

# Statewide Assessment of Disproportionate Minority Contact (DMC) in the Virginia Juvenile Justice System *Final Report*

**December 20, 2012**

**Prepared for**  
Commonwealth of Virginia  
Department of Criminal Justice Services  
1100 Bank Street, 12th Floor  
Richmond, VA 23219

**Prepared by**  
Thomas Harig  
William Feyerherm  
Marcia Cohen  
Rachel Stephenson  
Elizabeth Spinney

Development Services Group, Inc.  
7315 Wisconsin Avenue, Suite 800E  
Bethesda, MD 20814



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7315 Wisconsin Avenue, Suite 800E  
Bethesda, MD 20814  
[www.dsgonline.com](http://www.dsgonline.com)**

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We are most grateful for the guidance and assistance from Ashaki McNeil, formerly the State DMC Coordinator at the Department of Criminal Justice Services (DCJS). Ms. McNeil coordinated the project for DCJS from its inception in March 2010 through her departure for the Department of Juvenile Justice (DJJ) in fall 2011. She was instrumental as the liaison to DJJ and to our research sites in Fairfax, Norfolk, and Richmond. Laurel Marks, Juvenile Services Manager, and Tracey Jenkins, Policy Analyst, DCJS, also provided critical assistance throughout to keep the project moving forward.

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In each of the assessment sites, we had the pleasure of interviewing numerous members of the local juvenile justice community—about 88 individuals in all. Each interview session was engaging, and we found an exceptionally high level of interest in DMC. We hope we have adequately conveyed the concerns of these dedicated professionals in this study.

Finally, at DSG we would especially thank Research Analyst Rachel Stephenson for her tireless work on this project as well as Research Analysts Elizabeth Spinney and Dan Duplantier, Research Assistant Amanda Bobnis, Writer Martha Yeide, and Editors Michael Hopps, Carrie Nathans, and Mel Kobrin for their support.

—Thomas Harig, Principal Investigator,  
William Feyerherm, Co-Principal Investigator,  
Marcia Cohen, Co-Principal Investigator

## Executive Summary

### Introduction

In 2009 the Virginia Department of Criminal Justice Services (DCJS) issued a solicitation to conduct a statewide assessment of disproportionate minority contact (DMC) in the Virginia Juvenile Justice System. After a competitive process, Development Services Group, Inc. (DSG), was awarded a contract on July 1, 2010, to conduct this assessment.

As a starting point, we examined statewide information that Virginia has submitted to the Office of Juvenile Justice and Delinquency Prevention (OJJDP). African American youths represented 22.8 percent of the Commonwealth's juvenile population during this period, yet they notably accounted for 44.4 percent of referrals to court, 56.7 percent of cases involving secure detention, 44.6 percent of cases petitioned, 47.7 percent of delinquent findings, and 66.1 percent of cases resulting in confinement in secure juvenile correctional facilities. Stated slightly differently, the rate of referral to court for African Americans was 2.66 times as high (well more than double), their secure detention rate was 1.84 times as high, their probation rate was 0.79 times lower (that is, African Americans receiving a probation sanction at a lesser rate), and their secure confinement rate was 2.33 times as high as the rate for whites. Statewide contact data for Hispanic juveniles, who represented 7.4 percent of the juvenile population, shows some disproportionality but to a considerably lesser degree compared with DMC among African American youths. Asian youths, who accounted for only 4.2 percent of the juvenile population, typically represented fewer than 1.0 percent of cases at any given contact point.

There is little doubt that minority youth, particularly African American and Hispanic youth, have higher rates of contact with the juvenile justice system, and lower likelihood of entering parts of the system (probation and diversion) that might result in less-intense interactions with the justice system. But the operational question for this assessment study is not simply whether disproportionate contact exists, but instead is a more difficult (and more useful) question:

***Why do we find youth from various racial and ethnic groups overrepresented at various contact points in the juvenile justice system?***

The overall Virginia DMC Assessment is guided by the OJJDP DMC–Reduction Model, which states that the purpose of the assessment is to generate probable explanations for DMC observed in the community.

### Methodology

After examining preliminary information with the DSG Assessment Team, the Virginia State Disproportionate Minority Contact (DMC) Coordinator proposed that the assessment would concentrate on three jurisdictions that had a history of concern and experience in tackling DMC issues but that still exhibited significant Relative Rate Indexes (RRIs). These jurisdictions were Fairfax County, the City of Norfolk, and the City of Richmond. The DMC

Coordinator contacted these jurisdictions to ascertain their interest in participating in this study, and all three agreed.

Given the distributions of race and ethnicity groups of youth in Richmond, Fairfax, and Norfolk—and since the emphasis of this report is on DMC issues—we focused our attention on white, African American, and Hispanic youth. There are major differences in the demographics of these three communities, which reflect a wide variation in the demographics of the Commonwealth. Those differences drove the analyses to concentrate on each community rather than to attempt to create a composite picture across the Commonwealth.

The assessment includes two major data components: 1) the analysis of *quantitative* data on the processing of juveniles at various juvenile justice contact points in the three jurisdictions and 2) the conduct of *qualitative* interviews with juvenile justice practitioners in the three jurisdictions.

### Quantitative Analysis

The Assessment Team received data files for all referrals to the courts in the three jurisdictions for fiscal years 2008, 2009, and 2010. The files included information on intake, detention, probation, and correctional placement. In the final analysis file we had a total of 26,069 cases (including 36,777 separate allegations) across the three communities.

In organizing the analysis of decision-making within the juvenile justice system, it is useful to have a general map of the decisions within the system, particularly those that are known to be relevant to DMC issues. The general map we are using for this analysis in Virginia is composed of three major stages in the case processing: intake decisions, adjudication, and sanction.

<b>ES.1. Stages in Juvenile Justice</b>		
<b>Intake → Adjudication → Sanction</b>		
Informal		
Formal	Released	
	Held Open	
	Transferred	
	Delinquent	Correctional Placement
		Probation
		Other

As noted elsewhere in this report, one of the purposes of an assessment is to determine the extent to which DMC may be explained by a variety of contributing mechanisms. To accomplish this task, we need to introduce statistical controls for differences in the cases involving youth from the different racial and ethnic groupings. This process is described in more detail in chapter 2.

## Qualitative Interviews

Site visits were conducted for the purpose of interviewing members of the local juvenile justice communities in Fairfax, Norfolk, and Richmond. At each site a sample was selected that typically included professionals who routinely make decisions about arrests, detention, diversion, referral to court, prosecution and defense, adjudication, probation sanctions, and correctional commitments. Typical participants included judges, Juvenile and Domestic Relations Court Directors and staff, Detention Center directors and staff, Department of Human Services staff, attorneys from the Office of the Commonwealth's Attorney, attorneys from the Public Defender's Office, officers from the Police Department, school representatives, and police School Resource Officers (SROs). Subjects also included a mix of program providers and youth advocates. Fifty-five interview sessions were held across the three sites, including approximately 88 individuals.

## Key Quantitative Findings

After controlling for differences in demographics such as age and gender, allegation severity, and prior history, the multivariate analysis found the following statistically significant results:

In Fairfax:

- The intake process accentuates DMC concerns by reducing the likelihood of diversion for African American youth and increasing the odds of a formal delinquency petition for Hispanic youth;
- Both African American and Hispanic youth, when viewed as similarly situated in terms of current offense and prior history, have roughly 50 percent greater odds than white youth of pretrial detention; and
- For similarly situated cases, the odds of correctional placement for African American youth were slightly more than double those for white youth—a statistically significant finding. Given the smaller use of correctional placements in Fairfax County, this finding has an impact on fewer youths than in other counties, but there remains a disparate use of correctional placements.

In Norfolk:

- Compared with the other informal resolutions, and compared with cases involving white youth, there are no significant impacts of being either African American or Hispanic on the odds of the case receiving a diversion outcome;
- Looking at whether a delinquency petition is filed, after adjusting for those other factors, the odds of a petition being filed are lower for African American youth than for white youth. For cases involving Hispanic youth, the odds are essentially equal to those for white youth;
- When viewed as similarly situated in terms of current offense and prior history, both African American and Hispanic youth have a higher likelihood of pretrial detention than do white youth;

- For cases involving African American youth, there is a statistically significant difference in the likelihood of a case being adjudicated delinquent and represents a potential DMC issue; and
- The odds of correctional placement for African American youth are slightly more than double those for white youth—a statistically significant finding. Likewise, the odds of postdispositional detention without programming are double for cases involving African American youth, compared with cases involving white youth.

In Richmond:

- Compared with the other informal resolutions, and compared with cases involving white youth, there are no significant impacts of being either African American or Hispanic on the odds of the case receiving a diversion outcome;
- The odds of a petition being filed in cases involving African American or Hispanic youth are essentially equal to those for white youth;
- Both African American and Hispanic youth have a higher likelihood of pretrial detention than do white youth;
- There are no significant impacts of being either African American or Hispanic on adjudication outcomes; and
- Cases involving African American youth have a higher rate of correctional placement. Cases involving both African American and Hispanic youth are more likely to receive probation sentences.

## **Recommendations**

Based on both the findings from the data analysis and the results of extensive qualitative interviews, the DSG Assessment Team developed the series of recommendations that follow. This listing is a shortened version of the recommendations chapter, and is organized into four sets; those that are applicable at the Commonwealth level and three sets corresponding to our observations and findings in each of the three jurisdictions.

### ***Statewide Recommendations***

1. It is recommended that Virginia review a) the effectiveness of existing prevention programming, b) the extent to which existing programming targets (and is successful with) minority populations, and c) the areas where more programming is needed.
2. The Commonwealth should review and assess criteria for access to diversion programs, potentially increasing the number of times a youth may participate in these programs (currently the limit is one time). That review should also examine Fairfax County's decision-making tool for diversion intake and consider making such a tool, based on objective criteria, available for all jurisdictions.
3. The Commonwealth should increase restorative justice options, such as victim-offender mediation, youth courts, and reconciliation programs; and encourage jurisdictions to collaborate with their respective police agencies to encourage the establishment of police diversion programs.

4. All the jurisdictions studied had some, or many, detention alternative programs—alternatives such as expanded use of advocates, electronic monitoring, house arrest, shelter care, and day reporting centers. However, we recommend that the increased use of such detention alternatives be encouraged. We also recommend increased use of advocacy at the detention hearing.
5. The Commonwealth of Virginia should consider altering its juvenile arrest reporting and data dissemination, and integrating that arrest data with other juvenile justice information available to the cities and counties for use in DMC RRI measurement and further assessment studies.
6. It is recommended that the Commonwealth expand the analytic versatility of its juvenile justice databases, especially to ensure that all relevant decision-makers and decisions are fully represented. The Commonwealth should modify the Juvenile Tracking System to add the category of SRO under “Petitioner Type.”
7. In terms of the threshold value for felony theft, the Commonwealth should inform jurisdictions of the appropriate valuation methodology and ensure that offenders are appropriately charged. It is also important that the legislature review the appropriateness of the \$200 threshold in the contemporary economy and consider raising it.
8. The Commonwealth should consider elevating the State DMC Coordinator position to full-time status. In addition, the Commonwealth should consider providing some level of support for local DMC efforts with federal juvenile justice funds. Each jurisdiction should strive to establish and maintain a local DMC Committee or similar group focused on implementing the OJJDP DMC–Reduction Model.
9. DMC statistics for local communities should be prepared and examined both in terms of the jurisdiction in which the offending occurs and in terms of the youth’s home jurisdiction.
10. The Commonwealth should continue and extend DMC assessment efforts in each of its major jurisdictions (beyond the three studies here) to ensure the fair and equal treatment of youth by the juvenile justice system.

### ***Recommendations for Norfolk***

1. Norfolk should deepen its concentration on DMC within its JDAI work and committees.
2. Juvenile justice administrators should ensure that the data collected at certain decision points—particularly at the arrest, probation, and detention stages—are not affected by the presence of youth from jurisdictions outside of Norfolk

3. Clarification and training should be made available for practitioners who are involved in the decision-making process regarding the \$200 felony threshold in larceny cases.
4. Officials in Norfolk should encourage full representation and participation from the Office of the Commonwealth's Attorney and the Public Defender's Office in the Detention Review.
5. A considerable number of minority youths have been arrested for trespassing at public housing facilities in Norfolk. It is recommended that the jurisdiction examine whether arrest is the only viable option for these cases, or whether there is another option that can be exercised by officials.
6. Staff interacting with youth should receive training in how to better communicate and work with young people, including how to interpret teenagers' body language, because this training could be helpful in building understanding and possibly in reducing DMC.
7. Deeper examination of racial disparities at adjudication is recommended.
8. Among adjudicated youths, Norfolk handled more of its youths as adults than Fairfax and Richmond, and nearly all of these youths were African American. Norfolk judges, Commonwealth's Attorneys, public defenders, Court Service Unit (CSU) staff, and other juvenile justice stakeholders and decision-makers should review the extent to which racial disparity differs by transfer type (judicial discretion, automatic transfer, and prosecutorial waiver) and what steps can be taken to reduce the overall number of transfers as well as existing racial disparities.

### ***Recommendations for Richmond***

1. To ensure an overall reduction in the numbers of youths in the system, existing programming for youth should be analyzed for accessibility and effectiveness.
2. Richmond officials should make concerted efforts to improve the completeness of data at the intake stage, to include School Resource Officer as a distinct category, and to develop quality-control measures to reduce missing information.
3. Richmond should explore the option of developing a postdispositional program for appropriate adjudicated youth.
4. Both schools and police should strive to dramatically reduce the numbers of school-based incidents that result in arrest and court referral. Schools and the police should revisit their expectations for the presence of SROs in schools. The police should evaluate the cultural competency components of its SRO training curriculum, and consider including juvenile Probation Officers as trainers to provide a particular emphasis on adolescent contact and supervision. The schools should prepare offense-specific protocols outlining what the recommended school disciplinary

process should be; these protocols should be incorporated into SRO training and school/police operating agreements.

5. Richmond officials should incorporate an objective assessment into diversion decisions. Policies and practices should be written and regularly monitored for implementation fidelity.

### ***Recommendations for Fairfax***

1. Because of the extensive diversity of the Fairfax population, agency leaders should review and discuss with staff a set of standard rules for classification/coding for each racial and ethnic group that is likely to be encountered in the community.
2. It is recommended that Fairfax consider implementing or expanding evidence-based gang intervention programs.
3. Language issues need additional attention. It is recommended that the community ensure that bilingual School Resource Officers are assigned to those schools with significant Hispanic student enrollment; that Intake staff and Public Defenders have ready access to interpreters; that various information guides, forms, and other system paperwork are provided to youth and their families in relevant languages; and that program offerings are culturally competent for clients.
4. Fairfax should explore the adoption of an “Expeditor” position or other means of actively seeking alternatives to detention and facilitating the advancement of cases through the system, as is done in Richmond and many other JDAI sites.
5. It is recommended that the Fairfax CSU examine the court’s docket scheduling process to ensure the timeliest processing of detention cases.
6. Local policy denies diversion if restitution in a case will be more than \$500. It is recommended that the CSU examine ways of facilitating and assisting youths’ efforts to meet restitution obligations and potentially increase access to diversion programs.
7. As a means of reducing Failure to Appear actions, it is recommended that Fairfax County examine the many possible ways of addressing transportation issues, including, for example, satellite court options, the use of video technology, scheduling innovations, and transportation assistance.
8. The Fairfax Police Department should investigate the feasibility of implementing a police diversion program to reduce the number of youths penetrating into the juvenile justice system.
9. It is recommended that Fairfax implement new programs to reduce recidivism among first-time, younger offenders.

# 1. Background

## Introduction

In 2009 the Virginia Department of Criminal Justice Services (DCJS) issued a solicitation to conduct a statewide assessment of disproportionate minority contact (DMC) in the Virginia Juvenile Justice System. After a competitive process, Development Services Group, Inc., was awarded a contract on July 1, 2010, to conduct this assessment.

DCJS is the agency designated to receive Title II Formula Grants funding from the federal Office of Juvenile Justice and Delinquency Prevention (OJJDP). As the recipient of this funding, DCJS is required to remain in compliance with the Core Requirements of the Juvenile Justice and Delinquency Prevention Act (the JJDP Act). One of the Core Requirements involves addressing the disproportionate representation of minority youth in the juvenile justice system. As part of the DMC Core Requirement, OJJDP requires states to identify, through the annual Formula Grants application process, whether DMC exists at any of the juvenile justice contact points specified in OJJDP's DMC Identification Spreadsheet, to undergo an assessment to determine the extent of DMC based on statewide data, to identify targeted jurisdictions with the highest relative rate index (RRI), and to generate possible explanations and/or to identify the most likely mechanism (or mechanisms) contributing to DMC (OJJDP 2012; Leiber, Richetelli, and Feyerherm 2009). In its FY 2012 Formula Grants solicitation, OJJDP required states to provide a summary of findings from an assessment study published during 2005–11, or if not yet conducted or completed, a time-limited plan for completing the assessment.

To receive Title II Formula Grants funding, states must send a comprehensive 3-Year Plan to OJJDP, which must include a plan for complying with the four Core Requirements of the JJDP Act. States are required to follow the steps outlined by OJJDP to address DMC. Phase 1 of the OJJDP process is to identify whether DMC exists and, if so, at which contact points in the juvenile justice system that it does exist. DMC exists if the rate of contact with the juvenile justice system of a minority group differs significantly from the rate of contact of the majority group. In Virginia, this DMC identification has been completed and documented by DCJS through the use of statewide data. Phase 2 is to conduct an assessment to determine the mechanisms contributing to DMC at the identified decision points where disproportionality exists. Before 2012, Virginia had not completed a statewide assessment; this report is intended to fill that gap.

The operational question for an assessment study is, "Why do we find youth from various racial and ethnic groups overrepresented at various contact points in the juvenile justice system?" The overall Virginia DMC Assessment is guided by the OJJDP DMC-Reduction Model, which states that the purpose of the assessment is to generate probable explanations for DMC observed in the community.

## National Historical Perspective

### *The JJDP Act and the OJJDP DMC–Reduction Model*

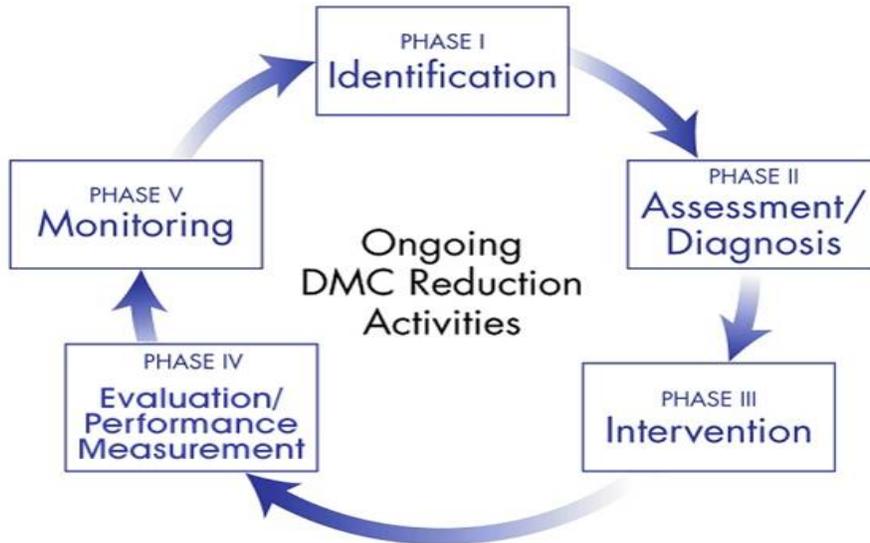
The actions that the Commonwealth of Virginia and all other states take to address the issues surrounding DMC have been set by a national agenda first put forth in the JJDP Act originally passed by Congress in 1974. In 1988, Congress amended the JJDP Act of 1974 to require that states develop plans to reduce the disproportionate confinement of minority youth in secure institutions. This federal initiative was in response to congressional committee data that revealed that “Hispanic male juveniles are confined at a rate 2.6 times that of white male juveniles... [while] for black male juveniles, the comparison produces an even higher ratio of 4 to 1” (U.S. Department of Justice 1990, 2–3). This concept was labeled “disproportionate minority confinement,” or simply “DMC,” and was often referred to as “minority overrepresentation.” States had long been required to develop and submit 3-Year Plans to the federal government to access juvenile justice funds. In practical terms, the 1988 amendment required that states include the DMC issue among the many other juvenile justice concerns already cited in their State Plans.

In 1992, Congress gave considerably more weight to its concerns about DMC by targeting the issue as a *Core Requirement* in its funding regulations. Congress had previously required that states seeking federal juvenile funds had to 1) deinstitutionalize status offenders, 2) remove juveniles from adult institutions, and 3) maintain sight and sound separation between juveniles and adult prisoners. The newly added DMC Core Requirement specified the substantive details for state compliance with the federal DMC initiative. It also made 25 percent of the state’s share of federal Title II Formula Grants juvenile justice funds contingent on compliance with the DMC initiative. In other words, a state in noncompliance with the DMC regulations would have its funding eligibility reduced by 25 percent.

In 2002, Congress once again amended the JJDP Act to expand the focus of the DMC initiative across the entire juvenile justice system, currently referred to as *disproportionate minority contact*. With this change, states were required to address DMC at contact points such as arrest, referral to court, diversion, petition, delinquent findings, probation, and transfer to adult court as well as the confinement stages (e.g., secure detention and secure confinement). Twenty percent of the state’s Formula Grant allocation in the subsequent year is now tied to the state’s DMC compliance status. The 2002 amendment required participating states to “address juvenile delinquency prevention efforts and system improvement efforts designed to reduce, without establishing or requiring numerical standards or quotas, the disproportionate number of juvenile members of minority groups, who come into contact with the juvenile justice system.”

Following the 2002 JJDP Act amendment, OJJDP promulgated a DMC–Reduction Model (see figure 1.1). The model stipulated a process by which the states would 1) collect data to demonstrate the extent of DMC within its jurisdiction (*identification*), 2) conduct research to further understand local disproportionality (*assessment*), 3) implement targeted DMC–reduction efforts (*intervention*), 4) determine the efficacy of such interventions (*evaluation*), and 5) track changes in disproportionality as a result of the initiative (*monitoring*).

Figure 1.1. OJJDP DMC–Reduction Model



Virginia has complied with requirements of the *identification* phase of the model for several years through the completion of OJJDP data-reporting spreadsheets for its major jurisdictions (see appendix A). For a given jurisdiction, these spreadsheets show the numbers of juveniles, by race and ethnicity, processed at each of nine contact points in the juvenile justice system:

- Juvenile arrests;
- Cases referred to juvenile court;
- Cases diverted;
- Cases involving secure detention;
- Cases petitioned;
- Cases resulting in delinquent findings;
- Cases resulting in probation placement;
- Cases resulting in confinement in secure juvenile correctional facilities; and
- Cases transferred to adult court.

The spreadsheets also calculate rates of contact for each race/ethnic group, and produce an RRI value that reflects any disparity between the white rate of contact and the minority rate of contact for each contact point.

### ***Assessment of Disproportionate Minority Contact and Probable Contributing Mechanisms***

The *assessment* phase of the DMC–Reduction Model builds on the results of the *identification* process. It seeks to determine *probable explanations* why minority overrepresentation exists, and examine in depth the factors that may contribute to DMC between white and minority youth at the various decision points in the juvenile justice system. The aim is to determine which mechanisms leading to DMC are supported by assessment data and therefore form the targets for intervention activities. OJJDP has identified the following probable mechanisms that may contribute to DMC, that which can

serve as a lens through which to view the Virginia data: (adapted from Leiber, Richetelli, and Feyerherm 2009, 2.1–10).

### **DIFFERENTIAL OFFENDING**

The research literature raises the possibility that the rates at which youths from various racial and ethnic subgroups are involved in delinquent activity may differ (e.g., Lauritsen 2005). Several forms of differential behavior are plausible contributors to DMC, including the following:

- Involvement in a different set of offense categories (often including more serious activities such as possession or sale of controlled substances);
- Involvement in gang-related activity, and more frequent involvement in offenses generally and in offenses with higher levels of severity;
- Involvement in delinquent activities at an earlier age; and
- Involvement with other social services or justice-related systems, such as the child welfare system (dependency or neglect cases).

Notably, other social services systems are also establishing initiatives or standards related to cultural competency and issues similar to DMC, thus providing the opportunity for cross-system collaboration in addressing issues of racial or cultural disparities.

### **MOBILITY**

One of the realities of modern life is easy access to automobiles and other means of mobility, so that youth who reside in one community may, in fact, spend considerable time in other jurisdictions. While present in those other jurisdictions, it is possible that youths may commit delinquent behavior, resulting in their being arrested and, perhaps, processed further in a jurisdiction other than their own home areas. When arrest statistics are compared to census statistics on juvenile population, which are based on the area of residence, the result may be that the rate of juvenile arrests in one area may appear either higher or lower than would be expected. Several forms of such mobility-related DMC have been observed.

### **INDIRECT EFFECTS**

“Indirect effects” is a broad term that reflects the fact that in this society economic status, education, location, and a host of risk factors associated with delinquent behavior, among other factors, are linked with race and ethnicity. These factors, in turn, are related to delinquent activity or to other forms of contact within the justice system. Thus, the impact of race or ethnicity is not direct but is “indirect” through these other factors. Specific risk factors, which are correlated with race or ethnicity, may lead to differential offending issues. Risk factors such as poor school performance or living in disorganized neighborhoods are more likely to characterize minority youths, putting them at a greater risk of system involvement. As an example, Sampson (1987) discovered that male unemployment is related to family disruption, a risk factor related to delinquency rates, thus creating a set of links with particular impact on African American youth. Access to or eligibility for

programming (public or private) may be affected as well. For example, access to some forms of behavioral health or substance use treatment is often contingent on medical insurance coverage. That coverage is, in turn, often contingent on economic circumstances, which places many minority families at a disadvantage in obtaining such services. The use of alternative private schools as a preventive measure is also highly related to economic circumstances, again creating a link to race and ethnicity. Juvenile justice decision-makers report that, in some situations, the only way they can obtain needed treatment services for minority youths is to commit them to state custody, thus adding to the DMC levels for that community.

#### **DIFFERENTIAL OPPORTUNITIES FOR PREVENTION AND TREATMENT**

The allocation of prevention and treatment resources within communities is seldom uniform or universally accessible across the entire community. In some instances, those allocations create a disadvantage for minority youth. This can occur in at least four ways:

1. Access may be limited by geography, hours of operation, or other means;
2. *Eligibility* criteria may be used in many programs to define a set of youths most likely to benefit from the program or to exclude those youths whom program leaders believe will likely disrupt the program or otherwise be less likely to benefit from the program resources;
3. *Implementation* characteristics may play a role in encouraging or discouraging minority youth participation; and
4. *Effectiveness* is the capability to achieve intended outcomes.

Many prevention or treatment programs have been developed initially with a particular group of youths (often white youths) in mind. Whether the prevention/treatment model is sufficiently culturally adapted or neutral is a question that is frequently noted in the compilation of evidence-based programs, such as the *OJJDP Model Programs Guide*.

#### **JUSTICE BY GEOGRAPHY**

Justice by geography concerns the concept that youth in general, and minority youth in particular, may be processed or handled differently in separate jurisdictions within the same state. Differing responses may occur on the basis of whether youth were as follows:

- Processed in an urban, rural or suburban setting;
- Processed in a jurisdiction with more or less resources (for example, the availability of diversion services); or
- Processed in locations with differences in operating philosophies between jurisdictions (for instance, how a jurisdiction defines “accountability” for youthful misconduct or whether a jurisdiction uses deterrence as a primary rationale for system action as opposed to other philosophies of public safety).

## LEGISLATION, POLICIES, AND LEGAL FACTORS

Policies enacted through legislation or through administrative action may sometimes contain elements that create a disadvantage for minority youth. These disadvantages may occur for a variety of reasons, but the most common are those that target some specific aspect of delinquent behavior, those that target specific locations, and those that use prior delinquent or criminal history as an element of the policy.

## ACCUMULATED DISADVANTAGE

One of the more disturbing aspects of the DMC issue is that the impact on minority youth as a group tends to accumulate, rather than dissipate, through the system. This phenomenon is displayed in at least two different ways. *Simple accumulation* occurs when a higher rate of arrest for minority youth is subsequently followed by a lower rate of diversion, higher rates of formal processing as delinquent, and so forth. In most stages of the juvenile justice system, minority youths (particularly African American and Hispanic youths) appear to receive handling that is either harsher than or equal to their white counterparts. Thus, although the differential treatment at any particular stage may appear “small,” the cumulative impact across the entire juvenile justice system may be relatively large. *Impacts on later decisions* occur when race and ethnicity indirectly influence decision-making at later stages of the juvenile justice system. Studies have indicated that decisions made at earlier stages, such as detention, affect outcomes at later stages and, in particular, judicial disposition. That is, detention strongly predicts more severe treatment at judicial disposition. Although minority youths and white youths who have been detained may be treated similarly, because the former group is more likely to be detained, they receive more severe dispositions than do their white counterparts. Consequently, race or ethnicity may not directly influence judicial disposition, but its effects may be masked, operating through a racially linked criterion of preadjudicatory detention.

