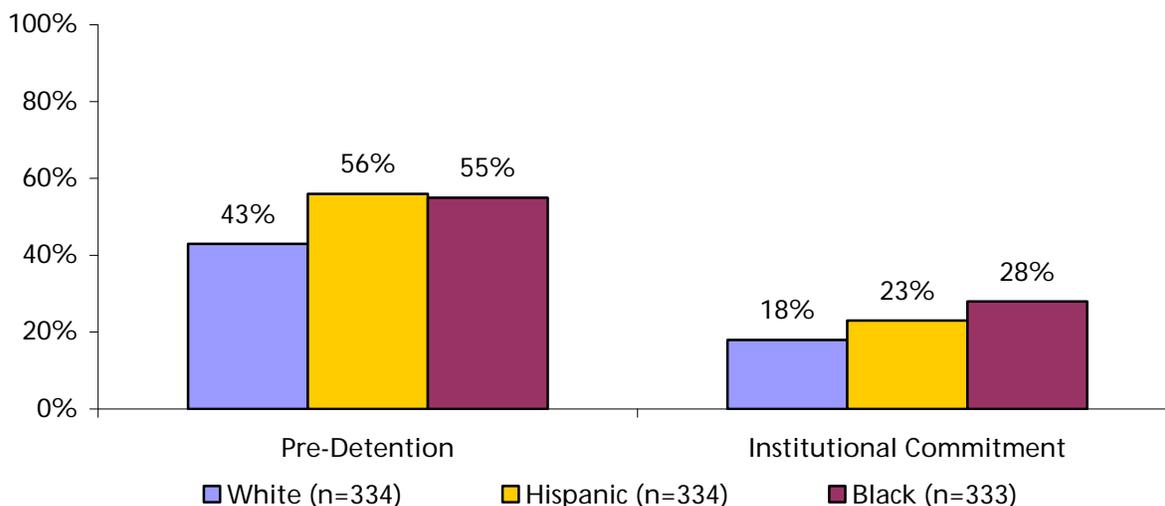
SOURCE: SANDAG; San Diego County’s Juvenile Disproportionate Minority Contact (DMC): Identification and Assessment, January 2008

DMC RESULTS

Does San Diego Have a DMC Issue?

As noted earlier, prior research conducted by SANDAG confirmed that DMC did exist in the San Diego County juvenile justice system at the points of arrest, pre-adjudication detention into Juvenile Hall, and institutional commitment. Bivariate analyses of the more recent sample of youth revealed similar results,¹⁸ with Black youth significantly more likely than White youth to be detained into Juvenile Hall pre-adjudication (55% compared to 43%, respectively) and to receive an institutional commitment (28% compared to 18%, respectively) as a result of the current offense ($\chi^2(2) = 12.671$ and $\chi^2(2) = 9.387$) (Figure 2.8). Hispanic youth, while not significantly overrepresented at institutional commitment, were also more likely than White youth to be detained pre-adjudication (56%).

Figure 2.8
DMC EXISTS AT PRE-ADJUDICATION DETENTION AND INSTITUTIONAL COMMITMENT

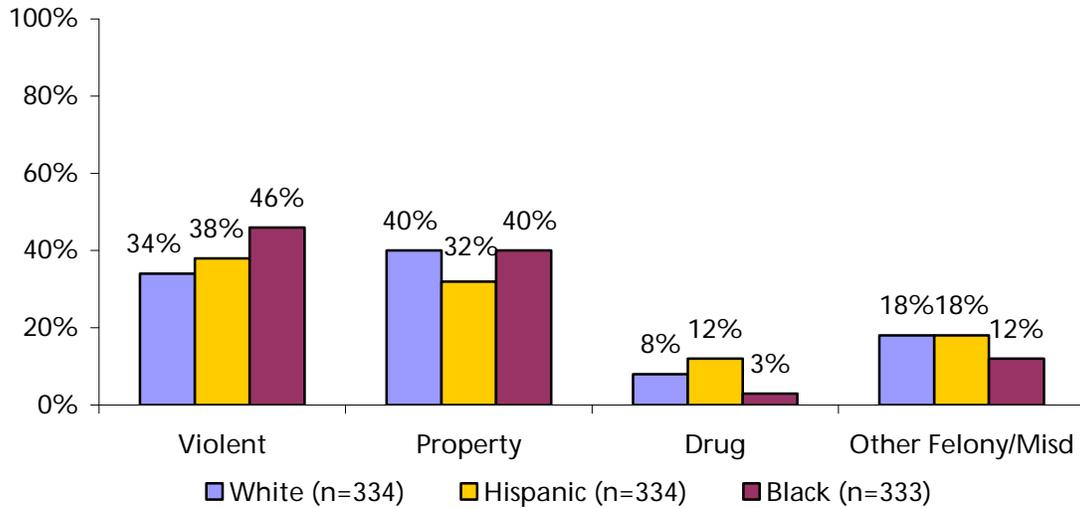


SOURCE: SANDAG; San Diego County's Juvenile Disproportionate Minority Contact (DMC): Identification and Assessment, January 2008

¹⁸ Since Probation does not have control of affecting policy at the arrest level, this decision point was not included in the analytical strategy for this study.

As for the level of the current offense, there was no difference among the three groups, with nearly two-thirds having a sustained petition on a felony level offense (60% White, 65% Hispanic, and 65% Black) (not shown). However, Black youth were significantly more likely to have a sustained petition for a violent offense compared to White youth (46% and 34%, respectively) ($\chi^2(8) = 38.842$) (Figure 2.9).

Figure 2.9
BLACK YOUTH MORE LIKELY TO HAVE VIOLENT TYPE
SUSTAINED PETITION FOR THE CURRENT OFFENSE



NOTE: Percentages may not equal 100 due to rounding.

SOURCE: SANDAG; San Diego County's Juvenile Disproportionate Minority Contact (DMC): Identification and Assessment, January 2008

As documented in the previous chapter, factors other than the level and type of the current offense influence the decision-making process. Table 2.3 shows how some of these other factors differed significantly between Black and Hispanic youth and White youth. For instance, Hispanic youth were more likely to have a weapon involved in the current offense (24%) ($\chi^2 (2) = 8.720$), receive an institutional commitment recommendation from the Probation Officer (30%), and the least likely to receive an RTF recommendation from the Probation Officer (1%) ($\chi^2 (2) = 7.149$). Interestingly, four out of the eleven interviewees agreed with the statement that Hispanics were more likely to possess a weapon at time of arrest, citing protection and a norm of culture as reasons for their beliefs. As with Hispanic youth, Black youth were also more likely to receive an institutional commitment recommendation in comparison to White youth (35% versus 19%) ($\chi^2 (2) = 21.275$). This is important to note because the court does rely on the sentencing report for background information about the case. On the other hand, the victim of the current offense was more likely to be living in the home for White youth compared to Hispanic and Black youth (27% versus 11% and 12%, respectively) ($\chi^2 (2) = 36.817$).

“From my experience, they (Hispanic youth) carry (a weapon) for protection. It is a cultural thing to carry a pocket knife.”
 Probation Officer Interviewee

**Table 2.3
 DIFFERENCE EXISTED IN SENTENCING RECOMMENDATION
 AND EXTENUATING CIRCUMSTANCES AMONG
 THE RACIAL/ETHNIC GROUPS**

	White	Hispanic	Black
Victim in the home	27%	11%	12%
P.O. recommended commitment	19%	30%	35%
P.O. recommended RTF	5%	1%	5%
Current offense involved a weapon	15%	24%	20%
TOTAL	321-334	311-334	313-333

SOURCE: SANDAG; San Diego County's Juvenile Disproportionate Minority Contact (DMC): Identification and Assessment, January 2008

What Factors Influenced a Youth Being Detained Pre-Adjudication and Receiving an Institutional Commitment?

As described above, DMC analyses of the sample of 1,001 case files revealed that DMC did exist at the two decision points under examination, with Black youth more likely than White youth to be detained into Juvenile Hall pre-adjudication and to receive an institutional commitment. Hispanic youth were also more likely to be detained pre-adjudication, but were not overrepresented in comparison to White youth at the institutional commitment stage. To determine if a race effect existed or if there were other factors (legal or non-legal) that influenced the relationship between race and detention or institutional commitment, a series of analytical steps were employed to identify possible contributing factors.

Logistic regression models are often used when the dependent variable (institutional commitment) is binary (institutional commitment, no institutional commitment¹⁹). Using odds, the model can predict the impact that various predictor variables, such as race or prior arrest, have on the dependent variable, such as institutional commitment. This analysis is often conducted in a series of steps or blocks that determine which predictor variables have the strongest effect on the predicted variable. The model also uses partial odds to show the relationship between one predictor variable (race) on the dependent variable (institutional commitment), while taking into account other predictor variables (e.g., prior arrests).

