

**A Review of the Status of Disproportionate Minority Contact (DMC)
Efforts in Iowa and Virginia**

April 2010

**Stan Orchowsky
Mary E. Poulin
Janice Iwama**



**Justice Research and Statistics Association
777 North Capitol St., NE
Suite 801
Washington, DC 20002**

Acknowledgments

A number of people have provided valuable insight and support for this project. In Virginia, we have worked with many individuals at the Department of Juvenile Justice and Department of Criminal Justice Services as well as the cities of Newport News and Norfolk. In Iowa, employees of the Division of Criminal and Juvenile Justice Planning and the DMC Resource Center as well as many others around the state have worked closely with us. Thanks also to our grant monitor from the Office of Juvenile Justice and Delinquency Prevention, Michael Shader.

This report was prepared under Grant Number 2006-JE-FX-0002 from the Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice. Points of view or opinions in this document are those of the authors and do not necessarily represent the official position or policies of the U.S. Department of Justice.

Table of Contents

Executive Summary	iii
Background	1
Assessment of State Activities	3
Identification and Monitoring	4
Assessment	10
Intervention	15
Evaluation	25
Other Observations	31
Conclusions and Recommendations	32
Endnotes	44
References	46
Appendix A: Analysis of Linn County Court Liaison and Johnson County Diversion Programs	48

Executive Summary

In 2007, the Justice Research and Statistics Association (JRSA) began a project funded by the Office of Juvenile Justice and Delinquency Prevention (OJJDP) to examine the strategies that have been implemented in Iowa and Virginia to reduce disproportionate minority contact (DMC) in the states' juvenile justice systems. We were especially interested in using these states as case studies of how states and localities are utilizing empirical information to: (1) identify the extent and nature of the DMC problem; and (2) assess the effectiveness of their efforts to reduce DMC. In each state, we sought to examine both state-level efforts, as well as ongoing efforts in two targeted localities (Johnson and Linn counties in Iowa, and the cities of Newport News and Norfolk in Virginia), to address DMC.

To accomplish the goal of the project, staff examined all available documents relating to DMC in both states, with a particular focus on those produced in the last five years. We also conducted interviews with state and local stakeholders in both states and attended meetings of local planning groups addressing DMC issues. We sought data from both states and were able to obtain data from Iowa, which were used to illustrate how local DMC initiatives could be assessed.

In October of 2008, JRSA release an interim report on our findings to date (Poulin, Iwama & Orchowsky, 2008). The current report summarizes the overall findings, conclusions and recommendations of our effort. It builds on the findings presented in the interim report and further work that has been done since that report was released.

Assessment of State Activities

OJJDP has identified a five-phase "DMC reduction cycle" whose elements include identification, assessment/diagnosis, intervention, evaluation, and monitoring. OJJDP has

provided a tremendous resource to the states in the form of its DMC Technical Assistance Manual (“the Manual”) (Office of Juvenile Justice and Delinquency Prevention, 2009). Since states use these components to organize both their formula grant applications to OJJDP and the DMC components of their three-year plans and updates, these elements are used here to describe and assess DMC activities in the two states.

Identification and Monitoring

Iowa and Virginia’s three-year plans both follow the same general format, and both devote a fair amount of space to the presentation of RRI data. However, neither state’s DMC report clearly details how the data will guide specific DMC intervention in the future. The RRI analysis steps spelled out in the Manual were not discussed in either state’s plan. Both states provide information on RRIs for localities on the Web, although analysis of, and conclusions from, the data are limited.

Assessment

Iowa conducted its first assessment study over 15 years ago, and there have been four DMC studies by outside consultants in Iowa localities in the last five years, plus additional analyses undertaken by the state’s Statistical Analysis Center. The assessment studies conducted in Iowa are typical of those that have taken place in other states across the country. These generally involve complex statistical analyses (logistic regression, for example) designed to assess whether race affects decision-making at various stages of the juvenile justice system after other factors, such as seriousness of offense, are accounted for. While we are in favor of the application of data analysis to the problem of DMC, we are wary of these types of assessment studies for several reasons, including their difficulty and cost; potential problems with interpretation of results and whether those results readily lend themselves to policy

recommendations; and how the quality of the data, and data coding decisions made by investigators, affect the results of the analyses.

Virginia has not yet completed an assessment study, but did issue a solicitation for one in January 2010. Our review of that document, along with Iowa's assessment studies, suggests an apparent "disconnect" between the guidance in the Manual and what states are doing; specifically, we see little evidence that Iowa and Virginia are using RRI values to explicitly target localities and decision points for further examination in order to specify the mechanisms at work. We would advocate for the use of assessment approaches that are both more creative and utilize data in ways that are easier to understand and more relevant to decision-making.

Intervention

Both Iowa and Virginia have carried out similar state-level activities. These activities have included the following: establishing Web sites that include DMC information and RRI statistics; funding an annual DMC conference and other training initiatives; funding assessment studies or other DMC-related studies; studying DMC and related issues through the establishment of statewide task forces, commissions, etc.; providing funding for local initiatives/interventions; implementing a statewide risk assessment instrument (VA; IA in progress); and implementing legislative changes designed to address DMC-related issues.

Risk Assessment Instruments

Iowa began pilot-testing a risk assessment instrument in Johnson and Linn counties in 2007. No formal assessment of the use of the IDA has been conducted to date. As part of the JDAI process, the state has appointed a committee to develop a statewide detention assessment tool. How this tool will fit with the IDA is not clear at this point.

In 2000, the Virginia General Assembly mandated the development and statewide use of a detention risk assessment instrument. The Department of Juvenile Justice implemented the

Detention Assessment Instrument (DAI) in December of 2002. At least two studies of the assessment instrument have been completed. A recent study of the juvenile justice system by the Virginia State Crime Commission found that 74% judges and 63% of CSU Directors rated the Detention Assessment Instrument as either “very” or “somewhat” effective in reducing DMC. DJJ is currently working with Orbis Partners, Inc. to implement their Youth Assessment and Screening Instrument (YASI).

Training

Both states contract with local universities to host annual statewide DMC conferences which include nationally-recognized speakers.

JDAI

Localities in both Iowa and Virginia are working with the Annie E. Casey Foundation’s Juvenile Detention Alternatives Initiative (JDAI). The JDAI approach involves eight “core strategies” designed to promote changes to policies, practices, and programs to reduce reliance on secure confinement, improve public safety, reduce racial disparities and bias, and stimulate overall juvenile justice reforms. In Iowa, Black Hawk, Polk, and Woodbury Counties have been working with JDAI since the summer of 2008. Casey made site visits and provided two training sessions in 2008, and an additional training session on risk assessment in 2009. Committees have been established, and work is underway to develop JDAI plans and a detention risk assessment screening instrument.

JDAI was initiated in seven localities in Virginia in 2003. In Newport News and Norfolk, JDAI provided funding for a coordinator position to organize committees of key players to look at ways of improving detention policies and practices. In Norfolk, the coordinator and committee have worked to collect admissions data and publish monthly newsletters with admissions data,

news, and updates. They have also amended the violation of probation policy, reduced the number of truants referred to detention, developed a parental notification process to decrease the number of failure-to-appear violations, and increased community awareness through a town hall meeting held in the fall of 2009. In Newport News, DMC work began with the creation of a DMC subcommittee which, in its first year, conducted a review of system and community factors that might result in DMC and issued recommendations to the collaborative for reducing DMC in the juvenile justice system. However, once three-year funding from Casey for the JDAI coordinator position ended, progress stalled. The DMC committee has not met regularly for two years, and little progress appears to have been made since 2007.

Burns Institute

The Burns Institute works with key agency and community stakeholders in a “data-driven, consensus-based approach to change policies, procedures and practices that result in the detention of low-offending youth of color and poor youth.” The Burns Institute began its work in Virginia in 2006, when several localities received funding from DCJS to work with the Institute. In July 2007, DCJS contracted with the Burns Institute for three years to continue its work with Newport News and Norfolk on implementing the recommendations in the RAC reports. In Norfolk, Institute representatives have attended monthly meetings of the DMC Committee, have analyzed data obtained by the DMC committee, and have provided guidance to the committee in dealing with the DMC issue in general and implementing the RAC report recommendations in particular. A similar process was instituted in Newport News, but it appears that it had not gotten far when the DMC committee stopped meeting regularly. Our interviews with key stakeholders revealed positive assessments of the Institute’s efforts in both localities.

Evaluation

Neither Iowa nor Virginia has any information about evaluation activities in their three-year plans. As noted previously, several localities in Iowa and Virginia are working with the Casey Foundation on their JDAI initiative, and Newport News and Norfolk in Virginia have also worked with the Burns Institute. While both of these initiatives have won praise from many quarters, we would suggest that there is very little information available on the effectiveness of either, and most of what is available comes from the organizations themselves.

Our assessment of the accumulated evidence on DMC interventions is that there is some evidence to suggest some promising DMC interventions, almost exclusively at the detention stage. Systemic interventions, such as JDAI and the Burns Institute approaches, seem to have the benefit of energizing, at least temporarily, local efforts to address the DMC issue, and both efforts offer some numbers that suggest reductions in DMC. There is no evidence that meets any reasonable standard of scientific validity and objectivity that shows either JDAI or the Burns Institute approach to be successful in reducing DMC. This situation is not unique to these two national initiatives, however. Overall, few DMC interventions have been objectively and rigorously evaluated, and there is little objective evidence that interventions designed to reduce DMC actually do so.

Recommendations

Identification

1. OJJDP should provide clarification for states in how to use statewide RRI data.

Based on our case study approach, states are not analyzing the RRI data in ways that lead them to either more detailed assessment or to strategies that might reduce DMC. OJJDP should

explore ways that states can make better use of the RRI data, since states appear to be expending considerable resources to collect and report these data.

- 2. OJJDP should require states to report RRI data for every locality in the state where the juvenile minority population meets a specified minimum threshold (number or percent of state population).**

The data elements required to compute RRIs are basic data that every agency and institution that deals with youth should maintain. Implementing this requirement might help facilitate states' improvement of their data collection systems, and would also provide OJJDP with much more comprehensive picture of DMC nationally.

- 3. OJJDP should re-examine the five step process for analyzing and interpreting RRI values provided in the Manual, and develop an automated tool for localities to use in implementing (the first four steps of) the process.**

As they read now, some steps appear to be more useful for local jurisdictions, while others might be more useful to the state. We believe the process should be revisited and the steps clarified.

- 4. OJJDP should reconsider its guidance requiring states to target a minimum of three localities to encourage more flexibility in how states deal with DMC issues.**

We are suggesting that OJJDP explore a system that would more strongly encourage states to target a larger number of jurisdictions for DMC interventions. With the expanded RRI data that would result from implementing our second recommendation, it might be possible to develop a tiered approach, where more effort is put on localities with more severe DMC problems, but localities with lesser problems are still targeted for intervention.

5. OJJDP should undertake a comprehensive analysis of the RRI data collected through its Web-based data entry system.

The analysis should address key issues, such as degree of variation across localities and how missing data affect the RRI calculations. We would also suggest that OJJDP make the RRI data collected via the data entry system accessible to all justice professionals.

6. States should update RRI data annually and post the most recent RRI data on their Web sites, along with their three-year plans and annual updates.

States should, as quickly as possible after the end of the calendar/fiscal year, process and make available the previous year's RRI data. In addition, states should keep RRI data from prior years on their Web sites, so that local professionals and the public can gauge progress toward reducing DMC.

Assessment

1. OJJDP should convene a group to explore the development of a state-level DMC strategic planning process.

A group comprised of DMC and state researchers, state DMC coordinators and state administering agency representatives should be convened to discuss how states can develop strategic plans for addressing DMC issues. The goal of the group would be to develop a process that, when implemented, would result in a state's being able to understand the nature of the DMC problem, how best to combat the problem, how to measure performance toward reducing DMC, and how to sustain DMC reduction efforts over time.

2. OJJDP should develop and pilot test a process for conducting assessment studies at the local level.

We would suggest an approach similar to those being used by both the Casey Foundation and the Burns Institute in their work with localities. This would also resemble a strategic planning approach, where data are used to help a local collaborative identify problems and generate possible solutions.

3. OJJDP should compile examples of relatively simple assessment studies that can be used as models for localities.

While it awaits the results of the two long-term efforts recommended above, OJJDP should compile for publication examples of simpler assessment approaches that have been used successfully at the local level.

Intervention

1. States should monitor the results of their assessment instruments on an annual basis, and regularly examine outcomes.

To ensure that instruments are accomplishing their intended objectives, their use must be monitored on an ongoing basis. Usage statistics should be gathered and reported, and outcomes, including recidivism rates, failures to appear, and effects on DMC, should be assessed regularly

2. States should post all available, up-to-date information on DMC on their Web sites.

In addition to formal reports, such as assessment and evaluation studies and task force reports, the Web site should also include copies of state plans, updates, conference proceedings, trainings, and any other material related to DMC.

3. States should document all local DMC-related interventions in their annual updates to OJJDP.

There should be one place that localities and the public can go to learn about all DMC-related activities in the state. At a minimum, states should develop a catalog of local activities that includes a description of the activity and contact information for the local activity coordinator. This would allow localities to learn about interventions taking place elsewhere in the state and assess whether they would be appropriate for implementation in their own jurisdictions.

Evaluation

1. Any evaluation of a DMC initiative should have as its primary outcome measure the reduction of DMC.

While other outcomes, such as a reduction of the number of minority youth in secure confinement, may be desirable, DMC-reduction initiatives should be expected to actually reduce disproportionality.

2. OJJDP should clearly define its expectations for states and localities regarding evaluation of DMC initiatives.

While the DMC Manual contains a great deal of useful information about evaluation, it is not clear who the audience for this information is. There should be consensus on the roles of key stakeholders in evaluating DMC initiatives.

3. OJJDP and the states should provide more detailed and specific information to localities on identifying and measuring the performance of DMC-related initiatives.

States and localities need to understand what to measure for their specific initiatives and how to collect data on these measures. OJJDP should explore options for providing this information, including training aids and individual consultations.

4. OJJDP should fund comprehensive national evaluations of JDAI and the Burns Institute's approach to dealing with DMC.

Although JDAI and the Burns Institute have been working with a number of localities across the country, neither of these initiatives has been adequately evaluated by an objective source. We would suggest that OJJDP seek funding for such an evaluation, and work with the National Institute of Justice to identify goals and objectives for such an evaluation.