## DIFFERENTIAL PROCESSING

*Differential processing or inappropriate decision-making criteria* can be an issue in determining program eligibility, implementing diversion programs, and selecting alternative decision outcomes. The fundamental questions are the following:

- What are the bases or criteria on which decisions are made?
- Are those criteria applied consistently across all groups of youth?
- Are the criteria structured in a manner that places some groups at a disadvantage?

As an example of such issues, consider the use of the term “gang related,” which is frequently cited as a factor in decisions about how to handle juveniles. To assess its impact, it is important to know how a jurisdiction defines the term, how it is created, and whether the question about being gang related is asked only for youth from certain areas of the community. If so, then use of this criterion likely will place minority youths at some disadvantage relative to white youths, especially white youths from areas of the community not believed to be gang affected. As another example, consider the use of “family” in some detention decisions. It is common to find that one of the criteria for releasing a youth from custody is that a family member must be willing to retrieve the youth. But if the definition of

family member extends only to a parent, then the youth from a single-parent home is at a disadvantage. Moreover, the youth who is living with a brother or sister, an aunt or uncle, a grandparent, or other adult is at a disadvantage in such a situation. In many jurisdictions, minority youths are more likely to live in these alternative living arrangements; thus, the way in which the decision criteria are structured may place such youths at a disadvantage in terms of consideration for being released from detention (or not held in detention at all). A last example centers on the requirement by states that before a youth may participate in diversion at intake, he or she must admit guilt. Although the criterion itself may be racially neutral, studies have raised questions concerning the extent to which minority youths, because of past discriminatory practices and/or distrust of the juvenile justice system, are more likely not to admit guilt and, therefore, are less likely to be involved in diversion than white youths (e.g., Leiber 1994).

## Virginia Demographics

The age group of particular concern with regards to the juvenile justice system in Virginia is the youth population ages 10 to 17. According to the 2010 U.S. Census, this age group exceeded 832,000, representing 10.0 percent of the total population in Virginia. However, the proportion of youth in this age group does vary by locality. For example, youth ages 10 to 17 make up approximately 11.0 percent of the population in Fairfax County, but only 7.3 percent of the population in the City of Richmond and 8.3 percent of the population in Norfolk. \*

Any discussion on a profile of the Commonwealth should mention that Fairfax, Norfolk, and Richmond are urban centers with demographics vastly different from the suburban and rural corridors of the Commonwealth. For example, statewide census data from 2009 shows that youth ages 10–17 are 62.0 percent white, 22.5 percent black, 8.0 percent Hispanic, 4.5 percent Asian, and 3.0 percent other race. In Richmond and Norfolk, the majority of youths are primarily minority, and the population of youths in Fairfax includes a significant number of Asian youth. In Richmond, youths are 70.5 percent African American, 21.5 percent white, 5.3 percent Hispanic, and 2.7 percent other races (including American Indian, Asian, Native Hawaiian and Other Pacific Islanders, and multiple races). In Norfolk, youths are 52.0 percent African American, 35.5 percent white, 5.5 percent Hispanic, and 7.0 percent other races. In Fairfax, youths are 10.5 percent black, 55 percent white, 15.3 percent Hispanic, and 15.6 percent Asian, and 3.6 percent other races (Virginia Department of Juvenile Justice 2010).

In Norfolk and Richmond, the minorities make up the majority of the population. The study utilizes the Relative Rate Index (RRI), which compares *rates* of minority contact with *rates* of majority contact. Since much of the DMC approach involves comparison of rates between groups, a constant issue is that the smaller numbers of cases involving any racial or ethnic group means that the estimates of rates for those groups will have a very large standard error, meaning that it is more difficult to detect significant differences between groups. When the white group is small, this makes it more difficult to assess DMC by comparing rates experienced by minority youth with the rates experienced by white youth. This appeared to only be an issue in Richmond, where 94 percent of intake cases were

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\*Data source: <http://quickfacts.census.gov/qfd/states/51000.html>.

African American youth. Nonetheless, we were able to detect some differences and proceeded to examine Richmond's juvenile justice system in a parallel fashion to the examination of Fairfax and Norfolk. In chapter 6, we present a comparison across the three jurisdictions that specifically addressed the issue of "majority as the minority."

## **DMC in Virginia**

Virginia has recognized that DMC does exist within the juvenile justice system. DMC can be illustrated by examining statewide data for a particular period (see appendix A for these data across several time periods). This data is somewhat limited because the spreadsheets reported by the Commonwealth do not include juvenile arrests or cases transferred to adult court. Virginia officials do not include arrest data because they are not considered reflective overall of initial juvenile contacts with the system. In Virginia, intake is the primary first point of contact. Arrests are, however, extensively analyzed as part of Virginia's 3-Year Plan but in summary and on a statewide basis.

Nevertheless, the spreadsheets are instructive in showing that although African American youths represented 22.8 percent of the Commonwealth's juvenile population during this period, they notably accounted for 44.4 percent of referrals to court, 56.7 percent of cases involving secure detention, 44.6 percent of cases petitioned, 47.7 percent of delinquent findings, and 66.1 percent of cases resulting in confinement in secure juvenile correctional facilities. RRI data shows that the rate of referral to court for African Americans was 2.66 times as high (well more than double) as the rate for whites, the secure detention rate was 1.84 times as high, the probation rate was 0.79 times lower (that is, African Americans receiving a probation sanction at a lesser rate), and the secure confinement rate for African Americans was 2.33 times as high as the rate for whites. Statewide contact data for Hispanic juveniles, who represented 7.4 percent of the juvenile population, shows some disproportionality but to a considerably lesser degree compared with DMC among African American youths. Asian youths, who accounted for only 4.2 percent of the juvenile population, typically represented less than 1.0 percent of cases at any contact point. This data as well as data for 11 other cities and counties has been entered into the OJJDP database. This data demonstrates the need for a statewide assessment, for the purposes of examining and determining the extent of DMC and for leading to recommendations of community intervention strategies.

## **Previous Disproportionate Minority Contact Work Conducted in Virginia**

The work of the current DMC Assessment can draw on the important efforts already under way in Virginia, or confirm the impact of these efforts while providing additional guidance on future work that can address DMC. Previous DMC work in Virginia has included the following:

1. Planning, as shown by the 3-Year Plan submitted to OJJDP;
2. Studies by the State Crime Commission;
3. An active DMC Subcommittee;

4. DMC identification through measuring the relative rate index;
5. Planning for a DMC Assessment study to determine the contributing mechanisms of DMC;
6. Annual DMC conferences;
7. A DMC Web site;
8. Implementation of a Detention Assessment Instrument (DAI);
9. Detention reform through the Juvenile Detention Alternatives Initiative activities in targeted localities;
10. System reform through the Burns Institute activities in selected jurisdictions;
11. Targeted system change and program grants;
12. Model law enforcement policy regarding bias reduction/cultural diversity;
13. The Community Collaborative, which aims at preventing and reducing the disproportionate participation of African American children in the foster care and juvenile justice system in one Virginia County; and
14. The Governor's Task Force on Preventing Crime in Virginia's Minority Communities.

### ***Three-Year Plan***

Three localities were profiled for DMC in *Virginia's Three-Year Plan 2006-2008*: Fairfax County/City, Norfolk, and Virginia Beach. Following the plan's publication, Norfolk and Newport News became part of a targeted DMC effort. In 2009, Fairfax, Norfolk and Newport News were highlighted in *Virginia's 3-Year Plan 2009-2011* due to then-current efforts. After the plan's publication, a new DMC effort was initiated by DCJS based on the DMC priority included in the plan. Fairfax County/City, Norfolk, and Petersburg were selected for this new effort and were awarded sub-grants for locality-specific projects (Va. DCJS 2009 and 2012).

In *Virginia's 3-Year Plan 2009-2011*, which is required by OJJDP for Title II Formula Grants funding, the first funding priority was to reduce disproportionality in the juvenile justice system. Goals and objectives listed under the "reducing disproportionality in the juvenile justice system" funding priority included the following:

- All juveniles diverted at intake go to programs that are evidence and empirically based and appropriate for the needs of the child:
  - Support the Department of Juvenile Justice in its efforts to implement the Youth Assessment and Screening Instrument statewide.

- Decisions at all stages of Virginia’s juvenile justice system are made according to objective criteria:
  - To avoid disparate treatment, system professionals at all stages of the juvenile justice system, including community stakeholders serving at-risk youth, are trained in best practices; and
  - Develop strategies for reducing the number of referrals to Court Service Unit (CSU) intake by School Resource Officers that could be handled reasonably by the schools.
- Disproportionality is reduced in the juvenile justice system:
  - Establish pilot sites to implement DMC strategies. [Va. DCJS 2009, 67–69]

In 2010, DCJS initiated a statewide assessment with plans to target three localities: City of Richmond, City of Norfolk, and Fairfax County (this report is the result of that initiated assessment).

### ***Studies of the Virginia Juvenile Justice System by the Virginia State Crime Commission***

The Virginia State Crime Commission (VCC) has conducted studies of Virginia’s juvenile justice system. For example, in 2006, the VCC was directed to study the Virginia juvenile justice system—specifically examining recidivism, DMC, quality of and access to legal counsel, accountability in the courts, diversion, and Title 16.1—to determine the adequacy and effectiveness of current statutes and procedures relating to juvenile delinquency (Commonwealth of Virginia 2009).

A recent study, directed by the General Assembly in 2008, noted that DMC may result from school policies, inability of the indigent to retain paid counsel, targeting of crime-ridden neighborhoods, and lack of available prevention opportunities and alternatives to detention in economically deprived communities. Study elements concentrated on both criminal justice and juvenile justice.

The study also surveyed Juvenile and Domestic Relations Court (JDR) Judges and CSU Directors to determine the extent to which DMC is a problem in their locality. Eighty-four responses were received, with the following results:

- 45 percent reporting that DMC is “not a problem”;
- 42 percent reporting that DMC is a “small problem”;
- 11 percent reporting that DMC is a “moderate problem”;
- 2 percent reporting that DMC is a “serious problem”;

- 54 percent of CSU Directors feel that DMC is a moderate to severe problem in their localities; and
- 73 percent of JDR Judges and 63 percent of CSU Directors rated the DAI as a combination of “somewhat effective” and “very effective” in reducing DMC. [Commonwealth of Virginia 2009]

### ***Reports by Outside Entities***

In addition to Virginia’s 3-Year Plan and reports done by Virginia Commonwealth government agencies, outside entities have also provided reports that can inform and help guide DMC planning.

In 2002 the American Bar Association Juvenile Justice Center in collaboration with numerous partners produced a report called *An Assessment of Access to Counsel and Quality of Representation in Delinquency Proceedings* (Puritz, Scali, and Picou 2002). The report presented numerous key findings, including findings on racial disparities. The executive summary states:

Reports of disparate treatment of minority youth and the sentiment that skin color matters in Virginia were pervasive and glaring. Despite demographic differences, there was agreement in every jurisdiction that children and youth of color are overrepresented in Virginia’s juvenile justice system.... Across disciplines, there was an overarching sentiment and perception that children and youth of color are disparately treated, that race matters. No one could say for sure why minorities in their jurisdiction were treated differently. Interviewees proffered many reasons for the disparate treatment including biased police patrol, lack of parental empowerment, and access to resources. [Puritz, Scali, and Picou 2002, 5]

The report provided 10 recommendations, many of which could help reduce DMC, including the following:

- Legislative changes to ensure the early appointment of counsel so that children are not detained in secure facilities without the benefit of counsel;\*
- A fair and equitable share of resources allocated to support the meaningful representation of juveniles in delinquency proceedings; and
- Legislation to establish an unwaivable right to counsel in delinquency cases consistent with national standards.\*

In 2010 the Justice Research and Statistics Association (JRSA) published *A Review of the Status of Disproportionate Minority Contact Efforts in Iowa and Virginia*, which was funded by OJJDP to examine the strategies implemented in Iowa and Virginia to reduce DMC. Researchers were especially interested in using these two states as case studies of how states and localities use empirical information to 1) identify the extent and nature of the

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\*Reviewers of the draft report indicated that the two legislative actions recommended were enacted.

DMC problem and 2) assess the effectiveness of their efforts to reduce DMC. In Virginia, researchers sought to examine both state-level efforts and efforts used by the cities of Newport News and Norfolk to address DMC. They found that Virginia (as well as Iowa) had implemented numerous strategies at the state and local levels that were among those recommended in OJJDP's *Disproportionate Minority Contact–Reduction Manual* to address DMC, including the development of risk assessment instruments and sponsoring training and statewide conferences. The report provided a summary of Virginia's strategies, including its work with national initiatives and its efforts toward DMC identification and assessment. The JRSA report's recommendations (Orchowsky, Poulin, and Iwama 2010) were directed primarily at OJJDP and states in general.

### ***Disproportionate Minority Contact Subcommittee of the Advisory Committee on Juvenile Justice***

According to Virginia's 3-Year Plan, the DMC Subcommittee of the Advisory Committee on Juvenile Justice meets regularly (Va. DCJS 2009, 62–63). Activities have included the following:

- Reviewing a solicitation inviting applicants to apply for initiatives to address DMC in their localities;
- Using JJDP Act Title II funds to support projects that would reduce DMC through a competitive grant initiative;
- Convening policy meetings designed to address current criminal justice issues; and
- Holding a *Blueprints* policy session to address DMC across systems with stakeholders from the Departments of Education, Social Services, Juvenile Justice, Mental Health Mental Retardation, and Substance Abuse Services and other child-serving professionals [Va. DCJS 2009, 62–63].

### ***Disproportionate Minority Contact Identification***

As of April 2012, data had been entered into OJJDP's RRI database for the following fiscal years: 2005, 2008, 2009, 2010, and 2011 (OJJDP N.d.b). In 2005, there was little understanding of the RRI data across the country, and Virginia was no exception. Data was entered for four jurisdictions (Fairfax County, Norfolk City, Virginia Beach City, and statewide) at five of the nine decision points (referral, diversion, detention, petition, and secure confinement). However, by 2011, Virginia had added extensive information to the OJJDP database, both in terms of locations covered and the stages of the justice system that were used. Data was entered for 30 jurisdictions at seven of the nine decision points (referral, diversion, detention, petition, delinquent findings/adjudication, probation, and secure confinement).

### ***Disproportionate Minority Contact Assessment***

In its 2009–11 3-Year Plan, Virginia outlined a plan for getting the assessment study completed and included the following steps: submit a formal request for technical assistance to OJJDP in developing its assessment study, determine an assessment study

timeline, and begin the assessment study. The assessment study would have the following sections: introduction, possible explanations, data and results, data collection, and data analysis (Va. DCJS 2009, 61).

### ***Annual Disproportionate Minority Contact Conferences***

Virginia State University, the Department of Criminal Justice Services, and the Virginia Department of Corrections organize an annual statewide DMC conference, which includes nationally recognized speakers. The 2012 conference is titled “Conscious Awareness: Policies and Collateral Consequences.” Speakers include Dr. Terry Morris from NASA Langley Research Center; Judge Robert R. Rigby, Associate Judge at the District of Columbia Superior Court; and Dr. John W. Hogan, M.D., HIV Specialist.

### ***Disproportionate Minority Contact Web Site***

Virginia developed a DMC Web site with data and information about DMC. The Web site also includes a link to its plan to reduce DMC and links to other sites and publications. The Web site is <http://www.dcjs.virginia.gov/juvenile/dmc/index.cfm#2>. The Web site includes race data (through 2005) on more than 125 jurisdictions, which can be accessed through easy-to-use dropdown menus. While the Web site is no longer updated, DCJS provides data in RRI spreadsheets as requested.

### ***Risk Assessment Instruments***

One of the most powerful system reforms for reducing and preventing DMC is the implementation of structured decision-making using statistical risk classification such as a risk assessment instrument (OJJDP N.d.a). Virginia has developed risk assessment instruments for both juvenile justice system intake and detention.

#### **INTAKE RISK ASSESSMENT INSTRUMENT**

DJJ is currently working with Orbis Partners, Inc., to implement its Youth Assessment and Screening Instrument (YASI), which will replace the current instrument being used at intake to classify juveniles according to their relative risk of offending (Orchowsky, Poulin, and Iwama 2010). The YASI generates risk and assessment scores in each of 10 domains of functioning as well as an overall risk classification.

#### **DETENTION ASSESSMENT INSTRUMENT**

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 DAI in December 2002. At least two studies of the assessment instrument have been completed. 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 (or offenses), number and nature of prior adjudications of delinquency, number and nature of pending petitions, supervision status, and history of failure to appear or runaway/escape.

### **Juvenile Detention Alternatives Initiative**

Virginia has had 10 Juvenile Detention Alternatives Initiative (JDAI) sites: Bedford, Hampton, Hopewell, Lynchburg, Newport News, Richmond, and Petersburg began in 2003 (Bedford and Lynchburg are no longer active sites); Norfolk was added in 2005; Loudoun and Virginia Beach were added in 2009 (Va. DJJ 2009).

In the 2010, JRSA report (Orchowsky, Poulin, and Iwama), JDAI work was summarized for two sites: Newport News and Norfolk. In both sites, there was a JDAI coordinator position to organize committees of key players whose purpose was to look at ways of improving detention policies and practices. In Norfolk, the JDAI coordinator and committee have worked to collect admissions data and publish monthly newsletters with news, admissions data, and updates. They also developed a parental notification process to decrease the number of failure-to-appear violations, amended the violation of probation policy, reduced the number of truants referred to detention, and increased community awareness through a town hall meeting.

In Newport News, a DMC subcommittee was created which conducted a review of possible DMC contributing mechanisms and issued recommendations for reducing DMC in the juvenile justice system (Orchowsky, Poulin, and Iwama 2010). However, once 3-year funding for the coordinator position ended, progress slowed down. The DMC committee ceased to meet regularly, and JRSA researchers stated: “Little progress appears to have been made since 2007” (Orchowsky, Poulin, and Iwama 2010).

In Virginia’s first eight JDAI sites, detention admissions decreased 32 percent from 2003 to 2009, while the average daily detention population decreased 28 percent (Va. DJJ 2009). In Richmond, detention admissions decreased 33 percent, while the average daily detention population decreased 39 percent. In Norfolk, detention admissions decreased 34 percent, while the average daily detention populations decreased 39 percent. However, these detention indicators did not distinguish between minority and white populations in Virginia, so reductions in DMC as a result of JDAI cannot be measured with this data.

By contrast, a 2009 Annie E. Casey Foundation report did include measures of racial disparity for five impact indicators: *detention admissions*, *average length of stay in detention*, *average daily population in detention*, *commitments to state custody*, and *out-of-home* placements. Virginia was not identified as a site that reported larger or same percentage reductions for youth of color, compared with the general population in the average daily detention population in the body of the report (which implies a possible increase in DMC); however, in the appendix, data shows that there was a 65 percent reduction of youth of color in the average daily detention population, compared with a 52 percent reduction for general youth population (which implies a reduction in DMC at that indicator) [Annie E. Casey Foundation 2009].

### **Burns Institute**

The W. Haywood Burns Institute for Juvenile Justice, Fairness, and Equity (or, simply, the Burns Institute) works in sites across the country to bring officials from law enforcement, legal systems and child welfare together with community leaders, parents, and children, and leads them through 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 (Burns Institute N.d.a). The Burns Institute aims to build the capacity of local organizations to improve and strengthen their programs and to engage in policy work.

The Burns Institute began its work in Virginia in 2006 in several jurisdictions. In July 2007, DCJS contracted with the Burns Institute for 3 years to continue its work with Newport News and Norfolk on implementing the recommendations in the Readiness Assessment Consultation (RAC) reports (Poulin, Orchowsky, and Iwama 2011). The RAC is a thorough evaluation of a local jurisdiction's overall will and capacity to effectively address racial and ethnic disparities (Burns Institute N.d.b). Factors that are evaluated include the purpose of detention and detention utilization, community engagement and collaboration, system stakeholder engagement and collaboration, data collection and analysis capacity, and current juvenile policies and practices. On completion of the assessment, the Burns Institute provides the jurisdiction with a report on the RAC findings, which includes a corresponding set of recommendations.

In Norfolk, Burns Institute representatives attended monthly meetings of the DMC Committee, analyzed data obtained by the DMC committee, and 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, although progress was slowed when the DMC committee stopped meeting regularly. JRSA interviews with key stakeholders confirmed positive assessments of the Burns Institute's efforts in both localities (Poulin, Orchowsky, and Iwama 2011).

### ***Community Collaborative***

In Fairfax County, the Community Collaborative was established to assist in significantly preventing and reducing the disproportionate participation of African American children in the county's foster care and juvenile justice systems and in increasing school readiness and achievement by raising community awareness, building coalitions, and enhancing/building community service networks to strengthen family health and financial well-being (Shaban, Murphy, and Williams 2011, 5).

The Community Collaborative has established team roles, including the early intervention strategy team, which was established in 1999; the collaborative staff resource group, which was initiative in 2003; the steering community, which was established in 2007; and the disproportionality prevention and elimination team, which was established in 2010 (Shaban, Murphy, and Williams 2011, 6–9).

### ***Governor's Task Force on Preventing Crime in Virginia's Minority Communities***

Former Gov. Mark Warner's Task Force on Preventing Crime in Virginia's Minority Communities was established under Executive Order in July 2003 (Commonwealth of Virginia 2005, 3). Its purpose was to identify or develop strategies for reducing crime in primarily minority communities. The 22-member task force consisted of citizens and professional leaders from throughout Virginia and represented African American, Asian American, Latino, and Arab American communities (Commonwealth of Virginia 2005, 7). Although the task force concentrated on overall crime—and not juvenile crime specifically—its 2005 report included recommendations aimed at youth such as providing funding for

programs that offer mentoring and education opportunity for youth, expanding employment opportunities for disadvantaged minority youth, expanding and evaluating youth courts, and enforcing existing laws and policies to increase school attendance and reduce barriers to high school graduation (Commonwealth of Virginia 2005, 23–44).

## 2. Assessment Methodology

The Virginia Disproportionate Minority Contact (DMC) Assessment project began with a review of Relative Rate Index (RRI) data that the Commonwealth had previously submitted to Office of Juvenile Justice and Delinquency Prevention (OJJDP) through its Web-based reporting system. This review, in midyear 2010, was intended to identify target jurisdictions for the assessment. The most recent data available at the time was for the reporting period July 1, 2008, through June 30, 2009. RRI data was available for eleven jurisdictions including the counties of Albemarle, Chesterfield, Fairfax, and Henrico, and the independent cities of Charlottesville, Newport News, Norfolk, Richmond, Roanoke, and Virginia Beach (see table 2.1). The review of Relative Rate Index data for various jurisdictions considered factors including the significance and magnitude of RRIs, the volume of activity at various contact points, comparison of data with other jurisdictions, and various contextual considerations.

The Development Services Group, Inc., Team collaborated with the Virginia State DMC Coordinator in this review and it was jointly agreed that the DMC Assessment would focus on three jurisdictions that had a history of interest and experience in tackling DMC issues but still exhibited significant RRIs. These jurisdictions were Fairfax County, the City of Norfolk, and the City of Richmond\*. The DMC Coordinator contacted these jurisdictions to ascertain their interest in participating in this study and all three agreed.

A kickoff meeting was held in Richmond on July 13, 2011, with representatives from these three local jurisdictions, the Department of Criminal Justice Services (DCJS), the Department of Juvenile Justice (DJJ), and DSG in attendance. The purpose of the meeting was to review the methodology of the study, the timeline, plans for site visits, and review the RRI data on these three sites. Court Service Unit (CSU) Judges, managers, police, and others from each of the sites met with DSG, DCJS, and DJJ to identify individuals and organizations that should take part in the upcoming site visits with the DSG Assessment Team.

The assessment includes two major data components: 1) the conduct of *qualitative* interviews with juvenile justice practitioners in the three jurisdictions, and 2) the analysis of *quantitative* data on the processing of juveniles at various juvenile justice contact points in the three jurisdictions.

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\*Throughout the remainder of this report, Fairfax County refers to the county and includes the City of Fairfax; Norfolk refers to the City of Norfolk and Richmond refers to the City of Richmond.

**Table 2.1. Relative Rate Indices for African American Youth, Selected Counties and Cities in Virginia, FY 2008 Through FY2009**

	Statewide	Albemarle	Fairfax	Roanoke	Richmond	Norfolk	Newport News	Lynchburg	Henrico	Chesterfield	Charlottesville	Virginia Beach
2. Juvenile Arrests	—	—	—	—	—	—	—	—	—	—	—	—
3. Refer to Juvenile Court	2.53	6.02	3.12	3.04	5.80	3.11	2.34	4.64	3.33	2.11	3.15	2.24
4. Cases Diverted	0.92	0.71	0.66	0.70	0.64	0.95	0.87	0.70	1.06	0.78	0.24	0.70
5. Cases Involving Secure Detention	1.58	1.81	1.63	1.21	2.89	1.83	1.88	1.65	1.59	1.19	1.57	1.53
6. Cases Petitioned	1.05	1.13	1.18	1.02	1.32	1.61	1.29	1.02	1.00	1.19	1.21	1.16
7. Cases Resulting in Delinquent Findings	1.16	1.30	1.19	1.41	1.18	1.43	1.16	1.18	1.29	1.30	1.30	1.00
8. Cases Resulting in Probation Placement	0.89	**	0.82	0.57	**	**	1.05	**	0.84	0.94	**	0.95
9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	2.26	**	2.90	**	**	**	**	**	**	1.44	**	1.95
10. Cases Transferred to Adult Court	—	—	—	—	—	—	—	—	—	—	—	—

## Qualitative Data

Site visits were conducted for the purpose of interviewing members of the local juvenile justice communities in Fairfax, Norfolk, and Richmond between Oct. 30 and Dec. 3, 2011. This effort was coordinated through the local CSUs in each jurisdiction. At each site a sample was selected that typically included professionals who routinely make decisions about arrests, detention, diversion, referral to court, prosecution and defense, adjudication, probation sanctions, and correctional commitments. The types of subjects included judges, Juvenile and Domestic Relations Court CSU Directors and staff, detention center directors and staff, staff from the Department of Human Services, attorneys from the Office of the Commonwealth's Attorney, attorneys from the Public Defender's Office, officers from the police department, school representatives, and police School Resource Officers (SROs). Subjects also included a mix of program providers and youth advocates. A total of 55 interview sessions were held across the three sites, including approximately 88 individuals.

Our use of convenience samples of key informants was intended specifically to develop field intelligence that could educate subsequent case-level quantitative data analyses examining the influence of possible *contributing mechanisms*. The guided and open-ended semi-structured interviews (see appendix B) concentrated on exploring the themes and roles of various DMC contributing mechanisms in the local juvenile justice system including, for example, differential offending; mobility; differential opportunities for prevention and treatment; differential handling; justice by geography; legislation, policy, and legal factors; accumulated disadvantage; and indirect effects. The field interviews generally explored the nature and extent of local juvenile offending and various local factors that influence the juvenile justice system's response to delinquent behaviors, and clues gleaned from these conversations then guided a deeper search for *probable explanations* using case-level data. For example:

- To assess the influence of *differential offending*, field interviews attempted to identify whether whites and minorities were perceived to differ in the types of crimes they engaged in or that they were arrested for. In addition, interviews probed for perceived differences in youth behaviors regarding drug crimes, gang activity, violent crime, weapons involvement, disorderly conduct, harassment, and public order offenses that might stimulate the prosecution interest of local authorities.
- With regard to *mobility* factors, the assessment is concerned that processing point data may be contaminated by nonresidents or transient residents. Consider, for example, that the Relative Rate Index for "Community A" arrest/referrals is based on the Community A at-risk population as measured by the U.S. Census. If "Community B" residents get arrested and prosecuted in Community A, then the RRI is calculated on a deficient at-risk pool, because Community B youths are not part of the measured population base. This works in a different way for calculation of the probation RRI. If a County B resident is arrested, prosecuted, and sentenced to probation in County A, the case will be referred to County B for supervision of the probationer. Thus, the youth might appear in County A delinquency adjudication data, but not in County A probation data, or conversely, the youth doesn't appear in County

B adjudication data but does show up in its probation counts. This is referred to as “Courtesy Supervision” by local probation staff.

- To examine *differential handling*—that is, if some youths are viewed differently, treated differently, or treated inconsistently by the juvenile justice system—the field interviews focused, in particular, on issues such as legal representation, non-English-speaking families, and varying length-of-stay in detention.
- To assess the influence of *legislation, policy, and legal factors* on DMC, the field interviews concentrated on zero-tolerance policies that might result in arrests, as well as specific policies that might guide or govern how a particular offense should be handled.
- To gain insight into the influence of *justice by geography* on DMC, the field interviews concentrated on geographic variations in police deployment and activity, School Resource Officer allocation and response, and school disciplinary response.
- To assess possible impacts of *differential opportunities for prevention and treatment*, the field interviews asked about the adequacy of program catchment areas, transportation issues that complicated program participation, and eligibility restrictions that would limit the availability of diversion programs.
- Finally, the field interviews sought guidance on the influence of *indirect effects*. Among those who were interviewed, the single factor that was most often mentioned that might influence disproportionality was *family stability*. Lack of supervision was often cited as a risk factor contributing to delinquency and arrest. The lack of family support was cited as a factor in the denial of diversion opportunities. A dysfunctional family environment was cited as a justification to hold a youth in detention. “Unsupportive parents who would not pick up their child at Intake” was cited as a cause of detention. “Parents not attending detention hearings” was cited as cause for continuing a remand. The presence of grandparents in court rather than a parent was cited as a “red flag” that influenced decision-making. This singular dimension of family stability appears in the background to influence virtually every action taken by the juvenile justice system and, therefore, this theme is woven throughout the assessment.