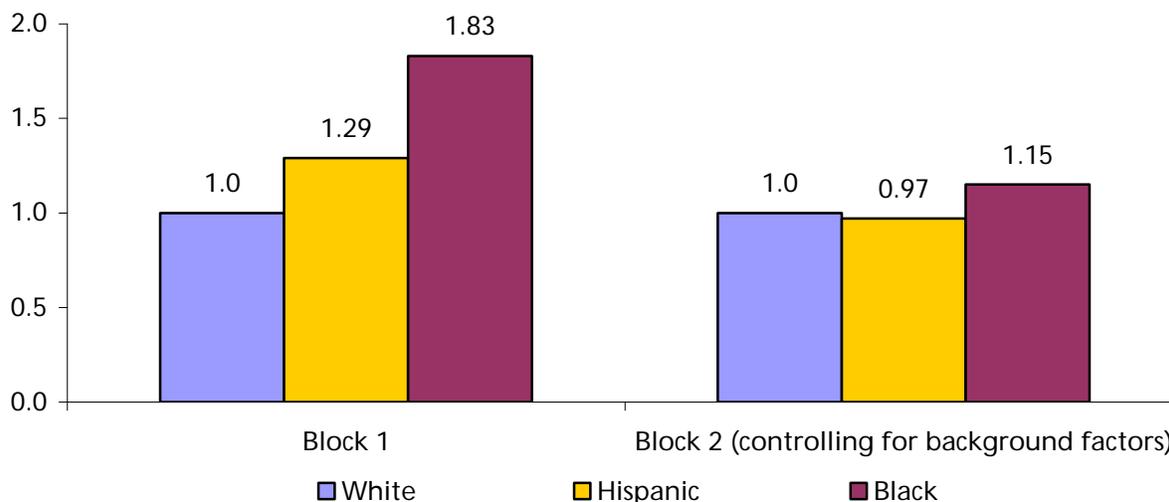
Several steps preceded the regression analyses to ensure the most efficient model possible. The first process in the analytical strategy was to identify variables that were believed to be related to either race and/or institutional commitment, either based on existing theory or from Probation Officers' perspectives. As noted above, the variables were grouped into five domains: family background, youth characteristics, adverse childhood experiences, delinquent behavior, and current offense. The first step was to check for variables that had no variation in their values (e.g., only four cases in the sample were living in foster care, thus including this measure in the model would not have added insight into the rest of the sample). Variables that had no variation were removed. Correlation analyses were then run on these remaining variables to determine if they were related to institutional commitment (dependent variable) and to race. If a variable was not significantly related to either institutional commitment *or* race, then it was removed from the model because it would not be a factor in explaining the relationship between the two. Those variables significantly related to race were detailed in Table 2.2 to provide a picture of the sample and also inform any recommendations after the logistic regression analysis was completed. Finally, additional correlation analysis tested the relationships between the remaining variables and all highly correlated independent variables were removed from the model. This process resulted in 20 variables (not including race) being used in the logistic regression models to measure their direct effect on receiving an institutional commitment and whether or not their influence nullified or lessened the race effect at the point of institutional commitment. That is, could another variable, other than a youth's race (such as prior arrests) explain why s/he had an increased chance of receiving an institutional commitment compared to youth of other races.

¹⁹ Because the disparity involved those youth receiving an institutional commitment, all other sentencing was coded as non-institutional commitment.

Institutional Commitment as Dependent Variable

Block one analyses, which measured the direct effect of race on the dependent variable (institutional commitment) without taking into account other possible factors (e.g., prior criminal activity), showed that Black youth were significantly more likely (1.83 times, Wald = 9.057) than White youth to receive an institutional commitment, while Hispanic youth were not statistically overrepresented compared to Whites (1.29 times as likely as Whites, Wald = 1.512). Block two analyses added in the other background variables that might account for Black youth having higher odds of being institutionally committed, such as prior detentions, alcohol and other drug issues, or gang involvement. The model controlled for these other variables (i.e., held them constant by looking at cases that had the same characteristics for parental drug use, gang involvement, and other variables) and then tested the remaining effect that race had on being institutionally committed. The results showed that, when these other factors were considered, the race effect was nullified. In other words, race was no longer significantly related to receiving an institutional commitment (Figure 2.10).

Figure 2.10
ODDS OF BLACK AND HISPANIC YOUTH RECEIVING AN INSTITUTIONAL COMMITMENT IN COMPARISON TO WHITES



SOURCE: SANDAG; San Diego County's Juvenile Disproportionate Minority Contact (DMC): Identification and Assessment, January 2008

The model did show nine factors that had a direct effect on a youth's odds of receiving an institutional commitment. As listed in Table 2.4, four of these were non-legal variables (not living with biological parent, truancy, expulsion, and gang involvement²⁰) and five were legal variables (number of prior petitions, detentions, and institutional commitments, and type and level of current offense). More specifically, the likelihood of receiving an institutional commitment was more than two times higher for a youth who was not living with both of their biological parents, was habitually truant, was found true on a felony-level or violent offense, or had a prior institutional commitment compared to a youth who did not have one or more of these characteristics. Each of these variables provides a springboard for discussion on how to target interventions, conduct appropriate screenings/assessments, design individual case plans, or develop policy changes to reduce the chances of receiving an institutional commitment.

Table 2.4
FACTORS THAT ARE RELATED TO A YOUTH RECEIVING
AN INSTITUTIONAL COMMITMENT

Odds of Receiving Institutional Commitment	
Non-Legal Factors	
Living with parent and step-parent	2.4
Habitually truant	2.2
Ever expelled from school	1.8
Gang involvement	1.5
Legal Factors	
Violent sustained petition (current offense)	2.4
Felony level sustained petition (current offense)	2.3
Ever received a prior institutional commitment	2.3
Ever received a prior detention	1.6
Number of prior sustained petitions	1.5

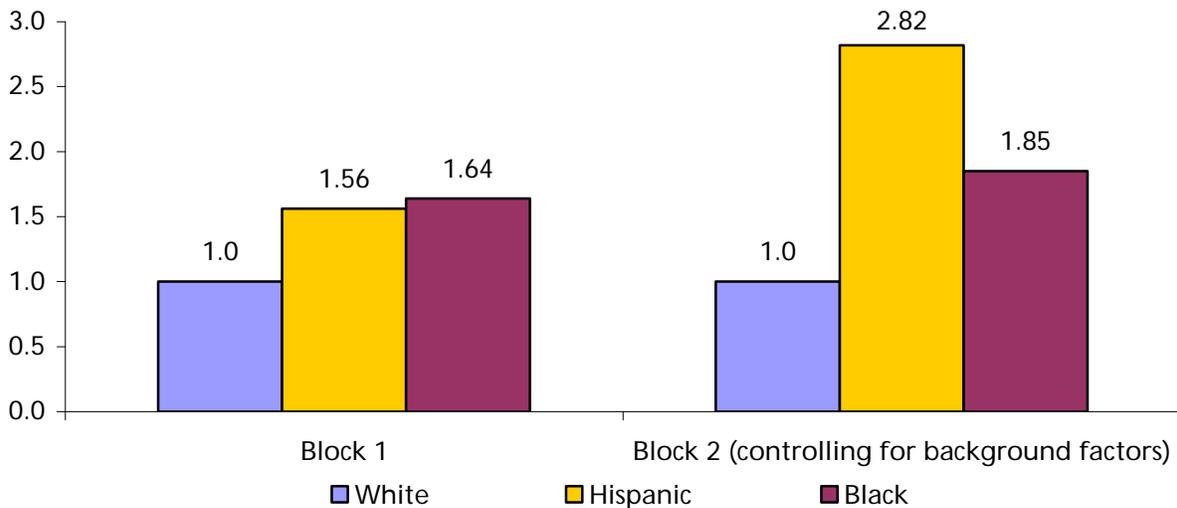
SOURCE: SANDAG; San Diego County's Juvenile Disproportionate Minority Contact (DMC): Identification and Assessment, January 2008

²⁰ For the purposes of this study, gang involvement (association or documented) is considered non-legal because association and documented were combined in the analysis.

Pre-adjudication Detainment as Dependent Variable

When the same legal and non-legal variables used for institutional commitment were used to examine the relationship between race/ethnicity and pre-adjudication (after arrest) detainment into Juvenile Hall for the current offense, the outcome differed compared to institutional commitment. As Figure 2.11 shows in Block One, both Black (1.56 times, Wald= 7.237) and Hispanic (1.64 times, Wald = 9.119) youth were significantly more likely than White youth to be detained in Juvenile Hall following arrest. These odds increased when the other variables were introduced into the model. That is, the likelihood of a Hispanic youth being detained was 2.82 times (Wald = 23.537) more likely, and 1.85 times (Wald = 8.189) more likely for a Black youth, compared to White youth when background factors were taken into account.

**Figure 2.11
ODDS OF BLACK AND HISPANIC YOUTH BEING DETAINED
PRE-ADJUDICATION IN COMPARISON TO WHITES**



SOURCE: SANDAG; San Diego County's Juvenile Disproportionate Minority Contact (DMC): Identification and Assessment, January 2008

In addition to the race variable, nearly every variable in the model was found to be significantly related to a youth being detained pre-adjudication. As Table 2.5 shows, non-legal factors included family structure (a youth not living with biological parent, living with one biological parent and step-parent, or a single parent), having a DSM-IV diagnosis, having alcohol and drug issues, being truant, having some type of gang involvement, and the victim of the offense living in the home. Legal factors that were found to increase the odds of a youth’s pre-adjudication detainment pertained to the current offense (committing a felony or violent offense), and prior juvenile justice involvement (number of prior sustained petitions, a prior institutional commitment, and age at first arrest). Tables of the results of logistic regression models are in Appendices G and H.

**Table 2.5
FACTORS THAT ARE RELATED TO A YOUTH BEING
DETAINED PRE-ADJUDICATION**

Odd of Receiving Pre-Adjudication Detainment	
Non-Legal Factors	
Not living with either biological parent	4.4
Living with parent and step-parent	3.9
Victim in the home	3.4
DSM-IV diagnosis	2.9
Hispanic youth	2.8
Black youth	1.8
Single parent	1.8
Alcohol and drug issues	1.8
Habitually truant	1.6
Gang involvement	1.5
Legal Factors	
Ever received a prior institutional commitment	2.7
Felony level sustained petition (current offense)	2.6
Violent sustained petition (current offense)	1.9
Number of prior sustained petitions	1.6
Age at first arrest (the older, the more likely)	1.2

SOURCE: SANDAG; San Diego County’s Juvenile Disproportionate Minority Contact (DMC): Identification and Assessment, January 2008

These additional legal and non-legal variables provide some explanation of why the odds of Hispanic and Black youth increased when the other factors were controlled (i.e., held constant). Unlike institutional commitment, the pre-adjudication detention model showed significant factors in which Whites were overrepresented (e.g., DSM-IV diagnosis, victim in the home). Thus, holding these factors constant is reflective of a change (i.e., decrease) in the likelihood of a White youth (i.e., the reference group) being detained, which increases the difference between White youth and the Black and Hispanic youth.