Background

In 2007, the Justice Research and Statistics Association (JRSA) began a project funded by the Office of Juvenile Justice and Delinquency Prevention (OJJDP) to examine the strategies that have been implemented in Iowa and Virginia to reduce disproportionate minority contact (DMC) in the states' juvenile justice systems. We were especially interested in using these states as case studies of how states and localities are utilizing empirical information to: (1) identify the extent and nature of the DMC problem; and (2) assess the effectiveness of their efforts to reduce DMC. In each state, we sought to examine both state-level efforts, as well as ongoing efforts in two targeted localities, to address DMC. In Iowa, the two target localities were Johnson and Linn counties, and in Virginia they were the cities of Newport News and Norfolk.

To accomplish the goal of the project, staff examined all documents relating to DMC in both states, with a particular focus on those produced in the last five years. These included assessment studies, reports prepared by commissions and consultants, and the DMC components of the states' three-year plans (and annual updates). We also conducted interviews with state and local stakeholders in both states. The purpose of the interviews was to obtain opinions on DMC issues in the state or locality in which efforts are focused and to gather information on DMC efforts not available in published reports. Interview respondents included state and local juvenile justice system staff, other state staff involved in justice issues, and representatives of community efforts focused on DMC. In addition, project staff attended meetings of local groups meeting to address DMC issues. In Virginia, we also participated in two statewide DMC conferences. Finally, project staff requested juvenile justice data from both states. In Iowa, we received data from the state's Justice Data Warehouse, as well as data from one of the local court jurisdictions.

These data were used to illustrate how localities can examine the impacts of specific DMC interventions. We were not able to obtain the requested data from Virginia.

In October of 2008, JRSA release an interim report on our findings to date (Poulin, Iwama & Orchowsky, 2008). That report included a review of the status of DMC efforts in the two states, including a list of past DMC studies, key stakeholders in the states, the impetus for DMC efforts, a review of identified problems and suggested causes of DMC in the two states, and an attempt to connect DMC activities to problems and suggested causes. Also included were a presentation of the Relative Rate Index (RRI) data for the two states and a discussion of the findings of our interviews with 28 state and local stakeholders regarding the nature of the DMC problem.

The current report summarizes the overall findings of our effort, and provides our conclusions and recommendations based on those findings. It builds on the information presented in the interim report and further work that has been done since that report was released. This latter work has included a second round of interviews and discussions with state and local stakeholders, along with the analysis of the Iowa data discussed previously and a review of the 2009 DMC reduction plans submitted to OJJDP by the two states.

It is not the intent of this report to present an evaluation of the two states' efforts to address DMC. Instead, we employ the two states as case studies, under the assumption that the DMC activities and issues in these two states are typical of those facing states across the country. It should be noted, however, that Iowa and Virginia were selected in part because of their long-standing and ongoing efforts to address DMC, and not to be "representative," in the statistical sense, of all states in the country.¹ Moreover, we have not contacted any other states to specifically determine to what extent the activities and issues in Iowa and Virginia have

applicability to the rest of the country. However, based on our experience working in this area for the last nine years, we believe that what we have learned about Iowa and Virginia's DMC efforts will indeed have relevance to all states that are actively working to address this issue.

Assessment of State Activities

The DMC-related activities in the states are informed by the guidance provided by OJJDP through its Title II solicitation process and the reporting requirements of the plans. Thus it is important to address DMC activities in Iowa and Virginia within the larger context of this guidance. OJJDP has identified a five-phase "DMC reduction cycle" for states to use in organizing their DMC efforts. The cycle's elements include: (1) identification; (2) assessment/diagnosis; (3) intervention; (4) evaluation; and (5) monitoring.² OJJDP has provided a tremendous resource to the states in the form of its DMC Technical Assistance Manual (referred to here as "the Manual"), which provides detailed information for each of the elements, along with information on other key issues related to DMC (Office of Juvenile Justice and Delinquency Prevention, 2009). Since states use these components to organize both their formula grant applications to OJJDP and the DMC components of their three-year plans and updates, these elements are used here to describe and assess DMC activities in the two states. The information below provides a synthesis of the findings of our study, with an emphasis on the activities identified by both states in the 2009 updates to their three-year plans (submitted in the spring of 2009). We also consider the guidance provided by OJJDP in the Manual and other information on state and local initiatives, including those led by national organizations, in our assessment.

Identification and Monitoring

The Manual describes the primary purpose of this phase as being the description of the extent and nature of the DMC problem; that is, how big is the problem and at which decision points in the system (e.g., arrest, detention, petition, etc.) does the problem occur, for an individual jurisdiction. The identification phase also “provides initial guidance on what questions to ask (assessment) about the mechanisms and reasons for [observed differences based on race and ethnicity]” (p. 1-1).

Beginning in 2004, the desired method for documenting these differences is the Relative Rate Index (RRI), a calculation of the proportion of minority youth in each stage compared with the proportion in the previous stage. OJJDP requires states to enter “the most recent available statewide data and at least three targeted jurisdictions with the highest minority concentrations or, preferably, the localities with focused DMC-reduction efforts” into its Web-based DMC Data Entry System.³

Iowa’s 2009 DMC update provides arrest rate per 1,000 juveniles from the state’s Uniform Crime Reporting program for Caucasian, African-American, Hispanic, Asian and Native American youth for 2005-2008. It reports these same data for referral, diversion and detention. These data are then reported for Blackhawk, Polk and Woodbury counties, which are identified as being jurisdictions with focused DMC efforts. The data are presented in a series of graphs with bullet points after each highlighting findings. The same data are entered into OJJDP’s DMC Data Entry System.⁴ The Iowa data come mostly from the state’s Justice Data Warehouse (JDW), a central repository for key criminal and juvenile justice data from all components of those systems for the entire state.

The Virginia 2009 DMC update reports data on court intake, diversion, petition, detention, delinquent adjudication, probation, and commitment to juvenile correctional centers for white, black, Hispanic, Asian and “other” youth for FY2008. These same data are shown for Fairfax County and the cities of Norfolk, Newport News and Virginia Beach. Fairfax, Norfolk and Virginia Beach were included in the three-year plan, and Newport News was included because it is part of a targeted DMC effort. Virginia reports entering FY2008 data for eleven cities and counties into the OJJDP DMC Data Entry System. RRI data come from the state Department of Juvenile Justice’s Juvenile Tracking System database.

The two states’ reports both follow the same general format, and both devote a fair amount of space to the presentation of RRI data. Iowa reports trend data, at least for a few years, which is useful for understanding changes over time. Virginia reports data on many of the components of the system, which is useful in understanding how DMC varies across the juvenile justice system. However, we are concerned not just with how the RRI data are reported, but how they are interpreted. Neither state’s DMC report provides any interpretation of the data presented. By “interpretation” we mean not simply a narrative that explains data shown in graphs (e.g., “the detention rate for African-American youth was double the rate for white youth”), but what the data mean for previous and future DMC activities. This latter information is missing from both states’ reports. It is clear that states are putting considerable time and effort into generating and reporting RRI data. What is less clear is whether the states find these data useful for clarifying the extent and nature of the DMC problem.

The Manual identifies five steps “in interpreting and analyzing RRI values to drive decision-making” (p. 1-20). These five steps are: (1) identify RRI values that are statistically significant; (2) from among those, identify the ones showing the largest disparity; (3) from

among statistically significant RRIs, identify the ones that involve the largest numbers of minority youth; (4) compare RRI values identified in Steps 2 and 3 across jurisdictions to identify those with large disparities; (5) examine the “local context” for jurisdictions identified in Steps 1-4 to determine which might benefit from DMC interventions. The Manual provides detailed information for how the first four steps can be implemented, and provides some examples of practical considerations that can help to determine where to focus assessment and intervention efforts. An “RRI Analysis Tracking Sheet” is provided, which consists of a matrix of system contact points and race/ethnic categories that can be filled in using the information from the five analysis steps discussed above.⁵

No discussion of these steps is included in the plans from Iowa or Virginia.⁶ Iowa’s DMC plan notes that the matrix is considered by OJJDP to be an identification tool, and that “the tool is one that the JJAC, the DMC Committee, and the Governor’s YRDTF [Youth, Race and Detention Task Force] utilize to help identify potential areas of focus for DMC related efforts.” Iowa’s report notes that five counties account for the majority of detention and boys’ state training school admissions, and that these counties also have significant minority populations.

OJJDP requires states to submit statewide data. It is not clear from the Manual exactly how states can make use of these data, and neither state’s report shows evidence of the use of these data.⁷ As the Manual notes, RRIs can be used to assess at what points in the justice system disproportionality is greatest. The Manual does not specify how the state can make use of this information – presumably, one can look for statewide policies related to system areas where discrepancies are identified. States can also compare their numbers to national counts, rates, and RRIs, which can be found at OJJDP’s National Disproportionate Minority Contact Databook.⁸

The latter set of numbers, while only available through 2005, may provide a useful point of comparison for states in showing the relative discrepancies between stages.

JRSA's interim report provided examples of how Iowa and Virginia's RRI data can be compared to these national averages. For African-American youth in Virginia, for example, disproportionality seems to exist at the referral and state commitment stages. The latter suggests that the state could focus on this stage in its assessment efforts (perhaps beginning with a look at laws and policies related to commitment to youth facilities), although the magnitude of the RRIs suggests the need for action at several other stages as well. The finding of disparity at referral illustrates the difficulty, discussed in the Manual, in interpreting RRIs when data are missing. It is likely to be disproportionality at the arrest stage, and not the referral stage, that accounts for the overly-large RRI value (in this case, the referral rate is calculated using juvenile population as the denominator, and not arrests, as would normally be the case).

Virginia omits arrest data because of concerns about the quality of the information reported by localities. Since UCR is a voluntary program, all states have some difficulties with obtain accurate data consistently from localities. We are not in a position to judge the nature of Virginia's problems with arrest data. We would note, however, that Virginia is one of a small number of states that is 100% NIBRS-compliant; that is, all localities are required to submit incident-based data on offenses, offenders, victims and arrestees. As the Manual notes, having access to such data is a distinct advantage in the identification of DMC, and we would concur. In any case, given the difficulty in interpreting RRI values for referrals that are based on population rather than arrests, we would suggest that states that mistrust their arrest data at least calculate referral RRIs both ways and compare the two (i.e., using available arrest data and calculating the

referral RRI based on arrests, as the Manual suggests, and calculating RRIs for referrals based on population, as Virginia does).

In Virginia, the Department of Criminal Justice Services (DCJS) is the agency that receives OJJDP formula grant funds and is responsible for submitting three-year plans to OJJDP. The Department of Juvenile Justice (DJJ) is the operational agency that is responsible for all components of the juvenile justice system in the state. Thus the raw data for RRI calculations are provided to DCJS by DJJ. Recently, DJJ developed DMC data, including RRIs, for each of the 31 juvenile court districts in the state. DJJ prepared reports that include data for each of the decision points, calculate the RRIs, and compare these to state RRIs for the same decision points (arrest data are again excluded). Analysis is provided, and problem areas for each locality are identified. The reports do not indicate what year the juvenile justice data represent, although the population data are from 2007. These reports were provided to the local courts and are available on the DJJ Web site (<http://www.djj.virginia.gov/Initiatives/DMC.aspx>).

DCJS provides a variety of information and tools related to DMC on its Web site (<http://www.dcjs.virginia.gov/juvenile/dmc/index.cfm#3>). The site provides information by locality and race for youth on juvenile population and the various stages of the juvenile justice system. At the time this report was prepared, the Web site showed data for 2005, with calculations based on 2004 population data. The Web site also allows each locality to compute its own RRIs. Localities can download an Excel spreadsheet, enter the data from the Web site into the spreadsheet manually, and have the spreadsheet automatically calculate RRIs. Information on how to interpret or use the RRIs is not provided; instead, the site links to a 2003 Powerpoint presentation on the OJJDP Web site (Feyerherm & Butts, 2003). In addition to the

data, the DCJS site also contains links to the various reports produced over the years on DMC, including the 2006–2008 three-year plan.

In Iowa, the Division of Criminal and Juvenile Justice Planning (CJJP) is responsible for submitting the three-year plan. Since 2002, CJJP has funded a DMC Resource Center at the University of Iowa’s National Resource Center for Family Centered Practice. The Center’s Web site (www.uiowa.edu/~nrcfcp/dmcr) includes matrices for each component of the juvenile justice system by race from 2004-2008 for the state as a whole, as well as for Black Hawk, Polk, Woodbury, Johnson (2005-2008), and Linn (2005-2008) counties, as well as more limited data for Scott and Webster counties. The Center also includes older data for the state as well as a larger number of counties. As is the case in Virginia, the Resource Center Web site does not provide information on use of RRIs, but instead links to the same OJJDP Powerpoint presentation as the DCJS site. In addition to data, the Resource Center’s site includes a great deal of additional information, including proceedings of past DMC conferences and copies of completed assessment studies and other studies related to DMC, as well as the three-year plan. Also included is an annotated bibliography of national studies and publications related to DMC.

Summary

The RRI is a potentially useful tool for assessing both levels of, and changes in, DMC. While both Iowa and Virginia appear to be spending a good deal of time and effort in calculating RRIs, it is not clear to us that they are using this information to determine the nature and extent of DMC across the state, and to guide more detailed assessment activities⁹. Both states provide information on RRIs for localities on the Web, although analysis of the data is limited.

Assessment

According to the Manual, an assessment is “a search for the factors that contribute to DMC, with the goal that the results may lead to strategies or interventions to reduce DMC” (p. 2-1). At various points, the Manual provides the following information about the assessment phase: it looks in greater detail at decision points targeted in the identification phase (p. 2-1); states and localities are encouraged to develop innovative approaches to conduct the assessment (p. 2-15); a statewide assessment is ideal (p. 2-17); and the assessment should approach the juvenile justice system in a holistic manner (p. 2-18). In terms of data, the Manual identifies three general types that may be needed for the assessment phase: RRI-level data (to create counts for subsets of cases); case-level data (to examine attributes of specific cases and combine them in tables); and transactional data (to track individual cases through multiple stages in the juvenile justice system).