The reader is cautioned that the responses given by interviewees, even juvenile justice professionals, can be subjective or incorrect, but they can also provide instruction, insight, and direction. Where possible, the assessment has tried to ground this qualitative information with factual data. Often, however, verifying data was not readily available to the Assessment Team. For example, while interviewees may talk about the courtroom demeanor of juveniles, the level of understanding of proceedings by non-English-speaking participants, and/or the transportation difficulties of families, such factors are not commonly measured or documented. In such cases, if an issue has the potential to realistically affect DMC, then the assessment calls this to the attention of the local juvenile justice community and encourages their further investigation. In other instances, interviewees provided their own estimates of the percentages of youth in certain categories or handled in certain ways.

Those estimates were the interviewees' statements of what they believed to be accurate at the time. More importantly, they reflect a perception (even if incorrect) that could influence their behavior and their reactions to policy issues.

## **Quantitative Data**

Efforts to obtain case-level data for the assessment began in August 2010. This process included meetings, conference calls, and a site visit with DJJ and DCJS to obtain the needed data. Case-level quantitative data was received from the Department of Juvenile Justice in November 2011. These data include all juveniles processed in the three target jurisdictions during fiscal years 2007–08, 2008–09, and 2009–10. Overall, approximately 28,000 intake cases are represented, including snapshots of the intake, detention, probation, and commitment contact points. The data is limited in that it is not transactional; that is, it does not allow for the ideal tracking and aggregation of individual case decisions from the point of initial intake through each contact point to the conclusion of each case. Nevertheless, this data can still contribute to a better understanding of factors that contribute to local DMC.

It should be noted that the complex process of acquiring case-level data required adjustments in the overall data collection strategy for this assessment project. The assessment design initially called for *quantitative* data analyses to be conducted first. Information collected from the *qualitative* site visits and interview process would then be used to assist in corroborating findings and generating probable explanations. Eventual time constraints required a reversal of this process. The qualitative field interviews, by necessity, began first while waiting for the production of quantitative case data. While this did not permit corroboration of findings, an unexpected benefit of this turnaround was that the interviewees from Fairfax, Norfolk, and Richmond were able to provide guidance to the case-level analyses that would have been lacking otherwise.

## **Processing Within the Juvenile Justice System**

### **METHODOLOGY —DATA RESOURCES**

The assessment project initially sought case-level data on all referrals statewide during the study period, however after several discussions it was apparent that resource constraints at DJJ as well as confidentiality concerns made this impractical. Due to these limitations, a compromise was reached that allowed DSG to obtain detailed information for the three selected communities, and we received these data files in a Microsoft Excel format from DJJ. These files represented all referrals to the courts in the three targeted jurisdictions for calendar years 2008, 2009 and 2010. The files included the following sets of information:

1. Information gathered at court intake, including the offense allegations and the detention assessment instrument (when used).
2. Information about the detention episodes involving these cases (preadjudicatory and postadjudicatory).
3. Information about those youths placed on probation, including offense, starting dates and length of sentence. For those youths for whom either a probation risk assessment or Youth Assessment Screening Instrument (YASI) was available, these

were also included. We received 2,093 RAI instruments but only 239 YASI instruments because the Commonwealth transitioned from the RAI to YASI during our data collection period. Thus we were unable to use the YASI in statistical analysis.

4. Information on youths committed to Juvenile Correctional Centers include admission date, length of stay, type of court making the commitment, type of sentence, and measures of institutional adjustment.

The initial intake file contained 28,405 records. These cases included 36,777 separate allegations, with 23,009 cases having only one allegation, and others having up to 22 separate charges. We identified the most serious allegation and the most serious outcome for each case. For example, when some charges might have been dismissed and others resulted in a probation placement, the case was coded as having probation as an outcome.

Our next examination was to look at race and ethnicity distributions. There were 4,040 records indicating that the youth was Hispanic, which we merged with the race indicator to form the following distribution:

<b>Ethnicity</b>	<b>Frequency</b>	<b>Percent</b>
1 Asian	793	2.8
2 African American	15,040	52.9
3 Indian	13	.0
4 Other	583	2.1
5 White	7,753	27.3
6 Unknown	183	.6
7 Hispanic	4,040	14.2
Total	28,405	100.0

Given these distributions, and since the emphasis of this report is on DMC issues, we focused our attention on white, African American, and Hispanic youths. For the remainder of the analysis, only these three major groups are examined. This does not imply that the experiences of other groups are unimportant, but it reflects the reality that statistical analysis of patterns requires examination of sizeable groups of cases, which is feasible with these three groups and much less feasible with other numerically smaller groups.

Finally, we observed that in a large number of cases the dates of the offenses listed were identical. Closer examination led to the conclusion that charges were amended, added, or dropped in these instances. As a result, the cases with duplicate offense dates were merged into a single record, based on the case that was last opened and/or the case with the most serious outcome. The end result is that we have a total of 26,069 cases across the three communities.

### **Basic Characteristics of the Cases**

In terms of demographic characteristics in addition to race and ethnicity, 69.6 percent of the cases involve males, a figure that is virtually identical across the three major race/ethnicity groupings. The average age is likewise very similar for all groups, with the average being 15.9 for white youths, 15.6 for Hispanic youths, and 15.5 for African American youths. Although we do not have information containing the age at first referral for each youth, the slightly younger age for African American youths, along with a higher number of prior intake episodes (discussed below), suggests that African American youths start their interactions with the juvenile justice system in these three communities at an earlier age. This provides an opportunity to accumulate a larger number of referrals and to penetrate further into the juvenile justice system. It also suggests that prevention efforts targeted to reduction of DMC ought to start early for African American youths.

When we examine the types of allegations (table 2.3) that bring these cases into the juvenile courts, we begin to see some differences between the racial and ethnic groupings. The distribution of cases across nine major sets of offenses that form a severity scale used in Virginia are displayed below. The overall differences between the distributions by race and ethnicity are statistically significant, but we can also examine the differences between groups with respect to each offense “row.” For example, in terms of the least serious allegations, African American and Hispanic youths are more likely to have status offense referrals, at roughly 17 percent each, compared with white youths—at 13 percent. The subscripts in the cells indicate that African American and Hispanic are similar (both subscripts are *a*, and are different from white subscript *b*). When we come to violations and nonviolent misdemeanors, white youths have much higher proportions of their overall referrals in these two categories, 52 percent for white youths, compared with 32 percent for African American youths and 37 percent for Hispanic youths. Then when we move into more serious allegations, the misdemeanors against persons, and the felony allegations, these more serious categories account for 38 percent of the allegations against African American youths, but only 24 percent of the allegations against Hispanic youths and 23 percent of those against white youths.

<b>Table 2.3. Offense Type, Ordered by Severity of Charges by Major Race and Ethnicity Groups, FY 2007 Through FY2010</b>				
	<b>Major Race and Ethnicity Groups</b>			<b>Total</b>
	<b>African American</b>	<b>Hispanic</b>	<b>White</b>	
Status Offenses	2460 <sub>a</sub> 16.8%	689 <sub>a</sub> 17.5%	996 <sub>b</sub> 13.2%	4145 15.9%
Contempt of Court/Failure to Appear	642 <sub>a</sub> 4.4%	310 <sub>b</sub> 7.9%	327 <sub>a</sub> 4.3%	1279 4.9%
Violations of Probation/Parole	1248 <sub>a</sub> 8.5%	548 <sub>b</sub> 13.9%	566 <sub>c</sub> 7.5%	2362 9.1%
Other Violations (e.g., alcohol, arson, some narcotics violations, obscenity, vandalism, some traffic violations, trespassing)	1207 <sub>a</sub> 8.3%	582 <sub>b</sub> 14.8%	1664 <sub>c</sub> 22.1%	3453 13.2%
Other Class 1 Misdemeanors (e.g., alcohol, disorderly conduct, FTA, some larceny, obstruction justice, narcotics, traffic, vandalism, trespassing, weapons violations)	3543 <sub>a</sub> 24.3%	851 <sub>b</sub> 21.6%	2223 <sub>c</sub> 29.5%	6617 25.4%
Class 1 Misdemeanors Against Persons (e.g., assault, extortion, some sex offenses, weapons, telephone law)	2600 <sub>a</sub> 17.8%	316 <sub>b</sub> 8.0%	700 <sub>c</sub> 9.3%	3616 13.9%
Other Felonies (e.g., arson, burglary, fraud, gang offenses, larcenies, some narcotics, vandalism)	1519 <sub>a</sub> 10.4%	410 <sub>a</sub> 10.4%	687 <sub>b</sub> 9.1%	2616 10.0%
Felony Weapons and Felony Narcotics Distribution	274 <sub>a</sub> 1.9%	36 <sub>b</sub> .9%	84 <sub>b</sub> 1.1%	394 1.5%
Felonies Against Persons PERSONS (e.g., arson, assault, kidnapping, robbery, sex offense, murder)	1108 <sub>a</sub> 7.6%	194 <sub>b</sub> 4.9%	285 <sub>c</sub> 3.8%	1587 6.1%
<b>Total</b>	14601 100.0%	3936 100.0%	7532 100.0%	26069 100.0%
Each subscript letter denotes a subset of major race and ethnicity groups categories whose column proportions do <i>not</i> differ significantly from each other at the .05 level.				

We can also examine the previous contact that these youths have had with the juvenile justice system (table 2.4). In the following table, it is clear that African American youths are more likely to have had a previous court referral overall (83 percent for African American youths, compared with 73 percent for Hispanic youths and 57 percent for white youths). In the past year, although the percentages are smaller, the pattern is similar, with fewer white youths having repeated intakes. It is interesting to note that the average number of prior referrals within the past year is essentially equal for African American and white youths, while it is higher for Hispanic youths. By contrast, over the entirety of their justice “careers,” the average number of intakes for African American youths with any prior referrals is nearly 5.0, while for white youths it is less than 4.0.

	Major Race and Ethnicity Groups			Total
	African American	Hispanic	White	
Percent of Cases With Any Intake in Previous 12 Months*	62%	58%	43%	56%
Average Number of Intakes in Past 12 Months of Those With Multiple Intakes*	2.33	2.79	2.32	2.40
Percent of Cases With Any Prior Intake*	83%	73%	57%	74%
Average Number of Intakes of Those With Multiple Intakes*	4.98	4.70	3.84	4.68
*P < .001				

**METHODOLOGY—MODELING THE DECISION FLOW**

In organizing the analysis of decision-making within the juvenile justice system, it is useful to have a general map of the decisions within the system, particularly those that are known to be relevant to DMC issues. The general map which we are using for this analysis in Virginia is composed of three major stages in the case processing: intake decisions, adjudication, and sanction. The general scheme is depicted below in table 2.5.

	Intake	Adjudication	Sanction
Informal			
Formal	Released		
		Held Open	
		Transferred	
		Delinquent	Correctional Placement
			Probation
			Other

### **INTRODUCING MULTIVARIATE CONTROL VARIABLES**

As noted elsewhere in this report, one of the purposes of an assessment is to determine the extent to which DMC may be explained by a variety of contributing mechanisms. To accomplish this task, we need to introduce statistical controls for differences in the cases involving youth from the different racial and ethnic groupings. For example, it is reasonable to expect the detention decision to take into account the severity of the alleged offense, and indeed, the statutory language authorizing the use of detention includes such provisions. We know that there are differences between groups in the nature of the allegations that bring them to the court. To examine whether the pattern described in the table above can be attributed to these allegation differences, we need to use statistical controls to adjust for the effects of the different allegations. Not only do we need to control for allegations but also, since past behavior is a good predictor of future behavior, it is reasonable to look at patterns of prior referrals. In addition, the interpretation of behavior by a 10-year-old may differ substantially from an interpretation of the same behavior from a 17-year-old, so it is reasonable to expect age to play a factor in decision processes in juvenile justice. In other words, we need to simultaneously examine the effects of several “control” variables.

In the set of information available to us, we found the following variables that are used as controls to examine each of the stages of the juvenile justice system as described above in the section on modeling the system flow (table 2.6). In addition we apply the same process to the examination of preadjudicatory detention.

<b>Table 2.6. Variables Used in Multivariate Analysis</b>			
<b>Category</b>	<b>Variable</b>	<b>Values</b>	<b>Comparison</b>
<b>Demographics</b>			
	Gender	1=Male 0 = Female	*
	Age	Years of Age at Time of Court Intake	
	Race	1 = African American 2 = Hispanic 3 = White	*
<b>Allegation Severity</b>			
		1 = Status Offenses	
		2 = Contempt of Court/Failure to Appear	
		3 = Violations of Probation/Parole	
		4 = Other Violations	
		5 = Other Class 1 Misdemeanors	*
		6 = Class 1 Misdemeanors Against Persons	
		7 = Other Felonies	
		8 = Felony Weapons and Felony Narcotics Distribution	
		9 = Felonies Against Persons	
<b>Prior History</b>			
	12 Months Any Referral?	Number of Referrals (Including Zero)	
	Lifetime Any Referral?	Number of Referrals (Including Zero)	

The technique that has become the standard of this form of control analysis is logistic regression. We are using a variant of this technique (Multinomial Logistic Regression) that can use variables that are categorical (e.g., allegation type) as well as numeric (e.g., age). When the variables are categorical, the analysis sets one value (category) of the variable as the comparison group and each of the other groups is compared with that one. In the rightmost column of the table above, the comparison groups are noted for the categorical variables—so for example, we will compare males to females, African American and Hispanic youths to whites, and allegations to the handling of “other Class 1 Misdemeanors.”

Another note of explanation on the available list of variables is needed. Many of the published studies of DMC examine the impact of family dynamics, school performance, family economic resources and other “social” variables. While some of these variables are available on a subset of youth in Virginia, particularly those in probation service with the YASI inventory completed, those variables are not available across the board for use in these analyses, nor do they appear to be systematically available for decision-makers such as judges to use in considering options for youth. For example, the YASI inventory, which might aid in determining whether to place a youth on probation, is typically listed in the files as being completed after the youth is placed on probation service. While it is of utility at that stage in case management, structuring the treatments and conditions that will be placed on probation, it is not likely to be useful in the decision to place the youth on probation, nor can

it give us insights into the factors that may change the rate at which probation is used for African American, Hispanic, or white youths.

### ***The Organization of the Analysis***

In the sections that follow, we examine the DMC issues that are reflected in the various stages of the Decision Flow outlined above. We do this for the combination of all three communities (Fairfax, Norfolk, Richmond) as a way of illustrating the analysis and explaining the process. We will start each segment of the decision flow with an examination of the outcome components of that decision stage, followed by a presentation of the basic rates of outcomes for cases involving African American, Hispanic, and white youths. After that presentation we explore the multivariate analyses. The objective of those multivariate analyses is to use statistical adjustment to approximate the results that would occur if all youths were “similarly situated”—in other words, to use statistical techniques to remove the influences of differences in offense, prior history, age, and gender between African American, Hispanic, and white youths. In using these techniques, we are attempting to identify those areas where substantial differences still remain in the experiences of youth from these major racial and ethnic groups, because those are the areas that DMC intervention needs to be focused. To the extent that these analyses also suggest that offense severity or prior record is the contributor to DMC, it also makes sense to focus energy on strategies to address the differences in offense types, as noted in table 2.3.

### **INTAKE DECISION-MAKING**

At intake, a series of decisions are made that result in the referral being rejected, handled informally, or a petition of delinquency being filed with the court. As a generalization, these may be classified as “informal” or “formal”—with the formal outcomes being those that result in the filing of a formal petition of delinquency. In a few instances (n=210), the intake disposition was coded as an informal action (for example diversion or “resolved”), but there is a later adjudication noted. These cases have been reclassified as “formal” for this analysis. Specific intake dispositions classified in each outcome category are listed below in table 2.7.

<b>Table 2.7. Intake Disposition, FY 2007 Through FY2010</b>		
<b>Intake Disposition</b>	<b>Frequency</b>	<b>Percent</b>
<b><i>Resolved Without Judicial Action</i></b>		
Resolved	1,539	5.9%
Referred to Another Agency for Service	921	3.5%
Complaint Unfounded	373	1.4%
Unofficial Counseling—Family Counseling	135	0.5%
Detention Order Only	128	0.5%
Pending	44	0.2%
Returned to Probation Supervision	9	0.0%
Shelter Care Only	4	0.0%
Returned to Out of State	1	0.0%
<i>Subtotal</i>	3,154	12.1%
<b><i>Diversions</i></b>		
Required to Participate in Diversion	5,203	20.0%
<b><i>Forwarded for Formal Court Action</i></b>		
Petition Filed	10,380	39.8%
Petition/Detention Order Filed	4,306	16.5%
Court Summons	1,208	4.6%
Petition/Shelter Care Filed	816	3.1%
Unsuccessful Diversion/Petition Filed	709	2.7%
Adjusted to Formal Action	204	0.8%
Accepted Through Interstate Compact	87	0.3%
Consent Signed/Petition Filed	2	0.0%
<i>Subtotal</i>	17,712	67.9%
<b>Total</b>	26,069	100.0%

In other words, roughly two thirds of cases that come to the Juvenile Justice Intake process are taken for court action of some form, while one out of three cases is resolved within the intake unit—primarily through use of diversion programs. When the Formal versus Informal

actions are examined separately by major Race and Ethnicity groups and by community, the results are outlined in table 2.8, below.

		Major Race and Ethnicity Groups			Total
		African American	Hispanic	White	
Intake Resolution of Incident	Resolved Without Court Action	1893 <sub>a</sub> 13.0%	441 <sub>b</sub> 11.2%	820 <sub>b</sub> 10.9%	3154 12.1%
	Diverted	3021 <sub>a</sub> 20.7%	534 <sub>b</sub> 13.6%	1723 <sub>c</sub> 22.9%	5278 20.2%
	Petition Filed	9687 <sub>a</sub> 66.3%	2961 <sub>b</sub> 75.2%	4989 <sub>a</sub> 66.2%	17637 67.7%
<b>Total</b>		14601 100.0%	3936 100.0%	7532 100.0%	26069 100.0%

Each subscript letter denotes a subset of major race and ethnicity groups categories whose column proportions do *not* differ significantly from each other at the .05 level.

When examined across all three communities combined, there appear to be some differences in the intake process outcomes. While African American and white youths have petitions filed at essentially the same rate (66 percent), Hispanic youths are more likely to have their cases move to court through a formal petition (75 percent). White youths are more likely to have their cases diverted than either African American or Hispanic youths, and though the differences in diversion are small between white and African American youths, they are statistically significant and “favor” the cases involving white youths. For Hispanic youths, the use of informal process is somewhat lower, at roughly one fourth of the cases involving Hispanic youth stopping at the intake stage. In terms of finding resolution without judicial action or without diversion, the differences again are small, but statistically significant, and show a slightly higher rate of resolution for cases involving African American youths.

**MULTIVARIATE ANALYSIS OF INTAKE DECISION-MAKING**

Up to this point we have examined the difference in percentages of various outcomes, without attempting to “control” for other variables. To move to multivariate analyses and introduce statistical controls, we need to introduce the metric used to compare the effects of each variable. The metric used in logistic regression is termed the “odds ratio.” Like the RRI, which is used to assess DMC at the identification stage of DMC analysis, the odds ratio is a comparison of the effects of two groups. Consider the use of a formal petition as the outcome of the intake stage. We use as a comparison outcome as “Resolved Without Court Action.” For cases involving African American youths, the number of cases petitioned was 9,687, while 1,893 were resolved without court action. The odds of a petition being filed are thus 5.12 to 1 (9,687 / 1,893). Using the same calculation, the odds of a case involving a white youth resulting in a petition are 6.08 to 1. (4,989 / 820), and the odds for an Hispanic youth are 6.71 (2,961 / 441). If we create the ratio of the odds for African American and white youths, we find that the odds of a petition are lower for African American youth; the

ratio is .84 (5.12 / 6.08). However, comparing Hispanics to whites, the odds ratio is 1.10, indicating that the odds of a case involving a Hispanic youth resulting in a petition being filed are higher than the odds for a white youth. We can then introduce a series of statistical controls (adjustments) to compensate for other differences in offense severity, prior record, and the other variables in our set described above. When we look at the odds ratios after controlling for these other variables, we find that the ratio for African American youths has increased slightly to .876, narrowing the difference with white youth, but the ratio for Hispanic youths has increased to 1.28, indicating that Hispanic youths are indeed more likely to have a petition filed, even after adjusting for the nature of the allegations and their past histories.

By using the logistic regression process, we can compare the odds ratios for African American and Hispanic youths before and after introducing statistical controls. In table 2.9 below, we show these results for the combination of all three jurisdictions.

		Before Controls		After Controls	
		Sig.	Odds Ratio	Sig.	Odds Ratio
Intake Resolution of Incident <sup>a</sup>	African American	.000	.760	.000	1.287
	Hispanic	.000	.576	.023	.828
Diverted	African American	.000	.841	.018	.876
	Hispanic	.120	1.104	.001	1.279
Petition Filed	African American	.000	.760	.000	1.287
	Hispanic	.000	.576	.023	.828

a. The reference category is *Resolved without Court Action*.

Not only can we use this technique to examine the use of petitions, but we can also examine the use of diversion. While it initially appeared that diversion programs were underused for African American youths across the three communities, after introducing statistical controls to make the cases equivalent, it appears that cases involving African American youths actually result in diversion placements more often than would be expected—and more often than their white counterparts. By contrast, cases involving Hispanic youths have a significantly lower likelihood of using diversion when compared with white youths.

### **PREADJUDICATION DETENTION**

Of significant national interest over the past decade has been the use of preadjudication detention. The Annie E. Casey Foundation, through its Juvenile Detention Alternatives Initiative (JDAI), has focused considerable national, regional, and local attention on the use of this form of detention and on the decision-making processes that are used for such detention. Virginia is no exception, having a Statewide Detention Assessment Instrument (DAI) that is used in the intake units of the Commonwealth’s juvenile courts. Those instruments were completed in 83.1 percent all of the cases that were actually detained (3,540 out of 4,260). As noted in table 2.10, in cases that did not involve a judicial order to detain, the DAI was completed in all but 98 cases. Those cases involved primarily either a juvenile transferred through the Interstate Compact or cases involving a probation violation. In the 1,331 cases in which a judicial order authorized detention, a DAI score was available for 709 cases, slightly more than half (53.3 percent).

Judicial Order to Detain	Was Detention Assessment Completed?	Youth Held in Preadjudication Detention?		Total
		No	Yes	
No	No	16,577	98	16,675
	Yes	5,232	2,831	8,063
	Total	21,809	2,929	24,738
Yes	No		622	622
	Yes		709	709
	Total		1,331	1,331
<b>Total</b> Chi Sq = 450.9, df = 2, p<.001	No	16,577	720	17,297
	Yes	5,232	3,540	8,772
	Total	21,809	4,260	26,069

When examined by race and ethnicity, the use of preadjudication detention is shown in table 2.11. As can be noted, the use of preadjudication detention is more than twice as likely for cases involving African American youth than for those involving white youth. The experiences of Hispanic youth with preadjudication detention, while less likely than for African American youth, was still almost double the usage rate for white youth.

	Major Race and Ethnicity Groups			Total	
	African American	Hispanic	White		
Youths Held in Preadjudication Detention?	No	11678 <sub>a</sub>	3269 <sub>b</sub>	6862 <sub>c</sub>	21809
		80.0%	83.1%	91.1%	83.7%
	Yes	2923 <sub>a</sub>	667 <sub>b</sub>	670 <sub>c</sub>	4260
		20.0%	16.9%	8.9%	16.3%
<b>Total</b>		14601	3936	7532	26069
		100.0%	100.0%	100.0%	100.0%

Each subscript letter denotes a subset of major race and ethnicity groups categories whose column proportions do not differ significantly from each other at the .05 level.

In table 2.12, we use the logistic regression controls to statistically create a situation in which the cases are similarly situated—that is to say, adjusted to be equivalent in terms of the control variables available. In the process of that adjustment, the magnitude of the disparities in use of preadjudication detention is somewhat reduced, dropping from 2.56 to 1.94 for African American youth and from 2.09 to 1.52 for Hispanic youth, but these remain substantial and statistically significant differences in the use of detention. Unfortunately, since the DAI is not conducted on a large number of youth who receive detention, it is not feasible to use the variables that are contained in that instrument to do more refined controls.

		Before Controls		After Controls	
		Sig.	Odds Ratio	Sig.	Odds Ratio
Youth Held in Preadjudication Detention? <sup>a</sup>	African American	.000	2.564	.000	1.938
	Hispanic	.000	2.090	.000	1.515

a. The reference category is *No*.

### ***Length of Stay in Preadjudication Detention***

An additional issue of concern in terms of detention is not only whether detention is used or not, but also the length of time that a youth is subject to confinement in a detention facility. In table 2.13 we examine the length of stay (in days) for preadjudication detention. None of the differences in mean values is statistically significant.

	African American		Hispanic		White		Total	
	Mean	Median	Mean	Median	Mean	Median	Mean	Median
Preadjudication Detention	25.7	16.0	28.0	15.0	22.7	15.0	25.6	16.0

No differences in Means between racial groups are statistically significant

Since all of the examination of the differences in length of stay shows no significant differences, we did not proceed with additional multivariate controls.

### **ADJUDICATION**

At the adjudication stage, within the court processing system, a variety of options and pathways are open, but regardless of specific decision pathways, the outcomes in Virginia, at least for the 3 years of cases we tracked, appear to fall into four general categories:

1. Released in some form, either through dismissal, not guilty verdict, nolle prosequi process or similar mechanisms;
2. Other action, either taking no formal action, deferring a finding, transferring a case to another agency, and so forth;
3. Handling the case as an adult matter; and
4. A finding of delinquency or comparable action.

The distribution of all court adjudication actions into these four categories is displayed below (table 2.14).

<b>Table 2.14. Adjudication Outcome Categories, FY 2007 Through FY 2010</b>	<b>Frequency</b>	<b>Percent</b>
<b>Released</b>		
Nolle Prosequi	2,348	13.3
Charge Dismissed/Denied	1,734	9.8
Not Guilty	225	1.3
Dismissed\Lack of Notice	123	0.7
Withdrawn	97	0.5
Resolved (Custody, Visitation, and Status Offense)	40	0.2
Order Vacated	4	0.0
Complied With Law	1	0.0
<i>Subtotal</i>	<b>4,572</b>	<b>25.8</b>
<b>Other Action</b>		
No Action Recorded	4,464	0
Defer/Withheld Finding	1,408	7.9
Fugitive File	606	3.4
Granted	581	3.3
Transferred (to Another Juvenile Court, Agency)	45	0.3
Referred to Other Agency	14	0.1
Plan/Review/Report Accepted	5	0.0
<i>Subtotal</i>	<b>7,123</b>	<b>40.2</b>
<b>Handled as Adult</b>		
Found Guilty by Circuit Court	75	0.4
Certified to Grand Jury	62	0.4
Transferred as an Adult (Certified to Grand Jury in Circuit Court)	16	0.1
<i>Subtotal</i>	<b>153</b>	<b>0.9</b>
<b>Delinquent</b>		
Guilty (Not Innocent)	5,813	32.8
Guilty in Absentia	28	0.2
Legal Change in Custody (to DSS or Other Individual)	23	0.1
<i>Subtotal</i>	<b>5,864</b>	<b>33.1</b>
<b>Total</b>	<b>17,712</b>	<b>100.0</b>

Roughly two thirds of the cases adjudicated resulted either in the release of the juvenile from court jurisdiction (26 percent) or other action that did not involve a formal finding of delinquency or transfer of the case to adult court. Transfer was used in slightly fewer than 1 percent of the cases that were adjudicated by the court, while some formal finding of delinquency or legal change in the custody of the juvenile was used in approximately one third of the cases.

Across the three communities studied, the distribution of these outcome categories by Race and Ethnicity is presented in table 2.15. There are some marked differences in outcome by race and ethnicity. Compared with both white and Hispanic youths, cases involving African American youths are more likely to result in release, either through dismissal of the charges or a nolle prosequi process. At the other end of the spectrum, cases involving African American youths are also more likely than cases involving white youths to result in a

delinquent finding. A slim majority (51 percent) of cases involving white youth have some “other” action—primarily either no action recorded or a deferred finding—while this category described only one third of the cases involving African American youth.

Across all cases adjudicated, a small fraction are handled by transfer to adult court, but the likelihood of a case involving an African American youth being transferred is nearly four times as high as those involving white youths, while the odds for cases involving Hispanic youths are at a midpoint between these two groups.

**Table 2.15. Adjudication Outcome Category, by Major Race and Ethnicity Groups, FY 2007 Through FY2010**

		Major Race and Ethnicity Groups			Total
		African American	Hispanic	White	
Adjudication Outcome Category	Release	2,880 <sub>a</sub> 29.6%	578 <sub>b</sub> 19.5%	1,114 <sub>c</sub> 22.2%	4,572 25.8%
	Other Action	3,295 <sub>a</sub> 33.9%	1,264 <sub>b</sub> 42.6%	2,564 <sub>c</sub> 51.1%	7,123 40.2%
	Handled as Adult	121 <sub>a</sub> 1.2%	17 <sub>b</sub> .6%	15 <sub>b</sub> .3%	153 .9%
	Delinquent	3,432 <sub>a</sub> 35.3%	1,108 <sub>a</sub> 37.3%	1,324 <sub>b</sub> 26.4%	5,864 33.1%
<b>Total</b>		9,728 100.0%	2,967 100.0%	5,017 100.0%	17,712 100.0%

Each subscript letter denotes a subset of major race and ethnicity groups categories whose column proportions do *not* differ significantly from each other at the .05 level.