SUMMARY

The contributing factors to DMC often overlap and are difficult to untangle. Both past and present research indicates that San Diego does have a DMC issue, with Black youth overrepresented at pre-adjudication detention and institutional commitment and Hispanics at pre-adjudication detention in comparison to White youth. Analyses were run on 1,001 cases that had a sustained petition in 2005 to determine which factors, both legal and non-legal, influenced the relationship between race and detention and institutional commitment. This was accomplished through a multi-step process, which included bivariate and logistic regression analyses.

Comparison of the three racial/ethnic groups revealed significant differences in each of the five domains examined (i.e., family background, youth characteristics, adverse childhood experiences, delinquent behavior, and current offense). Most notably, White youth were more likely to have had a substance abuse issue, have received a psychological evaluation and a DSM-IV diagnosis, and have had some type of documented childhood abuse. Black youth were more likely to be living with a single parent, have a parent receiving public support or not employed full-time, be living in a deprived neighborhood, and have previous involvement in the juvenile justice system. Hispanic youth were also more likely to be living with a single parent and not have a parent employed full-time, living in a deprived neighborhood, and have previous involvement with the system.

Cross-tabulations were also run to identify factors that were related to institutional commitment (regardless of race). Those variables that were found to be related to either race or institutional commitment were included in the logistic regression model to determine if they had an influence on the relationship between race and institutional commitment and detainment. Results revealed that factors other than race were related to institutional commitment. That is, when these other legal and non-legal variables were controlled, the race effect was eliminated. These factors included family structure, truancy, and expulsion, as well as several factors related to past involvement in the system and the seriousness of the current offense. These findings supported the input received from the juvenile justice professionals as to what influenced their decision to recommend an institutional commitment.

The outcomes for the pre-adjudication detainment were quite different, with race significantly related to the likelihood that a youth would be detained pre-adjudication. In addition to race, 13 other legal and non-legal factors also were found to increase the odds of a youth being detained. Examples of these included school performance, family structure, and prior and current offense history.

CHAPTER 3
RESULTS FROM PROFESSIONAL
INTERVIEWS AND FOCUS GROUPS

CHAPTER 3

RESULTS FROM PROFESSIONAL INTERVIEWS AND FOCUS GROUPS

INTRODUCTION

Frequently missing, yet vital components of Disproportionate Minority Contact (DMC) research are the opinions and perspectives of juvenile justice professionals about the juvenile justice system in general and DMC in particular. Fifteen interviews with juvenile justice professionals and four focus groups conducted as part of this study provided additional context and perspective on DMC, a clearer understanding of how decisions are made, and suggestions for improvements in meeting the needs of juveniles in the system. The current chapter describes the respondents sample, and presents their perspective on the role and effectiveness of the juvenile justice system. Because of the small number of interviews conducted, the overall results are described below, with the interview tool and the exact responses reported in Appendix B. In addition, the small number does not reflect all the opinions and perspective of Probation staff. The results have been categorized into major themes, with interview and focus group responses reported separately when they differed between the two groups.

RESPONDENT DESCRIPTION

The 15 individuals interviewed consisted of eleven Probation Officers, two judges, one Deputy Public Defender, and one Deputy District Attorney (DDA) and represented a broad range of knowledge and experience in the juvenile justice field. The Probation Officers had, on average, 10.6 years ($SD = 8.1$) of probation experience and, on average, 7.4 years ($SD = 5.0$) experience in juvenile probation. In addition, Probation Officers' experience included juvenile field service and institutions experience. The juvenile court officials also had substantial time working as court officers (11 to 25 years) and within the juvenile system (3 to 11 years). The interviewees consisted of nine females and six males, and was ethnically diverse, with six identifying as Black, three as White, two as Asian, and one as Hispanic (not shown).

CHAPTER HIGHLIGHTS

- Through interviews and focus groups with juvenile justice professionals, several themes emerged, including the following:
- Staff believed there was a need for increased intervention services, including substance abuse and mental health services.
- More focus on prevention services and decreased probation caseloads to increase supervision were suggested areas of improvement.
- Services in the community (out-of-custody) were seen as an effective tool to alter delinquent behavior.
- Custodial time was viewed as being most effective if used appropriately (short-term and with a rehabilitative element).
- Seriousness of the offense and safety concerns for the youth were reported as the top reasons for recommending detention and custodial time for a youth.
- While Black and Hispanic youth were not viewed as committing more or different crimes, they were seen as more likely to be stopped by police and distrustful of the system because of past negative experiences.

The four focus groups consisted of a total of 15 participants, most of whom were Deputy and Supervising Probation Officers (10), with two psychologists, one parent advocate, one family counselor, and one Alcohol and Drug Specialist (not shown).

RESULTS OF INTERVIEWS AND FOCUS GROUPS

Perceptions of Juvenile Justice Role

The juvenile justice system has its genesis in the tradition of rehabilitation and is tasked with the responsibility of protecting public safety, while also tending to the social welfare of youth, dual roles that are not always compatible (Feld, 1999). Some would argue that there has been a gradual shift from the original rehabilitative approach to a more punishment-based system, with minority youth being disproportionately affected by this change (Feld, 1999). Knowing what decision makers believe to be their role, as well as the role of the juvenile justice system, is beneficial in understanding how they determine the type of intervention appropriate for individual youth.

Protection of the community and rehabilitation of youth were both reported as the primary goals of the Probation and juvenile justice systems. Interviewees and focus group respondents were in clear agreement that the system had a responsibility to intervene in a youth's life to prevent future involvement in the justice system. Intervention methods include services to address mental health issues, school failure, and substance use.

The role of the juvenile justice judiciary is to "make the rehabilitative process mandatory. Probation makes the case plan and the judiciary enforces it...so the youth can accept that the rehabilitation is part of the process. Also, it ensures the community remains safe."
Court Official Interviewee

Perceptions of the Effectiveness of the Juvenile Justice System

A consistent theme in response to questions about system effectiveness was that the juvenile justice system was doing the best it could with limited resources. More specifically, interviewees were asked a series of questions about their opinions on the appropriateness and/or effectiveness of diversion, out-of-custody, and in-custody programs.²¹ Inquiring about the system's effectiveness in meeting the needs of all youth, while general in its approach, indirectly addresses DMC because of the overrepresentation of the Black and Hispanic youth in the juvenile justice system. As such, minority youth are often the users of the discussed intervention services. As described below, the Probation Officers were fairly united in their opinions about what was appropriate for the lesser offending population, and more divided when it came to assessing which of the three intervention levels (i.e., diversion, out-of-custody, and in-custody) were appropriate for more serious offenders. As to the general effectiveness of the three interventions, respondents uniformly cited the need for additional services in the community. It should be noted that, while answering the questions, respondents consistently qualified that each case was dependent on its seriousness and individual circumstances.

²¹ Diversion programs are an alternative to involvement in the juvenile justice system; out-of-custody services are those received while living at home, including those operated by Probation and community-based organizations; and in-custody services include interventions provided within the local detention and custodial facilities.

Diversion and Out-of-Custody Programs

Regardless of respondent's position, diversion and out-of-custody programs were viewed as having a pivotal role in offering services to youth who have come in contact with the justice system, especially for the youth who commit low-level offenses. The following summarizes the Probation Officers' responses to a series of close-ended questions asking about diversion and out-of-custody programs.²²

- Diversion is appropriate for certain offenders, specifically first-time, non-violent, and status offenders.
- Probation Officers were in agreement that out-of-custody interventions were an effective form of treatment for most juvenile offenders, with the exception of juveniles who commit violent offenses, about which Probation Officers were divided.
- While Probation Officers were split on whether out-of-custody intervention should be the first response prior to detainment, they did agree that out-of-custody treatment was effective in altering a youth's delinquent behavior.
- Despite believing diversion and out-of-custody interventions to be useful, there was an overwhelming belief that the amount and type of these interventions available to delinquent youth were inadequate.
- Eight out of ten respondents thought the out-of-custody services provided in the community (both by Probation and community based organizations (CBOs)) were responsive to the diverse needs of the population.

When asked what was needed to improve the services in San Diego, not surprisingly, there was a call for additional resources to both increase and strengthen diversion and out-of-custody programs. Underlying this request was the need to focus on reaching youth before they became further entrenched in the system. There was also a call for more specialized services, including alcohol and drug treatment, mental health services (including those for co-occurring disorders), mentoring programs, and vocational services. In addition, some interviewees noted the need to expand services throughout the region and the importance of assessing where the gaps are before dedicating resources to certain programs.

"A demographic study of the needs of each community could support the needs of the youth and family... The programs in more affluent areas are more established and better able to address the at-risk population. They provide the clients with more options to be successful."

Probation Officer Interviewee

²² Missing data (i.e., questions that respondents did not answer) are not included in the analyses.

In-Custody Programs

Staff were also asked to assess the quantity and quality of intervention programs within the detention (East Mesa and Kearny Mesa detention facilities) and custodial (Juvenile Ranch Facility (JRF), Camp Barrett, and Girl's Rehabilitation Facility (GRF)) facilities. Although the question was asked of all interviewees, only Probation Officers felt knowledgeable enough about the in-custody programs to respond. As described below, there was less cohesion among the responses as to the effectiveness of in-custody programs compared to the out-of-custody programs.