Iowa is one of the most “assessed” states in the country. As we note in our interim report, Iowa conducted its first assessment study over 15 years ago, and there have been four DMC studies by outside consultants in Iowa localities in the last five years, plus additional analyses undertaken by the state’s Statistical Analysis Center. The study by Mike Leiber in 1993 focused on Black Hawk, Polk, Scott, and Woodbury counties. Subsequent studies by Dr. Leiber and his colleagues in 2006 and 2007 focused on Black Hawk, Johnson, Linn and Scott counties. Bill Feyerherm’s 2007 study looked at Black Hawk, Scott and Woodbury counties. A qualitative study by Brad Richardson in 2008 focused on Black Hawk, Polk, and Woodbury. Dr. Leiber completed also completed a study of detention in Black Hawk County in 2005.

The assessment studies conducted in Iowa are typical of those that have taken place in other states across the country. These generally involve complex statistical analyses (logistic

regression, for example) designed to assess whether race affects decision-making at various stages of the juvenile justice system after other factors, such as seriousness of offense, are accounted for. Leiber's studies in Iowa, for example, find that this is the case for the detention decision, and also that race combines with legal factors to affect decision-making (e.g., black youth who commit more serious offenses are more likely to be detained than white youth, but this is not the case for less serious offenses).

While we are in favor of the application of data analysis to the problem of DMC, we are wary of these types of assessment studies for several reasons. First, they can be difficult and costly to conduct and require specialized expertise from researchers to collect and analyze the data and interpret the findings. Second, because they often include a number of variables and decision points (and perhaps jurisdictions), they tend to produce a number of statistically significant results that can be difficult to interpret. For example, findings may show that race interacts with one set of variables at detention and a different set at adjudication, but shows no effect at all at diversion. It is hard to know whether these types of findings really reflect the complexity of decision-making in a particular locality, or are simply artifacts of the statistical analyses themselves. Findings such as these are also difficult to interpret and do not readily lend themselves to policy recommendations. Finally, the analyses are only as good as the data that are available. Moreover, many decisions related to the coding of the data need to be made for the analysis, and these decisions may affect the findings and how they are interpreted.

It is clear that Iowa has done a great deal of analysis and has used different methods to conduct these analyses. However, in states that are not as thorough, we are concerned that conducting a one-shot assessment study using multivariate analyses will be of limited utility in developing meaningful intervention strategies. This is in part because the statistical analyses can

provide levels of detail and nuance in their findings that cannot be matched by the interventions currently available. For example, Dr. Leiber's detention study in Black Hawk County and study of multiple decision points in four counties both produced five recommendations, and four of the five were the same in both studies. Moreover, the recommendations tend to be generic in nature, endorsing approaches that many states are already implementing, even without the benefit of carefully-conducted assessment studies. These recommendations include: reform detention admissions; use a risk assessment instrument; continue race (and gender) cultural sensitivity training; expand crime prevention programs; and conduct additional research on DMC. As we discuss below, Virginia has implemented similar interventions without the benefit of an assessment study. This is not intended as a criticism of Dr. Leiber's work, which has been of consistently high quality, but to point out what we believe are the limitations of such assessment studies when this approach is used exclusively.

Virginia has not conducted a formal statewide DMC assessment (although there have been a number of studies that addressed juvenile justice, racial disparity, and related issues, as documented in our interim report). In January of 2010, the state's Department of Criminal Justice Services (DCJS) issued a Request for Proposals (RFP) to conduct a statewide DMC assessment. The RFP required bidders to: produce a statewide assessment or, if a sample of localities is to be selected, identify the process by which the localities will be selected; generate possible explanations for DMC; and educate stakeholders about the assessment's findings. The RFP did not suggest specific system points, other than to say that "the assessment will focus on juvenile justice decision points identified by OJJDP." The RFP required applicants to have knowledge and experience conducting DMC assessments according to the guidance set forth by OJJDP, and to have knowledge of the use of RRI's.

We would point out that the Virginia RFP did not identify specific decision points for the assessment to address. It did note that “Stage 1 of the OJJDP process is to identify that DMC does exist, which has been completed and documented by DCJS through the use of statewide data.” The RFP did not provide specific RRI information to potential bidders, nor did it indicate where bidders could find that information. The only data presented in, or referenced by, the RFP, is the following: “According to the 2007 census, African American youth in Virginia accounted for 23.2% of the youth population aged 10-17, but they accounted for 44.6% of the juvenile intake population, 55% of the juvenile detention population and 66.1% of statewide commitments to juvenile correctional facilities.”

We offer these observations not to criticize Virginia’s RFP process, but to highlight our contention that states may be having difficulties conceptualizing the linkage between the identification and assessment stages, at least in the ways implied by the Manual. There was no suggestion in the Virginia RFP that the assessment process should be based on “decision points that the identification process has targeted.” There was no information about what localities the state has targeted for interventions, for which jurisdictions RRIs have been calculated and what the RRIs are, or what stages of the juvenile justice system the state is most concerned with. There was also no mention of potential data sources or of the problems with the state’s arrest data that have caused DCJS, which reports the RRIs to OJJDP, to reject their use in calculating the RRIs. Again, we are not making a judgment about this specific RFP, but rather using it to illustrate the lack of alignment between the Manual’s guidance regarding the assessment phase and the types of assessment studies that have been, and continue to be, carried out at the state level.¹⁰

In summary, it seems to us that there is an apparent “disconnect” between the guidance in the Manual and what states are doing. We see little evidence that Iowa and Virginia are using RRI values to explicitly target localities and decision points for further examination in order to specify the mechanisms at work (although a case can be made that Iowa has in effect done this by virtue of its consistent focus over the years on a handful of localities and its funding of multiple assessment studies). We see no evidence, from Iowa’s published reports or Virginia’s assessment study RFP, that “structural factors, such as urban versus rural settings, and the concentration of racial poverty and inequality” (p. 2-17), have been used to select jurisdictions for study. The Manual’s recommendation that a statewide DMC assessment is ideal (p. 2-17) seems unrealistic given the cost and, in some states, local control of the juvenile justice system. A statewide DMC assessment also seems inconsistent with the notion of using RRIs to focus on specific jurisdictions and system stages.¹¹

Finally, we endorse the Manual’s encouraging states and localities “to develop innovative approaches” to conducting assessments (p. 2-15), but see little evidence of innovation in what states have done, as illustrated by Iowa’s multiple, multivariate regression analysis assessment studies over the years and Virginia’s recent assessment study RFP. Again, this is not intended to be a criticism of these two states. In fact, we would argue that most states’ assessment studies have used this multivariate analysis approach, and states have perhaps gleaned some useful information from them. OJJDP may wish to identify for the states what some of these innovative approaches might be, the kind of data required, and the types of policy implications that can be drawn from the analyses.

The Manual does suggest another, more practical, assessment study approach in an example that appears to be taken from the experience in Multnomah County, Oregon. The

example assumes a high RRI for African-American and Hispanic youth for detention. It goes on to suppose that a research team, after discussing the issue with a number of local stakeholders, believes that access to detention alternatives may explain, at least in part, the high RRI. A series of relatively simple tabular compilations and RRI calculations are then provided that illustrate that: juveniles who live in neighborhoods with detention alternatives are less likely to be detained than those who do not have alternatives in their neighborhoods, and a much greater proportion of white youth live in neighborhoods that have detention alternatives than black and Hispanic youth. While this type of analysis, and the data it requires, may still be beyond the ability of some localities to perform without assistance, it would seem to be more reasonable than the more complex multivariate approaches.

Summary

Iowa has conducted a number of assessment studies, mostly in the form of multivariate statistical analyses of the relationship between race and decision-making. Virginia has recently issued a solicitation for a similar study. We are not convinced that this approach is the best one for providing the information needed by states and localities to move from the identification stage to the intervention stage. We would advocate for the use of approaches that are both more creative and utilize data in ways that are easier to understand and more relevant to decision-making.

Intervention

In this phase, jurisdictions introduce initiatives designed to reduce DMC. The Manual provides a useful classification of DMC intervention strategies based on target audience. The three categories include: (1) direct services, which address the requirements of *youth*; (2) training and technical assistance, which focus primarily on the needs of law enforcement and juvenile

justice personnel; and (3) system change, which involves altering aspects of the juvenile justice system that may contribute to DMC (p. 4-6). The Manual discusses the following initiatives in each of these three categories:

- Direct Services
 - Prevention and Early Intervention
 - Diversion
 - Alternatives to Secure Confinement
 - Advocacy
- Training and Technical Assistance
 - Cultural Competency Training and Program Development
- System Change
 - Legislative Reforms
 - Administrative, Policy and Procedural Changes
 - Structured Decision-making

State-Level Activities

Both Iowa and Virginia have carried out similar state-level activities. These activities have included the following:

- Establishing Web sites that include DMC information and RRI statistics;
- Funding an annual DMC conference and other training initiatives;
- Funding assessment studies or other DMC-related studies;
- Studying DMC and related issues through the establishment of statewide task forces, commissions, etc.;
- Providing funding for local initiatives/interventions;

- Implementing a statewide risk assessment instrument (VA; IA in progress);
- Implementing legislative changes designed to address DMC-related issues.

Most of these are relatively straightforward and consistent with the guidance found in the DMC Manual. Further detail on selected state-level activities in Iowa and Virginia is provided below.¹²

Risk Assessment Instruments

Iowa began pilot-testing a risk assessment instrument in Johnson and Linn counties in 2007. The Iowa Delinquency Assessment (IDA) is based on the Washington State Juvenile Court Assessment instrument. The instrument measures dynamic and static recidivism risk and protective factors in 11 domains. A short-form, or “pre-screen” version of the instrument was implemented to more quickly assess a youth’s level of risk early in the adjudication process.

It appears that the IDA has been used for different purposes in different localities. In Johnson and Linn counties the IDA was used primarily to inform service delivery. There have also been reported difficulties with CJJP being able to extract the IDA data entered by localities. No formal assessment of the use of the IDA has been conducted to date. It also appears that as part of the JDAI process, the state has appointed a committee to develop a statewide detention assessment tool. How this tool will fit with the IDA is not clear at this point.

In 2000, the Virginia General Assembly mandated the development and statewide use of a detention risk assessment instrument. The Department of Juvenile Justice implemented the Detention Assessment Instrument (DAI) in December of 2002. The DAI is an objective screening tool used at intake to determine whether a juvenile should be released, placed in a detention alternative or placed in secure detention awaiting a court hearing. The seven items on the DAI include measures of the seriousness of the current alleged offense(s), number and nature

of prior adjudications of guilt, number and nature of pending petitions, supervision status, and history of failure to appear or runaway/escape. These seven weighted items generate the total DAI score that is classified into one of three categories: release; placement in a detention alternative; or placement in secure detention.

DJJ conducted a study of the DAI's implementation in 2004 that examined data from 2003. During that time, the DAI was completed for just over a third of detention-eligible intakes. Of those completions, over half of the decisions were overridden, mostly to place youth in secure detention (Department of Juvenile Justice, 2004). A validation study of the DAI published in 2007 concluded that there were acceptable rates of: 1) reoffending within 30 days of the initial offense (6.5%); and 2) failure to appear (1.3%), when the decisions recommended by the instrument were followed (Reiner, Miller & Gangal, 2007). A recent study of the juvenile justice system by the Virginia State Crime Commission included a survey of juvenile court judges and Court Service Unit (CSU) directors (CSUs staff juvenile courts in Virginia). The survey found that 74% judges and 63% of CSU Directors rated the Detention Assessment Instrument as either "very" or "somewhat" effective in reducing DMC (Virginia State Crime Commission, 2008).¹³

DJJ is currently working with Orbis Partners, Inc. to implement their Youth Assessment and Screening Instrument (YASI), which generates risk and assessment scores in 10 domains of functioning. The YASI will replace the Risk Assessment Form, an instrument used at intake to classify juveniles according to their relative risk of reoffending.

To summarize, both Iowa and Virginia are actively pursuing the development and improvement of structured decision-making tools, both for detention decisions and service delivery. Neither state has produced an assessment of how their use of such instruments has affected DMC.

Training

In June 2007, a two-day cultural competency training was held at The University of Iowa for teachers and other school personnel and staff of community-based agencies who work with youth in the area. The training was organized by the DMC Resource Center in collaboration with several other local agencies, including the local DMC Committee. Iowa's three-year plan does not mention any other training in the area of cultural competency. Since 2002, the DMC Resource Center has sponsored a statewide DMC conference that has involved workshops, nationally-recognized experts, and breakout sessions on various topics. The Center's Web site includes conference programs and some of the Powerpoint presentations for all eight DMC conferences.

Virginia's plan also does not mention statewide training in cultural competency. Since 2007, Virginia has held an annual one-day statewide DMC conference that has featured nationally-recognized experts in keynote and breakout sessions. The conference is cosponsored by DCJS and Virginia State University and coordinated and hosted by Virginia State University (VSU) in Petersburg, VA. No conference content, such as copies of agendas or presentations, is available on either the VSU or DCJS Web sites.

Local-level Activities

The Sixth Judicial District in Iowa, which includes Johnson and Linn counties, has carried out a number of DMC efforts in the past few years. Some of these efforts have been funded by the state and other efforts have included policy or practice changes developed and carried out by Juvenile Court Services (JCS) without any additional funding for development or implementation. These interventions, which include centralized intake, diversion of low risk offenders, and cultural competency training, are discussed in detail in our interim report.

We could not locate documentation of specific local initiatives that have been implemented in Virginia. Localities in both states have been involved with two well-known national initiatives. In Virginia, both the Annie E. Casey Foundation's Juvenile Detention Alternatives Initiative (JDAI) and the Burns Institute have been working with selected localities. Iowa has also recently begun working with JDAI. Activities in Iowa and Virginia related to these initiatives are discussed below.

JDAI

JDAI was initiated by the Casey Foundation in 1992 to reduce localities' reliance on secure detention without increasing the risk to public safety. JDAI promotes changes to policies, practices, and programs to reduce reliance on secure confinement, improve public safety, reduce racial disparities and bias, and stimulate overall juvenile justice reforms. According to a recent report, there are now 110 JDAI sites in 27 states and DC (Mendel, 2009).

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

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

In Iowa, Black Hawk, Polk, and Woodbury Counties have been working with JDAI since the summer of 2008. Casey made site visits and provided two training sessions in 2008, and an additional training session on risk assessment in 2009. Committees have been established, and work is underway to develop JDAI plans and a detention risk assessment screening instrument.