### MULTIVARIATE ANALYSIS OF ADJUDICATION OUTCOMES

In examination of the adjudication outcomes, we move to a situation in which a case may have multiple categories of outcomes. We have used the “other” category as the comparison group here, which is composed of cases in which the judgment is deferred (presumably awaiting completion of a diversion program) or handled in other ways. The three other adjudication outcomes that we assess here are *release* (not guilty, nolle prosequi, dismissed, etc.), *handled as an adult case*, and *adjudicated delinquent* (results presented in table 2.16).

**Table 2.16. Logistic Regression Results, Adjudication Outcome, FY2007 Through FY2010**

Adjudication Outcome Category <sup>a</sup>		Before Controls		After Controls	
		Sig.	Odds Ratio	Sig.	Odds Ratio
Release	African American	.000	2.012	.000	1.582
	Hispanic	.407	1.052	.643	.971
Handled as Adult	African American	.000	6.277	.002	2.489
	Hispanic	.019	2.299	.154	1.692
Delinquent	African American	.000	2.017	.000	1.485
	Hispanic	.000	1.698	.000	1.332

<sup>a</sup>The reference category is *Other Action*.

Before introducing statistical controls, the likelihood of release (dismissed, or nolle prosequi) was significantly higher for African American youths, but not significantly different for Hispanic youths as for white youths. After introducing controls the odds ratio for Hispanic is still statistically insignificant, and the coefficient for African American is still significant, but the magnitude has dropped from 2.0 to 1.5. In rough terms, approximately half of the DMC impact in terms of release is accounted for by the control variables.

Of greater apparent impact is the effect of the control variables on the outcome of being handled as an adult case. At first examination, without any statistical controls, the odds of an African American youth receiving this outcome are more than six times as great as the odds for a white youth. However, after taking into account issues such as age, type of offense, and prior histories, the odds ratio associated with an African American youth have dropped to approximately 2:1. While that is still a statistically significant finding, it shows the importance of considering such control variables in the assessment of DMC issues. In contrast, when we examine the experiences of Hispanic youth and the odds of being found delinquent, the introduction of these control variables renders the odds ratio insignificant.

Finally is the outcome that may trigger further liberty restrictions within the juvenile justice setting: the finding of delinquency. Cases involving African American youths appear to have twice the likelihood of resulting in delinquent findings before introducing controls, but after controls they have been reduced to roughly 1.5 times as likely. The message is clear that the differences in incoming characteristics (age, offense, prior history) explain a substantive part of the DMC effects, but not all of the differences. A significant difference remains after controlling for these other variables. Examining the experiences of Hispanic youth and the odds of being found delinquent, the introduction of these control variables substantially reduces the odds ratio, but it also remains statistically significant.

These findings raise interesting patterns. When we use the multivariate analysis to construct a set of similarly situated cases, those African American youths who reach the adjudication stage are more likely to be released. But if they are not released, then they are more likely to be found delinquent, and much more likely to be handled as adults. The “middle ground” of having the case held in abeyance appears to be more likely for white youths. This is a finding that we need to pursue more carefully within the analysis of each of the three communities.

For Hispanic youth, the introduction of the multivariate analysis to create similarly situated cases leads to a pattern in which there is not a significant difference from white youth in terms of either release or transfer to adult court, but there is a greater likelihood of being adjudicated delinquent.

**SANCTION**

For those cases that resulted in a finding of delinquency, we examined the outcomes by looking to the probation file and to the correctional commitment file. When a correctional commitment or probation placement took place on a date following the case open date and the listed offense date matched the intake file, the case was deemed to be “closed” with that sanction. Another sanction option available is the use of postdispositional detention. If a case did not receive correctional placement or a probation placement, but did have a postdispositional detention period, we coded it as detention for the sanction. The resulting distribution of cases is displayed below.

Some cases involved multiple sanctions. To classify the sanctions, the following rules were used: If a case involved correctional placement it was classified as such, regardless of what other sanctions might also have been involved. If a noncorrectional case involved postdisposition detention, it was classified as involving detention, regardless of whether probation was also used. If a case did not involve postdisposition detention but did have an entry in the probation file, it is listed as “probation only.” Finally we have those cases in which an adjudication of nondelinquency was reached but which did not appear in any of these sanctions. These cases we classified as “other,” meaning that some sanction was likely used that was not recorded in the data to which we had access. The resulting distribution of cases is displayed below in table 2.17.

<b>Table 2.17. Sanction Categories, for Cases Adjudicated Delinquent, FY 2007 Through FY 2010</b>		
	<b>Frequency</b>	<b>Percent</b>
Correctional Placement	457	6.0
Postdispositional Detention with Programming	124	1.6
Postdispositional Detention without Programming	403	5.3
Probation	3,146	41.1
Other	3,529	46.1
<b>Total</b>	<b>7,659</b>	<b>100.0</b>

When examined by Race and Ethnicity category, the distribution is displayed in table 2.18.

		Major Race and Ethnicity Groups			Total
		African American	Hispanic	White	
Sanction	Correctional Placement	400 <sub>a</sub> 9.1%	32 <sub>b</sub> 2.3%	25 <sub>b</sub> 1.3%	457 6.0%
	Postdispositional Detention With Programming	78 <sub>a</sub> 1.8%	23 <sub>a</sub> 1.6%	23 <sub>a</sub> 1.2%	124 1.6%
	Postdispositional Detention Without Programming	283 <sub>a</sub> 6.5%	50 <sub>b</sub> 3.6%	70 <sub>b</sub> 3.7%	403 5.3%
	Probation	1607 <sub>a</sub> 36.7%	626 <sub>b</sub> 44.7%	913 <sub>b</sub> 48.5%	3146 41.1%
	Other	2006 <sub>a</sub> 45.9%	670 <sub>a</sub> 47.8%	853 <sub>a</sub> 45.3%	3529 46.1%
<b>Total</b>		4374 100.0%	1401 100.0%	1884 100.0%	7659 100.0%

Each subscript letter denotes a subset of major race and ethnicity groups categories whose column proportions do *not* differ significantly from each other at the .05 level.

Clearly, when viewed across these three court systems, the likelihood of a case involving an African American juvenile ending with a correctional placement is much higher than for cases involving either Hispanic or white juveniles. In a corresponding fashion, the likelihood of a case involving a African American juvenile ending with a probation placement are somewhat smaller than for Hispanic or white juveniles. The likelihood of a case that has not received a longer term sanction (corrections or probation) receiving a detention period is likewise higher for cases involving African American juveniles. The overall differences in the table are statistically significant, meaning they are beyond the differences that are likely to have occurred by chance.

Sanction <sup>a</sup>		Before Controls		After Controls	
		Sig.	Odds Ratio	Sig.	Odds Ratio
Correctional Placement	African American	.000	6.804	.000	4.424
	Hispanic	.072	1.630	.142	1.514
Postdispositional Detention with Programming	African American	.128	1.442	.878	1.039
	Hispanic	.420	1.273	.988	.995
Postdispositional Detention without Programming	African American	.000	1.719	.002	1.570
	Hispanic	.621	.909	.637	.912
Probation	African American	.000	.748	.000	.725
	Hispanic	.063	.873	.878	.986

a. The reference category is: Other.

Table 2.19 shows that the odds of receiving a correctional sanction were clearly much higher (6.8) for African American youths, and remain at a fairly high level (4.4) for those youths even after controlling for age, offense category, and prior history. Unfortunately we do not have an additional variable to explore the mechanisms and reasoning at work in these sentences, but there is clearly a strong DMC impact for African American youth. For Hispanic youth, while there is a higher rate of correctional placement, it is not statistically significant, so we cannot reject the possibility that this is a chance event.

Unlike the correctional placement, the differences in likelihood for both African American and Hispanic youth of receiving a postdispositional detention with programming have been reduced to insignificant levels by taking into account the control variables. However, the odds ratios associated with detention without programming remain significant for cases involving African American youth. In other words the odds of an African American youth receiving detention without programming are significantly higher than for a white youth. This finding must be reviewed with caution, however, since detention without programming is predominantly used in Richmond rather than the other two sites, and Richmond has an overwhelming preponderance of African American youths in the juvenile justice system. We will need to revisit this finding within the analysis of each community before it becomes something to put as an emphasis of DMC efforts.

Finally, we can look at the use of probation, which is less likely for African American youths. The odds ratio indicates that African American youths are roughly 75 percent as likely to receive probation as white youths, and this general conclusion remains even after we control for offense type, age, and prior history.

### Length of Stay in Detention

An additional issue of concern in terms of detention is not only whether detention is used, but also the length of time that a youth is subject to confinement in a detention facility. In table 2.20, we examine the length of stay (in days) for postdisposition detention. None of the differences in mean values is statistically significant. It is clear from the table that the postdispositional options, with and without programming are very clearly different, with the average length of stay in the “with programming” option amounting to nearly 5 months of confinement, which the average for “without programming” is less than 2 weeks.

	African American		Hispanic		White		Total	
	Mean	Median	Mean	Median	Mean	Median	Mean	Median
Preadjudication Detention	25.7	16.0	28.0	15.0	22.7	15.0	25.6	16.0
Postdisposition Detention Without Programming	11.6	8.0	9.2	9.0	11.8	8.5	11.3	8.0
Postdisposition Detention With Programming	147.6	168.0	154.8	167.0	168.2	176.0	152.8	168.0

No differences in Means between racial groups are statistically significant

Since all of the examination of the differences in length of stay shows no significant differences, we did not proceed with additional multivariate controls.

## Summary

The following chart (table 2.21) summarizes the results of the multivariate analysis across the combined data from all three jurisdictions. The red type highlights those areas where the difference between either African American and white youths or Hispanic and white youths is statistically significant—even after use of control variables.

<b>Table 2.21. Summary of Multivariate Analyses Across All Three Sites, FY 2007 Through FY 2010</b>			
<b>Stage</b>	<b>Action</b>	<b>Controlled Odds Ratio</b>	
		<b>African American</b>	<b>Hispanic</b>
Intake			
	Resolved Without Judicial Action	--	--
	Diversion	<b>1.287</b>	<b>.828</b>
	Formal	<b>.876</b>	<b>1.279</b>
Adjudication Outcome			
	Released	<b>1.582</b>	.971
	Held Open	--	--
	Transferred	<b>2.489</b>	1.692
	Found Delinquent	<b>1.485</b>	<b>1.332</b>
Sanction			
	Correctional Placement	<b>4.424</b>	1.514
	Postdispositional Detention With Programming	1.039	.995
	Postdispositional Detention Without Programming	<b>1.570</b>	.912
	Probation	<b>.725</b>	.986
	Other	--	--

\*Red type indicates statistically significant coefficients (p<.05).

For DMC issues related to African American youth, there are clearly many areas of concern, but perhaps most problematic is that the highest odds ratios are associated with either confinement or transfer to the adult system. Correctional placement, although affecting a

smaller number of youth, has a very large disparity (4.4), followed at some distance by the transfer to adult court (2.5), the use of preadjudicatory detention (1.9), and postdisposition detention without programming (1.6). In the midst of these moves toward confinement, there is the quandary of higher odds of release at adjudication and lower odds of formal petitions. In other words, taken as a whole, it is possible to speculate that many referrals involving African American youth involve ‘weaker’ cases and are less likely to result in either formal charges or adjudication as delinquent. However, once adjudicated (or formally charged) these African American youth are likely to be handled much more harshly (correctional placement or handled as adults) than comparable white youth.

## **Limitations**

There are a few limitations to the study design and data collection process that should be noted:

1. The data collected from the Department of Juvenile Justice (DJJ) Juvenile Tracking System (JTS) known as Balanced Approach Data Gather Environment (BADGE) is limited in that it is not transactional (that is, it does not allow for the tracking and aggregation of individual case decisions from the point of initial intake through each contact point to the conclusion of each case). Nevertheless, this data can still contribute to a better understanding of factors that contribute to local DMC.
2. The Assessment Team received data on 2,093 Risk Assessment Instruments (RAIs) and 239 Youth Assessment and Screening Instruments (YASIs). Statistical analyses, therefore, were unable to include data on the YASI instrument. Since the YASI is the only risk instrument which will be used in the future, and since a more extensive set of information is collected, it would be instructive to repeat some of these analyses at a future date when additional YASI data could be included.
3. The collected data that could be obtained for the assessment was limited by the sheer volume of statewide data being sought, confidentiality issues, and resource constraints. A compromise provided case-level data solely on the three jurisdictions targeted for assessment.
4. The assessment design initially called for *quantitative* data analyses to be conducted first. Information collected from the *qualitative* site visits and interview process would then be used to assist in corroborating findings and generating probable explanations. Eventual time constraints required a reversal of this process. The qualitative field interviews, by necessity, began first while waiting for the production of quantitative case data. While this did not permit corroboration of findings, an unexpected benefit of this turnaround was that the interviewees from Fairfax, Norfolk, and Richmond were able to provide guidance to the case-level analyses that would have been lacking otherwise.
5. In Richmond, since much of the DMC approach involves comparison of rates between groups, a constant issue is that the smaller numbers of cases involving either Hispanic or white youth means that the estimates of rates for those groups will

have a very large standard error, meaning that it is difficult to detect significant differences between groups. However, in the context of disproportionate minority contact, this situation is still an important finding on its own. While African Americans may be the majority group in the community (they represent approximately 57 percent of the local population), there is still a sizable white population that one would expect to also find present in the juvenile justice system. It is, therefore, cause for concern that the local juvenile justice system consists almost exclusively of African American youths.

6. The reader is cautioned that the responses given by interviewees, even juvenile justice professionals, can be subjective or incorrect, but they can also provide instruction, insight, and direction. Where possible, the assessment has tried to ground this qualitative information with factual data. Often, however, the types of data that might verify a participant's statements are not usually collected or readily available. For example, a claim about difficulties in comprehending English language proceedings will be difficult to verify, as will statements about the problems that parents might have with transportation, child care, or other barriers to participation in court processes. In such cases, if an issue has the potential to realistically affect DMC, then the assessment calls this to the attention of the local juvenile justice community and encourages further investigation.

## 3. DMC Assessment in Fairfax

### Overview of DMC Research and Activities

Fairfax County has conducted research and examined DMC issues in the juvenile justice system for more than 20 years. In 1993, “The Role of Race in Juvenile Court Processing,” one of the first reports on DMC issues in Fairfax, was released (Williams and Cohen, 1993). The report provided recommendations for Court Service Unit (CSU) Judges, staff, law enforcement, and attorneys who could reduce the problem of disproportionately confining minorities in detention. In 1997, the Human Services Council established a taskforce to examine overrepresentation in child protective services, and in 1999, an Early Intervention Strategy Team was established to host dialogues focused on working with African American families.

The county took a more systemwide focus beginning in 2003, when the Deputy County Executive convened an internal staff group, which extended the dialogue to African American community leaders in 2004. While this dialogue began by sharing local data to explore how African American children and families are doing in Fairfax County, in 2005, the community collaborative, “Together We’re the Answer,” was established with an expanded focus that included juvenile justice and education. The Collaborative was initiated to assist in significantly preventing and reducing the disproportionate participation of African American children in the county’s foster care and juvenile justice systems and in increasing school readiness and achievement by raising community awareness, building coalitions, and enhancing/building community service networks to strengthen family health and financial well-being (Shaban, Murphy, and Williams 2011, 5). The collaborative effort includes representatives from faith communities, businesses, fraternal organizations, nonprofit organizations, schools, and interested local residents. It works to identify, recommend, and achieve system, policy, legislative, and practice changes to reach three primary goals:

- Reduce the disproportionate participation of African American children in the foster care system;
- Reduce the disproportionate participation of African American children in the juvenile justice system; and
- Improve school achievement and readiness for African American children.

The Collaborative includes three teams: the Disproportionality and Disparity Prevention and Elimination Team (DDPET), the Early Intervention Strategy Team, and the Collaborative Staff Resource Group. Each team has different core functions, but they keep an open dialogue with each other to ensure continued success of the Collaborative. While conducting interviews in Fairfax, Assessment Team members had the opportunity to observe a DDPET meeting.

In addition, the Center for the Study of Social Policy (CSSP) is currently conducting an Institutional Analysis (IA) in Fairfax County. The IA is designed to examine institutional features that unintentionally produce worse outcomes for youth and families of color; uncover the structures that shape, direct, and determine workers’ actions; and illustrate how those structures produce poor outcomes for youth and families (Shaban, Murphy, and Williams 2011, 19). There are several agency partners involved in the IA, including the

Juvenile and Domestic Relations District Court, Fairfax County Public Schools, Fairfax County Police Department, Human Services System, and Virginia Department of Criminal Justice Services, which provides Formula Grants (Title II) funding for the project.

The IA was part of an ongoing set of efforts to address disparities. These efforts have resulted in several strategies, including educating providers, fostering coalitions and networks, and changing organizational practices. For example, Mount Vernon has begun implementing the Opportunity Neighborhood model, which is a cradle-to-career approach that focuses on early childhood development and school readiness followed by effective elementary and secondary education, a focus on college or postsecondary training, and finally job readiness and attainment.

## Findings From Quantitative Analysis

### *Characteristics of Referrals Into the Juvenile Justice System*

The following tables present the distribution of intake characteristics (referral offense, prior juvenile justice history, age, and gender) across race and ethnicity. The differences identified between these groups define the incoming characteristics to which the juvenile justice system needs to respond, and which create a framework for discussion of DMC issues.

In examining table 3.1, which shows the distribution of types of offenses, we can identify offense types that differ between racial and ethnic groups by examining subscripts in each row. Groups that are different from one another will have different letters as subscripts. For example, in the first row (Status Offenses), the proportion of cases involving African American and white youth that have allegations of status offenses is virtually the same (9.4 percent and 9.8 percent). They share the subscript *a*. However, the proportion of cases involving Hispanic youth that are allegations of status offense is much higher at 17.2 percent. As a result, this carries the subscript *b*, indicating the difference between rates is statistically significant at a 95 percent confidence level.

Other observations concerning **offenses alleged at intake include the higher proportion of cases involving African American youth (compared to white youth) for crimes against persons (both felony and misdemeanor). African American youth also have a larger proportion of cases involving probation violations and contempt of court/failure to appear allegations. In contrast, Hispanic youth have a substantially higher rate of status offense allegations, compared with either white or African American youth.**

<b>Table 3.1. Offense Type, by Major Race and Ethnicity Group, Fairfax, FY2007 Through FY2010</b>					
		<b>Major Race and Ethnicity Group</b>			<b>Total</b>
		<b>African American</b>	<b>Hispanic</b>	<b>White</b>	
Offense Type, Ordered by Severity of Charges	STATUS OFFENSES	382 <sub>a</sub> 9.4%	635 <sub>b</sub> 17.2%	599 <sub>a</sub> 9.8%	1616 11.6%
	CONTEMPT OF COURT/FAILURE TO APPEAR	417 <sub>a</sub> 10.2%	306 <sub>b</sub> 8.3%	312 <sub>c</sub> 5.1%	1035 7.5%
	VIOLATIONS OF PROBATION/PAROLE	576 <sub>a</sub> 14.2%	535 <sub>a</sub> 14.5%	537 <sub>b</sub> 8.8%	1648 11.9%
	OTHER VIOLATIONS (e.g., alcohol, arson, some narcotics violations, obscenity, vandalism, some traffic violations, trespassing)	532 <sub>a</sub> 13.1%	547 <sub>a</sub> 14.9%	1417 <sub>b</sub> 23.1%	2496 18.0%
	OTHER CLASS 1 MISDEMEANORS (e.g., alcohol, disorderly conduct, FTA, some larceny, obstruction justice, narcotics, traffic, vandalism, trespassing, weapons violations)	998 <sub>a</sub> 24.5%	780 <sub>b</sub> 21.2%	1877 <sub>c</sub> 30.6%	3655 26.3%
	CLASS 1 MISDEMEANORS AGAINST PERSONS (e.g., assault, extortion, some sex offenses, weapons, telephone law)	448 <sub>a</sub> 11.0%	281 <sub>b</sub> 7.6%	545 <sub>b</sub> 8.9%	1274 9.2%
	OTHER FELONIES (e.g., arson, burglary, fraud, gang offenses, larcenies, some narcotics, vandalism)	497 <sub>a</sub> 12.2%	382 <sub>b</sub> 10.4%	558 <sub>b</sub> 9.1%	1437 10.4%
	FELONY WEAPONS AND FELONY NARCOTICS DISTRIBUTION	32 <sub>a</sub> .8%	34 <sub>a</sub> .9%	76 <sub>a</sub> 1.2%	142 1.0%
	FELONIES AGAINST PERSONS (e.g., arson, assault, kidnapping, robbery, sex offense, murder)	188 <sub>a</sub> 4.6%	183 <sub>a</sub> 5.0%	206 <sub>b</sub> 3.4%	577 4.2%
	<b>Total</b>	4070 100.0%	3683 100.0%	6127 100.0%	13880 100.0%

Each subscript letter denotes a subset of major race and ethnicity group categories whose column proportions do *not* differ significantly from each other at the .05 level.

Issues related to legal status of the juvenile’s case at intake continue with examination of the prior referral history of the youth. As shown in table 3.2, a substantially larger proportion of African American and Hispanic youth had at least one prior intake within the 12 months preceding their intake. Well over half of the intakes of African American (56 percent) and Hispanic youth (58 percent) involve a juvenile who has been through the intake process within the preceding year. That proportion is considerably smaller (43 percent) for white youth. In addition, among youth who did have a prior referral, there is a significant difference in the average number of referrals they had experienced (cases involving African American youth had an average of 2.5 referrals, compared with 2.8 for Hispanic youth, and less than 2.4 for white youth).

When we look across the lifetime of the youth, a similar pattern emerges. **Again, African American and Hispanic youth are significantly more likely to have at least one prior referral (nearly three out of four cases), compared to slightly more than half of the cases involving white youth.** Even more pronounced is the difference in the number of prior referrals over the African American or Hispanic youth’s lifetime, at an average rate approaching five referrals, with white youth at an average below four. These higher rates of lifetime prior history suggest African American and Hispanic youth may start their contact with the juvenile justice system at an earlier age.

**Table 3.2. Prior Referral History, Fairfax, FY2007 Through FY2010**

	Major Race and Ethnicity Group			Total
	African American	Hispanic	White	
Does Youth Have Any Intake in Previous 12 Months?	56%	58%	43%	51%
Number of Prior Intakes in Past 12 Months	2.52	2.81	2.36	2.55
Does Youth Have Any Prior Intakes?	72%	73%	55%	65%
Number of Prior Intakes in Lifetime	4.99	4.78	3.77	4.47

All comparisons  $p < .01$

The likely earlier age of initial contact is displayed in table 3.3, which shows the average age at intake is younger for African American and Hispanic youth compared with white youth. The other demographic difference between the groups noted in table 3.3 is that although all groups are preponderantly male, the proportion of females is very slightly larger for cases involving Hispanic youth.

**Table 3.3. Age and Gender, by Race and Ethnic Group, Fairfax, FY2007 Through FY2010**

	Major Race and Ethnicity Group			Total
	African American	Hispanic	White	
Juvenile Is Male ( $p < .05$ )	71%	69%	71%	71%
Age at Intake ( $p < .01$ )	15.7	15.6	16.0	15.8

### **Actions at the Intake Stage**

Two major issues are addressed at the intake stage. The first deals with the manner in which the case is resolved at intake: whether the case will be diverted, handled in some other fashion without a formal petition of delinquency being filed, or whether a delinquency petition is filed, which in turn moves the case into the realm of formal court action. The second major issue to be addressed is whether the youth is detained while awaiting court adjudication.

In terms of the first question, the eventual resolution of the case at the intake level, table 3.4 provides the relevant outcomes. In Fairfax County, roughly one in ten cases is resolved through nonjudicial and nondiversion methods—often a referral to another agency, a suggestion of unofficial family counseling, or another means of resolving the issues involved in the referral. The proportion of cases resolved in that fashion is significantly different for

cases involving Hispanic youth, compared with either African American or white cases. Roughly one in eight cases involving African American or Hispanic youth is resolved through a mandated diversion placement. These diversion placements are more prevalent for white youth, exceeding one out of five (23.5 percent)—a statistically significant difference compared to African American or Hispanic youth. As a result, a higher number of cases involving African American or Hispanic youth resulted in some form of petition to the court.

		Major Race and Ethnicity Group			Total
		African American	Hispanic	White	
Intake Resolution of Incident	Resolved without Court Action	390 <sub>a, b</sub> 9.6%	402 <sub>b</sub> 10.9%	564 <sub>a</sub> 9.2%	1356 9.8%
	Diverted	515 <sub>a</sub> 12.7%	474 <sub>a</sub> 12.9%	1344 <sub>b</sub> 21.9%	2333 16.8%
	Petition Filed	3165 <sub>a</sub> 77.8%	2807 <sub>a</sub> 76.2%	4219 <sub>b</sub> 68.9%	10191 73.4%
<b>Total</b>		4070 100.0%	3683 100.0%	6127 100.0%	13880 100.0%

Each subscript letter denotes a subset of major race and ethnicity group categories whose column proportions do not differ significantly from each other at the .05 level.

When we take into account the adjustments for other factors such as the type and severity of allegations, prior history of referrals, and age and gender of the youth, we end up with estimates of the impact of race on these intake resolutions. These estimates (odds ratios) are displayed in table 3.5 in the column labeled “After Controls.” Compared with the other informal resolutions and cases involving white youth, **cases involving African American youth are significantly less likely to receive a diversion outcome, at roughly three fourths of the rate of white youth.** Although the raw numbers in table 3.4 do not show major differences in the rate of petition for Hispanic youth, when we consider differences in types of offenses alleged for Hispanic youth, what comes into view is a substantially greater likelihood of receiving a petition when we adjust for differences in offenses. Compared with white youth and adjusted to create comparability in the offense profiles, **Hispanic youth are significantly more likely than white youth to have a petition filed.** Thus, the intake process tends to accentuate DMC concerns in different ways for African American and Hispanic youth: the likelihood of diversion is reduced for African American youth and the odds of a formal delinquency petition are increased for Hispanic youth.

		Before Controls		After Controls	
		Sig.	Odds Ratio	Sig.	Odds Ratio
Diverted	African American	.000	.554	.002	.732
	Hispanic	.000	.495	.135	1.166
Petition Filed	African American	.244	1.085	.879	1.014
	Hispanic	.323	.933	.000	1.443

a. The reference category is resolved *without* court action.

The second major issue to be addressed is whether the youth is detained while awaiting court adjudication. There are two major pathways to preadjudication detention: through judicially ordered detention and through nonjudicially ordered detention, predominantly relying on the Detention Assessment Instrument to provide the policy basis for the detention placement. In Fairfax, approximately one in four detention placements is judicially ordered, and three of four placements are not based on judicial orders—a ratio that does not differ significantly by race or ethnicity. We are therefore looking at the combination of all preadjudication detainees.

Table 3.6 shows the percentage of cases in which some length of preadjudication detention was used. **The use of preadjudication detention is significantly higher for both African American and Hispanic youth compared with white youth.**

		Major Race and Ethnicity Groups			Total
		African American	Hispanic	White	
Youth Held in Preadjudication Detention?	No	3367 <sub>a</sub> 82.7%	3066 <sub>a</sub> 83.2%	5604 <sub>b</sub> 91.5%	12037 86.7%
	Yes	703 <sub>a</sub> 17.3%	617 <sub>a</sub> 16.8%	523 <sub>b</sub> 8.5%	1843 13.3%
<b>Total</b>		4070 100.0%	3683 100.0%	6127 100.0%	13880 100.0%

Each subscript letter denotes a subset of major race and ethnicity group categories whose column proportions do *not* differ significantly from each other at the .05 level.

When we introduce multivariate adjustments (controls) for the offense type and severity, number of prior referrals, and age and gender, we see the impact of race on the preadjudication detention has been diminished for cases involving both African American and Hispanic youth. In both instances, **the ‘After Controls’ impact of race is statistically significant and shows that both African American and Hispanic youth, when viewed as similarly situated in terms of current offense and prior history, have roughly 50 percent higher odds of pretrial detention than white youth.**

<b>Table 3.7. Logistic Regression Results, Preadjudication Detention, Fairfax, FY2007 Through FY2010</b>				
Youth Held in Preadjudication Detention? <sup>a</sup>	Before Controls		After Controls	
	Sig.	Odds Ratio	Sig.	Odds Ratio
Yes African American	.000	2.237	.000	1.662
Hispanic	.000	2.156	.000	1.564

<sup>a</sup>The reference category is "No."

One other issue frequently examined with respect to detention is the length of stay. In the instance of preadjudication detention in Fairfax County, the average length of detention (shown in table 3.8) is 25 days. The average for cases involving white youth, however, is 22 days, while the average for cases involving Hispanic youth is nearly a week longer, at 28.5 days.