- Seven out of ten Probation Officers felt there was an adequate number of program services in each of the custodial facilities. However, only half felt this to be so for the detention facilities.
- The programs in the detention facilities were seen as effective in altering a youth's behavior by seven out of ten Probation Officers. A similar proportion found this to be true for programs in JRF and GRF (custodial facilities).
- Camp Barrett's programs were seen as the least effective in altering a youth's behavior. This could possibly be due to the absence of a substance abuse intervention, as several respondents noted that Camp Barrett had just started offering substance abuse treatment to youth.
- The majority of staff (seven out of nine) felt that the programs within the facilities were culturally appropriate in meeting the needs of the youth.

Interestingly, one court official noted that the institutions were not equipped to handle many of the treatment issues they faced. For example, when discussing the need for mental health treatment for youth with serious needs, the official said, "Institutions are not treatment oriented. They can handle a crisis but can't manage mental health (issues), but there isn't this type of treatment in the community." This sentiment was echoed by focus group participants who unanimously believed that the primary function of in-custody programs was to begin providing services and help youth prepare for receiving services in the community. This raises the question as to the role of the institutions, and the juvenile justice system in general, and how the system is challenged with dual roles of protecting the community while also tending to the social welfare of the youth. This bifurcated role is distinct to the juvenile justice system in comparison to other social agencies that have mandates to care for juveniles in society (i.e., dependency, educational). As such, it can at times be a source of tension, which is evident in the later discussion about other agencies' responsibilities for delinquent youth. It also reframes performance outcome questions. That is, if the purpose of the in-custody programs is to initiate services with the intention of linking youth to intervention in the communities, rather than "solve" the presenting issues, then how effective an in-custody program is would be dependent on the successful engagement of youth in services after exiting the custodial programs.

"The goal of the primary treatment and intervention programs is to get the ball rolling. This is a jumping off point to get the youth immediately engaged in these options."

Focus Group Participant

Perceptions of Families' Use of the Juvenile Justice System

Given the importance of the family in the juvenile justice system in supporting the youth, juvenile professionals were asked a series of questions about the accessibility and adequacy of the system to support family and youth success. While no one component was seen as inadequate by the majority of respondents, there were several areas viewed as not helpful to the families. Specifically, Table 3.1 lists those parts of the system which four or more interview respondents felt were not structured in a useful manner for families. These areas had to do with understanding the court proceedings, (including the written material), obtaining information about the youth's case, and being able to attend the court hearings. All of the suggestions for improving the situation revolved around providing the families with additional and clearer information about the youth's case and court process and improving the families' access to the courts. More specifically, respondents' suggestions included allowing the families more time to meet with attorneys to discuss the case, having an advocate appointed to families to help explain the case, simplifying the language so it would be easier to understand, having more courts throughout the region to alleviate transportation issues, and scheduling court times outside of regular working hours to assist those families unable to take time off from work.

Table 3.1
JUVENILE JUSTICE COMPONENTS THAT RESPONDENTS FELT COULD BE
BETTER STRUCTURED TO SUPPORT FAMILIES AND YOUTH

	Total Respondents
Understand the court proceedings	6
Obtain information about the youth's case	5
Understand the written material	4
Attend the court hearings (time and location)	4
TOTAL	11-13

NOTE: Cases with missing information not included.

SOURCE: SANDAG; San Diego County's Juvenile Disproportionate Minority Contact (DMC): Identification and Assessment, January 2008

Perceptions of the Juvenile Justice Decision-Making Process

Those familiar with the juvenile justice process know it is a complex system comprised of several key decision points that impact whether a youth will receive custodial time. The flow chart in Appendix C provides a detailed overview of these decision points. As noted earlier, focus groups with key gate-keeping units that influence both detention and custodial time were included because of the critical role they have in determining the path a youth takes in the juvenile justice system. Table 3.2 explains the composition and roles the Detention Control Units (DCU), the Probation Screening Committee, and the Breaking Cycles (BC) assessment team all have in determining the direction of the youth’s case.

Table 3.2
PROBATION DEPARTMENT GATE-KEEPING UNITS AND RESPONSIBILITIES

Gate-keeping Unit	Composition of Unit	Decision-Making Responsibility
Detention Control Unit	One Deputy Probation Officer at a time, decisions reviewed post-hoc by Supervising Probation Officer	Responsible for administering DCU criteria screening form and detaining youth into Juvenile Hall
Screening Committee	Two to four Supervising Probation Officers and a psychologist	Responsible for reviewing and approving most out-of-home placements and the Probation Officer sentencing recommendation to the court
Breaking Cycles Assessment Team	Senior Probation Officer, parent advocate, alcohol and drug specialist, youth and family counselor, parent/guardian, and sometimes a mental health professional	Responsible for creating the youth’s case plan once committed to BC, which includes deciding the number of custody days served

SOURCE: SANDAG; San Diego County’s Juvenile Disproportionate Minority Contact (DMC): Identification and Assessment, January 2008

These decision units are often seen as a checks-and-balances system to ensure youth are receiving the appropriate sentencing. Along the decision-making path, a youth’s case is reviewed by several juvenile justice professionals, who ultimately have an opportunity to inform the case outcome.

Factors Influencing a Youth’s Delinquency

To better understand interviewees’ beliefs as to what contributes to delinquent behavior, they were asked to list the top three contributing factors.²³ These underlying beliefs are important to capture as they can shed light on some of the indirect or non-legal factors that may influence how professionals make decisions in the juvenile justice system. That is, half of the responses (noted by at least two or more individuals) describing what contributed to delinquency were related to parental negative behavior (Table 3.3). However, when considering the role of the Probation Department, it is neither mandated nor designed to directly intervene in the parents’ lives, which again raises the question of what sphere of influence the juvenile justice system has to intervene in a youth’s life. Substance abuse and negative peer pressure were also noted by respondents as frequently contributing to delinquency. Furthermore, the citing of these individual-level reasons, such as substance abuse, mental health, and poor school performance, are consistent with the interviewees’ call for additional services.

**Table 3.3
TOP REASONS CITED AS CONTRIBUTING TO
A YOUTH’S DELINQUENT BEHAVIOR**

	Total Respondents
Lack of Parental Discipline	7
Youth’s Substance Abuse	6
Negative Peer Pressure	6
Lack of Positive Role Model	5
Poor School Performance	4
Youth’s Mental Health	3
Parental Incarceration	3
Lack of Parental Supervision (presence in youth’s life)	2
TOTAL	15

SOURCE: SANDAG; San Diego County’s Juvenile Disproportionate Minority Contact (DMC): Identification and Assessment, January 2008

Pre-Adjudication Detention

Within the San Diego County juvenile justice system, a youth can be detained at arrest (pre-adjudication) and then released to his/her home or remanded to a detention facility until disposition, pending the outcome of the detention hearing. These pre-adjudication decisions occur at two different points in time, when a youth is initially brought to Juvenile Hall and then within 48 hours later when the youth’s case is reviewed at the detention hearing. The former process involves

²³ Because of the different structures of interviews, the Probation Officers were provided a list of close-ended responses to choose from, and court officers were asked in an open-ended format. This was true for all questions discussing the top three answers.

a DCU Probation Officer who utilizes a standardized DCU screening assessment to determine whether or not to detain a youth until the detention hearing. This form is included in Appendix D and includes a list of criteria to assign a numerical score rating the risk a youth poses to the community and/or self. There are three ways a score is calculated: 1) mandatory detainment (e.g., prior violent arrest); 2) a weighted score based on multiple criteria (e.g., type of offense, 602 ward); and/or 3) a decision by the Probation Officer to “override” the score based on other non-legal factors (e.g., family refused to take minor back). The detention hearing is the second part of the process and is the point at which the decision is made to detain or release a youth to home until their court disposition. The Deputy Public Defender, Deputy District Attorney, and a court Probation Officer (i.e., an officer specifically assigned to the courts, not the youth’s Probation Officer) are present at the detention hearing to provide information and facts about the case for the judge to take into consideration when making his/her order.

To understand how these detention decisions are made and their perceived effectiveness, interviewed Probation Officers were asked what factors influenced a youth being detained pre-adjudication, if they believed that the criteria for detention decisions was consistently applied by Probation Officers, if all youth were treated equally, and if there were any changes they would make to the process. Officers of the court were also asked about the detention hearing process. Table 3.4 lists the most commonly perceived reasons for detaining a youth. The answers were equally divided between legal and non-legal factors, with the primary reason having to do with protecting public safety and the seriousness of the offense, followed by a concern about the safety of the youth. Other legal factors were a youth’s prior delinquent behavior and amount of potential custody time available (i.e., when true found for an offense, each offense has a total amount of custody time available). Other non-legal factors were family dysfunction and the youth’s mental health.

**Table 3.4
TOP REASONS CITED BY JUVENILE JUSTICE OFFICIALS FOR
DETAINING A YOUTH PRE-ADJUDICATION**

	Total Respondents
Seriousness of Offense (public safety)	10
Safety of Youth (i.e., unsafe living situation, under the influence)	5
Prior Delinquent Behavior	4
Family Dysfunction	4
No Home Placement Options	3
Amount of Potential Custody Time	2
Youth’s Mental Health	2
TOTAL	12

NOTE: Cases with missing information not included.

SOURCE: SANDAG; San Diego County’s Juvenile Disproportionate Minority Contact (DMC): Identification and Assessment, January 2008

Most of the Probation Officers felt that youth were treated equally at the pre-adjudication stage, with three dissenting voices noting that youth were more likely to be detained if they had an “attitude,” committed a violent offense or possessed a weapon, and/or lacked a stable family.

The DCU focus group concurred with many of the comments provided by the interviews with Probation Officers and court officials. Primarily, they agreed that the DCU screening process was objective and effective in helping guide the decision of who was booked and who was released. In general, the youth’s safety was seen as the most important criterion for detaining a youth, especially if they were under the influence of alcohol or drugs. However, the group did note that there were not enough alternatives to detaining a youth, including mental health resources (locked and unlocked) and runaway shelter beds. When asked about the override process²⁴, the participants thought the Probation Officers were applying the override option consistently. A victim in the home (i.e., the victim of the youth’s offense lived in the home with youth), lack of adequate placement (i.e., homeless, parent does not want the youth back), safety of youth, runaway risk, and gang involvement or weapon possession were reasons cited as usually resulting in an override decision.