JDAI was initiated in seven localities in Virginia in 2003 (Bedford, Hampton, Hopewell, Lynchburg, Newport News, Petersburg, and Richmond). Norfolk was added as a JDAI site in October 2005. In Newport News and Norfolk, JDAI provided funding for a coordinator position to organize committees of key players to look at ways of improving detention policies and practices. In Norfolk, the coordinator and committee have worked to collect admissions data and publish monthly newsletters with admissions data, news, and updates. They have also amended the violation of probation policy, reduced the number of truants referred to detention, developed a parental notification process to decrease the number of failure-to-appear violations, and increased community awareness through a town hall meeting held in the fall of 2009.

Representatives from Norfolk presented data on their JDAI accomplishments at a national JDAI conference in the summer of 2009. The presentation cites reductions in: the average daily detention population; the number of pre-dispositional admissions to detention; the

length of stay in detention; the number of days the detention center was over capacity; the number of failure to appear and probation violations; and the number of truants in detention. The presentation also notes a number of additional accomplishments, including the elimination of video arraignments, the development of guiding principles for the use of detention, hiring a Detention Expeditor and strict adherence to a Detention Assessment Instrument.¹⁴

In Newport News, DMC work began in earnest soon after the creation of a DMC sub-committee under the JDAI collaborative. In their first year, the DMC sub-committee conducted a review of system and community factors that might result in DMC and issued recommendations to the collaborative for reducing DMC in the juvenile justice system. However, once three-year funding from Casey for the JDAI coordinator position ended, progress stalled. The DMC committee has not met regularly for two years, and little progress appears to have been made since 2007.

Burns Institute

The Burns Institute is a non-profit organization whose stated mission is “to protect and improve the lives of youth of color and poor youth and the well-being of their communities by reducing the adverse impacts of public and private youth-serving systems to ensure fairness and equity throughout the juvenile justice system” (www.burnsinstitute.org). The Institute works with key agency and community stakeholders in a “data-driven, consensus-based approach to change policies, procedures and practices that result in the detention of low-offending youth of color and poor youth.” The key elements of the Institute’s approach to working with local jurisdictions include; a jurisdictional assessment; formation of a local “governing collaborative;” securing a local coordinator; establishing consistent meetings; developing a work plan; data collection and decision point analysis; collecting the appropriate data; analyzing and interpreting

the data; establishing an institutional response; defining success and purpose of detention; objective decision-making; examining case processing issues; and creating alternatives to detention (Bell, Ridolfi, Finley & Lacey, 2009). According to its Web site, the Burns Institute “has worked in more than 40 jurisdictions nationally and achieved significant results in reducing racial and ethnic disparities” (www.burnsinstitute.org/article.php?id=56).

The Burns Institute began its work in Virginia in 2006, when several localities received funding from DCJS to work with the Institute. Readiness Assessment Consultation (RAC) reports were prepared for Norfolk and Newport News in December 2006 and January 2007, respectively (Finley, Lacey, & Garry, 2006, 2007). The reports are based on interviews with key stakeholders, observation of a JDAI DMC subcommittee meeting, and review of documents in each locality. The reports provide a series of recommendations in the areas of: knowledge of DMC and efforts to reduce DMC; recommendations regarding the purpose of detention; community engagement and collaboration; system stakeholders’ engagement and collaboration; data collection and analysis; policies and practices related to arrests; probation violations; detention screening practices; detention hearing; and alternatives to detention (Norfolk only). Of the 32 recommendations in the Norfolk RAC and the 24 in the Newport News RAC, 23 are the same (many word for word). There is one recommendation for Newport News that is not in the Norfolk report, and nine in the Norfolk report that are not in the Newport News report.

In July 2007, DCJS awarded Newport News and Norfolk three-year grants to work with the Burns Institute on implementing the recommendations in the RAC reports. In Norfolk, Institute representatives have attended monthly meetings of the DMC Committee, have analyzed data obtained by the DMC committee, and have provided guidance to the committee in dealing with the DMC issue in general and implementing the RAC report recommendations in particular.

A similar process was instituted in Newport News, but it appears that it had not gotten far when the DMC committee stopped meeting regularly (as noted above). Our interviews with key stakeholders in Virginia revealed positive assessments of the Institute's efforts in Newport News, in that they helped provide a framework for discussing the city's DMC problem. DCJS has terminated Newport News' grant with the Institute.

According to key stakeholders, the Burns Institute submits quarterly reports to DCJS directly without review or feedback from Norfolk. There is no evidence that any evaluation or assessment of the Institute's work is being conducted, nor has Norfolk's DMC committee been asked formally by the state to provide feedback regarding the Institute's work. Except for the RAC report they received in 2006, the DMC committee has not received any other documents from the Institute and is not expecting any in the future. Stakeholders we interviewed felt that the Institute has been helpful in providing the Norfolk DMC committee with guidance in its DMC work, and appreciated the Institute's support in participating in its 2009 town hall meeting on DMC.

Summary

Both Iowa and Virginia have implemented a number of strategies at the state and local levels to attempt to address DMC, including the development of risk assessment instruments and sponsoring training and statewide conferences. These approaches are among those recommended in the Manual. In addition, localities in both states are working with the Casey Foundation's JDAI initiative, and some Virginia localities have worked with the Burns Institute, both national initiatives.

Evaluation

The Manual provides two general types of information related to evaluation: an overview of the OJJDP performance measures requirements for DMC, and information on evaluating DMC initiatives.¹⁵ The first part reviews the DMC output and outcome performance measures and provides sample logic models and data collection plans for several interventions, including developing detention alternatives, detention assessment instruments, and cultural diversity training. The section on evaluating DMC initiatives includes information on developing an evaluation framework, selecting a research design, developing a plan for data collection, developing a plan for data analysis and reporting, reassessing intervention logic, and overcoming obstacles to evaluation.

Grantees use the Data Reporting Tool (DCTAT) to report performance measurement data to OJJDP. There are 16 output measures that are relevant to DMC. Three of these (funds allocated for DMC at the state and local levels; number of state and local programs implemented; and the number of youth served by the programs) are mandatory, while the rest are nonmandatory. Grantees must report on all mandatory measures and two nonmandatory measures. There are 11 short-term DMC outcome measures; of these, 6 are mandatory and 5 are nonmandatory. There are seven long-term DMC outcome measures; all are mandatory. Grantees are required to report on all mandatory measures (as applicable) and two nonmandatory measures (lists of these measures are available in the Manual, pp. 5-5–5-8). The OJJDP Web site provides a summary of the data collected from DCTAT under the heading “Review OJJDP’s Performance” (<http://ojjdp.ncjrs.gov/grantees/pm/performance.html>).

Neither Iowa nor Virginia has any information about evaluation activities in their three-year plans. The Iowa plan suggests that a process is being developed for collecting data from

detention centers and from the use of the assessment instrument, and that the analysis of those data will serve as a component of the evaluation of the state's DMC efforts. The Virginia plan provides no discussion of evaluation.

As noted previously, several localities in Iowa and Virginia are working with the Casey Foundation on their JDAI initiative, and Newport News and Norfolk in Virginia have also worked with the Burns Institute. While both of these initiatives have won praise from many quarters, we would suggest that there is very little information available on the effectiveness of either, and most of what is available comes from the organizations themselves.

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

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

color in detention (Annie E. Casey Foundation, 2009). To support these claims, the report presents the following:

- A graph of rate of admissions to detention (calculated based on numbers in the general population) for white and Latino youth from 2000-2008 in Santa Cruz County, California. In 2000, about 4% of the white youth population was placed in detention, compared with about 7% of Latinos. By 2008, fewer than 4% of Latino youth were detained compared with about 3% of white youth.
- A graph of rate of detention (calculated based on number of youth arrested on delinquency charges) for white and minority youth from 1994 to 2000 in Multnomah County, Oregon. In 1994, 32% of white youth were detained, compared with 42% of minority youth. In 1999 and 2000, the rates were the same (22%).
- A table showing the number and rate of detention (calculated based on numbers in the general population) for white and minority youth in Cook County, Illinois in 1996 and 2006. The average number of minority youth in detention decreased 38% from 1996 to 2006, while the percentage of minority youth in the general population increased by 11%. However, while the absolute number of minority youth in detention dropped, the percentage of youth in detention who were minorities actually increased (from 93% in 1996 to 96% in 2006).

Under the heading “Success” on the Burns Institute’s Web site, the Institute lists its work with four localities as follows:

- Baltimore, MD: strategies for reducing the number of youth detained for FTAs “helped reduce the use of secure detention for African American youth failing to appear in court by nearly 50%.”

- Peoria County, IL: via a restorative justice project, “reduced African American youth admissions to detention for aggravated battery (school fights) by 43 percent;”
- Pima County, AZ: through the development of alternatives to secure detention, “were able to significantly lower the average daily population of youth of color over the last five years by over half;”
- Santa Cruz, CA: reduced the number of Latino youth detained (no figures cited).

The Institute has not issued an evaluation report or data on the results of its efforts.¹⁶

According to its 2009 Annual Report, the Institute has “continued to work in jurisdictions across the country and have achieved results that demonstrate that our approach works. We recently shared those results with more than 18 jurisdictions in our first Racial and Ethnic Disparities Training Institute” (W. Haywood Burns Institute, 2009). No information on the Training Institute is available on the Burns Web site.

A review of the literature on DMC published by OJJDP in 2002 noted that some states and localities have made explicit efforts to reduce DMC and implemented a number of other juvenile justice reforms. The report goes on to note that “[w]hat is not reflected in the literature (as represented by this review) is a systematic assessment of the impact of these efforts on the level of DMC within the affected communities or a systematic effort to identify characteristics of programs that appear to reduce DMC levels” (Pope, Lovell, & Hsia, 2002). OJJDP’s Web site provides a listing of 145 studies related to state and local DMC initiatives published between 1990 and 2006. Of these studies, only 13 are evaluations, and five of the 13 evaluations were related to OJJDP’s multistate DMC initiative in the early 1990s.¹⁷

We would argue that OJJDP’s conclusion in 2002 still holds eight years later. There is clearly a need for more evaluative information regarding the effectiveness of DMC initiatives.

Both JDAI and the Burns Institute stress the need for systematic data collection and analysis in their approaches to addressing DMC, and their work with localities seems to result in increased use of data as local jurisdictions consider their DMC problems. Similar emphasis must be placed on assessing the outcomes of local DMC interventions.

In addition to collecting and analyzing performance data, states and localities must be encouraged to document these efforts so that results can be shared with others and assessed by a wider audience. In our interim report we documented a number of local initiatives that have been undertaken in Iowa to address DMC over the years. However, we found no information on the effectiveness of these interventions, and in fact just finding information on the interventions themselves was a challenge. We suspect that this is the case in most states, and that potentially useful information is being lost because of lack of documentation.

We found several examples of these types of local initiatives in Iowa's Sixth Judicial District. One of these is the Court Community Liaison initiative, designed to increase the number of informal adjustment agreements and decrease the number of petitions filed for African-American youth. We obtained data from the data warehouse and attempted to assess the impacts of this intervention. The results of this exercise, and another to assess an effort to divert low-risk minority youths, are shown in Appendix A. It was not our goal to conduct a comprehensive assessment of these programs; rather, we provide this information to illustrate the type of analysis that we would like to see localities, with assistance from states and OJJDP, undertake to assess their DMC initiatives.

Appendix A also includes descriptions of "ideal" assessments of the two initiatives; that is, how we believe that the initiatives should have been evaluated under ideal circumstances. These ideal assessments would have taken far more resources and more advanced planning than

was possible. However, we offer the ideal assessments as models that jurisdictions should strive toward when attempting to determine the success of DMC efforts that are similar to those assessed here. When the designs discussed in the ideal assessments are not possible jurisdictions should, at a minimum, carry out the steps listed below to assess their efforts.

- Use RRI data over several time periods (annually or more frequent time periods such as quarterly) to document that a problem exists.
- Use a recent assessment study (within the past few years) to explain why the problem exists. If a recent assessment study is not available, offer reason(s) why it is thought that the problem exists.
- Clearly describe the effort prior to its implementation. Include the target population, all the components/activities of the effort and the indicators of whether these activities are implemented as planned, how long the effort should take (if applicable), and what the indicators of success are.
- Ensure data are available to document the implementation and outcomes of the effort prior to its implementation.
- Use the data collected to assess the success of the effort.
- Document all of these steps and make the results publicly available.

Summary

Our assessment of the accumulated evidence on DMC interventions is that there is some evidence to suggest some promising DMC interventions, almost exclusively at the detention stage. Systemic interventions, such as JDAI and the Burns Institute approaches, seem to have the benefit of energizing, at least temporarily, local efforts to address the DMC issue, and both efforts offer some numbers that suggest reductions in DMC. There is no evidence that meets any

reasonable standard of scientific validity and objectivity that shows either JDAI or the Burns Institute approach to be successful in reducing DMC. Certainly evidence for effectiveness does not currently exist in the two states under study here. This situation is not unique to these two national initiatives, however. Overall, few DMC interventions have been objectively and rigorously evaluated, and there is little objective evidence that interventions designed to reduce DMC actually do so. In the next section we offer some suggestions for beginning to build this evaluation knowledge.

Other Observations

As a result of our interviews, surveys and review of documents, several other general issues related to DMC emerged. These observations are presented below.

- There seem to be two “schools of thought” about how to reduce DMC. One strategy is to focus on systemic issues in general; that is, changing policies and practices to improve the overall functioning of the juvenile justice system (i.e., implementing best practices) in the hopes that disproportionality will benefit from these changes. From this perspective, improving the system for all youth (e.g., by reducing the number of youth in secure detention) will benefit minority youth. The other approach is to focus specifically on disproportionality. Here, the belief is that states and localities need to explicitly and intentionally focus on reducing disparity. Otherwise, minority youth may benefit from system changes, but less so than white youth. The two strategies are not mutually exclusive, and there is evidence of both at work in the activities of the two states studied here.
- Leadership “from the top” is essential to successfully tackling the DMC problem. At the state level, this leadership can come from the Governor’s office or from a juvenile justice

department head. At the local level, it may come from a juvenile court judge. It is difficult for localities to get stakeholders involved in DMC work without this strong local leadership.

- Working to reduce DMC is time-consuming and expensive. This is particularly a problem for states' and localities' efforts to sustain DMC reduction initiatives over the long-run. This sustainability issue is an important one for states and localities, since there are some experiences (such as in Multnomah County, OR) that suggest that without constant attention, DMC reduction efforts may lose some of their effectiveness over time. Funding for data development is also an issue – developing reliable data systems to produce information for performance measurement and evaluation is expensive for states and localities.
- DMC is largely a local problem, and it will be solved by interventions that primarily address the local level. There is only so much that states can do to address DMC, and therefore efforts to reduce DMC should focus more on localities than states. A related issue is the differences in the structure and functioning of the juvenile justice system from one state to the next. These structural differences affect the strategies that can be used to address DMC.