<b>Table 3.8. Average Length of Stay in Detention (days), Fairfax, FY2007 Through FY2010</b>								
Type of Detention	Major Race and Ethnicity Group						Total	
	African American		Hispanic		White			
	Mean	N	Mean	N	Mean	N	Mean	N
Preadjudication (p<.05)	25.1	703	28.5	617	22.3	523	25.4	1843

To assess whether these results were a function of differences in the pattern of offenses alleged against African American, Hispanic, and white youth, we used our standard set of multivariate predictors in a linear regression model (selected because the predicted variable—length of stay—is a continuous numeric variable rather than a categorical variable as in most of the multivariate analysis we have reported). The results are presented below in table 3.9.

In essence, these results indicate that the primary variables predicting length of stay are allegation of a felony against a person, number of prior intakes in the youth’s lifetime, whether the juvenile is male, and whether other felony offenses were alleged. Of these, the strongest factor was felonies against persons, which has a fairly strong impact (Beta = .249). After entering those four items into the regression equation, the additional explanatory value of race or ethnicity was not only extremely small (Beta = -.007 for African American, .033 for Hispanic), but was also statistically insignificant (p = .771 for African American, p = .142 for Hispanic). Those significance values indicate that the differences in length of stay can easily be seen as random variation rather than as a “real” difference in the length of stay experienced by each group.

**Our conclusion is that although there is a higher likelihood of African American and Hispanic youth being placed in detention in Fairfax County, once placed in detention, the differences in length of stay can be reasonably explained by factors such as the nature of the alleged offense, rather than by the race of the youth.**

**Table 3.9. Multiple Regression on Length of Stay in Preadjudication Detention, Fairfax, FY2007 Through FY2010**

	Standardized Coefficients	t	Sig.	Correlations		
	Beta			Zero Order	Partial	Part
Felony Against Person Alleged	.249	10.342	.000	.206	.235	.232
Number of Prior Intakes in Lifetime	.171	7.276	.000	.103	.167	.163
Juvenile Is Male	.087	3.845	.000	.121	.089	.086
Other Felonies Alleged	.056	2.393	.017	-.006	.056	.054

**Excluded Variables**

	Beta In	t	Sig.	Partial Correlation
Juvenile Is African American	-.007	-.291	.771	-.007
Juvenile Is Hispanic	.033	1.470	.142	.034

**Adjudication**

After intake, the next major phase is the adjudication process, where cases are dismissed, transferred to the adult system, or adjudicated as delinquent, or when some other action (or inaction) occurs. We have limited this analysis to cases that are noted as formally petitioned as delinquent to the court. In examining the adjudication outcomes, we can identify those that are noted as dismissed, adjudicated nondelinquent, or handled through a formal process known as *nolle prosequi*. These have been grouped together as “released.” A second major grouping includes cases that are transferred in some fashion to the adult court system, noted in the adjudication codes as certified to a grand jury, transferred as an adult, or adjudicated nondelinquent by a circuit court. A third major category of adjudication consists of cases found delinquent. Taken together, these three listed outcomes account for approximately three out of every five cases that were petitioned to the court. The remainder were placed in a category labeled “other action,” which includes “defer/withheld finding,” a “fugitive file,” and cases referred to other agencies. It also contains a sizeable number of cases that have no actions listed, presumably because the case was still in process. The distribution of cases across these outcome categories is displayed in table 3.10.

		Major Race and Ethnicity Group			Total
		African American	Hispanic	White	
Adjudication Outcome Category	Release	706 <sup>a</sup> 22.3%	530 <sup>b</sup> 18.8%	929 <sup>a</sup> 21.9%	2165 21.2%
	Other Action	1396 <sup>a</sup> 44.0%	1214 <sup>a</sup> 43.2%	2181 <sup>b</sup> 51.4%	4791 46.8%
	Handled as Adult	4 <sup>a</sup> .1%	16 <sup>b</sup> .6%	8 <sup>a</sup> .2%	28 .3%
	Delinquent	1065 <sup>a</sup> 33.6%	1053 <sup>b</sup> 37.4%	1126 <sup>c</sup> 26.5%	3244 31.7%
<b>Total</b>		3171 100.0%	2813 100.0%	4244 100.0%	10228 100.0%

Each subscript letter denotes a subset of major race and ethnicity group categories whose column proportions do *not* differ significantly from each other at the .05 level.

Hispanic youth are somewhat less likely to have cases resulting in release, at a rate of 18.8 percent, compared with roughly 22 percent for both African American and white youth. On the other end of the spectrum, **cases involving African American (33.6 percent) and Hispanic (37.4 percent) youth are significantly more likely to result in a delinquent finding, compared with 26.5 percent of cases involving white youth. Although a small portion of juvenile justice cases in Fairfax are transferred to adult court, the rate of transfer is significantly higher for cases involving Hispanic youth.**

We next introduce multivariate adjustments for the offense type and severity as well as prior intake history, age, and gender. The intent of the adjustments is to be able to create a comparison between groups as if they were “similarly situated”—that differences in these factors have been removed. Under those conditions, we get the results in table 3.11. Differences between youth in terms of likelihood of release have been reduced to statistical insignificance. Also important from a DMC perspective, the difference for Hispanic youth in transferring the cases to the adult system has also diminished appreciably, from an odds ratio of 3.593 down to 2.26. Given the small number of youth involved, that difference is now statistically insignificant. Most importantly, however, from a DMC perspective, is that the odds of a delinquent finding remain substantially higher for both African American and Hispanic youth. **Although some of the differences found in table 3.11 can be explained by differences in offenses and prior history, significant and substantial differences in the rate of delinquency findings remain.**

<b>Table 3.11. Logistic Regression Results, Adjudication Outcome, Fairfax, FY2007 Through FY2010</b>					
		Before Controls		After Controls	
		Sig.	Odds Ratio	Sig.	Odds Ratio
Release	African American	.005	1.187	.150	1.096
	Hispanic	.705	1.025	.819	.985
Handled as Adult	African American	.687	.781	.288	.514
	Hispanic	.003	3.593	.071	2.260
Delinquent	African American	.000	1.478	.000	1.256
	Hispanic	.000	1.680	.000	1.319

The reference category is *Other Action*.

### Sanctions Imposed

Once a case results in a delinquent finding, the next question is what to do: what sanctions to impose, what rehabilitative or re-integrative actions to take, and what services to offer or obtain elsewhere. In analysis of these issues, we looked only at cases with a delinquency finding and reviewed several of the major options by examining three sets of records. We reviewed correctional placements, juveniles placed under probation supervision, and detention records for postdisposition detention. These are not the only options available in a modern juvenile justice system, but they reflect more than half of cases handled in Fairfax County. The distributions of these options, by race and ethnicity, are shown in table 3.12. As noted below the table, each subscript letter denotes a subset of the race and ethnicity group categories whose column proportions do not differ significantly from each other at the .05 level. First, we can note **the use of correctional placements is very small, averaging only 2 percent of cases found delinquent, as opposed to 7.7 percent in Norfolk and 14.8 percent in Richmond.** Even at that low level of usage **there are significant differences in the proportion of cases being placed in correctional custody, with the rate for African American youth (3.1 percent) being substantially and significantly higher than the rate for white youth.**

For detention, Fairfax runs a county detention center as opposed to placing youth in a state facility. There are no significant differences in the use of postdispositional detention, whether with or without attendant programming. When we look at the use of probation placements, however, there are substantive differences in the sanctions received by the groups. **Cases involving white youth are much more likely to receive probation placement as a sanction, while cases involving African American or Hispanic youth are more likely to have no records of the sanctions imposed.\*** Given the limitations of the Department of Juvenile Justice (DJJ) data which we received, it is difficult to determine whether this is a positive or negative finding, but it is clear there are different rates at which African-American and Hispanic youth are placed on a traditional probation service.

\*Several reviewers noted that the absence of a recorded sanction may be a benefit for the youth. We can make no judgment about whether it is positive or negative, but we do note that there is a clear pattern of racial and ethnic differences in the rate at which these sanctions were not (yet) recorded in the files we received.

		Major Race and Ethnicity Group			Total
		African American	Hispanic	White	
Sanction	Correctional Placement	43 <sub>a</sub> 3.1%	30 <sub>a</sub> 2.3%	14 <sub>b</sub> .9%	87 2.0%
	Postdispositional Detention with Programming	21 <sub>a</sub> 1.5%	23 <sub>a</sub> 1.7%	14 <sub>a</sub> .9%	58 1.3%
	Postdispositional Detention without Programming	52 <sub>a</sub> 3.8%	44 <sub>a</sub> 3.3%	57 <sub>a</sub> 3.5%	153 3.5%
	Probation	550 <sub>a</sub> 39.9%	594 <sub>b</sub> 44.7%	839 <sub>c</sub> 50.9%	1983 45.5%
	Other	711 <sub>a</sub> 51.6%	639 <sub>a, b</sub> 48.0%	723 <sub>b</sub> 43.9%	2073 47.6%
<b>Total</b>		1377 100.0%	1330 100.0%	1647 100.0%	4354 100.0%

Each subscript letter denotes a subset of major race and ethnicity group categories whose column proportions do *not* differ significantly from each other at the .05 level.

When we introduce the use of the odds ratio, a somewhat more sensitive test of differences, and multivariate controls, we get a slightly different interpretation. Controlling for offense type and severity as well as prior intake history, the difference in correctional placement odds decreased for cases involving African American youth, to the point that **for similarly situated cases, the odds of correctional placement for African American youth were slightly more than double those for white youth—a statistically significant finding.** Given the smaller use of correctional placements in Fairfax County, this finding has an impact on fewer youth than in other two jurisdictions, but there remains a disparate use of correctional placements.

		Before Controls		After Controls	
		Sig.	Odds Ratio	Sig.	Odds Ratio
Correctional Placement	African American	.000	3.123	.023	2.090
	Hispanic	.007	2.425	.047	1.962
Postdispositional Detention With Programming	African American	.226	1.525	.681	1.161
	Hispanic	.071	1.859	.518	1.265
Postdispositional Detention Without Programming	African American	.706	.928	.343	.824
	Hispanic	.515	.873	.328	.813
Probation	African American	.000	.667	.000	.691
	Hispanic	.004	.801	.216	.887

The reference category is "Other."

Other notable conclusions from table 3.13 relate to the use of probation. The underutilization of probation for cases involving Hispanic youth can be attributed to the distribution of offense types for that group, moving the odds ratio substantially closer to

1.00, which would represent equal odds. This movement renders the difference in odds of probation insignificant for Hispanic youth. The same cannot be said for probation use for African American youth. **There remains a persistent underutilization of probation placements for cases involving African American youth, despite adjustments for offense type and prior history.**

Finally, we examined the average length of stay in postdispositional detention programs, displayed in table 3.14. As noted in the table, there were no significant (n.s.) differences in length of stay by race or ethnicity.

Type of Detention	Major Race and Ethnicity Group						Total	
	African American		Hispanic		White			
	Mean	N	Mean	N	Mean	N	Mean	N
Postdispositional, Without Programming (n.s.)	14.2	52	9.7	44	12.2	57	12.2	153
Postdispositional, With Programming (n.s.)	143.5	23	154.8	25	180.4	14	156.4	62

### Summary

As a summary of our findings, we looked at the multivariate analyses and combined them in table 3.15. In this table, odds ratios are displayed only for the analysis after controlling for other variables—in other words, examining cases that have been adjusted to be similar in terms of offense type and severity, prior history, age, and gender.

Stage	Action	Adjusted Odds Ratio	
		African American	Hispanic
Intake	Diverted	<b>.732</b>	1.166
	Petition Filed	.879	<b>1.443</b>
	Detention	<b>1.662</b>	<b>1.564</b>
Adjudication	Release	1.096	.985
	Handled as Adult	.514	2.260
	Found Delinquent	<b>1.256</b>	<b>1.319</b>
Sanction	Correctional Placement	<b>2.090</b>	<b>1.962</b>
	Postdispositional Detention With Program	1.161	1.265
	Postdispositional Detention Without Program	.824	.813
	Probation	<b>.691</b>	.887

Red, bold fonts p<.05.

From an overall DMC perspective, the areas for focus in Fairfax involve the lower use of diversion programs for cases involving African American youth, the higher rate of preadjudication detention for both African American and Hispanic youth, the higher rate of delinquent findings for both African American and Hispanic youth, and differences in the use of sanctions for those found delinquent. The higher rate of correctional placement for cases involving African American youth is of continuing concern, although it must be stressed that use of correctional placements is very low coming from Fairfax County.

## **Findings From Qualitative Interviews**

Between Nov. 28 and Dec. 2, 2011, the Development Services Group, Inc., Assessment Team conducted interviews in Fairfax with 46 people in 16 sessions. These included judges, the CSU Director, a Commonwealth's Attorney, attorneys from the Public Defender's Office, police School Resource Officers (SROs) and the police SRO supervisor, the Gang Coordinator, intake supervisors and staff, Fairfax County Juvenile Detention Center staff (including supervisors, educators, and program staff), the Probation Director, probation managers and officers, the Director of Residential Services, Supervised Release Services staff, County Prevention Services staff, and CSSP representatives. A meeting of the Detention Review Committee was also observed. The reader is cautioned again that the responses given by interviewees, even juvenile justice professionals, can be subjective or incorrect, but they can also provide instruction, insight, and direction. However, the purpose of the qualitative interviews was to seek probable explanations for disproportionately from local juvenile justice professionals as key informants.

### ***Differential Offending***

Overall, data provided by DJJ for this assessment shows white youths compose about 56 percent of the local juvenile population, with African American youth (10 percent), Hispanic youth (14 percent), and Asian youth (15 percent) composing most of the balance. To get a better sense of offending patterns, we aggregated five offenses commonly representing violent behaviors (assault, kidnapping, murder, robbery, and sex offenses). During the study period (FY2008 to FY2010), there were approximately 1,595 intakes for these five offenses. Minority youth accounted for about 61 percent of those intakes (African American youth accounted for 35 percent; Hispanic youth accounted for 26 percent), while white youth accounted for 39 percent of the intakes.

Multiple interviewees reported that violent crime was more likely a minority behavior in Fairfax. Some interview respondents singled out robbery as a troublesome offense dominated by minority offenders. There were very few (119) robberies at intake during the study period, accounting for less than 1 percent of all intakes. Although it is an uncommon offense for any group, data shows that minority youth accounted for most robbery intakes (African American youth accounted for 48 percent, Hispanic youth accounted for 33 percent, and white youth accounted for 19 percent).

There was a perception among several interviewees that very few Hispanic youth are seen in the local juvenile justice system, but those who are seen present very serious cases and many are gang related. Respondents overwhelmingly reported that the large majority of gang activity in Fairfax involved Hispanics. The Gang Coordinator is informed of all youth on probation for a gang-related offense. He reported that in 2010, House Bill 1121 was passed

by the General Assembly, which requires all juvenile CSU staff to report gang-related intelligence to law enforcement with the purpose of increasing data sharing. He has also seen a rise in gang recruiting on Facebook and observed more intergenerational gangs. Fairfax runs a voluntary 90-day gang intervention, prevention, and education program with about 40 youth. Northern Virginia Family Services administers the program and they reported a 100 percent success rate in keeping kids from joining gangs. A tattoo-removal program also operates to facilitate the process of leaving gangs.

Gang Prevention staff also estimated that more than three-fourths of their program clients are Hispanic youth. Several subjects reported anecdotally that Hispanic youth “like knives.” Although Hispanic youth account for 15 percent of the youth population in Fairfax, they accounted for about 26.5 percent of intakes during the study period. While events with gang charges as the most serious offense represent less than 1 percent (101) of all intakes, Hispanic youth accounted for about 65 percent of those cases, lending support to interviewees’ comments. (Caution is advised in interpreting these data as these “top charge” gang offense intakes may represent only a fraction of all gang-involved crimes, which may or may not involve Hispanic youth.) Further, although DJJ study data does not specify type of weapon, data shows Hispanic youth accounted for about 35 percent of all intakes where a weapons offense was the top charge cited.

The police representatives who were interviewed reported that more Asians and Hispanics are involved in prostitution activities, and that they saw no difference in violent crime between African American and white youth.

### ***Mobility/Justice by Geography***

It was reported in interviews that youth from the District of Columbia (DC) commonly come to the Springfield Mall in Fairfax, which is located near a Metro stop. Tysons Corner Center reportedly attracts few youth from DC because it is not near a Metro stop. It was thought by some respondents that numerous cross-border visits might result in an arrest, perhaps for larceny, and that DC youth could represent as much as 10 to 15 percent of Fairfax arrests.\*

Another mobility issue noted during interviews was the problem of the juvenile court location as well as the location of programs. Fairfax County has a single juvenile court located in downtown Fairfax. Several respondents noted there was a “failure to appear” issue with cases in the South County area. The South County/Alexandria/Fort Belvoir area can be an hour’s drive or more depending on traffic. Transportation was said to be a problem. Bench warrants are issued when the juvenile/family does not show up in court, and this was suggested to lead to further penetration into the juvenile justice system. It appears this is a known issue, as there may have been prior unsuccessful discussions about holding court sessions in this part of the county. Similarly, the CSU Director noted that reaching programs can be a problem for youth in the South County (Route 1) area, since they are relying on public transportation, and between the hours of 4 and 7 p.m. traffic congestion is substantial. Many services are provided in government buildings, which can also be a

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\*The DJJ files we received did not contain location information to assess these estimates. It is likely that police arrest records would contain the needed items, so testing this estimate may be feasible, and is one rationale for our statewide recommendation #5 in the Executive Summary. As noted in the overview (page 1-8) however, the Commonwealth considers intake to be the primary first point of contact.

problem for those who might be intimidated by the institutional formality and/or security of such facilities, such as, intrusive security procedures, inconvenient hours, concern about presence of other enforcement services, and locations not accessible by public transportation, may all serve to dampen willingness to participate in court actions or programs.

Mount Vernon is reported to have pockets of African American, low-income residents with high levels of poverty. Some of the people interviewed expressed concern that daily road checks would lead to biased enforcement and noted the “white side of the street” is not subjected to road checks. The police recommended “more even enforcement.” Others mentioned areas with high gang activity in Herndon, Annandale, and Falls Church (Culmore is 100 percent Latino), and that minority-based schools are less tolerant of gang activity. These schools have “Three Strikes” policies for gang kids and tend to “clean house” by the end of the first quarter.

### ***Differential Handling/Differential Opportunities for Prevention and Treatment***

More than 100 languages are spoken by children who attend public schools in Fairfax, attesting to the great diversity of the local population. Interview respondents spoke in particular of large groups of Middle Eastern, Korean, Vietnamese, Haitian, Sudanese, and Ethiopian people among the local population. They reported a rise in arrests among Middle Eastern, Haitian, and Somali populations, as well as Korean and Vietnamese. This also raises an interesting issue because there appears to be considerable confusion and variation about how to classify/code race and ethnicity among critical staff. When asked in interviews how they would code the race/ethnicity of various groups for data reporting purposes, some respondents from the Probation Department indicated they would code youth from India and Pakistan as Asian. However, another group of respondents from the Probation Department noted that they would code Pakistani youth as “Other.” Among three intake staff workers, one would code Pakistani youth as white, and two would code Pakistani youth as “Other.” One would code youth from India as Asian; two would code these youth as “Other.” All three intake staff would code Egyptian youth as “Other.” All would code youth from Sudan, Somalia, and Ethiopia as African American. The Assessment Team noted a lack of uniformity in the classification process. With such a diverse population, this has a great potential to affect the size of minority groups that are the basis for calculating Relative Rate Index (RRI) values used in DMC analyses.

The interview process identified numerous language-related issues in Fairfax that might contribute to DMC and be associated with both differential handling and differential opportunities for prevention and treatment. For example, it was suggested that Hispanic youth and SROs have difficulty communicating effectively, which may cause workable situations to escalate into problems. Intake workers reported there are no language interpreters at intake: volunteer interpreters don’t show up as needed, and they are not supposed to use paid interpreters—all of which affects their ability to work with clients. The CSU Director reported having a few bilingual staff (primarily speaking Spanish) but not enough, and not enough bilingual staff for those who speak Middle Eastern languages. He said resources are being put toward interpreters but are insufficient to meet language needs. Respondents from the Public Defender’s office reported they do not speak Spanish and are hampered when dealing with Hispanic clients. They also reported that while parents, in general, are left out of plea discussions with their children due to confidentiality issues,

this is especially problematic for Hispanic parents because language barriers complicate their understanding of juvenile justice processes. Public Defenders reported that immigrants, confounded with language, trust, and fear issues, tend to most often admit guilt in their cases.

Language issues could also affect the delivery of a program. For example, respondents noted that the Shoplifter program is only offered in English, thereby limiting the participation of non-English-speaking Hispanic youth. Interviewees also commented on a Parent Support Group in Fairfax that purportedly has low minority participation, noting the program is run by white parents and held in the secure courthouse facility. It was generally reported in the interviews that diversion cases with a lack of parental participation would typically be closed as “unsuccessful.” An obvious concern from the DMC perspective is that such a status might bias future decisions for a youth.

Numerous respondents described a wide range of services and treatment opportunities available to youth in the Fairfax juvenile justice system. Services available to youth include: restorative justice and diversion programs, including community service and restitution; multiple levels of detention alternatives; shelter care [formerly Less Secure Shelter]), supervised release services for pre-adjudicated youth [intensive supervision with electronic monitoring], an evening reporting center; alcohol and drug treatment services; gang prevention and tattoo removal programs; sex offender treatment; in-home services; residential treatment programs such as Foundations [for girls] and Boys Probation House; and other community-based services. Some interviewees noted that because Fairfax has such resources, it only commits about 33 to 34 youths to the Commonwealth each year.

Regarding new programming, the Gang Coordinator said he was setting up mini gang response teams, and the police mentioned the Road Dawg program, a weeklong team-building and conflict resolution program geared toward at-risk youth. There is no formal police diversion program—they use a counsel and release protocol when diverting youth. The police representative also expressed concern that the public doesn’t know what is available to them regarding access to assistance and legal counsel, which can influence their decisions.

As a result of an emphasis on reducing the number of youth in detention (40 youths were in detention at the time of the site visit), the Fairfax detention center was able to offer s two tracks of post-dispositional (post-D) detention programs: a 30-day sentence without treatment, and “Beta” a 6-month program providing treatment services, followed by a 6-month aftercare program. Due to the reduction in the detention population, the CSU was able to repurpose four living units in the detention center and add school rooms and counseling rooms to serve this new program. Beta serves juveniles who are habitual offenders (a minimum of four misdemeanors or one felony is needed for admission), and parental participation is required. The probation officer recommends the Beta program, but it is mandated by a judge. Residents in the program are permitted home visitation on weekends about halfway through the program.

CSU staff stressed that the court uses a structured decision-making model with a good deal of administrative sanctioning, such as changing curfews, electronic monitoring, using an Evening Reporting Center, and giving incentives like gift cards and reduced probation. He

said 50 percent of the youth are screened out (released) at the detention hearing\*. They also noted they have increased the diversion rate in the last 2 years.

A total of 52 SROs, who are police department employees, are in every high school and middle school. In addition to ensuring safety and security at the schools, the SROs are required to teach Internet safety and traffic safety. The police reported only one SRO who was aggressive and had to be removed from the program. CSU staff reported no problems with the SROs. They are not a pipeline to the courts.

### **Legislation, Policy, and Legal Factors**

Staff from the Public Defender’s Office expressed concern that Detention Risk Assessment Instrument (DAI) scores are often wrong. They explained Fairfax operates a 24-hour Intake Office. During the day, the Commonwealth data system would normally be used to provide data for DAI scoring purposes.† After normal business hours, a local data system is used as a data source for the DAI because of access issues to the Commonwealth system. The local system might not show the timely final disposition of cases, while the Commonwealth system would have more current data. If the local system showed an intake case as still open (disposition not reported), which staff might score as an adjudication for DAI purposes, the Commonwealth system might have the actual disposition as a *nolle prosequi* or dismissal. The use of the limited local data source could inflate DAI scores to the disadvantage of youth, possibly resulting in an inappropriate detention. Other sources have noted a sharper division in which there are substantive disagreements about the scoring methods used in calculating the DAI scores. It is not clear whether those differences might have DMC-related impacts. This issue is subject to analysis and verification but unfortunately is beyond the resources of this study.

It was reported during interviews that the Commonwealth requires a detention review of each youth in detention every 7 days. The Fairfax Detention Review Committee (DRC) meets every Thursday (a member of the DMC Assessment Team observed a meeting during the site visit). Committee members indicated the Fairfax DRC does not actually conduct a review of each case to consider the potential for a release and subsequent proposal for a detention hearing. Rather, the committee reviews the current status of each case and updates information on a master list of detention cases. The CSU Director reported that these reviews lack a discussion on why the juvenile is in detention or whether he or she should be in detention. He said he observed the expeditor model in Hampton and thinks it could be replicated in Fairfax—that it “would be the right thing to do.”

During the interviews, respondents from the Public Defender’s Office identified a concern regarding detention hearings and reviews. The explanation they provided started by noting that detention hearings are held daily at 1:30 p.m. It was also noted by the interviewees that several times a week a juvenile may be brought in and detained without a parent being available. Once that juvenile is in detention, for the Public Defender to request a detention review and possible release, their motion must be filed with the court by 12 p.m. the day

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\*Of all youth seen at intake, only 13 percent are held for pre-adjudication detention, so we infer that this estimate is of those who actually had a detention hearing, a step we could not test with the available data.

†Other reviewers note that the DJJ system is available on a 24-hour basis, so this issue may have been addressed.

before the hearing. This apparently allows for necessary paperwork and proper notifications to relevant parties. According to such a schedule, a youngster detained in the absence of a parent right after the noon deadline must automatically spend extra time in detention simply because of the filing requirements. For example, if a youth is detained in absence of a parent at 1:30 p.m. on Tuesday, instead of appearing at a detention review hearing at 1:30 p.m. on Wednesday, the Public Defender would need to file a motion for review by Noon Wednesday for the case to be docketed for a 1:30 p.m. Thursday review hearing. Other respondents and reviewers disagreed with this description, indicating that such a case would be heard on Wednesday, not held for nearly 48 hours. Given the data contained in the DJJ files to which we had access, it was not feasible to verify either scenario.

Respondents from the intake staff reported it is not uncommon for parents of African American youth to refuse to pick up their child at intake, with some parents saying the system should “teach him a lesson.” It was suggested that these youth may often have low detention scores and would otherwise be released. Instead, there is an override to the DAI with the narrative “parent refused to pick up” to allow placing the juvenile in detention. In contrast, it was noted that Hispanic parents will sometimes respond that they don’t have a car, or that they are at work and cannot get to intake.

Interviewees reported a local Probation Department policy that denies diversion if restitution in a case will be more than \$500. The rationale is that probation only has a 120-day authority over diversion, and they cannot risk that restitution will not be completed within 120 days. It is interesting to note that ability to pay is apparently not taken into account to ensure economic fairness.

## **Recommendations**

Overall, the interviews with juvenile justice practitioners in Fairfax revealed several system-level and individual-level factors that may contribute to the disproportionate representation of minority youth in the system. Based on the quantitative and qualitative information gathered for this assessment, the following recommendations are made:

1. The study revealed confusion among staff as to how to classify/code the race and ethnicity of certain minority groups. While the confusion is understandable in such a diverse community, it has the potential to introduce error into the calculation of DMC statistics. This is a quality assurance and training issue. **It is recommended that the jurisdiction review with staff the proper classification/coding for each group that is likely to be encountered in the community. This issue ultimately will likely need to be addressed with a revision of the coding system that DJJ uses on a statewide basis. However the inconsistency of responses given by a variety of CSU staff also suggests that this is an area that needs attention at the county level, particularly given the wide diversity of populations represented in Fairfax.**
2. Study data indicated that gang activity in the jurisdiction disproportionately involves Hispanic youth. Although less than 1 percent of all intakes involve specific gang-related offenses as the “top charge,” Hispanic youth accounted for about 65 percent of those cases. This is an “actionable” finding in that it connects a particular group to specific behaviors in the community that can become the subject of a direct intervention. **It is recommended that Fairfax consider implementing evidence-based gang intervention programs. The Little Village**

Gang Violence Reduction Project (Comprehensive Gang Model) and Operation CeaseFire (based on the Chicago program that uses an evidence-based public health approach to reduce gang-related violence using violence interrupters and outreach workers) are examples of evidence-based programs that have demonstrated success in gang intervention.\*

3. Field interviews exposed a broad concern among local juvenile justice professionals that language barriers can impede the assurance of fair and equal treatment for youth. Though the Fairfax CSU is very aware of this issue and already invests significantly in this area, it was especially highlighted as a problem for the Spanish-speaking population of Fairfax. **It is recommended that the community ensure that bi-lingual SROs are assigned to those schools with significant Hispanic student enrollment; that Intake staff and Public Defenders have ready access to interpreters; that various information guides, forms, and other system paperwork are provided to youth and their families in relevant languages; and that program offerings are culturally competent for clients.** It would be appropriate to empower a committee to facilitate and monitor performance in these important areas.
4. While the Detention Review Committee meets weekly to discuss detention cases, Fairfax CSU managers and staff reported that this is a confirmation/update of detention status rather than a review of the circumstances for each individual case. **It is recommended that Fairfax explore the adoption of the “Expeditor” position and functions of actively seeking alternatives to detention and facilitating the advancement of cases through the system, as is done in Richmond.** The jurisdiction should review its efforts in this area to determine if greater youth advocacy could be achieved with the implementation of an Expeditor model.
5. Interviewees suggested that the release of youth from detention might possibly be delayed as an artifact of the court's docket scheduling process. **It is recommended that the Fairfax CSU examine this process to assure the timeliest processing of detention cases.**
6. Local policy denies diversion if restitution in a case will be more than \$500. **It is recommended, first, that the CSU examine ways of facilitating and assisting youths’ efforts to better meet restitution obligations. Second, the CSU should examine the merits of increasing the \$500 limitation.** Doing so may lead to lessening the system penetration of these cases.
7. Families who lack time and transportation resources are further disadvantaged when they reside a considerable distance from the county’s only juvenile court facility. These factors can lead to Failure-to-Appear issues that compound a child's circumstances. **It is**

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\*For more information on the Little Village Gang Violence Reduction Project (Comprehensive Gang Model), see <http://www.ojdp.gov/mpg/Comprehensive%20Gang%20Model-MPGProgramDetail-311.aspx>. For more information on CeaseFire-Chicago, see <http://www.ojdp.gov/mpg/CeaseFire—Chicago-MPGProgramDetail-835.aspx>.

recommended that Fairfax County examine the many possible ways of addressing transportation issues, including, for example, satellite court options, the use of video technology, scheduling innovations, and transportation assistance.