“Juvenile Hall is one of the largest mental health places in San Diego County. (We) do not have other places to treat juvenile mental health issues.”

Probation Officer Interviewee

When asked if there was anything that should be changed about the pre-adjudication stage (at booking and detention hearing), several interviewees and focus group participants had suggestions, which included:

- require the Probation Officer to meet face-to-face with the youth at the detention hearing rather than relying on the paperwork to make his/her decision (this will allow for a more complete picture of the case);
- provide greater consistency among the judges and the Probation Officers at the detention hearing in how decisions are made;
- revise the DCU assessment tool to ensure equity in the decision-making process;
- do not allow bed capacity (i.e., when there is room, more youth are detained) to influence the decision making; and
- provide Probation Officer more discretion when assessing the level of threat associated with weapon possession on school grounds and the decision to detain.

Post-Adjudication Commitment

Probation Officer’s Role in the Decision-Making Process

A very important component in the dispositional sentencing of juvenile delinquents is the Probation Officer’s sentencing recommendation. This was seen universally by respondents as crucial in the dispositional decision-making process and was often the only information a Deputy District

²⁴ If a youth’s initial score on the DCU criteria does not mandate that they are booked, the Probation Officer can “override” the score for various reasons.

Attorney and the judiciary had before making a disposition decision. Seven out of the eleven Probation Officers stated that there were standards that Probation Officers follow when creating a sentencing recommendation and, in general, there was agreement that the sentencing recommendations were consistent. When inconsistencies were noted, reasons for these included lack of experience on the part of the Probation Officer and the type of assessment that was given to a youth (i.e., who received which assessments, such as mental health or alcohol or drug). Financial cost was seen by a few respondents as a barrier to a youth receiving a Residential Treatment Facility (RTF) placement. However, it was noted that financial cost would not prohibit a deputy level Probation Officer from making an RTF recommendation, but rather a supervisor would override such a decision if cost was prohibitive. It was also noted that a youth whose family had their own resources would have more selection as to which RTF they attended.

When provided a list and asked which factors were most influential in a Probation Officer’s recommendation of custodial time (i.e., Breaking Cycles (BC), Camp Barrett, California Department of Corrections and Rehabilitation-Division of Juvenile Justice (DJJ)), responses were similar to those cited for pre-adjudication detention. Probation Officers were almost unanimous in answering that seriousness of offense was the most crucial reason for recommending commitment time, followed by safety of youth (e.g., youth out of control, not safe living environment) (Table 3.5).

**Table 3.5
TOP REASONS CITED BY PROBATION OFFICERS FOR
RECOMMENDING CUSTODIAL TIME**

	Total Respondents
Seriousness of Offense	10
Safety of Youth	5
Prior Delinquent Behavior	5
Lack of Parental Supervision	3
Youth’s Attitude	3
Family Dysfunction	2
Youth’s Admission of Guilt or Remorse	2
TOTAL	11

NOTE: Cases with missing information not included.

SOURCE: SANDAG; San Diego County’s Juvenile Disproportionate Minority Contact (DMC): Identification and Assessment, January 2008

Court officials (judges and attorneys) expressed similar reasons for sentencing a youth to custodial time, mainly the nature of the offense and the need to rehabilitate the youth, especially if efforts to do so in the community had failed. It should be noted that it is not the Deputy Public Defender’s role to recommend custodial time for their client.

When the question was posed to the focus groups as to when they approved and/or recommended custodial time, their responses, while very similar to the interviewees, focused a bit more on the rehabilitative component of probation. That is, while current offense and public safety were seen as influential, there was also mention of a youth's substance use, prior attempts to rehabilitate, and outside support (i.e., family, community). This slight difference between the two respondent groups could be a consequence of the way questions were asked or the fact that one of the roles of the screening and assessment teams is to ensure those factors contributing to a youth's delinquency are addressed. Also taken into consideration were the program guidelines that automatically deemed a youth ineligible from certain custodial facilities, such as arson offenses, allergy to bee stings, and age (youth 17.6 years and older are not eligible for BC). The screening committee also noted that, for the most part, they usually agree with the sentencing recommendation of the Probation Officer.

"The family's attitude does have an impact (in youth receiving custodial time). The more their parents are supportive, the higher the chance for success. The BC assessment group is much more likely to send a youth home if they have supportive families."

Focus Group Participant

When Custodial Time is Appropriate

In general, detention, if used appropriately (short-term and with a rehabilitative element), was viewed as an effective means of interceding when a youth's life is out of control, to provide a type of "wake-up call" to the youth and the parents, and/or to help the youth engage in treatment. However, members in one focus group stressed that, without immediate involvement in community interventions after a youth leaves custody (or aftercare), the usefulness of the detention is lost. This sentiment was consistent with the feedback received that in-custody programs should focus on engaging youth in treatment to help them successfully link to services in the community. When asked if detention was used too often as a method for intervening with delinquent youth, the majority of Probation Officers did not believe that it was. The dissenting voice came from court officials, citing that there needed to be more Probation staff providing field contacts rather than staffing the institutions. This was followed by a suggestion that there needed to be a policy shift to direct more resources toward out-of-custody supervision and less to institutional staffing.

"It may be a wake-up call for the youth if this is their first offense... Some youth you do not want to send to detention. This may only further expose younger youth to negative behaviors. Also, it is not necessarily the type of the offense, but the pattern of their criminal history. If a youth has continuously been sent to Juvenile Hall, it obviously hasn't had much of a deterrent effect at all."

Probation Officer Interviewee

In addition, nearly all (nine out of eleven) the Probation Officers interviewed agreed with the statements that serving time was an effective deterrent for juvenile offenders "in general" and for juveniles who commit "property" offenses in particular. Most Probation Officers (eight out of eleven) felt it was appropriate for "violent" offenders, seven agreed it was appropriate for "drug-related" offenses, and the most varied responses pertained to "status" offenders, with six out of ten feeling it was effective.

Gang and Weapon Possession Influence on Custodial Time

With the growing concern regarding gang violence, as well as the use of weapons by youth, the interviews and focus groups included several questions on how these affected the decision process related to detention and custodial time. As noted below, being involved with a gang, especially being a documented gang member, increased one's chances of being detained according to the perspective of Probation Officers. In addition, because of the "zero tolerance" policy,²⁵ being in possession of a weapon at the time of arrest also increased the likelihood that a youth would be detained.

"Any kid who is documented is likely to receive a custodial sanction. However, half of these kids live in neighborhoods that have lots of gangs and just hanging out with their friends makes them associated with gangs."

Court Official Interviewee

- About half of Probation Officers agreed that a youth who was identified as associating with gangs was likely to receive detention, regardless of their offense; and all but one felt this to be true if a youth was a documented gang member.
- Only about one-third of Probation Officers thought that it was appropriate that a youth associating with a gang receive detention, which was the opposite for documented gang members, with seven out of eleven reporting that detention was appropriate.
- All but one Probation Officer believed that a youth who is in possession of a weapon at the time of arrest would receive detention time.

The Deputy Public Defender noted that a youth with a gang association or documentation was likely to receive a custodial sanction, whereas the Deputy District Attorney did not believe that gang association in and of itself would necessarily lead to custodial time. Rather, any additional custodial time would be associated with gang-related legal conditions. The two court officers also differed in regard to weapons possession, with the Deputy Public Defender noting that a youth would most likely be detained if they had a weapon at the time of arrest and the Deputy District Attorney stating that the decision would be based on the combination of the type of weapon and the nature of the offense.

When probed as to why gang association or possession of a weapon increased the likelihood that a youth would be detained, responses mostly pertained to the close relationship the two had to crime and the risk to public safety. Involvement in gangs was seen as a "red flag" because of the strong association between delinquent behavior and gangs. This was especially true for focus group participants, with one respondent stating they were "concerned about it (gang involvement) because many/most gangs are involved in criminal acts. (We) need to know what their (the youth's) level of involvement is and are they documented."

²⁵ While not a legislative law, the Federal Gun Free School Acts of 1994 requires one calendar year of expulsion for any student bringing a firearm to school and referral of the student to law enforcement. California law also adds a requirement for the mandatory suspension and the recommendation for expulsion of students who: possess, sell, or otherwise furnish a firearm, brandish a knife at another person, sell a controlled substance, commit or attempt to commit a sexual assault or sexual battery, or possess an explosive (California Department of Education, 2007).

As for weapons, the primary reasons noted for detaining a youth were protection of the community, the need to detain in order to find out the youth's intention, and previous school shootings (and the resulting "zero tolerance" policy). Overwhelmingly, the Probation Officers did not understand the need for a youth to carry a weapon and questioned the intention behind carrying a weapon (i.e., "Why did the youth feel they needed it?"). As one Probation Officer noted, the reason for detaining a youth who was in possession of a weapon was "because there is a higher level of possible impact on the victim (when there is a weapon) and the thought process of using a weapon in a crime is more sophisticated and in need of a higher level of intervention."

When Delinquents Could Be Better Served by Other Agencies

Because the juvenile justice system does not exist in a vacuum, and many of the youth in the system are challenged with multiple issues, interviewees were asked if there were other systems that they believed could better address the needs of some of the youth that are in the juvenile justice system. Across the board, interviewees responded affirmatively, noting that other systems could be helpful, including the dependency, mental health, and educational systems. Most respondents who shared their perspective on this issue felt that a youth's delinquent act would deem them ineligible or inappropriate by the other systems to receive services in that system. As one respondent noted, "If the youth commits a minimal crime, dependency doesn't want them in their system anymore." It was also noted that older youth were more susceptible to being transferred to the delinquency system, an issue commonly referred to as "aging out" of dependency. As for the educational system, one court official noted that vocational options may be more appropriate for some youth than the traditional educational system. A focus group participant noted that Probation sometimes works with special education youth who could have been better served in the educational system. When asked how the systems could better work together, sharing resources and communication were cited as possible ways to improve the relationships. Also, having access to beds or having a local locked mental health facility could assist to more appropriately serve youth with more severe mental health issues.