Conclusions and Recommendations

Our goal in the current effort was to examine DMC issues in two states, Iowa and Virginia, in order to provide some insight into how state and local DMC efforts might be improved. The activities in the two states were examined within the larger context of guidance provided by OJJDP, as well as work being done in states and localities by national organizations, specifically the Burns Institute and the Casey Foundation's JDAI initiative.

Before offering our conclusions and recommendations, a few comments are in order. First, it is not our intention in this report to undervalue the importance of the work of the individuals or organizations involved in DMC efforts at the state, local and national levels. DMC is a difficult and delicate problem, and the professionals who are working to find solutions are to be commended for their efforts. We realize that many of these stakeholders see themselves as advocates for youth (and youth of color in particular) and that, for them, DMC is an issue about which they feel strongly. We are also cognizant that it can be easy to sit back and criticize the hard work of dedicated individuals who are trying to improve the lives of all youth, regardless of their race or ethnicity – it is not our intent to do so here.

We also acknowledge that we have taken a narrow view of the DMC issue in this report in several respects. We have not addressed any of the myriad issues associated with doing work in this area – for example, sensitivities around race; working in collaborations with various community agencies and institutions; and dealing with the media. In focusing directly on DMC-specific interventions, we exclude many important programmatic initiatives, such as early childhood intervention and prevention programs. Similarly, our focusing specifically on DMC reduction does not mean that we do not recognize that there are other important outcomes of DMC intervention efforts, most especially reducing the actual numbers of youth of color involved in aspects of the juvenile justice system such as detention. Finally, while our focus is on “hard data” and outcomes, we acknowledge the value of raising awareness of the DMC issue among key stakeholders through mechanisms such as annual conferences, town hall meetings, state level task forces, and local collaboratives.

Finally, the recommendations offered below are intended as suggestions to improve efforts to reduce DMC. The fact that many of them are aimed at OJJDP is due to the fact that for

20 years OJJDP has been the single entity responsible for DMC reduction efforts. It is therefore impossible to address the issue of how effectively states and localities are dealing with DMC without also assessing, to some degree, the guidance they are provided by OJJDP.

Identification and Monitoring

Conclusions

With the implementation of the RRI and DMC Data Entry System, OJJDP has provided grantees with powerful tools by which to measure DMC at the state and local levels, and has gained for themselves a way to standardize the measurement of DMC across states. The two states we studied in depth spend a considerable amount of time and effort calculating RRIs and presenting RRI information. While they seem to understand that RRIs are just starting points for addressing the DMC issue, their published materials suggest that they may be unsure about how to proceed beyond RRI calculations.

The Manual provides a great deal of information about ways the RRI data can be used, but it is not clear whether the information is aimed at states, localities, or both. We are particularly concerned that states understand OJJDP's guidance regarding the collection and analysis of RRI data given that many states may be collecting RRI data on a limited number of localities. For example, the Manual suggests that the requirement that states examine at least three counties was in effect "in earlier years," but that "more recently" states are required to track data from all of their DMC reduction sites (p. 1-19). However, this point is not made strongly by OJJDP in its Title II solicitations. Even if it were, it is not clear how many states have DMC reduction activities underway in more than the three sites for which they were required to report in the past. We are also concerned that states may be reporting DMC data not for *at least* three sites, but for *only* three sites. In some states, three sites may encompass the vast

majority of minority youth, while in other states the number would obviously need to be much higher. This may be important given that the five-step guidance provided in the Manual for analyzing RRIs seems better suited for use in analyzing the problem across a larger number of jurisdictions than only three.

Recommendations

1. OJJDP should provide clarification for states in how to use statewide RRI data.

Based on our case study approach, states are not analyzing the RRI data in ways that lead them to either more detailed assessment or to strategies that might reduce DMC. OJJDP should explore ways that states can make better use of the RRI data, since states appear to be expending considerable resources to collect and report these data.

2. OJJDP should require states to report RRI data for every locality in the state where the juvenile minority population meets a specified minimum threshold (number or percent of state population).

The data elements required to compute RRIs are nothing more than counts, by race, of the number of youth processed at different stages of the juvenile justice system. This is basic data that every agency and institution that deals with youth should maintain. While every state and locality cannot be expected to have sophisticated automated systems for tracking individual juveniles, all should be expected to tabulate these numbers. Both of the states we examined can already do this, and we suspect many more can as well. Implementing this requirement might help facilitate states' improvement of their data collection systems, and would allow them to identify jurisdictions and system components for which data are missing. It would also provide OJJDP with much more comprehensive picture of DMC nationally. The threshold itself should

be set low enough (say 5% of minority youth population) so that the vast majority of minority youth in the state are included.

3. OJJDP should re-examine the five step process for analyzing and interpreting RRI values provided in the Manual, and develop an automated tool for localities to use in implementing (the first four steps of) the process.

As they read now, some steps appear to be more useful for local jurisdictions, while others might be more useful to the state. We believe the process should be revisited and the steps clarified. Once this is done, and with the additional RRI information obtained as part of Recommendation 2, a tool can be added to OJJDP's DMC toolbox that would automate the process of displaying statistically significant RRIs for each local jurisdiction. The steps in the process might have to be refined or altered to provide meaningful information at both the state and local levels.¹⁸

4. OJJDP should reconsider its guidance requiring states to target a minimum of three localities to encourage more flexibility in how states deal with DMC issues.

We understand the intent behind OJJDP's specification of a minimum number of jurisdictions to target for DMC effort and are not suggesting that this be eliminated. We also realize that states are free to target more than three jurisdictions, and that many efforts, such as statewide conferences and training, are open to all jurisdictions. We are concerned, however, that states may be limiting their efforts to the same three jurisdictions regardless of whether or not progress is being made to reduce DMC. We are suggesting that OJJDP explore a system that would more strongly encourage states to target a larger number of jurisdictions for DMC interventions. With the expanded RRI data that would result from implementing our second recommendation, it might be possible to develop a tiered approach, where more effort is put on

localities with more severe DMC problems, but localities with lesser problems are still targeted for intervention.

5. OJJDP should undertake a comprehensive analysis of the RRI data collected through its Web-based data entry system.

The analysis should address the following elements and issues: calculation of national RRIs for each stage; degree of variation across localities; relationships between RRIs and other locality characteristics/demographics (such as size of jurisdiction and proportion of minority youth in the jurisdiction); and how missing data affect the RRI calculations. Special emphasis should be placed on RRIs for the arrest stage to provide any insight regarding the validity of these calculations (given that these are usually the highest RRI values). It is our understanding that such an analysis may already be underway by OJJDP and its contractors.

We would also suggest that OJJDP make the RRI data collected via the data entry system accessible to all justice professionals, perhaps through the National Archive of Criminal Justice Data. Examination of these data by researchers and other analysts may provide additional useful insights into the nature of the DMC problem and how it might be reduced, and might spur more detailed studies at the state and local levels.

6. States should update RRI data annually and post the most recent RRI data on their Web sites, along with their three-year plans and annual updates.

If localities are to address their DMC issues, they need to have access to the most up-to-date RRI data. States should, as quickly as possible after the end of the calendar/fiscal year, process and make available the previous year's RRI data. In addition, states should keep RRI data from prior years on their Web sites, so that local professionals and the public can gauge progress toward reducing DMC.

Assessment

Conclusions

Traditional DMC assessment studies, which involve complex multivariate statistical analyses, can be difficult to interpret and do not necessarily lead to specific intervention recommendations. The Manual provides detailed and useful information on other types of assessment efforts that can be undertaken, but a systematic, easily understandable approach is not currently available to localities, other than perhaps those who have worked with the Casey Foundation's JDAI effort or the Burns Institute.

Recommendations

1. OJJDP should convene a group to explore the development of a state-level DMC strategic planning process.

A group comprised of DMC and state researchers, state DMC coordinators and state administering agency representatives should be convened to discuss how states can develop strategic plans for addressing DMC issues. The group should develop a process that will allow for the use of RRI data (along with other relevant data) as the foundation for a more in-depth analysis of DMC and an action plan for addressing DMC concerns. The process developed should be flexible enough to allow for the variation that exists among states in terms of size, geography, nature of minority youth population, availability of automated data systems, and structure of the juvenile justice system itself. The goal of the group would be to develop a process that, when implemented, would result in a state's being able to understand the nature of the DMC problem, how best to combat the problem, how to measure performance toward reducing DMC, and how to sustain DMC reduction efforts over time.

2. OJJDP should develop and pilot test a process for conducting assessment studies at the local level.

We would suggest an approach similar to those being used by both the Casey Foundation and the Burns Institute in their work with localities. This would also resemble a strategic planning approach, where data are used to help a local collaborative identify problems generate possible solutions.¹⁹ Essentially, this approach would take the information provided in the Manual on assessment, evaluation and monitoring and package it in a more “how-to” format. A key element should be the requirement that the locality produce a formal report documenting its efforts and their success. The issue of sustainability should be a key component of any local plan for reducing DMC.

3. OJJDP should compile examples of relatively simple assessment studies that can be used as models for localities.

While it awaits the results of the two long-term efforts recommended above, OJJDP should compile for publication examples of simpler assessment approaches that have been used successfully at the local level. The Manual provides an example from Multnomah County that was discussed earlier. Similar examples may be available in other documents published over the years by OJJDP, or can be culled from the states’ three-year plans.

Intervention

Conclusions

The states we examined provide funding for local initiatives, sponsor statewide DMC conferences and training sessions, maintain Web sites, and have developed objective decision-making tools. It is important that states document these activities on DMC Web sites in an easily accessible form for local stakeholders and the public. This is particularly important for decision-

making tools, such as detention assessment instruments, the performance of which needs to be regularly monitored.

The number and nature of local DMC activities seems to vary from state to state and locality to locality. We found it difficult to easily obtain information about local interventions. We would suggest that states do more to document these local activities so that jurisdictions across the state can learn from each other about DMC-related problems they have encountered and possible solutions to those problems.

Recommendations

1. States should monitor the results of their assessment instruments on an annual basis, and regularly examine outcomes.

To ensure that instruments are accomplishing their intended objectives, their use must be monitored on an ongoing basis. Statistics should be gathered and reported on number of youth eligible for screening, number of youth actually screened, and number and reasons for overrides, and these should be analyzed and compared for white and minority youth. The outcomes that should be assessed regularly include recidivism rates, failures to appear, and effects on DMC. The instrument should also be regularly validated to adjust variables and weights, and the contribution of race to decision-making should also be assessed.

2. States should post all available, up-to-date information on DMC on their Web sites.

All states should have online DMC Resource Centers similar to those available in Iowa and Virginia. States should post all DMC-related information on these Web sites as soon as that information becomes available. In addition to formal reports, such as assessment and evaluation studies and task force reports, the Web site should also include copies of state plans, updates, conference proceedings, trainings, and any other material related to DMC.

In addition to posting the type of information detailed above, states should also develop information summaries organized around specific initiatives related to DMC. Users should be able to access the Web site and see immediately what kinds of DMC initiatives have been implemented at the state level (and hopefully what outcomes were produced). These could be organized by the categories provided in the Manual (training, policy and legislation, etc.). This information should already be available in reports sent to OJJDP – it can be pulled from these (and other sources) and posted in a more user-friendly format.

3. States should document all local DMC-related interventions in their annual updates to OJJDP.

In the two states we examined, it was difficult to identify all local interventions unless they were part of larger state or national initiatives. There should be one place that localities and the public can go to learn about all DMC-related activities in the state. At a minimum, states should develop a catalog of local activities that includes a description of the activity and contact information for the local activity coordinator. This would allow localities to learn about interventions taking place elsewhere in the state and assess whether they would be appropriate for implementation in their own jurisdictions. This information should also be made available on state DMC Web sites. Information should also be provided on how states and localities follow up on recommendations from assessment studies, working groups and task forces.

Evaluation

Conclusions

There is no evidence of systematic evaluation activities designed to assess the effectiveness of DMC reduction strategies underway in the two states we studied. While OJJDP collects performance measurement data from the states, these data alone cannot provide the

evaluative information needed to document the effects of DMC interventions. Neither of the two national initiatives (JDAI and the Burns Institute) that are working with many localities has been adequately evaluated. The information that does exist focuses more on assessing the general effects of system reforms, such as reducing detention populations, than on disproportionality. While the Manual provides much useful information on evaluation, it is not clear to whom this information is addressed. There is no evidence in the localities we studied that the information on evaluation provided in the Manual is being used, although we believe many localities are interested in learning about the impacts of their interventions.

Recommendations

- 1. Any evaluation of a DMC initiative should have as its primary outcome measure the reduction of DMC.**

While this would seem to be an obvious requirement, most initiatives that have been evaluated have not demonstrated a reduction in actual disproportionality. While other outcomes, such as a reduction of the number of minority youth in secure confinement, may be desirable, DMC-reduction initiatives should be expected to actually reduce disproportionality.

- 2. OJJDP should clearly define its expectations for states and localities regarding evaluation of DMC initiatives.**

While the Manual contains a great deal of useful information about evaluation, it is not clear who the audience for this information is. Few local jurisdictions are likely to have the ability to collect and analyze data on DMC interventions. Cash-strapped states may have few resources available to assist localities with their efforts. There should be consensus on the roles of key stakeholders in evaluating DMC initiatives.

3. OJJDP and the states should provide more detailed and specific information to localities on identifying and measuring the performance of DMC-related initiatives.

Again, although the Manual provides much useful information, it may not be clear to localities how this information applies to their specific initiatives. Localities need to understand what to measure for their specific initiatives and how to collect data on these measures. States need to be certain that assessment activities are being conducted in an objective fashion. OJJDP should explore options for providing this information, including training aids and individual consultations. States should be sure to include knowledgeable individuals (such as Statistical Analysis Center directors) in the DMC evaluation process. Localities should call upon local colleges and universities to provide expertise in developing objective measures for assessing the performance of DMC initiatives.²⁰

4. OJJDP should fund comprehensive national evaluations of JDAI and the Burns Institute's approach to dealing with DMC.

JDAI has become the de facto DMC intervention approach across the country. The Burns Institute has also been working with a number of localities, many of which are also JDAI sites. Neither of these initiatives has been adequately evaluated by an objective source. We would suggest that OJJDP seek funding for such an evaluation, and work with the National Institute of Justice to identify goals and objectives for such an evaluation.