8. Even after controlling for a series of variables, Fairfax still showed significant DMC at the diversion stage. To increase its diversion programming, **it is recommended that the Fairfax Police Department investigate the feasibility of implementing a police diversion program. Such a program could keep youth from entering the court system.** The police department might want to examine the nearby successful police diversion program that has been implemented in Montgomery County, Maryland.
9. African American and Hispanic youth in Fairfax are more likely than white youth to have had a previous court intake and to have had any intake *in the previous 12 months*. Further, African American and Hispanic youth have an earlier age of initial contact with the justice system. **It is recommended that Fairfax implement new programs to reduce recidivism among first-time, younger offenders.** Programs to reduce recidivism among young, first time offenders should reduce DMC by reducing re-referral rates for minority youth. Examples of evidence-based programs in this area include Project Back-on-Track\*, an afterschool diversion program designed to help divert youths in early stages of delinquency from committing future crimes; and the Repeat Offender Prevention Program,† a multimodal early intervention program targeting young offenders at high risk of becoming chronic delinquents.

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\*For more information on Project Back on Track, see <http://www.ojdp.gov/dmcbestpractices/Project%20Back-on-Track-DMCProgramDetail-19.aspx>.

†For more information on the Repeat Offender Prevention Program, see <http://www.ojdp.gov/dmcbestpractices/Repeat%20Offender%20Prevention%20Program-DMCProgramDetail-695.aspx>.

## 4. DMC Assessment in Norfolk

### Overview of DMC Research and Activities

Norfolk has taken measures to address issues surrounding disproportionate minority contact (DMC). In 2003, the Annie E. Casey Foundation's Juvenile Detention Alternatives Initiative (JDAI) was implemented in jurisdictions across the Commonwealth of Virginia. Norfolk was added as a JDAI site in November 2005. The primary goals of JDAI are to protect public safety, reduce the unnecessary or inappropriate use of secure detention of youth, and redirect funding to more effective efforts. The initiative includes seven core strategies: *collaboration, reliance on data, objective admissions screening, alternatives to secure detention, expedited case processing, rigorous facility inspections, and strategies to reduce racial disparities where they exist*. In Virginia, the Department of Juvenile Justice (DJJ) serves as a coordinating center for detention reform efforts implemented at the local level, which is accomplished through partnerships among all key stakeholders at JDAI sites (Va. DJJ N.d.). JDAI funding was provided for a coordinator position that organizes committees of key players in the community to look at ways of improving detention policies and practices.

In Norfolk, the coordinator and the committee have accomplished several tasks, including collecting admissions data and publishing a monthly newsletter with information on admissions data, news, and updates. According to a 2010 Justice Research and Statistics Association report, the coordinator and committee have also "amended the violation of probation policy, reduced the number of truants referred to detention, deployed a parental notification process to decrease the number of failure-to-appear violations, and increased community awareness through a town hall meeting in the fall of 2009" (p. vii). For predisposition cases, Norfolk saw a 34 percent decrease in admissions to secure detention while the average daily population also decreased by 39 percent between 2003 and 2009 (very similar to the reductions found in Richmond) [Orchowsky, Poulin, and Iwama 2010]. However, these detention results do not distinguish between minority and nonminority youth populations, so it is unclear if reductions in detention rates as a result of JDAI also caused reductions in DMC.

In 2007, DCJS contracted with the Burns Institute for 3 years to work with Norfolk on implementing the recommendations in the Readiness Assessment Consultation (RAC) reports (Orchowsky, Poulin, and Iwama 2010, 23). The RAC is a thorough evaluation of a local jurisdiction's overall will and capacity to effectively address racial and ethnic disparities (Burns Institute N.d.b). Factors that are evaluated include the purpose of detention and detention utilization, community engagement and collaboration, and current juvenile policies and practices. On completion of the assessment, the Burns Institute provided the jurisdiction with a report on the RAC findings, which includes a corresponding set of recommendations. The Norfolk RAC included 32 recommendations.

Norfolk has worked with representatives from the Burns Institute to implement the recommendations in the RAC report. Burns Institute representatives have worked closely with the Norfolk DMC Committee by attending monthly committee meetings, analyzing DMC data provided by the committee, and they have given guidance to the committee about

addressing the DMC issues in general while implementing the RAC report recommendations in particular (Poulin, Iwama, and Orchowsky 2008, 23).

Norfolk has established a Detention Review Committee to review juvenile cases for appropriateness of detention. The detention reviews are conducted every 2 weeks and include members from the Court Service Unit (CSU), the Public Defender's Office, and the Office of the Commonwealth's Attorney. The reviews determine whether a juvenile should remain in detention or put on the court docket for possible release.

## **Findings From Quantitative Analysis**

### ***Characteristics of Referrals Into the Juvenile Justice System***

The following tables present the distribution of intake characteristics (referral offense, prior juvenile justice history, age, and gender) across race and ethnicity. The differences identified here between these groups define the incoming characteristics to which the juvenile justice system need to respond, and that create a framework for discussion of DMC issues.

In examining table 4.1, which shows the distribution of types of offenses, we can identify those offense types that differ between racial and ethnic groups by examining the subscripts in each row. Those groups that differ from one another will have different letters as subscripts. Occasionally, as in the first row (Status Offenses), a situation will occur in which one group (Hispanic, in this instance) is at a midpoint between the other two. **It is clearly the case that the proportion of status offenses among African American youths differs from (and is lower than) white youths. As a result, they have different subscripts (*a* and *b*).** However, the proportion of Hispanic cases involving status offenses is approximately midway between the African American and white values, close enough to each that it appears similar to each and therefore has both subscripts.

		Major Race and Ethnicity Group			Total
		African American	Hispanic	White	
Offense Type, Ordered by Severity of Charges	STATUS OFFENSES	1476 <sub>a</sub> 27.5%	45 <sub>a, b</sub> 29.8%	378 <sub>b</sub> 32.5%	1899 28.4%
	CONTEMPT OF COURT/FAILURE TO APPEAR	104 <sub>a</sub> 1.9%	2 <sub>a</sub> 1.3%	12 <sub>a</sub> 1.0%	118 1.8%
	VIOLATIONS OF PROBATION/PAROLE	255 <sub>a</sub> 4.7%	5 <sub>a, b</sub> 3.3%	23 <sub>b</sub> 2.0%	283 4.2%
	OTHER VIOLATIONS (e.g., alcohol, arson, some narcotics violations, obscenity, vandalism, some traffic violations, trespassing)	456 <sub>a</sub> 8.5%	24 <sub>b</sub> 15.9%	225 <sub>b</sub> 19.3%	705 10.5%
	OTHER CLASS 1 MISDEMEANORS (e.g., alcohol, disorderly conduct, FTA, some larceny, obstruction justice, narcotics, traffic, vandalism, trespassing, weapons violations)	1239 <sub>a</sub> 23.1%	41 <sub>a</sub> 27.2%	258 <sub>a</sub> 22.2%	1538 23.0%
	CLASS 1 MISDEMEANORS AGAINST PERSONS (e.g., assault, extortion, some sex offenses, weapons, telephone law)	952 <sub>a</sub> 17.7%	19 <sub>a, b</sub> 12.6%	114 <sub>b</sub> 9.8%	1085 16.2%
	OTHER FELONIES (e.g., arson, burglary, fraud, gang offenses, larcenies, some narcotics, vandalism)	473 <sub>a</sub> 8.8%	11 <sub>a</sub> 7.3%	89 <sub>a</sub> 7.6%	573 8.6%
	FELONY WEAPONS AND FELONY NARCOTICS DISTRIBUTION	42 <sub>a</sub> .8%	0 <sub>a, b</sub> .0%	1 <sub>b</sub> .1%	43 .6%
	FELONIES AGAINST PERSONS (e.g., arson, assault, kidnapping, robbery, sex offense, murder)	376 <sub>a</sub> 7.0%	4 <sub>a</sub> 2.6%	64 <sub>a</sub> 5.5%	444 6.6%
	<b>Total</b>	5373 100.0%	151 100.0%	1164 100.0%	6688 100.0%

Each subscript letter denotes a subset of major race and ethnicity group categories whose column proportions do *not* differ significantly from each other at the .05 level.

Other observations concerning the offenses alleged at intake include the higher proportion of cases involving African American youths who come in for crimes against persons (especially misdemeanor) and crimes involving narcotics delivery or felony weapons charges. African American youths also have a higher proportion of cases involving probation violations. In contrast, Hispanic youths often present an offense profile that is at a midpoint between African American and white youths.

Examples of this are found in the violations of probation and parole, as well as in the misdemeanor crimes against persons.

The issues related to the legal status of the juvenile’s case at intake continue with examination of the prior referral history of the youth. As shown in table 4.2, a substantially higher proportion of African American youths have at least one prior intake within the 12 months preceding their intake. More than half (54 percent) of the intakes of African American youths involve a juvenile who has been through the intake process within the preceding year. That proportion is considerably smaller for white youths, at 37 percent. However, among the youths who did have a prior referral, there is no significant difference in the average number of referrals they had experienced (cases involving African American youths had an average of 2.3 referrals, compared with 2.15 for white youths and 2.10 for Hispanic youths).

When we look across the lifetime of the youths, a somewhat different pattern emerges. Again, **African American youths are significantly more likely to have at least one prior referral, with nearly four out of five youths having at least one prior referral, compared with three out of five white or Hispanic youths.** Even more pronounced is the difference in the number of prior referrals over the lifetime for African American youths, at roughly an **average of five referrals, with white youths at an average just below four and Hispanic youths slightly above three.** Since the examination of past-year numbers suggests that all groups have a similar rate of intake once they become involved with the juvenile justice system, the higher lifetime number of referrals suggests that African American youths must get started in their contact with the juvenile justice system at an earlier age.

**Table 4.2. Prior Referral History, Norfolk, FY2007 Through FY2010**

	Major Race and Ethnicity Group			Total
	African American	Hispanic	White	
Does Youth Have Any Intakes in Past 12 Months?*	54%	46%	37%	51%
Number of Prior Intakes in Past 12 Months	2.33	2.10	2.15	2.30
Does Youth Have Any Prior Intakes?*	79%	62%	62%	76%
Number of Prior Intakes in Lifetime*	4.98	3.13	3.91	4.80
*p < .01				

The likely earlier age of initial contact is born out in table 4.3, in which the average age at intake is roughly half a year younger for African American youths than for Hispanic youths, and roughly 3 months younger than for white youths. The other demographic difference between the groups noted in table 4.3 is that while all groups are preponderantly male, the proportion of females is higher for cases involving Hispanic youth.

	Major Race and Ethnicity Group			Total
	African American	Hispanic	White	
Juvenile Is Male*	64%	54%	61%	63%
Age at Intake**	15.3	15.8	15.5	15.4
*p< .05      **p< .01				

### **Actions at the Intake Stage**

Two major issues are addressed at the intake stage. The first deals with the manner in which the case is resolved at intake: whether the case will be diverted, handled in some other fashion without a formal petition of delinquency being filed, or whether a delinquency petition is filed, which in turn moves the case into the realm of formal court action. The second major issue to be addressed is whether the youth is detained while awaiting court adjudication.

In terms of the first question, the eventual resolution of the case at the intake level, table 4.4 provides the relevant outcomes. In Norfolk, roughly one-fifth of the cases were resolved through some nonjudicial and nondiversion methods, often a referral to another agency, a suggestion of unofficial family counseling, or another means of resolving the issues involved in the referral. The proportion of cases resolved in that fashion is not significantly different for African American, Hispanic, or white cases. Roughly another one-fifth of cases were resolved through a mandated diversion placement. These diversion placements are more prevalent for white youth (23.7 percent) and least prevalent for African American youth (18 percent)—a statistically significant difference. Overall, roughly three-fifths of cases resulted in some form of petition to the court.

		Major Race and Ethnicity Group			Total
		African American	Hispanic	White	
Intake Resolution of Incident	Resolved Without Court Action	1224 <sub>a</sub> 22.8%	31 <sub>a</sub> 20.5%	241 <sub>a</sub> 20.7%	1496 22.4%
	Diverted	965 <sub>a</sub> 18.0%	34 <sub>a, b</sub> 22.5%	276 <sub>b</sub> 23.7%	1275 19.1%
	Petition Filed	3184 <sub>a</sub> 59.3%	86 <sub>a</sub> 57.0%	647 <sub>a</sub> 55.6%	3917 58.6%
<b>Total</b>		5373 100.0%	151 100.0%	1164 100.0%	6688 100.0%
Each subscript letter denotes a subset of major race and ethnicity group categories whose column proportions do <i>not</i> differ significantly from each other at the .05 level.					

When we take into account the adjustments for other factors such as the type and severity of the allegations, prior history of referrals, and age and gender of the youth, we end up with

estimates of the impact of race on these intake resolutions. Those estimates (odds ratios) are displayed in table 4.5, in the column labeled “After Controls.” **Compared with the other informal resolutions, and compared with cases involving white youth, there are no significant impacts of being either African American or Hispanic on the odds of the case receiving a diversion outcome.**

Looking at whether a delinquency petition is filed, after adjusting for those other factors, **the odds of a petition being filed are lower for African American youth than white youth.** While it is a relatively slight difference, it is statistically significant. The odds of a petition being filed in cases involving Hispanic youth are essentially equal to those for white youth.

		Before Controls		After Controls	
		Sig.	Odds Ratio	Sig.	Odds Ratio
Diverted	African American	.000	.688	.060	.818
	Hispanic	.870	.958	.703	.897
Petition Filed	African American	.703	.969	.031	.800
	Hispanic	.883	1.033	.879	.960

The reference category is *Resolved Without Court Action*.

The second major issue to be addressed is whether the youth is detained while awaiting court adjudication. There are two major pathways to preadjudication detention: through judicially ordered detention and through nonjudicially ordered detention, predominantly relying on the Detention Assessment Instrument to provide the policy basis for the detention placement. In Norfolk, approximately two out of five detention placements are judicially ordered, and three of five are not based on judicial orders, a ratio that does not differ significantly by race or ethnicity. We are therefore looking at the combination of all preadjudication detainees.

Table 4.6 shows the percentage of cases in which some length of preadjudication detention was used. The use of preadjudication detention is significantly higher for African American youth compared with white youth. Once again, the rate for cases involving Hispanic youth is at a midpoint between the rates for white and African American youth.

<b>Table 4.6. Preadjudication Detention, by Major Race and Ethnicity Group, Norfolk, FY2007 Through FY2010</b>					
		<b>Major Race and Ethnicity Group</b>			<b>Total</b>
		<b>African American</b>	<b>Hispanic</b>	<b>White</b>	
Youth Held in Preadjudication Detention?	No	4446 <sub>a</sub> 82.7%	130 <sub>a, b</sub> 86.1%	1053 <sub>b</sub> 90.5%	5629 84.2%
	Yes	927 <sub>a</sub> 17.3%	21 <sub>a, b</sub> 13.9%	111 <sub>b</sub> 9.5%	1059 15.8%
<b>Total</b>		5373 100.0%	151 100.0%	1164 100.0%	6688 100.0%

Each subscript letter denotes a subset of major race and ethnicity group categories whose column proportions do *not* differ significantly from each other at the .05 level.

When we introduce multivariate adjustments (controls) for the offense type and severity, number of prior referrals, and age and gender, we see the impact of race on the preadjudication detention has been diminished for cases involving African American youth, but has increased for cases involving Hispanic youth (table 4.7). In both instances the “After Controls” impact of race is statistically significant and shows that **both African American and Hispanic youth, when viewed as similarly situated in terms of current offense and prior history, have a higher likelihood of pretrial detention than white youth.**

<b>Table 4.7. Logistic Regression Results, Preadjudication Detention, Norfolk, FY2007 Through FY2010</b>					
<b>Youth Held in Preadjudication Detention?<sup>a</sup></b>		<b>Before Controls</b>		<b>After Controls</b>	
		<b>Sig.</b>	<b>Odds Ratio</b>	<b>Sig.</b>	<b>Odds Ratio</b>
Yes	African American	.000	1.978	.002	1.493
	Hispanic	.095	1.532	.011	2.165

<sup>a</sup>The reference category is *No*.

One other issue frequently examined with respect to detention is the length of stay. In the instance of preadjudication detention in Norfolk, the average length of detention (shown in table 4.8) is 29 days. Although the average appears lower for cases involving Hispanic youth, since there are relatively few Hispanic youth and the range of variability in the length of stay is relatively large, there is no significant difference between the groups.

Type of Detention	Major Race and Ethnicity Group						Total	
	African American		Hispanic		White			
	Mean	N	Mean	N	Mean	N	Mean	N
Preadjudication	29.7	927	23.9	21	28.4	111	29.4	1059
p > .05								

### **Adjudication**

After intake, the next major phase is the adjudication process, where the cases are dismissed, transferred to the adult system, adjudicated nondelinquent, or when some other action (or inaction) occurs. We have limited this analysis to cases that are noted as formally petitioned as delinquent to the court. In examining the adjudication outcomes, we can identify those that are noted as dismissed, adjudicated nondelinquent, or handled through a formal process known as *nolle prosequi*. These we have grouped together as “released.” A second major grouping includes cases that are transferred in some fashion to the adult court system, noted in the adjudication codes as certified to a grand jury, transferred as an adult, or found guilty by a circuit court. A third major category of adjudication includes cases adjudicated delinquent. Taken together, these three listed outcomes account for approximately three out of every five cases that were petitioned to the court. The remainder has been placed in a category labeled “other action”—a category that includes “defer/withheld finding,” a “fugitive file,” and cases referred to other agencies. It also contains a sizeable number of cases that have no actions listed, presumably because the case is still in process. The distribution of cases across these outcome categories is displayed in table 4.9.

<b>Table 4.9. Adjudication Outcome Category, by Major Race and Ethnicity Group, Norfolk, FY2007 Through FY2010</b>					
		<b>Major Race and Ethnicity Group</b>			<b>Total</b>
		<b>African American</b>	<b>Hispanic</b>	<b>White</b>	
Adjudication Outcome Category	Release	741 <sub>a</sub> 23.2%	20 <sub>a, b</sub> 23.3%	119 <sub>b</sub> 18.3%	880 22.4%
	Other Action	1176 <sub>a</sub> 36.8%	35 <sub>a</sub> 40.7%	357 <sub>b</sub> 54.9%	1568 39.9%
	Handled as Adult	70 <sub>a</sub> 2.2%	0 <sub>a</sub> .0%	7 <sub>a</sub> 1.1%	77 2.0%
	Delinquent	1208 <sub>a</sub> 37.8%	31 <sub>a, b</sub> 36.0%	167 <sub>b</sub> 25.7%	1406 35.8%
<b>Total</b>		3195 100.0%	86 100.0%	650 100.0%	3931 100.0%

Each subscript letter denotes a subset of major race and ethnicity group categories whose column proportions do *not* differ significantly from each other at the .05 level.

African American youth are significantly more likely to have their cases result in release, at a rate of 23.2 percent, compared with 18.3 percent for cases involving white youth. It is tempting to speculate on the reasons for such higher release rates, whether or not they reflect a set of weaker cases that come to the courts involving African American youth, but we do not have sufficient information in the data files to reach any conclusions concerning reasons for the higher rate of release. On the other end of the spectrum, cases involving African American youth are significantly more likely to result in a delinquent finding (37.8 percent compared to 25.7 percent). Although a small portion of Norfolk’s juvenile justice cases are transferred to adult court, the rate of transfer is significantly higher for cases involving African American youth.

We next introduce multivariate adjustments for the offense type and severity as well as prior intake history, age, and gender. The intent of the adjustments is to be able to create a comparison between groups as if they were “similarly situated”—that differences in these factors have been removed. Under those conditions, we get the results in table 4.10. The difference between African American and white youth in terms of likelihood of release remains statistically significant, but the difference has been more than cut in half (odds ratio of 1.89 reduced to 1.32). More importantly, from a DMC perspective, the difference in transferring cases to the adult system has diminished appreciably, from an odds ratio of 3.036 down to 2.395. Given the numbers of youth involved, the difference is now statistically insignificant.

When we examine the rate at which cases are found delinquent, the odds ratio decreased for cases involving African American youth, dropping from 2.2 down to 1.4. **This is still a statistically significant difference in the likelihood of a case being found delinquent and represents a potential DMC issue.**

<b>Table 4.10. Logistic Regression Results, Adjudication Outcome, Norfolk, FY2007 Through FY2010</b>					
		<b>Before Controls</b>		<b>After Controls</b>	
		<b>Sig.</b>	<b>Odds Ratio</b>	<b>Sig.</b>	<b>Odds Ratio</b>
Release	African American	.000	1.890	.026	1.323
	Hispanic	.072	1.714	.065	1.797
Handled as Adult	African American	.006	3.036	.059	2.395
	Hispanic	b	b	b	b
Delinquent	African American	.000	2.196	.007	1.367
	Hispanic	.016	1.893	.009	2.120

a. The reference category is *Other Action*.  
b. Too few cases to reliably assess

### Sanctions Imposed

Once a case results in an adjudication of delinquent, the next question is what to do with the case: what sanctions to impose, what rehabilitative or re-integrative actions to take, and what services to offer or obtain elsewhere. In analysis of these issues, we looked only at cases with a delinquency finding and reviewed several major options by examining three sets of records. We looked at correctional placements, juveniles placed under probation supervision, and detention records for postdisposition detention. These are by no means the only options available in a modern juvenile justice system, but they reflect more than half of cases handled in Norfolk. The distribution of these options, by race and ethnicity, is shown in table 4.11. There were so few Hispanic youths adjudicated delinquent over the 3 years that it is not feasible to test whether sanctions provided to this group are reliably different from those experienced by white or African American youth. In general, the differences between African American and white youth are small, as noted by the fact that in each instance, all three groups of youth are classified with the same subscript in each row. As noted below the table, each subscript letter denotes a subset of the race and ethnicity group categories whose column proportions do not differ significantly from each other at the .05 level.

		Major Race and Ethnicity Group			Total
		African American	Hispanic	White	
Sanction	Correctional Placement	119 <sub>a</sub> 8.2%	0 <sub>a</sub> .0%	11 <sub>a</sub> 5.5%	130 7.7%
	Postdispositional Detention with Programming	54 <sub>a</sub> 3.7%	0 <sub>a</sub> .0%	9 <sub>a</sub> 4.5%	63 3.7%
	Postdispositional Detention Without Programming	148 <sub>a</sub> 10.2%	3 <sub>a</sub> 7.9%	11 <sub>a</sub> 5.5%	162 9.6%
	Probation	470 <sub>a</sub> 32.5%	17 <sub>a</sub> 44.7%	65 <sub>a</sub> 32.5%	552 32.8%
	Other	654 <sub>a</sub> 45.3%	18 <sub>a</sub> 47.4%	104 <sub>a</sub> 52.0%	776 46.1%
<b>Total</b>		1445 100.0%	38 100.0%	200 100.0%	1683 100.0%

Each subscript letter denotes a subset of major race and ethnicity group categories whose column proportions do *not* differ significantly from each other at the .05 level.

When we introduce the use of the odds ratio, a somewhat more sensitive test of differences, and when we introduce multivariate controls, we get a slightly different interpretation. Table 4.12 shows that controlling for offense type and severity as well as prior intake history, the difference in correctional placement odds actually increased for cases involving African American youth, to the point that for similarly situated cases, **the odds of correctional placement for African American youth were slightly more than double those for white youth—a statistically significant finding.** Likewise, the odds of postdispositional detention without programming are double for cases involving African American youth, compared with cases involving white youth.

		Before Controls		After Controls	
		Sig.	Odds Ratio	Sig.	Odds Ratio
Correctional Placement	African American	.103	1.720	.035	2.177
	Hispanic	.998	.000	.	.000
Postdispositional Detention With Programming	African American	.900	.954	.480	.754
	Hispanic	.	.000	.	.000
Postdisposition Detention Without Programming	African American	.021	2.140	.035	2.025
	Hispanic	.516	1.576	.664	1.360
Probation	African American	.409	1.150	.200	1.261
	Hispanic	.269	1.511	.195	1.674

The reference category is *Other*.

In addition to whether the youth received a detention sentence, we also examined the length of that sentence, as shown in table 4.13. In no instances were the differences in length of stay greater than might be expected by chance, so the results are statistically insignificant.

Type of Detention	Major Race and Ethnicity Group						Total	
	African American		Hispanic		White			
	Mean	N	Mean	N	Mean	N	Mean	N
Postdisposition, Without Programming	12.4	152	5.7	3	8.7	11	12.0	166
Postdisposition, With Programming	148.2	55			151.2	10	148.6	65
p> .05 for all comparisons								

### Summary of Quantitative Analysis

As a summary of our findings, we can look at each of the multivariate analyses and combine them into table 4.14. In that table, odds ratios are displayed only for the analysis after controlling for other variables, in other words, examining cases that have been adjusted to be similar in terms of offense type and severity, prior history, age, and gender.

Stage	Action	Adjusted Odds Ratio	
		African American	Hispanic
Intake	Diverted	.818	.897
	Petition Filed	<b>.800</b>	.960
	Detention	<b>1.493</b>	<b>2.165</b>
Adjudication	Release	<b>1.323</b>	1.797
	Handled as Adult	2.395	---
	Found Delinquent	<b>1.367</b>	<b>2.120</b>
Sanction	Correctional Placement	<b>2.177</b>	--
	Postdispositional Detention With Program	.754	--
	Postdispositional Detention Without Program	<b>2.025</b>	1.360
	Probation	1.261	1.674
<b>Red, bold fonts denotes p&lt;.05</b>			

Based on the materials assessed within the processing in the juvenile justice system, the use of detention in Norfolk presents the greatest challenge to DMC. **At the stage of preadjudicatory detention we find significantly greater odds of use of detention for both African American and Hispanic youth. Looking later at the use of postdispositional detention without accompanying programmatic activity, we also find a significantly higher use of this option for African American youth as opposed to white youth.** This of course is also in the context of a significantly different profile of allegations coming into the juvenile justice system at intake, which argues for support of efforts to reduce the proportion of serious offenses, such as narcotics delivery, weapons, and misdemeanor crimes against persons.

## **Findings From Qualitative Interviews**

Interviews in Norfolk were conducted by the Development Services Group, Inc. (DSG), Assessment Team between Nov. 14 and 18, 2011, with 26 people during 18 interviews. The interviews included the Chief Judge and a Circuit Court Judge, the CSU Director, a Commonwealth's Attorney, a Public Defender, the JDAI Coordinator, the Chair and several other members of the local DMC Committee, a Norfolk Police Department Commander, intake supervisors and staff, probation supervisors and a Senior Probation Officer, probation diversion program managers, staff from the Norfolk Detention Center, representatives of the Norfolk Schools disciplinary program, a manager from the Department of Human Services, a child advocate, and a representative from the Norfolk Planning Council.

The field interviews were designed to be exploratory in nature. They were not seeking to find a consensus of opinion among practitioners as to why disproportionality exists. Rather, they aimed to have respondents operationalize the various nuances by which minority youth disproportionately enter and penetrate the justice system. Interviews focused on youth behavior that can be prevented or mitigated, obstacles to prevention and treatment services, and system practices that can be improved to reduce disproportionality (see chapter 2, Methodology, for more details).

Personal interviews with juvenile justice professionals in the City of Norfolk identified several mechanisms that might contribute to local DMC, including differential offending, mobility, and policy factors. Local discussions in Norfolk specifically highlighted issues pertaining to minority crime, cross-jurisdiction offending, detention review, and felony diversion. The reader is cautioned again that the responses given by interviewees, even juvenile justice professionals, can be subjective or incorrect, but they can also provide instruction, insight, and direction. However, the purpose of the qualitative interviews was to seek probable explanations for disproportionality from local juvenile justice professionals as key informants.

### ***Differential Handling/Justice by Geography***

Overall, whites compose about 36 percent of the Norfolk juvenile population, with African American (52 percent) and Hispanic (5.5 percent) youth composing most of the balance. Data provided by DJJ for this DMC Assessment showed African American juveniles accounted for about 80 percent of intake events during the fiscal year 2008–10 study period. To get a better sense of offending patterns, we aggregated five offenses commonly representing violent behaviors (assault, kidnapping, murder, robbery, and sex offenses). During the study period, there were approximately 1,283 intakes for these five offenses.