"If the education system intervened sooner for special education kids, fewer would end up in Probation. Families with limited resources and skills have difficulty getting (educational) services."

Focus Group Participant

The Role of the Officers of the Court and the Judiciary

When asked about the role counsel and the bench have in a youth's sentencing outcome, there was the belief by most of the respondents that, overall, the Deputy Public Defender was more knowledgeable and better equipped to represent youth than a private attorney. However, some interviewees and focus group participants added that retention of a private attorney might be interpreted by the Probation Officer as a youth having more family support, or be viewed more favorably by the bench. In addition, all respondents agreed that the judiciary does vary in its dispositional decisions. Which courtroom a youth's case was assigned to was seen as having a direct influence on the outcome of their case. Reasons cited for

"All judges do have their own beliefs and may emphasize different ways of handling troubled youth... Overall, judges are believed to mean well in each case. A youth's outcome does depend on which court assignment they receive. Some judges are more punitive than others."

Focus Group Participant

these differences among the judiciary included different beliefs as to what is an effective intervention, different levels of experience in the juvenile justice system²⁶, and different levels of awareness of the community-based intervention options.

Perceived Racial Differences in the Juvenile Offending Population

As noted earlier, one of the theories that attempts to explain the existence of DMC in the juvenile justice system is the “differential treatment” hypothesis, which attributes the disproportion to racial or ethnic inequities. While the larger discussion of the reasons and manifestation of racial disparities in society, both at the individual and structural levels, is extremely complex and is beyond the scope of this research, it is valuable to examine what role such inequities play in DMC, whether subtle or glaring, calculated or inadvertent. As such, interviewees were asked a series of close-ended questions about the possible racial differences among the juvenile offending population, as well as any observed biases in the local juvenile justice system. The majority of respondents did not feel that racial differences existed in the type and quantity of crimes a youth committed or their willingness to take responsibility for their offenses. Most of the racial differences were seen as related to a youth’s and family’s negative past experience with the justice system. Below is a summary of the key findings from the interviews.

- Both Black and Hispanic youth were viewed as more likely to live in neighborhoods with high crime and gangs than White youth.²⁷
- Both Black and Hispanic youth were seen as more likely to be stopped by police than White youth. The most common reason cited was “racial profiling,” followed by more police presence in their neighborhoods. It should be noted that this perception was often followed by a qualifier that they did not place fault or judgment on police officers, but it was just the Probation Officer’s observation or direct experience.
- While both Black and Hispanic youth were seen as being distrustful of the juvenile justice system, more Probation Officers associated this with Black youth. The primary reason cited for this was a history of negative experiences (either by the youth or their family) with law enforcement.

Almost half of the Probation Officers agreed with the statement that Black youth are more defiant when interacting with juvenile justice officials, as did four of the eleven for Hispanics. Similar to the distrust issue, Probation Officers cited past negative experiences and distrusting that they would be treated fairly, especially by White authority figures.

Black youth were also seen by almost half of the Probation Officers as more likely to come from a chaotic family than White youth. The reasons were mixed, but the Probation Officers stated the perceived lack of a male role model, single parents, and family history of involvement in the criminal justice system as contributing factors.

²⁶ At the time of the this report, San Diego Juvenile Court was staffed by two full-time judges and two-part-time judges.

²⁷ Because White youth were the reference group for this DMC research, questions were phrased to identify any bias directed at the Black and Hispanic youth and not the reverse.

Four out of ten Probation Officers agreed with the statement that Black and Hispanic youth were less likely to complete their court-ordered programs, with reasons given including challenges in accessing the programs in the community, or the parents not understanding what is expected from them or being able to provide the support needed.

In addition, focus group respondents had mixed perceptions of whether Black and Hispanic youth were more likely to be associated with or a member of a gang or in possession of a weapon at time of arrest. When asked why those that felt these groups might be more involved with gangs, their responses mirrored the interviewees' perceptions that where they live strongly influences if they will become involved with gangs. This was also the reason given as to why they were more likely to be in possession of a weapon.

“Lack of resources in the community doesn’t allow them (Black/Hispanic youth) to complete the requirements (Probation). Also, because parents may not understand what is expected and they aren’t given adequate information to help their kids, they have a hard time accessing the services.”

Probation Officer Interviewee

Perceived Differences In Treatment of Minority Youth in the Juvenile Justice System

All justice professionals were asked about perceived racial/ethnic bias in the system at the different decision points, as well as the possible need for training in this area. Overall, the majority of respondents did not feel the juvenile justice system was biased. The two areas where this varied (an additional five and four more positive responses, respectively) were at the point of arrest and agreeing that the system makes it harder for Black and Hispanic youth to successfully complete probation. The majority of respondents felt that both out-of-custody and in-custody programs were sensitive to the diverse needs of the population. However, this perspective contradicts the fact that nearly all respondents agreed that Probation and the juvenile justice system could benefit from racial/ethnic training. One respondent stated that, “very rarely is the issue of bias addressed (in the system). Cultural sensitivity and diversity need to be hammered into the staff and need to come from the leadership down. This also includes the bench.” In addition, while most respondents did not identify bias at the different decision points, 6 out of 15 interviewees and several focus group participants did note that youth of color were treated differently by the system. Most of the reasons cited for these differences had to do with indirect factors. For example, limited resources and lower socioeconomics were viewed as barriers to receiving treatment and contributing to increased detainment, youth of color were policed differently, and “youth culture,” which glorifies the “gangster” look, could have a negative effect on a youth’s case. One individual noted that, in its effort to help Black and Hispanic youth, the system was actually doing them harm by intervening excessively.

Suggestions of How the Juvenile Justice System Could Better Meet the Needs of the Youth

When asked if the system was adequately meeting the needs of youth, 11 out of the 15 interviewees thought it could do a better job and/or listed ways that they would like to handle youth differently. The following is a list of suggestions that interviewees and focus group participants gave to improve the system.

- Regionalize services. Having services available in the community where the youth live was seen as important for increasing the capacity of communities to meet the needs of their members and improving access for families. There was also mention of regionalizing the Probation offices.
- Increase community supervision of youth. It was clear from responses that professionals believe there is a need to see the youth in the field more than is currently happening. The primary suggestion to accomplish this was to decrease the current Probation Officer caseloads.
- Increase substance abuse and mental health treatment. There was concern about the lack of services both in- and out-of-custody to meet the needs of the number of youth who have alcohol and/or drug issues or mental health needs. This includes adequate assessments to identify these needs.
- Provide additional prevention services. Suggestions included targeting youth before they become wards of the court, including additional mentoring services, diversion programs, and assessments earlier in the process.

“As a Department and a system, we do pretty good. We need a continuum of services region wide. Now services are grant driven and effective programs go away after the grant ends. We need to keep the ones that work and have a positive impact.”
Probation Officer Interviewee

Additional suggestions for improving how the system could work with youth included providing services to the 18 to 24 year-old population, adequate training for staff to meet the diverse needs of the youth, ongoing analysis of what works with the population, more coordination with the dependency system, and engaging the family more in the youth’s treatment.

How Did Professionals’ Perceptions Relate to the Reality of Juvenile Justice Outcomes?

Comparisons of the results of the models with the perceptions put forth by juvenile justice professionals provide an interesting picture of where the two intersect (Table 3.6). Overall, the juvenile justice professionals’ assertions that seriousness of offense was a primary reason for a youth receiving custodial time is born out by the findings, as was the role a youth’s prior delinquency had on the decision-making processes. While not listed as a top reason for commitment by professionals, poor school performance was also viewed as a contributing factor to delinquency by interviewees.

Areas of disconnect between juvenile justice officials’ responses and data gathered from the case files pertained to non-legal factors. What is not completely clear, and may be an issue to be pursued further, is the impact of who the youth lives with (e.g., not living with a biological parent) and receiving an institutional commitment. Lack of parental discipline/supervision was cited as being an influential factor in a youth’s delinquency, but how this translates to family structure and any preconceived ideas by the juvenile justice system about the impact of family structure and delinquent behavior is not clear from these data. For example, living with a single parent was mentioned as contributing to delinquency by some professionals (because of overwhelmed parents and lack of supervision) but was not significantly related to institutional commitment. Also not related to institutional commitment, but still mentioned by professionals as risk factors, were treatment issues such as substance use and mental health.

Table 3.6
COMPARISONS OF JUVENILE JUSTICE OFFICIAL PERCEPTIONS AND FACTORS RELATED TO INSTITUTIONAL COMMITMENT

Juvenile Justice Official Perceptions <u>MATCHED</u> Institutional Commitment Outcomes
Seriousness of Offense
Gang Involvement
Prior Delinquency
Poor School Performance
Living Situation (family structure)
Juvenile Justice Official Perceptions <u>DIFFERED</u> from Institutional Commitment Outcomes
Single-Parent Families
Child Abuse
Substance Abuse
Mental Health

SOURCE: SANDAG; San Diego County’s Juvenile Disproportionate Minority Contact (DMC): Identification and Assessment, January 2008

However, unlike institutional commitment, the perception between juvenile justice officials and the outcomes of pre-adjudication detention differed. That is, according to the results of the model, a youth's race/ethnicity was a factor in whether a youth was detained into Juvenile Hall or released, which contradicts the perception that race/ethnicity does not factor into the decision-making process. Unlike institutional commitment, initial detention into Juvenile Hall is based on the criteria of the DCU intake form and is dependent on the discretion of the Probation Officer's application of that form. Each youth brought into Juvenile Hall is screened using a DCU screening form to determine detainment eligibility.