Endnotes

¹ We recognize that there are differences among the states in the nature of the DMC problem. For example, in Iowa and Virginia, African-Americans are the primary minority youth group, whereas in other states, Hispanic youth are the primary minority group.

² In the most recent edition of the Manual, “identification” and “monitoring” are combined and discussed together.

³ OJJDP FY2010 Title II Formula Grants Program Solicitation, p. 14.

⁴ JRSA did not seek access to these data for this study.

⁵ OJJDP’s FY10 solicitation for Title II funding requires states to complete the tracking sheet as part of their applications.

⁶ It is possible that the states have indeed followed the steps laid out in the manual, but have failed to completely document their efforts in their plans.

⁷ The utility of statewide data is particularly suspect in states in which localities are responsible for some or all parts of the juvenile justice system.

⁸ The Databook is developed and maintained by the National Center for Juvenile Justice with funding from OJJDP. See <http://ojjdp.ncjrs.gov/ojstatbb/dmcd/index.html>.

⁹ Again, states may be using the analysis of RRIs to focus their efforts on specific decision points and/or localities, but failing to completely document this in their plans.

¹⁰ We would also note that Virginia has allocated \$50,000 for the assessment study. It might be helpful if OJJDP could issue some guidance about how much states should expect to pay for this work.

¹¹ This may be the result in part of different individuals authoring the various chapters of the Manual.

¹² There are a number of other state and local initiatives that have been implemented by the two states that are not discussed here. Some of these stem from DMC task forces and other study groups, and are documented in our interim report.

¹³ The survey results are cited in the state’s three-year plan.

¹⁴ *The Norfolk (VA) JDAI Story*. Powerpoint presentation provided to JRSA August 18, 2009.

¹⁵ The chapter on evaluation in the previous edition of the Manual was written by staff from JRSA and Development Services Group (DSG). This chapter was extensively revised for the most recent edition of the Manual and, while a former JRSA staff member is still credited with co-authorship, JRSA was not involved with the revisions.

¹⁶ JRSA had originally planned to evaluate the Burns Institute’s efforts in several jurisdictions for the current award; however, we could not obtain permission from the Institute or the sites. Subsequent efforts by OJJDP to enlist the Institute’s cooperation in such an effort were also unsuccessful.

¹⁷ *A Catalog of State Research Reports on Disproportionate Minority Contact*. Retrieved from: http://ojjdp.ncjrs.gov/dmc/state_research_reports.html.

¹⁸ With the requirement in FY2010 that states submit the RRI Tracking Sheet, OJJDP will have a great deal of new data with which to assess this recommendation.

¹⁹ The Bureau of Justice Assistance's Project Safe Neighborhoods initiative's use of research partners is an example of how this approach has been used to address gun and gang crime.

²⁰ From 1998-2007, JRSA developed and maintained the Juvenile Justice Evaluation Center project for OJJDP. The goal of this project was to provide training, technical assistance, publications and Web-based resources to states and localities to increase their ability to evaluate juvenile justice initiatives, including DMC. OJJDP may want to consider reinstituting an effort such as this, perhaps with a focus on DMC and how states and localities can more fully utilize the performance measurement data they are reporting to OJJDP through DCTAT.

References

Annie E. Casey Foundation (2009). *Detention Reform: An Effective Approach to Reduce Racial and Ethnic Disparities in Juvenile Justice*. Detention Reform Brief #3.

Bell, J., Ridolfi, L.J., Finley, M. & Lacey, C. (2009). *The Keeper and the Kept: Reflections on Local Obstacles to Disparities Reduction in Juvenile Justice Systems and a Path to Change*. San Francisco: W. Haywood Burns Institute.

Department of Juvenile Justice (2004). *2003 Evaluation Report of the Detention Assessment Instrument (DAI): Implementation Phase*. Richmond, VA: Author.

Feyerherm, D. & Butts, J. (2003). *Proposed Methods for Measuring Disproportionate Minority Contact (DMC)* [Powerpoint Slides]. Retrieved from:
(<http://ojjdp.ncjrs.gov/dmc/pdf/dmc2003.pps#1>).

Finley, M., Lacey, C. & Garry, L. (2006) *Readiness Assessment Consultation (RAC) Report: Norfolk, VA*. San Francisco: W. Haywood Burns Institute.

Finley, M., Lacey, C. & Garry, L. (2007) *Readiness Assessment Consultation (RAC) Report: Newport News, VA*. San Francisco: W. Haywood Burns Institute.

Mendel, R.A. *Two Decades of JDAI: From Demonstration Project to National Standard*. Baltimore, MD: The Annie E. Casey Foundation., 2009. Retrieved from:
www.aecf.org/majorinitiatives/juvenilealternativesinitiative.aspx

Office of Juvenile Justice and Delinquency Prevention (2008). *Formula National-Level Performance Data Summary Report*. Washington, DC: Author.

Office of Juvenile Justice and Delinquency Prevention (2009). *Disproportionate Minority Contact Technical Assistance Manual (4th edition)*. Retrieved from:
http://www.ncjrs.gov/html/ojjdp/dmc_ta_manual/index.html

Pope, C.E., Lovell, R. & Hsia, H.M. (2002). *Disproportionate Minority Confinement: A Review of the Research Literature From 1989 Through 2001*. U.S. Department of Justice: Office of Juvenile Justice and Delinquency Prevention.

Poulin, M.E., Iwama, J., and Orchowsky, S. (2008). *Interim Report: A Review of the Status of Disproportionate Minority Contact (DMC) Efforts in Iowa and Virginia*. Retrieved from:
<http://www.jrsa.org/pubs/reports/dmc-preliminary-report-final.pdf>.

Reiner, S., Miller, J.B. & Gangal, T. (2007). Public Safety Outcomes of Virginia's Detention Assessment Instrument. *Juvenile and Family Court Journal*, 58(3), 31-41.

Virginia State Crime Commission (2008) *HJR 113: Final Report: Study of Virginia's Juvenile Justice System*. Richmond, VA: Author.

W. Haywood Burns Institute. *2009 Annual Report*. Retrieved from:
www.burnsinstitute.org/article.php?id=58

Appendix A

Analysis of Linn County Court Liaison and Johnson County Diversion Programs

Linn County: Community Liaison Diversion Program

Overview of Program

The Juvenile Court Services (JCS) office serving Linn County reports that a greater number of African American youths with low-level charges reject offers for Informal Adjustment Agreements (IAA) when compared to Caucasian youths. An IAA is essentially a contract requiring the juvenile admit to the charges on the complaint and requires the juvenile to abide by certain conditions of behavior in exchange for not being formally processed by the court. IAAs usually last from three to six months. If the juvenile does not follow the conditions, they will receive a petition and be formally processed by the court. In response to this problem of African-American youths being more likely than Caucasian youths to reject IAA offers, in September 2007 Linn County hired a Community Liaison. Juvenile Court Officers are responsible for identifying eligible youths and referring them to the program. Following referral, the Community Liaison conducts a one-time visit to the homes of African American youths who are offered an IAA prior to a determination by the court of whether to hold a youth in secure detention. At the home visit the Court Community Liaison, who is African American, attempts to convince the youth and family to accept the IAA rather than being processed formally by the court; explains diversion; and offers informal and voluntary referrals for services (e.g., mental health services, mentoring) outside of the juvenile justice system. A Community Liaison was selected as the solution to this problem because court staff believed that parents of African American youths did not trust the juvenile justice system and therefore more likely to deny charges (i.e., reject the IAA offer) or not show up for intake processing.

Youths are eligible for an IAA and, consequently, a visit by the Community Liaison if they meet the following criteria:

- are African American;
- have low level charge(s);
- do not have active case with JCS;
- do not have any possession of alcohol charges;
- do not have any first time shoplifting charges.

Ideal Evaluation Approach

Ideally, an assessment of the program would use an evaluation approach that would allow us to say, with little doubt, whether the hiring of the community liaison helped increase the number of African-American youths who accept IAAs or holds for further review at intake. Such an assessment would have begun prior to the hiring of the community liaison and started with demonstrating the nature and extent of the problem of African American youths being more likely than white youths to reject offers for IAAs exists.

To document the problem we would have started with a review of recent Relative Rate Indices (RRIs) data to see whether there is evidence that African-American youths are less likely to be diverted than white youths in Linn County. The RRI provides a preliminary indication of the existence of DMC; it does not provide information to indicate why DMC exists at a particular stage (e.g., differential offending patterns, bias). In Iowa use of the RRI for diversion provides only a rough indication of whether DMC exists because it includes only one type of diversion, Informal Adjustment Agreements. For diversion, if the RRI is less than 1.0, there is evidence of DMC (underrepresentation) at that decision point.

Figure A1 shows the RRIs for the four years preceding the use of the IDA.¹ As the figure shows, minority underrepresentation existed at diversion (when only IAAs were included) each year.

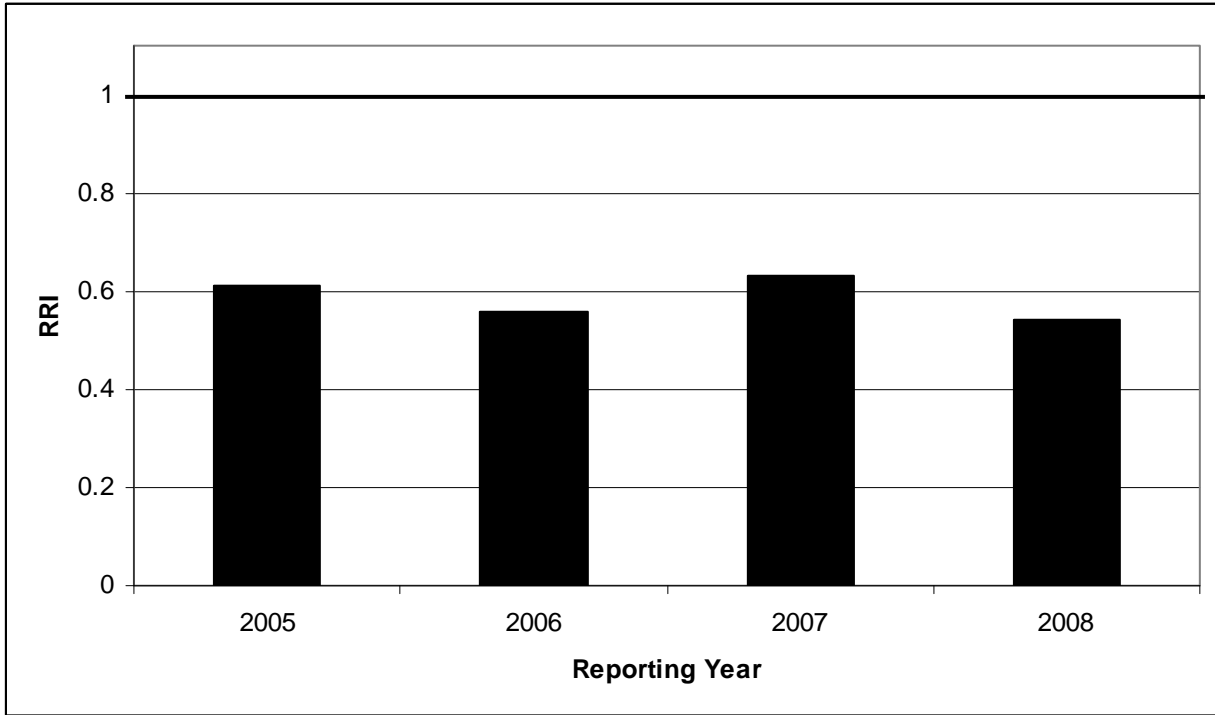


Figure A1. Relative Rate Indices for Diversion (Informal Adjustment Agreements only) for African-American Youths in Linn County

Leiber et al.'s 2006 assessment study showed that when compared to white youths and after controlling for legal and extralegal factors (prior court history, current offense information, age, and gender), African-American youths in Linn County with complaints from 1998-2004 were less likely to be diverted (i.e., receive an IAA) or released from the system than referred for further court processing.

Taken together, the RRIs and Leiber et al.'s 2006 study provide evidence that during at least a few years prior to the implementation of the IDA fewer African American youths were diverted or released from the system than white youths and that the race of the youth, rather than selected legal and extralegal factors, is a significant predictor of this decision.

Having established that a problem does exist at diversion, the next step in the ideal assessment would be to look at racial differences in acceptance of the IAA offer, tracking why

the youth and family accepted or rejected the offer. Some of the required data for such an analysis are not available in the state's Justice Data Warehouse. Collection of these data would have involved manual case file review and, possibly, contact with the youth and family in order to establish whether there was evidence to support the theory posited by JCS regarding lack of trust in the juvenile justice system on the part of parents of African American youths.

Following empirical verification of the problem and hiring of the community liaison, the assessment would continue with the data collection begun at the problem identification stage in order to help monitor program implementation as well as outcomes. One major difference between the analysis at the problem identification stage (when the RRI data were used) and the analysis at this stage is that program implementation and outcomes analysis would include case-level tracking. Acceptance of the IAA (or having a case held open) would be used as an outcome measure, while tracking offers for IAA would be a process measure. Program completion status would also be tracked as a process measure in order to determine which youths who were referred to the program subsequently received the home visit by the community liaison and showed up for the intake interview. Tracking program completion status is important because it is expected to impact whether the youth accepts the IAA.

An ideal evaluation design for this intervention would involve all African American youths eligible for IAAs being randomly assigned to participate in the community liaison program or receive standard court processing. This experimental design would be an excellent approach to explain the impact, if any, on reducing minority overrepresentation by hiring a community liaison. If this experimental design was not feasible we would opt for a time series analysis, tracking the data collected at the problem identification stage for several months preceding the hiring of the community liaison and several months following the hiring of the

community liaison. The time series approach, while not as rigorous as the experimental design, would still provide strong empirical evidence regarding the success or lack of success of the intervention.

Program Assessment

The analysis we actually did conduct is not as compelling as the more ideal approach outlined above. Examining available data after the fact limited our ability to draw conclusions regarding the intervention, but our approach may be instructive for states and localities seeking to evaluate interventions such as this one.