African American youth accounted for about 87.8 percent of those intakes (white youth accounted for 10.6 percent and Hispanic youth accounted for 1.6 percent). African American youth also accounted for about 93 percent of murder, 93 percent of robbery, 90 percent of kidnapping, and 88 percent of assault offenses presented at intake.

Several of those interviewed in Norfolk reported that African American youth were more involved than white youth in violent crime, including gang activity, weapons offenses, and robbery. There were also numerous interview comments pertaining to the public order conduct and disorderly conduct of African American youth. For example, some interviewees believed African American youth were more likely to respond to a situation with a certain amount of disrespect and anger, and were more predisposed to “make a statement” when they felt confronted in a social conflict situation. In addition, some respondents suggested African American youth were more likely to have learning disability and mental health diagnoses that might accentuate behavioral responses. While mental health data was not available to the DSG Assessment Team, juvenile justice data shows African American youth accounted for about 89 percent of disorderly conduct cases presented at intake, although these represented a very small percentage (3.6 percent) of total offenses committed by African American youth.

It was also reported that it was fairly common for African American youth to be arrested for trespassing at public housing projects located in the City of Norfolk, where housing officials/police attempt to keep tighter control over problem behaviors. Overall, there were about 210 trespassing cases presented at intake during the study period, and African American youth accounted for about 89 percent of those cases.

With regards to drug offenses, some respondents noted white youth may be caught and charged with possession of marijuana, most likely for personal use, while African American youth are more likely to be charged with possession with intent to distribute. There were only 178 narcotics offenses in Norfolk during the study period, amounting to 2.7 percent of all offenses.

### ***Mobility/Statistical Aberrations***

During interviews, some respondents reported two situations related to the mobility contributing mechanism that could influence DMC in Norfolk. They felt there was an undetermined number of Norfolk youth on courtesy supervision who were arrested and prosecuted in Virginia Beach but then returned to Norfolk for probation supervision. In a similar fashion, it was noted that youth from Hampton and Newport News come to Norfolk to commit crimes, such as robbing students at Old Dominion University, who were described as “walking ATM machines” and are considered easy targets. In addition, a few respondents noted the detention facility in Norfolk also serves the Northampton and Accomack communities, therefore detention population data may include more than just Norfolk youth. The implications for DMC in Norfolk are akin to those described in Fairfax and Richmond. Norfolk youth prosecuted in Virginia Beach could possibly show up in probation statistics used to calculate RRIs, but would not be counted in preceding referral and prosecution base data. In contrast, Hampton and Newport News youths might show up in referral and prosecution base data used for RRI calculations, but they would not be counted in

subsequent sanctioning data. Both cases could contribute to inaccurate calculation of RRI statistics.

### ***Differential Handling***

As required by the Commonwealth of Virginia, Norfolk reviews its detention cases for possible release on a regular basis. This work is done by the Detention Review Committee. However, it was reported in an interview that neither the Public Defender's Office nor the Office of the Commonwealth's Attorney was represented at the majority of meetings across the 9-month period from March to November 2011. (The Public Defender's Office was said to have attended once, and the Office of the Commonwealth's Attorney attended twice during the period.) Participation by these agencies was suggested to be critical to get detained juveniles on the dockets for possible release discussions. Their absence from the review process can have obvious ramifications for the overall length of stay in detention for minority youth who dominate the detention population.

In regard to the length of stay in detention, some interview respondents suggested that the cases of African American youth may take longer to process because of difficulties in getting family members into court. A few respondents noted that a longer stay could also be attributed to youths' parents, who feel they cannot control their children and did not support their early release. Some interviewees also suggested that African American youth may present an "attitude" to juvenile justice officials that impedes their release.

### ***Legislation, Policy, and Legal Factors***

Respondents in Norfolk reported a standing local policy that diversion is not allowed for felony cases. During the interviews, respondents were asked to identify typical low-grade felony offenses committed by juveniles. It was reported that a larceny involving items valued at \$200 or more was considered a felony. It was noted that this could easily constitute shoplifting a small amount of items from a local shopping mall. There appears to be considerable controversy surrounding this offense, not just in Norfolk but across the other two assessment sites as well, as to how the \$200 felony threshold is determined. Some interviewees argued that the original purchase price of an item governs the amount that determines the offense charged, while others contended the current market value of an item affects the decision more. Both sides of the disagreement have cited points of law supporting their positions. The choice of valuation makes a difference, considering, for example, that a 2-year-old Apple iPhone originally priced at \$400 might have a current market value of just \$25. This is especially relevant to larcenies taking place in schools where cell phones, music devices, and computers are commonly stolen. This could have considerable DMC impact as data shows minority youth were more likely than white youth to have felony charges during the study period.

There are numerous other policies in Norfolk's juvenile justice system that could also contribute to DMC. For example, many public schools in Norfolk have zero-tolerance policies for offenses involving drugs, weapons, and assault of teachers. This could contribute to the disproportionate number of school-based referrals evident for African American juveniles but not evident for white juveniles. Several respondents noted that for African American youth, disciplinary cases committed in school would likely result in an out-of-school suspension or

referral to the juvenile justice system, while disciplinary cases for white youth would probably result in an in-school suspension and a call home to parents.

In addition, it was noted during interviews that the Commonwealth's Attorney of Norfolk is aggressive in gang prosecutions, which could contribute to DMC because several respondents believed African American youth were much more likely to be involved in gang activity.

### ***Differential Opportunities for Prevention and Treatment***

Numerous respondents discussed the range of services and treatment opportunities available to youth in the Norfolk system. Services available to youth include diversion programs, some detention alternatives, law-related education, electronic monitoring, alcohol and drug treatment services, in-home services, and community-based services.

Norfolk's detention center also runs a post-disposition detention (post-D) program. The program has two options: 1) the court can impose a post-D sentence of 30 days in detention, which is purely punishment, with no program activity; 2) Post-D detention with programming where the juvenile has an indeterminate sentence to probation with up to 6 months in detention. Detention would have a written placement agreement with probation. A probation officer would be assigned to the case and visit the juvenile while in detention, and then at home. Being an indeterminate sentence, the probation supervision can continue as long as necessary. The code also allows the court to place youth in the post-D program without a probation term or probation officer assigned. In these cases, the detention staff alone devise and enact the youth treatment plan during the six months in detention. Upon release there may or may not be probation supervision ordered. These juveniles are segregated from the general population while in detention, and might get some small privileges that general population youth wouldn't get. There are currently about 10 juveniles in post-detention with the program.

Regarding the CSU diversion program, it was reported that a youth with a bad attitude at intake gets denied diversion. There are no police diversion programs in Norfolk; however, a police official said there could be a program, and police would be open to the idea. Another interviewee mentioned Norfolk has a "Street Law" program that is only open to first offenders and also has age limitations.

Interviewees reported that transportation was not a problem in reaching services because the city requires program vendors to provide transportation resources to clients.

It was reported that Medicaid requires a mental health diagnosis to access services, and some interviewees suggested many mental health diagnoses are fraudulent so they can meet this requirement. It was also noted that Medicaid cases must go to the Community Services Board for intake assessment, and that parents have difficulty participating in this requirement. Further, some said that allowable treatment time on Medicaid is shorter than desired, which results in program failures. Minorities are more likely on Medicaid and thus would subsequently be denied diversion on new charges because due to shortened treatment time, youth were unable to fulfill the requirements of diversion the first time.

## Recommendations

Overall, the interviews with juvenile justice practitioners in Norfolk revealed several system-level and individual-level factors that may contribute to the disproportionate representation of minority youth in the system. Based on the quantitative and qualitative information gathered for this assessment, the following recommendations are made:

1. Norfolk has been implementing JDAI since 2005. JDAI can help to reduce DMC at the detention stage and at other, subsequent stages. However, an explicit focus on reducing racial and ethnic disparities is essential (JDAI 2009a). If an intentional focus on DMC reduction is missing, detention reform may improve rates for the overall population without reducing DMC. Sites that have been successful in reducing DMC (such as Multnomah County, Ore. [Hoytt et al. 2001]; Santa Cruz; Calif. [Hoytt et al. 2001]; Massachusetts\*; and Harris County, Texas† [JDAI 2009b) have made DMC reduction a clear priority in their JDAI work. These successful sites have all organized DMC-specific JDAI committees or task forces. **It is recommended that Norfolk increase its focus on DMC within its JDAI work and committees.** Ultimately, JDAI cannot be considered a DMC- reduction strategy if DMC reduction is not a clear and supported goal of the initiative.
2. **It is recommended that juvenile justice administrators ensure that the data collected at certain decision points—particularly at the arrest, probation, and detention stages—are not affected by the presence of youth from jurisdictions outside of Norfolk.** If youth from Hampton or surrounding jurisdictions are showing up in the data, juvenile justice administrators should determine the possible impact on their local DMC data.
3. **It is recommended that clarification and training be made available for practitioners who are involved in the decision-making process regarding the \$200 felony threshold in larceny cases.** Policies regarding the determination of the value of stolen items (which determine if youth are charged with felony or misdemeanor larceny) be clarified so there is no confusion or differences in how youth are charged with this particular crime. It is evident from the interviews that the current policy allows for subjective decision-making, which could contribute to DMC.
4. Some respondents indicated that representatives from the Office of the Commonwealth’s Attorney and the Public Defender’s Office do not attend regularly scheduled Detention Review meetings, which could affect the amount of time youth spend in detention. These offices are critical stakeholders in juvenile case processing and active participation should be considered essential. **It is recommended that officials in Norfolk make every effort to ensure that representatives from the Office of the Commonwealth’s Attorney and the Public Defender’s Office attend the Detention Review.**
5. A considerable number of minority youth have been arrested for trespassing at public housing facilities in Norfolk. **It is recommended that the jurisdiction examine whether arrest**

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\*See <http://www.jdaihelpdesk.org/redumoddmc/Massachusetts%20DMC%20Work%20Plan.pdf>

†See

<http://www.jdaihelpdesk.org/JDAI%20Sites%20Report/Harris%20County%20TX%20Newsletter%20July%202010.pdf>

is the only viable option for these cases, or whether there is another option that can be exercised by officials.

6. Some interview respondents suggested that African American youth may present an "attitude" toward juvenile justice officials that impedes their release. This very example is used in the 2001 JDAI publication, *Reducing Racial Disparities in the Juvenile Justice System*, which describes how unfamiliar body language can be easily misinterpreted in ways that negatively impact judgments about minority youth. Improving the gap in communication between decision-makers and minority youth can help prevent and reduce such misinterpretations. **It is recommended that decision-makers receive training in how to better communicate and work with young people, including how to interpret teenagers' body language, because this training could be helpful in building understanding and possibly in reducing DMC.** "Effective Police Interactions with Youth," developed and implemented in Connecticut for police officers, is an example of such training, and was found to be successful in increasing knowledge and improving police attitudes toward youth (Connecticut Office of Policy and Management Criminal Justice Policy & Planning Division N.d.).\*
7. **Deeper examination of racial disparities at adjudication is recommended.** Even after controlling for severity, prior history, gender, and age, much disparity still exists for African American and Hispanic youth at adjudication. They are more likely than white youth to be found delinquent and handled as adults than to receive "other action." In fact, after control variables were introduced, Hispanic youth were *more* likely than white youth to be found delinquent. However, African American and Hispanic youth are also more likely to be released than to receive "other action." These disparities warrant further investigation.
8. Among adjudicated youth, Norfolk handled more of its youth as adults than Fairfax and Richmond, and nearly all of these youth were African American. Attention to this stage is warranted given the high percent of African American youth being transferred (African American youth were twice as likely as white youth to be transferred), and the fact that the consequences juveniles face at this stage are much greater than at other decision points in the system. Adding to the racial disparity consequences at this stage, research has demonstrated that transferring youth to adult court increases recidivism (\*Lanza-Kaduce, Lane, and Donna Bishop, 2002) and suggests that transfer laws as currently implemented "probably have little general deterrent effect on would-be juvenile offenders" (Redding 2010). **It is recommended that Norfolk judges, Commonwealth's Attorneys, public defenders, court services unit staff, and other juvenile justice stakeholders and decision-makers review how racial disparity differs by transfer type (judicial discretion, automatic transfer, and prosecutorial waiver) and what steps can be taken to reduce overall numbers as well as existing racial disparities.** Education should also be provided so that all decision-makers and stakeholders understand the benefits as well as the costs of using the transfer option.

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\*This curriculum teaches police to know their role in helping eliminate DMC; increase their understanding of adolescent behaviors such as testing boundaries, challenging authority, and difficulty controlling impulses; and gain strategies for communicating more effectively with youth.

## 5. DMC Assessment in Richmond

### Overview of DMC Research and Activities

In October 2003, the Annie E. Casey Foundation's Juvenile Detention Alternatives Initiative (JDAI) was implemented in seven jurisdictions across the Commonwealth of Virginia, including Richmond. The primary goals of JDAI are to protect public safety, reduce the unnecessary or inappropriate use of secure detention of youth, and redirect funding to more effective efforts. The initiative includes seven core strategies: collaboration, reliance on data, objective admissions screening, alternatives to secure detention, expedited case processing, rigorous facility inspections, and strategies to reduce racial disparities where they exist. In Virginia, the Department of Juvenile Justice (DJJ) serves as a coordinating center for detention reform efforts implemented at the local level, which is accomplished through partnerships among all key stakeholders at JDAI sites (Va. DJJ N.d.).

Between 2003 and 2009, for predisposition cases, Richmond saw a 33 percent decrease in admissions to secure detention, while the average daily population also decreased by 39 percent—very similar to the reductions found in Norfolk (Orchowsky, Poulin, and Iwama 2010). However, these detention results do not distinguish between minority and nonminority youth populations, so it is unclear whether the reductions in detention rates as a result of JDAI also caused reductions in DMC as well. During the week that the Development Services Group, Inc. (DSG), Assessment Team was conducting interviews with juvenile justice practitioners in Richmond, the city was celebrating 8 years of JDAI implementation.

In 2004, as part of their participation in JDAI, several key court players in Richmond started a workgroup that was tasked with taking a critical, top-to-bottom look at the efficiency of case processing at each decision point and stage in the juvenile justice system where delay might occur. Although the workgroup initially focused on in-custody cases, the ultimate goal was to improve efficiency throughout the entire system. The workgroup studied working strategies that had been used by courts in other jurisdictions and sought to replicate these efforts in Richmond. The workgroup collected quantitative and qualitative data on continuances, timelines of court reports, and length of stay for in-custody cases. A customer satisfaction survey was also distributed to juvenile justice practitioners, including law enforcement personnel, probation officers, clerks of court, and attorneys. Numerous strategies were implemented as a result of the workgroup's findings, including daily dissemination of detention population reports to key staff in the courts, creation of an Expeditor position in the Court Service Unit (CSU), development of an after-hours intake process, and specialized docketing (Grooms 2009).

Another strategy that came from the workgroup's findings was the formation of the Detention Review Committee (DRC) that meets on a weekly basis at the detention center to review the status of each youth being held. The committee includes staff and supervisors from the DJJ Richmond Court Service Unit, the City of Richmond Department of Justice Services, the Department of Social Services, and the Indigent Defense office. During the meetings, committee members review new admissions and existing cases to determine if youth could be better served in a less secure, community-based alternative. The Detention

Assessment Instrument (DAI) is crucial to the committee's review process. If a juvenile's score on the DAI does not indicate that secure detention is necessary but the juvenile is still placed in detention because of an override, the committee is interested in knowing the reasons behind the override (Grooms 2009). The committee also considers other factors as well, such as mental health issues, home situations, and any other factors that may affect whether a youth is detained or sent home. The committee can request detention reviews for juveniles it believes should not be in secure detention, but ultimately it is up to the juvenile court judges whether to detain.

In addition to the DRC, the Richmond Juvenile and Domestic Relations Court holds bimonthly meetings with the Chief Judge and representatives from other agencies, including the Court Service Unit, the City of Richmond Department of Justice Services, the Department of Social Services, the Division of Child Support Enforcement, the Commonwealth's Attorney, the Public Defender, and Court-Appointed Special Advocates (CASA). The multidisciplinary team meetings are designed to facilitate communication among the various agencies, in order to encourage improvements in case processing and communication among stakeholders for all types of cases under the jurisdiction of the Juvenile and Domestic Relations Court. Juvenile justice-related issues are discussed as well as any new developments, such as policy changes, that can affect the different agencies included in the meetings.\*

## **Findings From Quantitative Analysis**

### ***Characteristics of Referrals Into the Juvenile Justice System***

The following tables present the distribution of intake characteristics (referral offense, prior juvenile justice history, age, and gender) across race and ethnicity. The differences identified here between these groups define the incoming characteristics to which the juvenile justice system need to respond, and that create a framework for discussion of DMC issues.

In examining table 5.1, which shows the distribution of types of offenses, we can identify those offense types that differ between racial and ethnic groups by examining the subscripts in each row. Those groups that are different from one another will have different letters as subscripts. Occasionally, as in the third row (Probation Violations), a situation will occur in which one group (Hispanic in this instance) is at a midpoint between the other two. It is clearly the case that the proportion of probation violations among African American youth is different from (and higher than) white youth. As a result they have different subscripts (*a* and *b*). However, the proportion of Hispanic cases involving status offenses is roughly midway between the African American and white values, close enough to each that it appears similar to each and therefore has both subscripts.

Table 5.1 also illustrates one of the issues that make assessing DMC particularly difficult in Richmond. Of the 5,501 court intakes we examined, 5,158 involved African American youth, or 94 percent of the total. Since much of the DMC approach involves comparison of rates between groups, a constant issue is that the smaller numbers of cases involving either Hispanic or white youth means that the estimates of rates for those groups will have a very

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\*While conducting interviews in Richmond, the DSG Assessment Team had the opportunity to observe a meeting.

large standard error, meaning that it is difficult to detect significant differences between groups. Nonetheless, we are able to detect some differences and will proceed to examine Richmond’s juvenile justice system in a parallel fashion to the examination of Fairfax and Norfolk. In a subsequent chapter we assess the extent to which Richmond may have different rates of contact that contribute to an overall level of DMC across the Commonwealth of Virginia.

Despite the issues of small numbers of white and Hispanic youth, there are some detectable (statistically significant) differences in the offense profile, in addition to the higher rate of probation violations for African American youths, white youths have higher proportions of “other class 1 misdemeanors” and of “other felonies.” For the most part the rest of the offense profiles are similar across the three groups.

<b>Table 5.1. Offense Type, by Major Race and Ethnicity Groups, Richmond, FY2007 Through FY2010</b>					
		Major Race and Ethnicity Groups			Total
		African American	Hispanic	White	
Offense Type, Ordered by Severity of Charges	STATUS OFFENSES	602 <sub>a</sub> 11.7%	9 <sub>a</sub> 8.8%	19 <sub>a</sub> 7.9%	630 11.5%
	CONTEMPT OF COURT/FAILURE TO APPEAR	121 <sub>a</sub> 2.3%	2 <sub>a</sub> 2.0%	3 <sub>a</sub> 1.2%	126 2.3%
	VIOLATIONS OF PROBATION/PAROLE	417 <sub>a</sub> 8.1%	8 <sub>a, b</sub> 7.8%	6 <sub>b</sub> 2.5%	431 7.8%
	OTHER VIOLATIONS (e.g, alcohol, arson, some narcotics violations, obscenity, vandalism, some traffic violations, trespassing)	219 <sub>a</sub> 4.2%	11 <sub>b</sub> 10.8%	22 <sub>b</sub> 9.1%	252 4.6%
	OTHER CLASS 1 MISDEMEANORS (e.g., alcohol, disorderly conduct, FTA, some larceny, obstruction justice, narcotics, traffic, vandalism, trespassing, weapons violations)	1306 <sub>a</sub> 25.3%	30 <sub>a, b</sub> 29.4%	88 <sub>b</sub> 36.5%	1424 25.9%
	CLASS 1 MISDEMEANORS AGAINST PERSONS (e.g., assault, extortion, some sex offenses, weapons, telephone law)	1200 <sub>a</sub> 23.3%	16 <sub>a</sub> 15.7%	41 <sub>a</sub> 17.0%	1257 22.9%
	OTHER FELONIES (e.g., arson, burglary, fraud, gang offenses, larcenies, some narcotics, vandalism)	549 <sub>a</sub> 10.6%	17 <sub>a, b</sub> 16.7%	40 <sub>b</sub> 16.6%	606 11.0%
	FELONY WEAPONS AND FELONY NARCOTICS DISTRIBUTION	200 <sub>a</sub> 3.9%	2 <sub>a</sub> 2.0%	7 <sub>a</sub> 2.9%	209 3.8%
	FELONIES AGAINST PERSONS (e.g., arson, assault, kidnapping, robbery, sex offense, murder)	544 <sub>a</sub> 10.5%	7 <sub>a</sub> 6.9%	15 <sub>a</sub> 6.2%	566 10.3%
	<b>Total</b>	5158 100.0%	102 100.0%	241 100.0%	5501 100.0%

Each subscript letter denotes a subset of Major Race and Ethnicity Group categories whose column proportions do *not* differ significantly from each other at the .05 level.

The issues related to the legal status of the juvenile’s case at intake continue with examination of the prior referral history of the youth. Table 5.2 shows that while there is little difference in the proportion of cases that involve youths with a prior intake within 12 months, there is a difference in the average number of intakes within the past year among Hispanic youths, with an average of 2.7, compared with 2.0 for white youths and 2.2 for African American youths. **Looking at lifetime history, the proportion of youths with at least one prior intake is higher for African American youths, at 95 percent, although for Hispanic and white youth it is also high. On that point it is worth noting that in Fairfax the similar percentage of all cases in which a youth has a previous (lifetime) intake is 65 percent and in Norfolk it is 76 percent. Clearly the experience of youth in Richmond is different and involves repeated encounters with the justice system. The likelihood that an incoming case will have been handled previously is substantially higher than in the other two sites.**

	Major Race and Ethnicity Groups			Total
	African American	Hispanic	White	
Does youth have any intakes in past 12 months?	77%	78%	79%	77%
Number of prior intakes in past 12 months*	2.23	2.71	2.03	2.23
Does youth have any prior intakes?*	95%	88%	89%	94%
Number of prior intakes in lifetime	4.98	4.11	4.69	4.95

\*p < .05

There are also differences between the racial and ethnic groups in terms of age and gender. As shown in table 5.3, the proportion of males is much higher for cases involving Hispanic youth. **In general, the proportion of cases involving males is higher in Richmond than in the other two jurisdictions.** With respect to age, cases involving white youth tend to involve individuals who are on average approximately 6 months older than the cases involving African American or Hispanic youth.

	Major Race and Ethnicity Groups			Total
	African American	Hispanic	White	
Juvenile is male*	74%	85%	71%	74%
Age at intake*	15.5	15.6	16.2	15.5

\*p < .01

### **Actions at the Intake Stage**

Two major issues are addressed at the intake stage. The first deals with the manner in which the case is resolved at intake: whether the case will be diverted, handled in some other fashion without a formal petition of delinquency being filed, or whether a delinquency

petition is filed which in turn moves the case into the realm of formal court action. The second major issue to be addressed is whether the youth is detained while awaiting court adjudication.

In terms of the first question, the eventual resolution of the case at the intake level, table 5.4 provides the relevant outcomes. In Richmond, roughly 5 percent of cases are resolved through some nonjudicial and nondiversion methods, often a referral to another agency, a suggestion of unofficial family counseling, or other means of resolving the issues involved in the referral. This percentage is markedly lower than the rate in other jurisdictions, perhaps attributable to the lower proportion of cases that are “first timers.” The proportions of cases resolved in this fashion are not significantly different for African American, Hispanic, or white cases. Roughly another 30 percent of cases were resolved through a mandated diversion placement. These diversion placements are more prevalent for white youth (42.7 percent) and least prevalent for Hispanic youth (25.5 percent), a statistically significant difference. **Overall, nearly two thirds of cases resulted in some form of petition to the court; however, the rate of petitions for white youth is significantly lower at 51 percent.**

		Major Race and Ethnicity Groups			Total
		African American	Hispanic	White	
Intake Resolution of Incident	Resolved Without Court Action	279 <sup>a</sup> 5.4%	8 <sup>a</sup> 7.8%	15 <sup>a</sup> 6.2%	302 5.5%
	Diverted	1541 <sup>a</sup> 29.9%	26 <sup>a</sup> 25.5%	103 <sup>b</sup> 42.7%	1670 30.4%
	Petition Filed	3338 <sup>a</sup> 64.7%	68 <sup>a</sup> 66.7%	123 <sup>b</sup> 51.0%	3529 64.2%
Total		5158 100.0%	102 100.0%	241 100.0%	5501 100.0%

Each subscript letter denotes a subset of major race and ethnicity groups categories whose column proportions do *not* differ significantly from each other at the .05 level.

When we take into account the adjustments for other factors such as the type and severity of the allegations, the prior history of referrals, and the age and gender of the youth, we end up with estimates of the impact of race on these intake resolutions. Those estimates (odds ratios) are displayed in table 5.5, in the columns labeled “After Controls.” **Compared with the other informal resolutions, and compared with cases involving white youth, there are no significant impacts of being either African American or Hispanic on the odds of the case receiving a diversion outcome.**

**Looking at whether a delinquency petition is filed, after adjusting for those other factors, the odds of a petition being filed in cases involving African American or Hispanic youth are essentially equal to those for white youth.**

		Before Controls		After Controls	
		Sig.	Odds Ratio	Sig.	Odds Ratio
Diverted	African American	.443	.804	.254	.701
	Hispanic	.127	.473	.126	.446
Petition Filed	African American	.178	1.459	.879	1.050
	Hispanic	.938	1.037	.817	1.130

The reference category is Resolved Without Court Action.

The second major issue to be addressed is whether the youth is detained while awaiting court adjudication. There are two major pathways to pre-adjudication detention: 1) through judicially ordered detention and 2) through non-judicially ordered, predominantly relying on the Detention Assessment Instrument to provide the policy basis for the detention placement. In Richmond, approximately one out of four detention placements is judicially ordered and three of four are not based on judicial orders—a ratio that does not differ significantly by race or ethnicity. We are therefore looking at the combination of all pre-adjudication detainees.

Table 5.6 shows the percentage of cases in which some length of pre-adjudication detention was used. The use of pre-adjudication detention is significantly higher for African American and Hispanic youths compared with whites.

		Major Race and Ethnicity Groups			Total
		African American	Hispanic	White	
Youth Held in Preadjudication Detention?	No	3,865 <sup>a</sup> 74.9%	73 <sup>a</sup> 71.6%	205 <sup>b</sup> 85.1%	4,143 75.3%
	Yes	1,293 <sup>a</sup> 25.1%	29 <sup>a</sup> 28.4%	36 <sup>b</sup> 14.9%	1,358 24.7%
Total		5,158 100.0%	102 100.0%	241 100.0%	5,501 100.0%

Each subscript letter denotes a subset of major race and ethnicity groups categories whose column proportions do *not* differ significantly from each other at the .05 level.

In table 5.7 we introduce multivariate adjustments (controls) for the offense type and severity, number of prior referrals, age, and gender. In that table, we see that the impact of race on the pre-adjudication detention has been reduced somewhat for cases involving African American youth, but that it has increased for cases involving Hispanic youth. In both

instances, the ‘After Controls’ impact of race is statistically significant and shows that both African American and Hispanic youths, when viewed as similarly situated in terms of current offense and prior history, have higher likelihoods of pretrial detention than do white youths.

<b>Table 5.7. Logistic Regression Results, Preadjudication Detention, Richmond, FY2007 Through FY2010</b>					
Youth Held in Pre-adjudication Detention? <sup>a</sup>		Before Controls		After Controls	
		Sig.	Odds Ratio	Sig.	Odds Ratio
Yes	African American	.000	1.905	.035	1.567
	Hispanic	.004	2.262	.005	2.572

<sup>a</sup>The reference category is No.

Moving on to examine the length of stay in detention, however (table 5.8), we do not find any significant differences between groups.

<b>Table 5.8. Average Length of Stay in Detention (Days), Richmond, FY2007 Through FY2010</b>									
Type of Detention	Major Race and Ethnicity Groups						Total		
	African American		Hispanic		White				
	Mean	N	Mean	N	Mean	N	Mean	N	
Preadjudication	23.1	1,293	21.4	29	12.4	36	22.8	1,358	

P > .05 for all comparisons

### Adjudication

After intake, the next major phase is the adjudication process, where the cases are dismissed, transferred to the adult system, adjudicated delinquent, or some other action (or inaction) occurs. We have limited this analysis to those cases that are noted as formally petitioned as delinquent to the court. In examining the adjudication outcomes, we can identify those that are noted as dismissed, adjudicated nondelinquent, or handled through a formal process known as “nolle prosequi.” These we have grouped together as “released.” A second major grouping is those cases that are transferred in some fashion to the adult court system, noted in the adjudication codes as certified to a grand jury, transferred as an adult, or found guilty by a circuit court. A third major category of adjudication is those cases adjudicated delinquent. Taken together, those three listed outcomes account for approximately four out of every five cases that were petitioned to the court. The remainder we have placed in a category of “other action,” a category that includes “defer/withheld finding/,” a “fugitive file,” and cases referred to other agencies. It also contains a sizeable number of cases that have no actions listed, presumably because the case is still in process. The distribution of cases across these outcome categories is displayed in table 5.9.