While the DCU focus group believed the decision-making process to be objective, the findings from the multivariate analyses support those interviewees who questioned the equity of the pre-adjudication process. For example, while seriousness of offense and prior history can be directly related to the DCU criteria for detainment, those non-legal factors (i.e., family structure, mental health) were also shown to be significantly related to being detained. Unfortunately, because the sample for the pre-adjudication detention analyses did not include those youth who did not receive a sustained petition as a result of their current offense, it is premature to draw any conclusion based on these findings. However, it is fair to raise questions and explore this issue in more detail during the second phase of this project, including examining the DCU screening tool and its application.²⁸ It also should be noted that those juvenile justice professionals who participated in the research represent a small portion of the entire staff, and other perceptions may exist.

SUMMARY

To better understand the decision-making process and shed light on possible solutions to DMC, interviews and focus groups were conducted with juvenile justice professionals. Professionals were asked to share their opinions about the role of the juvenile justice system, the effectiveness of in-custody and out-of-custody interventions, the decision-making process, the existence of any differences among or bias toward minority youth, and how the system could be improved. In general, the system was seen as not being biased toward minority youth, but factors such as lack of resources, lower socioeconomics, and living in high-crime areas were seen as negatively affecting some youth. In addition, detention and custodial time were seen as appropriate if used for a short length of time and if there were aftercare and treatment services connected with it. The primary reason cited for sentencing youth to detention and custodial time was the seriousness of the offense, followed by a concern for the safety of the youth. Suggested areas of improvement included decreasing Probation caseloads to allow for more supervision in the field, additional resources for out-of-custody intervention programs, and intervening with youth earlier in the system. These interviews and focus groups not only helped guide the quantitative analyses discussed in Chapter 2 but provide valuable information about the decision-making process. In addition, these professionals offered several suggestions that are incorporated in the report's overall recommendations.

²⁸ The reapplication for the second Phase of the CSA TAP proposals was submitted in November 2007.

CHAPTER 4

SUMMARY AND RECOMMENDATIONS

CHAPTER 4

SUMMARY AND RECOMMENDATIONS

INTRODUCTION

The results of the qualitative and quantitative analyses presented in Chapters 2 and 3 provide San Diego with valuable information to begin constructing their disproportionate minority contact (DMC) reduction plan. This chapter summarizes the key findings and possible implications, discusses limitations of the research, and proposes recommendations based on the findings.

SUMMARY AND DISCUSSION

Prior Local and National Efforts

Local, state, and national concerns about the overrepresentation of minority youth throughout the juvenile justice system have led to substantial research on the extent of its existence and the reasons fueling it. This research has generated recommendations to support policy and program strategies aimed at reducing DMC. A 1992 amendment to the Juvenile Justice and Delinquency Prevention (JJDP) Act of 1974 required that states participating in the Formula Grants Program take steps to identify and address any DMC issues or risk losing funds. Under the direction of the Office of Juvenile Justice and Delinquency Prevention (OJJDP), a five-phase model was outlined to assist states in their DMC reduction efforts. These five phases included identification, assessment, intervention, evaluation, and monitoring.

Concerned about the possible existence of DMC in the juvenile justice system and in concert with numerous other jurisdictions throughout the nation, San Diego County took the initiative to examine its own juvenile justice system for possible DMC issues. Turning the lens on itself, in early 2000, San Diego County formed a DMC Committee to identify and address DMC issues that might exist in the local juvenile justice system. In 2005, under the leadership of The Children’s Initiative and guidance of the DMC Committee, the Criminal Justice Research Division of the San Diego Association of Governments (SANDAG) was asked to conduct the identification and assessment phases of the DMC model. Using a random sample of youth who were arrested in 2003, the outcome of this prior research showed that DMC did exist in San Diego County’s juvenile justice system, with Black youth being overrepresented at arrest, pre-adjudication detention, and institutional commitment. Hispanic youth were found to be overrepresented at pre-adjudication detention.

Current Study Efforts

Because of the limitations in the initial study (i.e., sample size), the San Diego County Probation Department sought additional funds through the California Standards Authority (CSA) DMC Technical Assistance Project (TAP) proposal to increase the sample size and include a qualitative

component to the research design. This current study is the first of three parts in this process, which is intended to inform the creation of a DMC reduction plan. To accomplish the research goals, a stratified random sample was selected of 1,001 cases of youth (Black, Hispanic, and White) who had a sustained petition in 2005. In an effort to retain as many cases as possible for analyses at the institutional commitment stage, the sample was drawn further along in the juvenile justice decision-making process and analyses on pre-adjudication were limited to only those cases that had a sustained petition. Both legal and non-legal variables were gathered and analyses were conducted to determine if these factors affected the relationship between race/ethnicity and institutional commitment, as well as pre-adjudication detention.

Also included in the study were interviews with 15 juvenile justice professionals (Probation Officers, judges, Deputy District Attorney, and Deputy Public Defender) and four focus groups at key gate-keeping Probation stages. Results from these interviews helped inform the analysis of the data gathered on the 1,001 cases, provided a picture of how decisions were being made by staff, and also supplied suggestions on how to better meet the needs of youth in the system.

Summary of Juvenile Case File Review

Both the data collection and the analytical strategy were guided by methodologies and findings from previous national DMC research. Over 200 data elements were examined to measure the relationship between race and institutional commitment and pre-adjudication detention. These variables were grouped into five domains: family background, youth characteristics, adverse childhood experiences, delinquent behavior, and current offense. Bivariate analyses revealed several characteristics where the Black and Hispanic youth differed from the White youth. These factors were family structure, socioeconomic status, substance use, mental health diagnosis, school performance, and current and previous offense history. However, when variables significantly related to race or institutional commitment were placed in the logistic regression model to determine which influenced the relationship between race and institutional commitment, race did not significantly impact the likelihood of receiving an institutional commitment. Of the nine variables that were found to be significantly related, five pertained to prior involvement in the juvenile justice system and seriousness of current offense. This outcome was consistent with professional staffs' perceptions of what factors they considered when recommending a commitment (i.e., seriousness of offense). It also is in alignment with the researchers who argue that DMC is related to differential offending patterns; as such, the DMC reduction efforts would benefit from widening the lens from examining racial bias to those factors that influence delinquency. This includes ensuring other systems responsible for the welfare of children (e.g., education, health and human services) are part of the DMC reduction process.

Despite the finding that other factors nullified the race effect within the previous model predicting institutional commitment, controlling for these variables actually strengthened the race effect at the point of pre-adjudication detention, with the odds of Black and Hispanic youth being detained into Juvenile Hall after arrest significantly higher than for Whites. In addition, 14 of the 20 variables tested in the model proved to be significantly related to pre-adjudication detention. Unlike the results from analyses at point of institutional commitment, these results support exploring how bias (indirect or direct) could be influencing detention decisions. This finding is critical given the role prior criminal history has in perpetuating future juvenile justice involvement.

Summary From Interviews and Focus Groups

The results from the professional interviews and focus groups, while limited due to the small numbers, provided valuable insight to the general philosophical underpinnings (i.e., public safety and welfare of the youth) of the juvenile justice staff's decision making. In general, the professional staff did not feel the system was biased toward minority youth but did agree that it could be improved to meet the needs of youth. Suggested improvements included decreased Probation caseloads to increase efficiency of supervision, increased in-custody and out-of-custody treatment capacity to meet the substance abuse and mental health needs of youth, and improved access and support to help parents maneuver through the system. The interviewees also felt the system could benefit from cultural awareness and norms training. As for factors influencing detention and institutional commitment decisions, seriousness of offense and safety of the youth (i.e., abuse in home, substance use, out-of-control behavior) were the primary reasons cited. Detention was also seen as beneficial when used appropriately (i.e., short-term and linked with rehabilitative services). Finally, lower socioeconomic status was seen by some respondents as contributing to a youth's delinquency and limiting the services youth and families could access due to lack of resources and/or programs in their communities.

Implication of Findings

The results of the logistic regression illustrate the complexity of DMC and multiple factors contributing to the overrepresentation of minority youth in the juvenile justice system. While there were factors that were found in both models to increase a youth's odds of being detained pre-adjudication or receiving an institutional commitment, the effect of race in this relationship differed. The findings from the interviews and the results from the logistic regression analyses of institutional commitment suggest that direct racial bias is not the primary reason for the existence of DMC in San Diego County and factors contributing to delinquency need to be considered when developing a DMC reduction plan. However, given that race did increase the likelihood of a youth being detained into Juvenile Hall pre-adjudication, it would be an omission in the DMC reduction planning process to not examine the possible existence of individual or systemic racial bias (whether direct or indirect). For example, if there are factors that are significantly associated with being detained and also more likely to affect youth of color (such as habitual truancy), then addressing the issue of truancy could have a secondary effect of reducing the number of minority youth being detained at Juvenile Hall following arrest.

Table 4.1 compares factors that were related to race to those factors that were found to be significantly related to increasing the odds of a youth being detained pre-adjudication and receiving an institutional commitment. A total of nine variables were significantly related to both Black or Hispanic youth and some type of detention. Four of these variables were non-legal factors, two of which were related to a youth's family structure (i.e., living with a single parent or not living with either biological parent) and pre-adjudication detention. In addition, Hispanic youth were more likely to be habitually truant, which was a predictive factor for both pre-adjudication detainment and institutional commitment. The other five variables were all offense-related and bring to light the existence of the accumulation effect often found to be a contributor to DMC. That is, once a youth enters the system, his/her chance of continuing in the system increases. For example, both Black and Hispanic youth are more likely to be detained into Juvenile Hall following arrest, a factor that was shown to increase the odds of receiving an institutional commitment. The implication of these data challenges the system to look at opportunities which help to prevent youth from entering the system or traveling deeper into the system, a sentiment that was put forth by several of the professionals and gate-keeping groups.