The data obtained by JRSA show that 42 African-American cases were referred for a visit by the Community Liaison from September 1, 2007 to January 30, 2008 (see Table A1). Of those cases referred for a visit, 35 (83%) successfully completed the program. Successful program completion is defined as receiving a visit by the Community Liaison and attending the intake meeting at court. For those who successfully complete the program, the desired intake decisions include the receipt of an IAA or having the case held open for further review. Having a case held open is an even more informal agreement than an IAA. When a case is held open, the juvenile does not have to admit to the charges on the complaint and there is an informal understanding between the court and the juvenile that a petition will not be filed unless there is further negative behavior on the part of the youth. Cases can be held open from three to six months; simple misdemeanor cases would be closed within three months. Of the cases with successful completions, 31% received an informal adjustment agreement and 46% were held open; 77% of those completing the program received a desired intake decision. Less than 20% of those who did not complete the program successfully received a desired intake decision.

Table A1
*Intake Decisions for Youths Referred to the Community Liaison Program
 (September 2007 to June 2008)*

Intake Decision	Program Completion		
	Successful	Unsuccessful	
Dismissed/Insufficient	1	1	2
Dismissed	2	2	4
Dismissed Without Prejudice	1	0	1
Hold for Further Review	18	1	19
Informal Adjustment Agreement (IAA)	10	0	10
Petition Requested	2	2	4
Warned and Dismissed	1	0	1
Waiver to Adult Court	1	0	1
Total	35	6	42

In order to assess whether the visits by the community liaison had the desired effect of increasing the number of African-American youths who accept IAAs or holds for further review at intake, official Juvenile Court Services (JCS) complaint and case event data were used as well as other JCS data used to examine Community Liaison cases. The court complaint data file is organized by case and contains socio-demographic information, offense(s) charge information, court case disposition information, and associated dates. The case event file is organized by youth and contains each court-related decision and date of the decision for each case of each youth. To determine whether there was any change in intake decisions following the hiring of the Community Liaison, we examined intake decisions occurring for unique complaints for youths with eligible charges who did not have an open JCS case over an 11-month period preceding the hiring of the community liaison (August 1, 2006 to June 30, 2007). These were compared to decisions made over a comparable time period following the hiring of the Community Liaison (August 1, 2007 to June 30, 2008).² Court data include only the actual intake decision made; they do not include data on offers, such as an IAA, that may have been made and subsequently refused. Further, court data do not specify “shoplifting” as a distinct

theft charge. We were only able to isolate those shoplifting from other theft charges when the youth was diverted from the system to a shoplifting program.³

JCS does not have a formal definition of a low level charge which can be used to assess eligibility for the program. Therefore we examined the charge classes of youths who were referred to the program and defined low level charges based on the charges of youths who were referred to the program. Low level charges were defined as charges for misdemeanors or class D felonies, the least serious class of felony offenses. If youths had multiple charges for a single complaint which included a charge more serious than a misdemeanor or class D felony, they were considered ineligible for the program and not included in the analysis. Only those African American youths who received a visit or were eligible for a visit by the Community Liaison were included in the analyses. Though Caucasian youths were technically ineligible to participate in the program due to their race/ethnicity, all other criteria were used to assess eligibility in the analyses here.

Though only African-American youths are eligible for the Community Liaison visit, we examined both African-American and Caucasian youths over the same two periods of time before and after the hiring of the Community Liaison to see if any changes in intake decisions experienced by African American youths were experienced by Caucasian youths. If similar changes in intake decisions occurred for both African American and Caucasian youths, this would indicate that factors other than the Community Liaison visit to African American youths may be responsible for any change in intake decisions experienced by African American youths. It is particularly important to examine whether other factors could be responsible for any changes in intake decisions given that other efforts to reduce DMC were put in place during the time of the analysis covered here.

Ideally, we would examine changes in intake decisions breaking the time periods analyzed into a larger number of time periods, perhaps monthly, before and after the hiring of the Community Liaison. However, the number of cases is too small to support such analyses and data on complaints were available only up to 10 months following the start of the Community Liaison effort. Juvenile Court Services should consider repeating the analyses conducted here with a longer pre- and post-program time period to help determine whether the findings reported here are artifacts of the limited data available for analyses.

Based on eligibility criteria for the program, we identified 124 cases of African American youths as eligible for the program in the pre-program period (complaints from August 1, 2006 to June 30, 2007) and 122 cases as eligible for the program during the time of our study that the program was in operation (complaints from August 1, 2007 to June 30, 2008) (see Figure A2). Of the 122 African American cases that were identified as eligible for a visit, 42 were actually referred for a visit by the Community Liaison from September 1, 2007 to January 30, 2008 (as shown previously in Table A1). Possible reasons why less than half of the eligible youths were actually referred for the program include: other, unstated criteria, are used to screen youths out of the Community Liaison program or from receiving an IAA; the court files are missing data which may have been used to determine eligibility; or referrals that should have occurred did not. There were 291 cases of Caucasian youths who met the program criteria in the pre-program period and 335 cases of Caucasian youths who met the criteria in the post-program period.

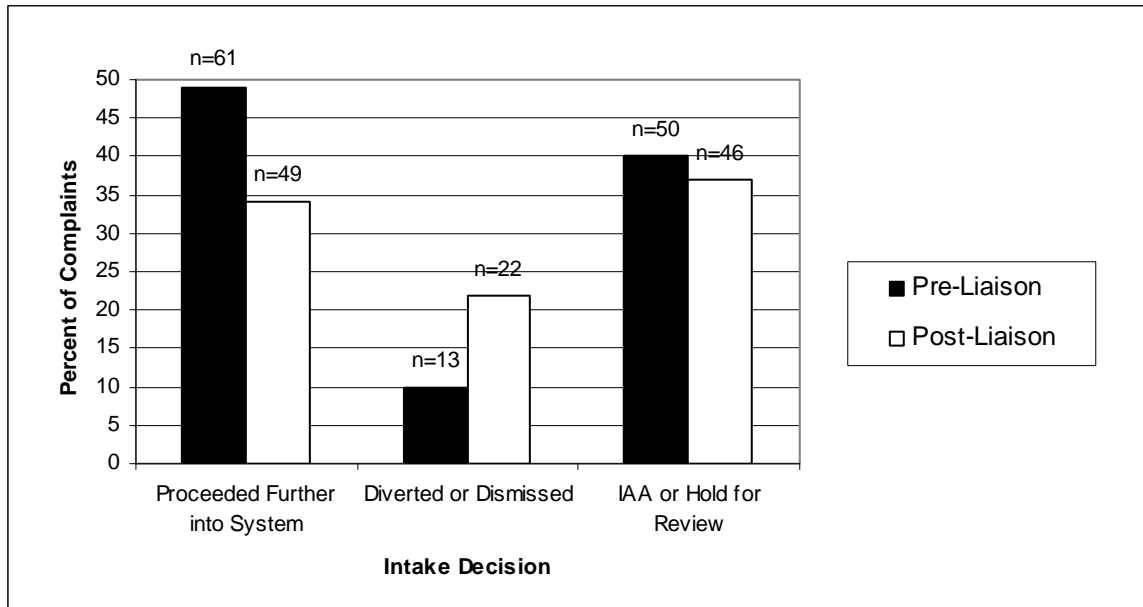


Figure A2. Intake Decisions for Eligible African American Cases Before and After Linn County Community Liaison

The program could be considered successful at reducing disproportionate minority contact (DMC) if the proportion of eligible African American cases receiving IAAs or whose case was held for review at the first intake decisions increased while, at the same time, the proportion proceeding further into the system decreased, and there was no similar change in the proportion of Caucasian cases receiving an IAA or having their case held open.

The court data show a decrease in eligible African American cases⁴ receiving either an IAA or hold (3%) and a decrease (15%) in the number of cases that proceeded further into the system (e.g., received a court petition) (See Figure A2). At the same time, there was a 12% increase in the percentage of eligible African American cases which were diverted or dismissed (i.e., pushed out of the system). When looking at comparable data for Caucasian youths, there is an increase in the proportion of cases receiving IAA or having their case held open (7%), no change in the proportion of cases diverted or dismissed, and an 8% decrease in the proportion that proceeded further into the system (See Figure A3).⁵

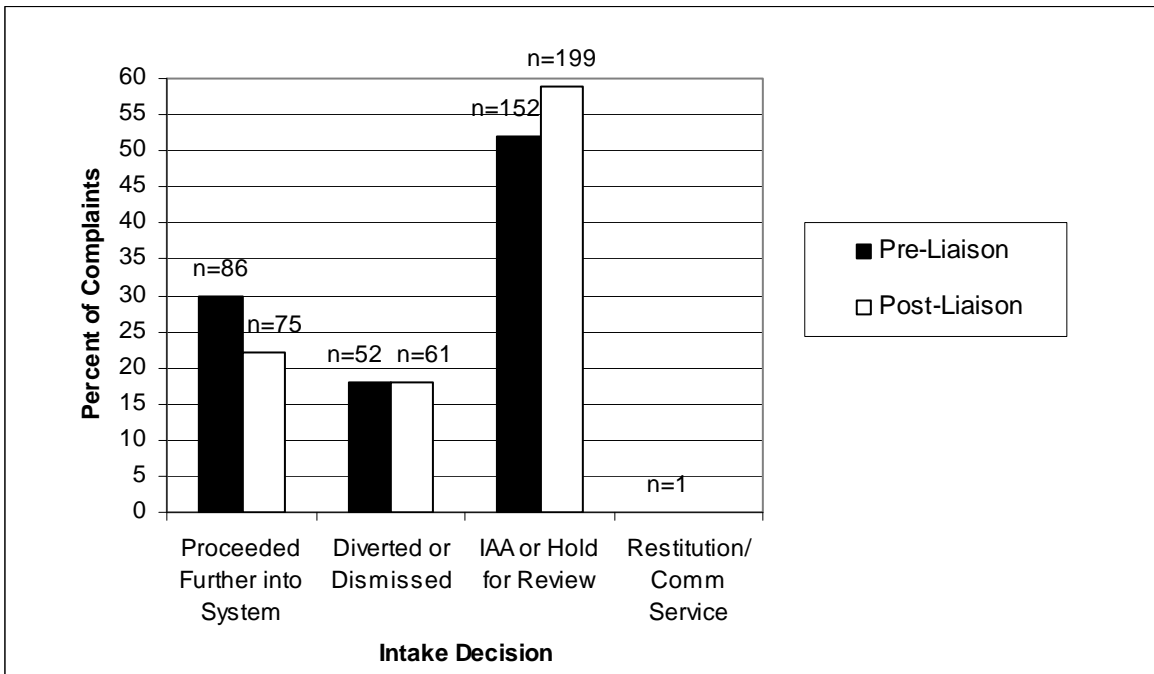


Figure A3. Intake Decisions for Caucasian Cases Before and After Linn County Community Liaison

Conclusion

Based on this analysis, we would conclude that this program appears to hold promise when youths who were served by the program are examined, but it is important that JCS study if and why apparently eligible youths are not referred to the program. We would also recommend carrying out a more complex analysis that includes a longer pre- and post-program time period to permit a larger number of cases, includes offers for IAAs, and excludes all youths with shoplifting charges. When one examines all apparently eligible youths, the data appear to suggest that the program was not successful. After all, even though there was a decrease in the proportion of program-eligible African American youths who proceeded further into the system by being petitioned, there was also a decrease in the proportion of program-eligible African American youths who received IAAs or had their cases held open. Further, at the same time that

there was a decrease in program-eligible African American youths who proceeded further into the system by being petitioned, there was also a decrease in eligible white youths who proceeded further into the system by being petitioned, and there was an increase in the proportion of eligible Caucasian youths who received IAAs or had their cases held open. Consequently, it is hard to say whether these changes in intake decision making were due to the Court Community Liaison. There were also many cases in which apparently eligible African American youths were not referred to the program (81 of 122, or 66%). Again, of those cases of eligible African American youths who entered and completed the program, 68% received the desired intake decision (i.e., received an IAA or had their case held open). Clear definition of the term “low level” charges would help address questions about eligibility for the program.⁶ Further, it is possible that an unintended, yet desirable, consequence of the Community Liaison program is an increase in the proportion of cases diverted or dismissed. It is important for JCS to carry out a study that considers whether this has occurred as well as consider whether the change is due to an effort which began just two months following the start of the Community Liaison program to divert low risk youths from the system.

Johnson County Diversion Program

Overview of Effort

According to the JCS office serving Johnson County, minority youths charged with low risk offenses are more likely than Caucasian youths charged with low risk offenses to be formally processed in court and, consequently, receive technical violations that result in a return to the justice system for more supervision. Prior to November of 2007, assessments of youths' risk of reoffending and needs were based on an interview with a Juvenile Court Officer (JCO). Though the assessment topics themselves were semi-structured (they addressed family, school, substance abuse, mental health, and court charges), the decision to petition a youth was based on a JCO's gut feeling, an informal assessment of needs, and the seriousness of the charge. Youths with a "serious" charge or "high" needs, terms without formal definitions, were reportedly more likely to get petitioned or an IAA with multiple conditions. Informally, a "serious" charge was burglary, robbery, or any aggravated charge, while "high" needs included a youth with family issues, an uncooperative family or child, substance abuse or mental health issues on the part of the child, or a youth with school issues.

In November 2007 Johnson County began an effort to divert low risk youths from the system by basing diversion decisions on the score received on a risk (to reoffend) and needs assessment tool. The risk and needs assessment tool, the Iowa Delinquency Assessment (IDA), was implemented in Johnson County in January 2007. Every youth who receives a face-to-face intake receives the short version of the IDA and the score received on this tool is used to make the diversion decision. The short version of the IDA contains questions pertaining to criminal and social history. Youths whose cases proceed to court following the intake decision work with

a JCO to complete the long version of the form. Unless youths are in one of the following categories, they will receive a face-to-face intake and complete the IDA short form:

- first time offenders charged with alcohol possession under legal age, some simple drug possession charges, or shoplifting (they are supposed to be diverted from the system);
- youths reside in another county (they will be sent to their county of residence);
- youths waived to adult court;
- youths with an active case in the juvenile justice system;
- youths who deny charges; and
- youths whose charges are dismissed by the county attorney.

If the IDA risk score is low, the youth is unlikely to be petitioned unless they have been charged with a sex offense or an OWI (operating while intoxicated). These two charges are likely to result in a petition regardless of the assessment score because they are considered to be public safety concerns. As of November 2007, youths who are classified as low risk, unless they are charged with a sex offense or OWI, are supposed to be diverted by having their case “held for further review.” They should not receive a formal IAA and when the case is held for further review they are not under court supervision.