SUMMARY AND RECOMMENDATIONS

Table 4.1
FACTORS RELATED TO RACE/ETHNICITY AND/OR BOTH
PRE-ADJUDICATION DETENTION AND INSTITUTIONAL COMMITMENT

	Related to Race/Ethnicity		Related to Pre-adjudication Detention	Related to Institutional Commitment
	Hispanic	Black		
Hispanic	N/A	N/A	✓	
Black	N/A	N/A	✓	
Living with single parent	✓	✓	✓	
Living with a biological and step-parent			✓	✓
Not living with either biological parent		✓	✓	
Parent receiving public support		✓		
Prior expulsion				✓
Habitually truant	✓		✓	✓
Youth substance use			✓	
DSM-IV diagnosis			✓	
Prior out-of-home placement		✓		
Neighborhood deprivation	✓	✓		
Age at first referral	✓	✓	✓ *	
Number of prior petitions	✓	✓	✓	✓
Prior detention	✓	✓		✓
Prior institutional commitment	✓	✓	✓	✓
Gang involvement	✓	✓	✓	✓
Violent petition		✓	✓	✓
Victim in home			✓	

NOTES: Those variables removed because of being highly correlated with other like variables or not related to race are not included. In addition, because White youth were the reference group, only variables in which Black or Hispanic youth were overrepresented are noted.

**The relationship with pre-adjudication detention (older at first referral increased odds) was the reverse of that with age (minority youth younger at age of first referral).*

SOURCE: SANDAG; San Diego County's Juvenile Disproportionate Minority Contact (DMC): Identification and Assessment, January 2008

An effective strategy for reducing overrepresentation of minority youth requires a commitment from the leadership and willingness to ask sensitive questions. It is important to examine both the direct and possible indirect effects that could be contributing to the overrepresentation. These outcomes provide insight to those risk factors that increase a youth's chance of receiving a commitment sentence and also those that are more likely to affect the different racial/ethnic groups. Hopefully, these analyses will provide the substance needed to begin constructing a well-informed DMC reduction strategy in San Diego County.

RESEARCH LIMITATIONS

Although every effort was made to address possible bias and limitations in the research, it is impossible to eliminate all factors that could affect the reliability or validity of a study. The following is a list of possible limitations associated with this research. Data collection for this research was dependent on a secondary data source, Probation Case Management System (PCMS). Reliance on archival data, while necessary for this project, poses inherent threats to reliability and validity. This is also true when conducting qualitative research, especially when attempting to generalize from a limited number of interviews and focus groups. Possible issues associated with both types of data collection are listed below.

- Possible data entry errors associated with multiple users entering data into both systems (PCMS).
- Variation in reporting among Probation Officers. Although standard training exists on how to gather data and what to include in a youth's social study (the summary report in PCMS), the quality and quantity of data included in the case file are dependent on the individual Probation Officer.
- Missing or incomplete data in PCMS. It was unknown if variables that were left blank (i.e., missing information) in PCMS indicated that the data were missing or if it was a negative response (e.g., if no mention of abuse meant it did not exist or it was unknown). Adjustments to the coding were made to account for this.
- Analyses were limited by the data available in the file. Because the information in the files was not collected for research purposes and the files only include information known to the Probation Officer at the time of the disposition, it is possible that other variables of interest exist that could possibly explain the race effect that was found in this study.
- Electronic transfer of data did not allow for the same detail that is possible with manual collection. As such, some of the criminal history had to be coded as dichotomous ('yes' or 'no') variables rather than ratio (e.g., prior commitments, rather than number of prior commitments).
- The limited sample size of respondents does not represent the entire population of juvenile justice officials in San Diego County and the results are interpreted as a guide, with the understanding that not all perspectives were captured.

- While the interview tools were created to explore both direct and indirect bias, the subject matter of this research (i.e., DMC) is a very sensitive topic and, as such, it is not uncommon for participants to express views that are consistent with social standards and that do not portray themselves negatively. This social desirability bias may lead respondents to self-censor their actual views, especially when they are in a group setting. Inconsistencies between responses and the data were noted when they appeared.

RECOMMENDATIONS

Pre-Adjudication Detention Recommendations

1. **Examine the detention intake process:** Standardized assessments are pivotal in implementing probation evidence-based practices. The Detention Control Unit (DCU) currently uses a screening instrument to determine if a youth will be detained, the outcome of which could impact a youth's further involvement in the system. Examination of the DCU screening tool and how the instrument and criteria are being applied is recommended to ensure equity in the detention decision-making process.
2. **Explore appropriate alternatives to detention:** Safe and feasible alternatives to detention, such as home supervision and community-based residential programs, should be utilized to ensure the most appropriate placement for youth.
3. **Strengthen and expand the involvement of stakeholders in the DMC reduction process:** Work collaboratively with those systems that have the opportunity to prevent and/or intervene in juvenile delinquency, including school districts, County Office of Education, Health and Human Services Agency, and local law enforcement agencies to provide a coordinated and comprehensive system of care to address the multiple needs of youth in San Diego County.

Institutional Commitment Recommendations

1. **Address the pathways to delinquency:** Focus attention on those factors which place a youth at higher risk for either detainment and/or institutional commitment and also are more likely associated with Black and Hispanic youth (e.g., truancy, gang involved). Areas to be examined include early assessment based mental health screenings and availability of and access to substance abuse treatment, post-release linkages to educational and community services, and policies disproportionately affecting Black and Hispanic youth (e.g., zero tolerance).
2. **Adhere to current Probation caseload ratio standards:** To potentially reduce the number of youth overall, and Black and Hispanic youth in particular, who are committed to institutions, it is important to increase the success of youth on probation. Adhering to a standard Probation Officer/client ratio provides the opportunity for the Probation Officer to implement the level of supervision as designed.

3. **Improve family access to the Juvenile Justice System:** Assist the families and youth in navigating the juvenile justice system to help them be better informed and prepared to address court and Probation requirements. Recommended improvements include providing families with increased opportunity to voice their perspective, simplify the language of the court documents, assist with transportation and/or regionalize court locations, offer families more time to meet with their attorney, and assign them an advocate to help steer them through the system.

Systemic Recommendations

1. **Ensure cultural competency:** Institute training on cultural awareness and norms for all levels of the juvenile justice system. Training should be based on nationally recognized curriculum and able to address both individual and structural biases.
2. **Improve communication between the Juvenile Court and Probation:** Steps to improve communication between Juvenile Court and Probation about standards for custodial recommendations, training on alternatives to detention, and ongoing dialogue between the two entities are recommended to facilitate a clear understanding of each entity's decision-making process.
3. **Enhance prevention services:** Direct resources toward preventing youth from escalating in the juvenile justice system. Methods include expansion of diversion services, increased targeted service capacity for substance abuse and mental health treatment (i.e., services in the communities of need), and early administration of standardized mental health assessments.
4. **Examine the application of the San Diego Regional Resiliency Checkup (SDRRC):** Strengthen the application of the standardized assessment (i.e., SDRRC) through the systemic review of the implementation, interpretation, and utilization by Probation Officers and community-based organizations in guiding the development and monitoring of case plans.
5. **Identify what works:** Research the successes and failures of other jurisdictions' efforts to address DMC to inform the DMC reduction plan.
6. **Institute ongoing monitoring and evaluation of DMC efforts:** An important phase in the DMC reduction process is to monitor DMC interventions to help improve the DMC reduction plan. In addition, regular use of the Relative Rate Index will provide consistent monitoring of the status of DMC.

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GLOSSARY OF TERMS

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Criminal Offenses: Part I property crimes (as defined by UCR) include burglary, larceny theft, arson, and motor vehicle theft. Part II property crimes include vandalism, malicious mischief, and graffiti. Part I violent crimes include homicide, rape, robbery, and assault. Part II violent crimes include kidnapping, weapons offenses, and simple assaults.

Disproportionate Minority Contact (DMC): The overrepresentation of minority groups in the population of juveniles who are arrested and held in the juvenile justice system.

Five Phases of DMC: (1) *Identification:* Determine if there is a disproportionate involvement of youth of color who are involved at any stage of the juvenile justice system. (2) *Assessment:* Identify the reasons for any overrepresentation and the extent that it is legitimate. This includes examining such factors as the seriousness of the crime and the length of involvement in the system. (3) *Intervention:* Design and implement interventions and policies, if necessary, to address the disparities. (4) *Evaluation:* Evaluate the effectiveness and outcomes of the interventions in addressing DMC. (5) *Monitoring:* Monitor the interventions and the ongoing effects of the interventions on DMC. This includes adjusting the interventions to better fit the need and identifying additional influencing factors.

Out-of-Home Placement: This includes placement with family members or friends, Polinsky Children's Center, or Residential Treatment Facility, but not foster care.

Population 10 to 17: 2003 population estimates, obtained from SANDAG, were used for this report. SANDAG is the Regional Census Data Center for the San Diego region and estimates population characteristics annually from base year census data.

Pre-adjudication Detention: Detainment of a youth into Juvenile Hall following arrest and prior to disposition.

Random Sample: A precise and scientific process of selecting a smaller number of cases that have a high probability of representing the entire population. Inferences about the population can then be made from the sample. For this study, the total population of youth arrested in 2003 was stratified into four months, and a random sample of all youth in each of those months was selected.

Residential Treatment Facility: A licensed placement facility that has met state and local requirements to treat youth with mental health and substance abuse issues.

Statistically Significant: The probability that the relationship found in the sample is highly likely to exist in the population and is not due merely to chance.

Status Offense: A behavior that is considered an offense only when committed by a juvenile (i.e., truancy or a curfew violation).

Sustained Petition: When youth are true found on the offense for which they were arrested.