Ideal Evaluation Approach

Here again, an ideal assessment of the effort to divert low risk youths would have used an evaluation design that would have permitted us to report on, with little doubt, the impact of the use of the IDA on diversion decisions. We would have begun with documenting the problem prior to use of the IDA. This would have included:

- reviewing recent RRI data to see whether there is evidence that African-American youths are less likely than white youths to be diverted in Johnson County;

- reviewing Leiber et al.’s 2006 study to see if, when compared to white youths and after controlling for legal and extralegal factors (prior court history, current offense information, age, and gender), African American youths are less likely to be diverted;
- documenting how JCOs define “low risk” and “high needs” to determine whether variation in definitions of these terms is a contributor to the problem;
- creating RRI data split by risk level and race to see whether there is evidence that low risk African-American youths are less likely to be diverted (whether for IAA, having their case held open, or some other diversion type) than low risk white youths.

To document the problem we would have begun with a review of recent RRIs, to see whether there is evidence that African-American youths are less likely to be diverted than white youths in Johnson County. Figure A4 shows these data for the four years preceding the use of the IDA.⁷ As the figure shows, only in 2006 does it appear that African-American youths were less likely than white youths to be diverted from the system (again, considering only IAAs and not other types of diversion).

Results from Leiber et al.’s 2006 assessment study showed that, after controlling for legal and extralegal factors (prior court history, current offense information, age, and gender), African-American youths in Johnson County with complaints from 1998-2004 were less likely to be diverted (i.e., receive an IAA) from the system than white youths.

Taken together, examination of both the RRIs and Leiber et al.’s 2006 study provides mixed evidence that during the years immediately prior to the implementation of the IDA fewer African American youths were diverted from the system than white youths, and that the race of

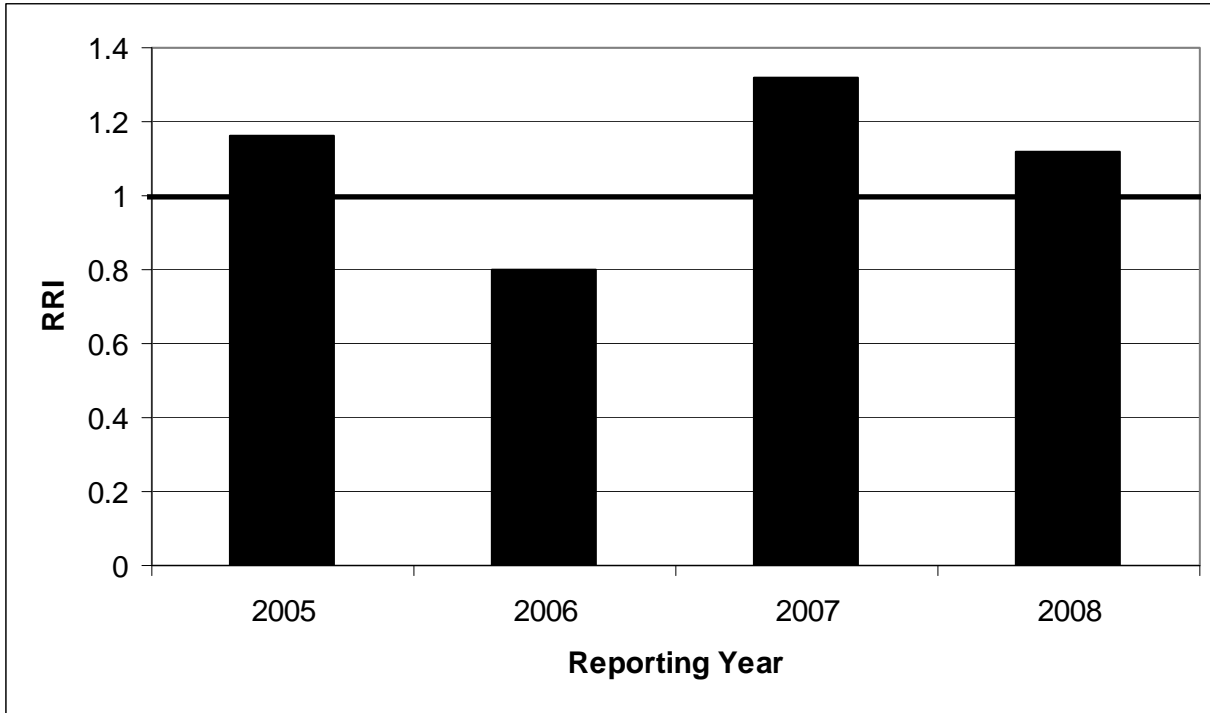


Figure A4. Relative Rate Indices for Diversion for African-American Youths in Johnson County

the youth, rather than selected legal and extralegal factors, was a significant predictor of the diversion decision. However, it is possible that neither of these DMC identification or assessment tactics would have been able to recognize the perceived problem if it relates only to low-risk African-American youths. If the problem only affects this sub-group of youth, it is possible that it would not be identified as a significant problem at diversion for African-American youths. Further, not all diversion types were included in the RRI calculation for diversion. Consequently, a more precise and inclusive approach is needed to identify if the hypothesized problem actually exists. This approach, as noted above, would involve documenting how JCOs define “low risk” and “high needs,” and creating RRI data split by risk level and race to see whether there is evidence that low risk African-American youths are less likely to be diverted. Data collection and analysis for these two steps, if carried out prior to the

implementation of the IDA, might have helped to clarify the nature of the DMC problem as it relates to diversion in this locality.

Following the documentation of the problem and implementation of the IDA, the assessment would have continued with the data collection begun at the problem identification stage in order to help monitor program implementation as well as outcomes. Again, case-level tracking would be required, both to monitor use of the IDA (that is, program implementation) and to measure outcomes (that is, the diversion of eligible low risk youths). Further, we would have examined the impact of technical violations as described in the assessment we actually carried out.

Data collection for this assessment would have begun several months preceding the implementation of the IDA and continue for several months following implementation. We would have carried out a time series analysis to look at the impact of the use of the IDA. Analyses would address issues we discussed in the actual assessment of this effort and would include, if needed, case reviews and/or surveys of JCOs to examine whether and/or why: 1) many youths who are, according to standards set for the IDA, supposed to receive an IDA do not actually receive it; 2) issues or information other than the IDA score are used to make the intake decision; and 3) the IDA is only one of many pieces of information used to make the intake decision. We would also want to examine whether any other program, policy, or practice changes (e.g., new diversion program) were implemented during the time of the analysis of this effort that may explain whether or not a youth was diverted from the system.

Program Assessment

Official Juvenile Court Services (JCS) complaint and case event data, as well as short-form IDA scores obtained from JCS, were used to assess whether 1) youths with unique

complaints from January 1 to June 30, 2008 who were classified as low risk were actually diverted by having their case held for further review at intake rather than being formally processed by the court; and 2) whether there were any differences in diversion decisions for complaints for low risk youths by race.⁸

We identified 368 complaints from January 1 to June 30, 2008 that were eligible for an IDA given the stated criteria for eligibility. Of the 368 complaints, IDAs were actually completed for 135. For these 135 complaints, 115 (85%) were classified as being at low risk for reoffending (see Table A2).

Table A2
*Risk Level for Youths with Unique Complaints
 from January to June 2008*

		Frequency	Percent
Risk Level at Intake	Low	115	84.2
	Moderate	19	14.1
	High	1	.7
	Total	135	100.0

Table A3 details the intake decisions by race and IDA score for complaints for youths who received an IDA from January to June of 2008. Regardless of race or charge, the most common intake decisions for complaints for low risk youths was an IAA (43%) followed by the filing of, or a request for, a petition (39%). Low risk African American youths were almost twice as likely as Caucasian youths to have their case held open (16% and 9%, respectively), but African American youths were as likely as Caucasian youths to have a petition requested or filed (40% and 38%, respectively). Though the overall sample of complaints for youths scored as moderate risk is small, it appears that moderate risk Caucasian youths were more likely to have a petition filed or requested (70%) than low risk Caucasian youths (38%). Moderate risk African American youths (40%) were also more likely than low risk African American youths (33%) to

have a request for a petition, though this difference is not as dramatic as it is for Caucasian youths. Moderate risk African American youths (55%) were more likely than moderate risk Caucasian youths (20%) to receive an IAA.

Table A3
Intake Decision Code by Risk Level by Juvenile Race/Ethnicity from January to June 2008

Juvenile Race/Ethnicity	Intake Decision	Risk Level at Intake			Total Frequency of Cases
		low	moderate	high	
Caucasian	Complaint Dismissed/Insufficient ⁹	1	0	0	1
	Diverted to Shoplifting Program	2	0	0	2
	Hold for Further Review	5	1	0	6
	Informal Adjustment Agreement	26	2	0	28
	Petition Filed ¹⁰	2	3	0	5
	Petition Requested	19	4	0	23
	Total	55	10	0	65
African American	Complaint Dismissed/Insufficient	1	0	0	1
	Hold for Further Review	9	0	0	9
	Informal Adjustment Agreement	22	5	0	27
	Petition Requested	22	3	1	26
	Warned and Dismissed	1	1	0	2
	Total	55	9	1	65
Hispanic	Hold for Further Review	1	0	0	1
	Informal Adjustment Agreement	2	0	0	2
	Petition Requested	2	0	0	2
	Total	5	0	0	5

All but seven of the 115 cases of complaints for youths identified as low risk were eligible for diversion (i.e., having their case held open for further review). These seven youths were ineligible due to offense charges for a sex offense or OWI. In each instance, the desired intake decision was received: a petition was requested for the case. Once these youths' cases were removed from analysis, there was a noticeable decrease in the percentage of cases of low risk Caucasian youths who had a petition filed or requested at intake (from 38% to 27%). There

was little change in the percentage of cases of African American youths who had a petition filed or requested at intake. The number of Hispanic cases was too small to permit analyses (see Table A4).

Table A4
Intake Decision Code for Complaints for Low Risk Youths Eligible for Diversion at Intake by Juvenile Race/Ethnicity from January to June 2008

Juvenile Race/Ethnicity	Intake Decision	Frequency of Cases	Percent of Cases
Caucasian	Dismissed/Insufficient	1	2%
	Diverted to Shoplifting Program	2	8%
	Hold for Further Review	5	10%
	Informal Adjustment Agreement	26	53%
	Petition Filed	2	2%
	Petition Requested	13	27%
	Total	49	
African American	Dismissed/Insufficient	1	2%
	Hold for Further Review	9	16%
	Informal Adjustment Agreement	22	41%
	Petition Requested	21	38%
	Warned and Dismissed	1	2%
	Total	54	
Hispanic	Hold for Further Review	1	25%
	Informal Adjustment Agreement	2	50%
	Petition Requested	1	25%
	Total	4	

From January to June 2008, eligible African American youths were twice as likely as Caucasian youths to have their cases held open, but eligible African American youths were also more likely to have a petition requested or filed than Caucasian youths. IAA remained the most common intake decision when only cases eligible for diversion via having the case held open are examined, and eligible Caucasian youths remained more likely to receive an IAA than eligible African American youths.

Conclusion

Using available data, it is difficult to explain why more eligible low risk youths, regardless of race, did not have the desired intake decision of “hold for further review.” Further, it is unknown whether there has in fact been an increase in the proportion of low risk youths, particularly low risk minority youths, who had their cases held open for further review following the implementation of the diversion effort. Finally, we do not know why less than half of the cases we identified as eligible for the IDA actually received an IDA assessment.

Given some of the challenges in the available data we do not know the extent of the minority overrepresentation problem prior to the implementation of this diversion effort. Eligible low risk African American youths had a petition requested or filed to a greater extent than eligible low risk Caucasian youths up to eight months following the start of the diversion effort. However, following the implementation of the diversion effort eligible low risk African American youths were also more likely than similar Caucasian youths to have their cases held open (the least possible amount of contact with the court system), whereas eligible low risk Caucasian youths were more likely to receive an IAA than eligible African American youths. This indicates that following the implementation of the diversion effort, eligible low risk African American youths were more likely than similarly situated Caucasian youths to receive either the most serious response (a request for a petition) or the least serious response (having their case held open), but less likely to receive a moderately serious response (an IAA). So, there continues to be variation in intake decisions by race for low risk youths.

Three issues should be explored to understand use of the IDA. JCS should consider conducting case reviews and/or surveys of JCOs to examine whether and/or why: 1) many youths who are, according to standards set for the IDA, supposed to receive an IDA do not

actually receive it; 2) issues or information other than the IDA score are used to make the intake decision; and 3) the IDA is only one of many pieces of information used to make the intake decision. JCS reports that diversion in Johnson County really began working as intended in November 2008. Assuming that is the case, JCS should re-do the analyses carried out here and treat the time period from January to October 2008 as a pre-program time period and use the following ten months as the post-program time period. This would permit a stronger assessment of the effect of the diversion effort because it would use a stronger research design (pre- and post-test), data on IDA scores would be available for the pre- and post-test time periods, and it would, hopefully, include a larger number of cases for the post-program analysis.

¹ The data cover information available on cases in the year preceding the year the data were reported. So, reporting year 2005 includes data from 2004.

² We chose to begin with complaints preceding the hiring of the Community Liaison because of the lag in processing time from a complaint to the intake decision. Youths with complaint dates in August 2008 received visits by the Community Liaison.

³ There are 19 African American and 69 Caucasian youth cases included the analyses which may have included a charge for a first time shoplifting offense.

⁴ This includes all eligible youth in the post-community liaison time period, regardless of whether they received a Community Liaison visit.

⁵ One youth received restitution or community service at intake in the pre-program time period.

⁶ JCS reports that this issue has been addressed and that they now use a risk assessment instrument to aid screening.

⁷ The data cover information available on cases in the year preceding the year the data were reported. So, reporting year 2005 includes data from 2004.

⁸ In this analysis, a case is represented by a unique complaint. Youths with multiple complaints were counted each time they presented with a unique complaint. A youth with multiple charges, but one complaint was counted only once.

⁹ A complaint is the initial allegation of delinquency. A complaint can be dismissed at intake and the case is closed.

¹⁰ A petition filing follows the complaint in the adjudication process if the JCO decides to continue the adjudication process by making a request for a petition to the county attorney.