<b>Table 5.9. Adjudication Outcome Category, by Major Race and Ethnicity Groups, Richmond, FY2007 Through FY2010</b>					
		Major Race and Ethnicity Groups			Total
		African American	Hispanic	White	
Adjudication Outcome Category	Release	1433 <sup>a</sup> 42.6%	28 <sup>a, b</sup> 41.2%	66 <sup>b</sup> 53.7%	1527 43.0%
	Other Action	723 <sup>a</sup> 21.5%	15 <sup>a</sup> 22.1%	26 <sup>a</sup> 21.1%	764 21.5%
	Handled as Adult	47 <sup>a</sup> 1.4%	1 <sup>a</sup> 1.5%	0 <sup>a</sup> .0%	48 1.4%
	Delinquent	1159 <sup>a</sup> 34.5%	24 <sup>a</sup> 35.3%	31 <sup>a</sup> 25.2%	1214 34.2%
Total		3362 100.0%	68 100.0%	123 100.0%	3553 100.0%

Each subscript letter denotes a subset of major race and ethnicity groups categories whose column proportions do *not* differ significantly from each other at the .05 level.

On the basis of table 5.9, we would conclude that white youths are significantly more likely to see their cases released, while cases involving African American and Hispanic youths have higher likelihoods of resulting in an adjudication of delinquency—that is, upholding the petition of delinquency. However, we need to introduce multivariate adjustments for the offense type and severity as well as prior intake history, age, and gender. The intent of the adjustments is to be able to create a comparison between groups as if they were “similarly situated,” that differences in these factors have been removed. Under those conditions, we get the results in table 5.10. In essence, **these results indicate that the differences in outcome of adjudication can be explained by differences in the type of offense alleged and in the prior records of the youth involved.**

<b>Table 5.10. Logistic Regression Results, Adjudication Outcome, Richmond, FY2007 Through FY2010</b>					
		Before Controls		After Controls	
		Sig.	Odds Ratio	Sig.	Odds Ratio
Release	African American	.294	.781	.418	.817
	Hispanic	.436	.735	.437	.723
Handled as Adult	African American	b	b	b	b
	Hispanic	b	b	b	b
Delinquent	African American	.273	1.344	.425	1.249
	Hispanic	.487	1.342	.679	1.200

a. The reference category is *Other Action*.

b. Too few non-African American cases to compute statistics.

## Sanctions Imposed

Once a case results in an adjudication of delinquency, the next question is what to do with the case: what sanctions to impose, what rehabilitative or reintegrative actions to take, and what services to offer or obtain elsewhere. In analysis of these issues, we look only at those cases with a delinquency finding and looked at several of the major options by examining three sets of records. We looked at the correctional placements, juveniles placed under probation supervision, and the detention records for post-disposition detention. These are by no means the only options available to a modern juvenile justice system, but they reflect more than half of the cases handled in Richmond. The distributions of these options, by race and ethnicity, are shown in table 5.11. There are so few Hispanic or white youths adjudicated delinquent over the 3 years that it is difficult to test whether the sanctions provided to these groups are reliably different from those experienced by African American youths. In general, the differences between African American and white youths are small, as noted by the fact that in each instance all three groups of youth are classified with the same subscript in each row. As noted below the table, each subscript letter denotes a subset of the race and ethnicity groups categories whose column proportions do not differ significantly from one another at the .05 level.

Basically, there are three results in table 5.11. **Cases involving African American youth have a higher rate of correctional placement. Cases involving both African American and Hispanic youth are more likely to receive probation sentences. And cases involving white youth are much more likely to result in the ‘other’ category.**

		Major Race and Ethnicity Groups			Total
		African American	Hispanic	White	
Sanction	Correctional Placement	238 <sub>a</sub> 15.3%	2 <sub>a, b</sub> 6.1%	0 <sub>b</sub> .0%	240 14.8%
	Postdispositional Detention With Programming	3 <sub>a</sub> .2%	0 <sub>a</sub> .0%	0 <sub>a</sub> .0%	3 .2%
	Postdispositional Detention Without Programming	83 <sub>a</sub> 5.3%	3 <sub>a</sub> 9.1%	2 <sub>a</sub> 5.4%	88 5.4%
	Probation	587 <sub>a</sub> 37.8%	15 <sub>a</sub> 45.5%	9 <sub>a</sub> 24.3%	611 37.7%
	Other	641 <sub>a</sub> 41.3%	13 <sub>a</sub> 39.4%	26 <sub>b</sub> 70.3%	680 41.9%
Total		1552 100.0%	33 100.0%	37 100.0%	1622 100.0%

Each subscript letter denotes a subset of major race and ethnicity groups categories whose column proportions do *not* differ significantly from each other at the .05 level.

When table 5.12 introduces the use of the odds ratio, a somewhat more sensitive test of differences, and when we introduce multivariate controls, we get a slightly different

interpretation. It is not possible to calculate the odds ratio for correctional placement comparing white youths with African American and Hispanic youths, since there were no white youths placed in correctional settings. The use of probation placements is no longer statistically significant for Hispanic youths, but remains significant for African American youths.

<b>Table 5.12. Logistic Regression Results, Sanctions, Richmond, FY2007 Through FY2010</b>					
Sanction <sup>a</sup>		Before Controls		After Controls	
		Sig.	Odds Ratio	Sig.	Odds Ratio
Correctional Placement	African American	b	b	b	b
	Hispanic	b	b	b	b
Postdispositional Detention Without Programming	African American	.483	1.683	.315	2.144
	Hispanic	.259	3.000	.199	3.621
Probation	African American	.013	2.646	.041	2.376
	Hispanic	.026	3.333	.147	2.339

a. The reference category is *Other*.

b. Too few non-African American cases to calculate statistics.

The use of postdispositional detention is not significantly different for any group, since so few white or Hispanic youths actually were placed in that setting, we do not compare the average length of stay.

### Summary

As a summary of our findings, we looked at each of the multivariate analyses and combined them into table 5.13. In that table, the odds ratios are displayed only for the analysis after controlling for other variables—in other words, examining cases that have been adjusted to be similar in terms of offense type and severity, prior history, age, and gender.

Although assessing DMC is difficult in a setting where more than 90 percent of the cases are of one race, there are some differences that do appear and that could be addressed in Richmond. **The use of detention, even after taking into account the current offense and history, shows a clear pattern of higher use for cases involving both African American and Hispanic youth. The use of probation, with attendant conditions and the prospect of possible violations of probation, is higher for African American youth.** Finally, while correctional placement cannot be assessed in this statistical format, it needs to be acknowledged that nearly all of the youths incarcerated from Richmond were African American.

<b>Table 5.13 Summary of Multivariate Analyses, Richmond, FY2007 Through FY2010</b>			
<b>Stage</b>	<b>Action</b>	<b>Adjusted Odds Ratio</b>	
		<b>African American</b>	<b>Hispanic</b>
Intake	Diverted	.701	.446
	Petition Filed	1.050	1.130
	Detention	<b>1.567</b>	<b>2.572</b>
Adjudication Outcome			
	Release	.817	.723
	Handled as Adult	–	–
	Found Delinquent	1.249	1.200
Sanction			
	Correctional Placement	–	–
	Postdispositional Detention without Programming	2.144	3.621
	Probation	<b>2.376</b>	2.339

Red, bold fonts p<.05

## Findings From Qualitative Interviews

Between Oct. 31 and Nov. 4, 2011, the DSG Assessment Team conducted interviews in Richmond with 22 people, including judges, the CSU Director, court staff, Detention Center staff, Department of Social Services staff, Commonwealth’s Attorneys, attorneys from the Public Defender’s Office, officers from the Police Department, school representatives, police School Resource Officers, and a representative of the Richmond Department of Justice Services (see chapter 2, Methodology, for more details).

The interviews with juvenile justice practitioners in the city of Richmond identified several mechanisms that might contribute to local DMC, including differential offending, indirect effects, mobility, policy factors, and differential handling. Local practitioners specifically highlighted issues pertaining to minority crime, school-based disorderly conduct, cross-jurisdiction offending, and diversion policies. The next section presents highlights from these interviews organized with an emphasis on various local factors that influence the juvenile justice system’s response to delinquent behaviors. The reader is cautioned again that the responses given by interviewees, even juvenile justice professionals, can be subjective or incorrect, but they can also provide instruction, insight, and direction. However, the purpose of the qualitative interviews was to seek probable explanations for disproportionately from local juvenile justice professionals as key informants.

### *Indirect Effects/Differential Offending*

Overall, white youth represent about 22 percent of the at-risk juvenile population in Richmond, with African American (70 percent) and Hispanic (5 percent) youth composing most of the balance. However, data provided by DJJ for the DMC Assessment showed that African American youth accounted for about 94 percent of intake events during the fiscal years 2008–10 study period. To get a better understanding of offending patterns in

Richmond, the DSG assessment staff aggregated five offenses commonly representing violent behaviors (assault, kidnapping, murder, robbery, and sex offenses). During the overall study period (FYs 2008–10), there were approximately 1,592 intakes in Richmond for these five offenses, and African American youths accounted for about 95.8 percent of those intakes (white youths accounted for 2.9 percent, and Hispanic youths accounted for 1.3 percent). Collectively, these five violent offenses represented about 30 percent of intake crimes of African American youth during the period, while they accounted for 19 percent of intake offenses of white youth.

Numerous juvenile justice practitioners who were interviewed reported that African American youths were more involved in violent crime than white youths. Although most respondents agreed that African American youths were more often involved in violent crime compared with white youths, not all respondents agreed to the reasons behind the patterns of differential offending. Some believed that African American male violence was a “way of life” in mostly poor and segregated African American neighborhoods, where the culture and nature of growing up in the inner city meant that African American children were raised differently and violence is seen as an acceptable response. Others pointed to socioeconomic factors (such as poverty, the availability of drugs and weapons, teenage pregnancies, community instability) that may contribute to differential offending. One respondent noted that although the volume of violent crime may be going down, the severity is going up.

Disorderly conduct was another offense that most respondents agreed involved a disproportionate number of African American youths. Richmond was unique among the three study sites in that nearly every interviewee raised serious concerns about *School Resource Officers (SROs)* as a source of a significant number of referrals to the juvenile justice system. These referrals typically allege *disorderly conduct* in the school, which is then sent on to the juvenile justice system for adjudication, rather than being processed through the school-based disciplinary system. Interviewees were vocal about their criticisms and concerns regarding the current SRO system. Several respondents believed that a significant number of cases with school-based referrals should not have been handled by the juvenile justice system. For example, one juvenile justice practitioner suggested that about 60 percent of recent school-based disorderly conduct cases should never have left the jurisdiction of the school, while another indicated that as many as 50 percent to 75 percent of recent school-based disorderly conduct cases should not have arrived at intake. During interviews, personnel from various agencies expressed similar dissatisfaction with the SROs’ response to youth behaviors in the schools. They believed that the SROs were too often turning to the option of referring youth to the juvenile justice system, rather than trying to address the problem behavior within the school environment. During several interviews, one School Resource Officer in particular was often suggested as being responsible for the majority of school-based referrals for disorderly conduct. One interviewee indicated that this specific SRO essentially ignores available alternatives to arrest. A school staff member also indicated dissatisfaction with the actions of this particular SRO, and the use of “handcuffs versus the *teachable moment*.” At the beginning of the 2011–12 school year, the sudden increase in the number of referrals coming from this SRO was so substantial that staff from the Court Service Unit held a meeting with the high school principal to discuss the sudden influx of youth being referred to the juvenile system for disorderly conduct and possible options to resolve the situation.

### ***Mobility/Justice by Geography***

Juvenile justice practitioners in Richmond cited a mobility-related contributing mechanism whereby Richmond youth are arrested and prosecuted in Henrico County (a neighboring county) and are then sent back for courtesy supervision in the city of Richmond (similar out-of-jurisdiction issues were also raised in Fairfax and Norfolk). It was noted that the White Oak Mall in Henrico is an *attractive nuisance* for Richmond youth, as there are no shopping malls in Richmond. It was reported that Henrico County youths come to Richmond to buy drugs. One CSU employee estimated that the number of cases that originate in Henrico County might account for as many as 25 percent of Richmond probation cases. Conversely, it was estimated that only about 10 percent of cases in Richmond involve youths from Henrico County who are sent back there for courtesy supervision, because there isn't a big attraction for county youths to come into the city. Several respondents believed that there were more youths leaving Richmond and getting arrested for offenses in Henrico County than there were youths coming from Henrico County and getting arrested in Richmond. It was also mentioned that the Virginia Commonwealth University area has a lot of robberies by juveniles.

### ***Legislation, Policy, and Legal Factors***

According to some respondents involved with the court system, there are numerous local policies that govern the decision to divert a juvenile from the justice system in Richmond. There is standing policy that cases involving firearms require automatic detention and another policy, which was perhaps a judicial initiative, that cases involving a carjacking also require automatic detention. However, there are also some unwritten policies that dictate when a youth should not be diverted. Court management staff reported that there is an unwritten policy that cases involving sex offenders are not to be diverted. There is also an unwritten policy that breaking and entering cases (B&E) or guns are not to be diverted. This was a judicial initiative that began last year in Richmond, and was discussed during meetings with judicial and Court Service Unit staff but was not put in writing, although there seemed to be some disagreement about this policy during interviews with other members of the court staff. Several respondents indicated that the decision to divert is subjective and could use better guidance. It became apparent to the DSG Assessment Team that while some policies were in writing and understood by all parties, other policies were unclear and require clarification through written policy. There was also some confusion from a few respondents about the diversion policies in place with law enforcement and how they decide which youth to arrest or not arrest.

### ***Differential Opportunities/Differential Handling***

A few respondents discussed the range of treatment opportunities available to youth in the juvenile justice system. Services available to youth (if they are determined to be eligible) include drug court/alcohol and drug treatment services, sex offender treatment, in-home services, community-based services, law-related education, and treatment services for serious offenders (Serious Habitual Offender Comprehensive Action Program [SHOCAP]). The recent report by the University of Cincinnati provides thorough information on the quality of services provided by public and private agencies in Richmond (Sullivan and Latessa 2010). Respondents felt that the Court Service Unit should play a more active role in deciding which

agencies to contract with, a function largely in the domain of the Richmond Department of Justice Services.

Numerous respondents noted that there were not strict eligibility requirements that may disproportionately affect minority youth from participating in treatment services, but it depended on the program. For example, several interviewees reported that the Drug Court Treatment Program prohibits participation by youths charged with a violent offense, so youths charged with a B&E (which can be classified as violent) cannot participate in the program. Further, the Drug Court Treatment Program also requires some level of parental participation, which is reported to be a burden on some. Some treatment programs may also require a certain amount of parental participation in programming services. If there is not parental buy-in, respondents noted this could affect whether youths are allowed to continue treatment services.

When asked to account for black-white differences in detention length of stay, it was suggested by some respondents that African American youths were more likely to have come from a “dysfunctional” family environment. The court may not see this as viable when asking if the youth can go home to a functional environment, thereby possibly leading to longer detention time and a possible placement.

## Recommendations

Overall, the interviews with juvenile justice practitioners in Richmond revealed several system-level and individual-level factors that may contribute to the disproportionate representation of minority youth in the system. Based on the quantitative and qualitative information gathered for this assessment, the following recommendations are made:

1. More than 94 percent of the youth coming into contact with the juvenile court in Richmond are African American. Because of this very high percentage, disparity is hard to measure within Richmond since there is such a small comparison group of white youth. However, decreasing the overall numbers of youth being referred to court, detained, securely confined, and transferred to adult court, and increasing the numbers of youth being diverted, will improve DMC statewide and could improve the lives of the children whose penetration into the juvenile justice system could be prevented or limited. **To ensure an overall reduction in the numbers of youth in the system, it is recommended that existing programming for youth be analyzed for accessibility and effectiveness.** The analysis should cover existing prevention programs, immediate sanctions (including court diversion options), intermediate sanctions, residential programs, and reentry programs to determine effectiveness and accessibility, and to identify needs for new programs. Programming should target the youth who are already involved in the juvenile justice system or who are most at risk of system involvement.
2. Numerous interview subjects complained about the proliferation of juvenile justice referrals emanating from Richmond schools. Yet when the DMC Assessment attempted to analyze school-based referrals, it was determined that *Petitioner Type* (i.e., the source of the referral) was missing/not reported in approximately 61 percent of the cases, making analyses impossible. **It is therefore recommended that the jurisdiction make**

concerted efforts to improve the completeness of data at the Intake stage, and that quality control be imposed to reduce missing information.

3. Fairfax County and Norfolk both have postdispositional (post-D) programs operated out of their detention centers. These programs allow the jurisdictions the option of keeping youths in the community who might otherwise be sent to a correctional placement operated by the Commonwealth. Post-D programs have several advantages: they allow unused detention space to be put to use, they are therapeutic in nature, and they provide 6 months of aftercare programming.\* **It is recommended that Richmond explore the option of developing a post-D program for appropriate adjudicated youth.**
4. DMC Assessment participants in Richmond were clearly vocal about the large number of court referrals coming from schools, as well as the aggressive policing role of certain SROs. Overall, it appears that the school-based disciplinary process is not being exhausted prior to an arrest/court referral. **It is recommended that the schools and the police revisit their expectations for the presence of SROs in schools. The police should evaluate the cultural competency components of its SRO training curriculum, and consider including juvenile Probation Officers as trainers to provide a particular focus on adolescent contact and supervision. The schools should prepare offense-specific protocols outlining what the recommended school disciplinary process should be, and these protocols should be incorporated into SRO training and school/police operating agreements.** Both schools and police should strive to dramatically reduce the numbers of school-based incidents that result in arrest and court referral.
5. The decision to divert a case appears to be somewhat subjective in Richmond. In addition to the Commonwealth code, according to juvenile justice staff, there appear to be *unwritten* policies that certain cases are not to be diverted. These practices can lead to uneven decision-making and potentially allow the introduction of bias into the process. **It is recommended that the jurisdiction incorporate an objective assessment into diversion decisions, and policies and practices should be written and regularly monitored for implementation fidelity.** Fairfax County has recently developed a decision-making tool for diversion intake that has been pilot-tested. The Commonwealth should consider reviewing these findings and making a tool available to all jurisdictions.

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\*More information on the Fairfax County Beta program can be found at <http://www.fairfaxcounty.gov/courts/jdr/jdc/jdc05postd.htm>.

## 6. Summary and Recommendations

### Summary of Quantitative Findings

In this summary section we bring together the data analysis observations in the three jurisdictions, highlighting those areas of similarity and dissimilarity in terms of contributing to DMC issues. We take two major approaches to this topic. First, we examine the significant factors related to DMC found at each of the sites. The purpose is to explore consistency in the apparent DMC issues to be addressed, and highlight those areas where there is a consistent issue, which may therefore suggest that additional concerted and shared effort across the sites may be productive. Second, we examine the processing of cases involving African American juveniles across the three sites, looking for consistencies or dissimilarities in the patterns of juvenile justice in these jurisdictions. Since all three jurisdictions have significant populations of African American youth, and contribute to the overall pattern of DMC within the Commonwealth, the objective here is to identify areas in which exchange of practices or options between sites may be productive.

### Factors Related to DMC in Each of the Jurisdictions

In examining the data analysis within the three sites, a summary of findings is produced in table 6.1. That table displays the results of the multivariate analyses for each site. The bold red numbers indicate areas in which the odds ratios for either African American or Hispanic cases indicate significantly different handling from cases involving white youth.

		Fairfax		Norfolk		Richmond	
Stage	Action	African American	Hispanic	African American	Hispanic	African American	Hispanic
Intake	Diverted	<b>0.73</b>	1.17	0.82	0.90	0.70	0.45
	Petition Filed	0.88	<b>1.44</b>	<b>0.80</b>	0.96	1.05	1.13
	Detention	<b>1.66</b>	<b>1.56</b>	<b>1.49</b>	<b>2.17</b>	<b>1.57</b>	<b>2.57</b>
Adjudication Outcome	Release	1.10	0.98	<b>1.32</b>	1.80	0.82	0.72
	Handled as Adult	0.51	2.26	2.40	--	--	--
	Found Delinquent	<b>1.26</b>	<b>1.32</b>	<b>1.37</b>	<b>2.12</b>	1.25	1.20
Sanction	Correctional Placement	<b>2.09</b>	<b>1.96</b>	<b>2.18</b>	--	--	--
	Postdispositional Detention With Programming	1.16	1.27	0.75	--	--	--
	Postdispositional Detention Without Programming	0.82	0.81	<b>2.02</b>	1.36	2.14	3.62
	Probation	<b>0.69</b>	0.89	1.26	1.67	<b>2.38</b>	2.34

**Red, bold fonts p<.05**

Several consistent themes stand out in table 6.1. First is the prevalence of concerns about the use of preadjudication detention. At each site, there are marked and significant disparities in the use of detention, and in both Norfolk and Richmond those disparities are substantially larger for Hispanic youth, although Hispanic youths in each of those jurisdictions account for a far smaller portion of the population than African American

youths. Second is the pattern in both Fairfax and Norfolk that both African American and Hispanic youths have a higher likelihood of being found delinquent. We suspect the small number of white cases in Richmond made detecting a significant effect more difficult. Those consistent differences call into question the provision of defense legal services for minority youth, as well as questioning the large numbers of “other” handling of cases in which petitions were filed but no adjudications were noted in the data files. These “other” handlings are much more frequent for white juveniles, which suggests that this is not simply a matter of missing information, but rather a set of options in handling cases that warrants recognition and may pose a set of options that need to be expanded for the use of African American and Hispanic youth.\*

### ***Comparing Processing Across the Jurisdictions***

This section examines the processing of African American youth across the three jurisdictions. In both Norfolk and Richmond, the analysis of the experiences of African American youths is hampered by the low numbers of white youths in the justice system (as well as low proportions of white citizens in these communities). That means a comparative basis to assess processing of African American youth is not easily obtained within the jurisdiction. The purpose of this section is to provide such a comparison—to use the experiences at other sites to provide a benchmark for examining experiences of African American youths with the justice system (Hispanic youths are less well represented in Norfolk and Richmond, so such a comparison for Hispanic groups is less feasible).

In tables 6.2 and 6.3 we explore the differences in cases coming into these three justice systems. A cursory examination suggests that issues leading to intake are substantively different in the three jurisdictions. The proportion of status offenses in Norfolk, for example, is dramatically higher than in the other communities. At the other end of the spectrum, felony weapons, narcotic distribution, and crimes against persons are substantially higher proportions of the cases in Richmond.

Examining other characteristics of the cases, the proportion of males is lower in Norfolk (consistent with more status offenses). The average ages are similar, but when we examine prior history of intakes, we find a substantive difference. In both Fairfax and Norfolk, somewhat over half of cases involve a youth who has been in the court within the past year, while in Richmond that figure is more than three fourths of the cases. Extrapolating to look at juveniles’ lifetimes, nearly all of the cases in Richmond involve a juvenile with a prior contact, while in Fairfax and Norfolk the proportion—while still high—is lower.

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\*One reviewer commented that these are probably either restitution or community service sanctions that are awaiting completion. If so, this reinforces the idea that adjudication outcomes may differ by race in ways that provide disadvantages for youths of color.

<b>Table 6.2. Offense Type by Community, African American Youth Only, FY2007 Through FY2010</b>					
		Community			Total
		Fairfax	Norfolk	Richmond	
Offense Type, Ordered by Severity of Charges	STATUS OFFENSES	382	1476	602	2460
		9%	27%	12%	17%
	CONTEMPT OF COURT/FAILURE TO APPEAR	417	104	121	642
		10%	2%	2%	4%
	VIOLATIONS OF PROBATION/PAROLE	576	255	417	1248
		14%	5%	8%	9%
	OTHER CLASS 1 MISDEMEANORS (e.g., alcohol, disorderly conduct, FTA, some larceny, obstruction of justice, narcotics, traffic, vandalism, trespassing, weapons violations)	532	456	219	1207
		13%	8%	4%	8%
	CLASS 1 MISDEMEANORS AGAINST PERSONS (e.g., assault, extortion, some sex offenses, weapons, telephone law)	998	1239	1306	3543
		25%	23%	25%	24%
	OTHER FELONIES (e.g., arson, burglary, fraud, gang offenses, larcenies, some narcotics, vandalism)	448	952	1200	2600
		11%	18%	23%	18%
	FELONY WEAPONS AND FELONY NARCOTICS DISTRIBUTION	497	473	549	1519
		12%	9%	11%	10%
FELONIES AGAINST PERSONS (e.g., arson, assault, kidnapping, robbery, sex offense, murder)	32	42	200	274	
	1%	1%	4%	2%	
OTHER CLASS 1 MISDEMEANORS (e.g., alcohol, disorderly conduct, FTA, some larceny, obstruction of justice, narcotics, traffic, vandalism, trespassing, weapons violations)	188	376	544	1108	
	5%	7%	11%	8%	
<b>Total</b>		4070	5373	5158	14601
		100%	100%	100%	100%

<b>Table 6.3. Characteristics of Intake Cases, African American Youth Only, FY2007 Through FY2010</b>				
	Fairfax	Norfolk	Richmond	Total
Juvenile Is Male	71%	64%	74%	70%
Age at Intake	15.7	15.3	15.5	15.5
Does Youth Have Any Intake in Previous 12 Months?	56%	54%	77%	62%
Does Youth Have Any Prior Intakes?	72%	79%	95%	83%

As we move into the actual processing in the court, the first step is intake. As noted in table 6.4, a substantial proportion of cases in Norfolk are resolved at intake with no further court action required. By contrast, Richmond has a much higher use of formal diversion requirements. Taken in concert with the more serious offense pattern in Richmond, this

suggests the existence of formal diversion programs that might be examined in more depth to see whether there are options that could be cultivated in the other sites. As a consequence of the higher use of diversion, Richmond files formal petitions in a lower percentage of cases.

		Community			Total
		Fairfax	Norfolk	Richmond	
Intake Resolution of Incident	Resolved Without Court Action	390	1224	279	1893
		10%	23%	5%	13%
	Diverted	515	965	1541	3021
		13%	18%	30%	21%
	Petition Filed	3165	3184	3338	9687
		78%	59%	65%	66%
<b>Total</b>		4070	5373	5158	14601
		100%	100%	100%	100%

Also at intake we examine the use of preadjudication detention, shown in table 6.5. The use of detention in Richmond stands out, particularly in the context of the higher use of diversion programs.

		Community			Total
		Fairfax	Norfolk	Richmond	
Youth Held in Preadjudication Detention?	No	3367	4446	3865	11678
		83%	83%	75%	80%
	Yes	703	927	1293	2923
		17%	17%	25%	20%
<b>Total</b>		4070	5373	5158	14601
		100%	100%	100%	100%

As noted earlier, the use of detention for cases involving African American youth is an area that contributes to DMC in each of the communities. Although the Commonwealth has provided a common Detention Assessment Instrument, it is not used in all instances and ought to be examined for additional ways in which it could reduce the contribution to DMC. This clearly is an area in which additional attention could be productively provided.

After intake, for those cases in which a petition was filed, we examine the outcome of the adjudication process. In table 6.6 we can see that Richmond records releases for a markedly higher proportion of these cases than does Fairfax or Norfolk. In each community, a remarkably similar percentage of cases results in an adjudication of delinquency.

<b>Table 6.6. Adjudication Outcome Category by Community, African American Youth Only, FY2007 Through FY2010</b>					
		Community			Total
		Fairfax	Norfolk	Richmond	
Adjudication Outcome Category	Release	706	741	1433	2880
		22%	23%	43%	30%
	Other Action	1396	1176	723	3295
		44%	37%	22%	34%
	Handled as Adult	4	70	47	121
		0%	2%	1%	1%
	Delinquent	1065	1208	1159	3432
		34%	38%	34%	35%
<b>Total</b>		3171	3195	3362	9728
		100%	100%	100%	100%

After adjudication, we face the question of sanction. Table 6.7 presents the distribution of sanctions in each community for cases involving African American youth. Notably, Richmond has a much higher rate of placement of youth in correctional settings, while both Norfolk and Fairfax are using higher levels of postdispositional detention with programming. In some ways these represent a local alternative to the use of correctional placements. Seen in this context it still appears that Richmond cases are more likely to be placed in a secure correctional style setting, which will exacerbate the statewide level of DMC. However, this statement needs to be placed within the context of a higher level of serious felony allegations at intake, which might be expected to result in correctional placements.

<b>Table 6.7. Sanction by Community, African American Youth Only, FY2007 Through FY2010</b>					
		Community			Total
		Fairfax	Norfolk	Richmond	
Sanction	Correctional Placement	43	119	238	400
		3%	8%	15%	9%
	Postdispositional Detention With Programming	21	54	3	78
		2%	4%	0%	2%
	Postdispositional Detention Without Programming	52	148	83	283
		4%	10%	5%	6%
	Probation	550	470	587	1607
		40%	33%	38%	37%
	Other	711	654	641	2006
		52%	45%	41%	46%
<b>Total</b>		1377	1445	1552	4374
		100%	100%	100%	100%

Clearly, this information simply begins to scratch the surface of possible contributors to DMC, but it does point to apparent differences in the available options and decision processes used at the community level. Moving to understand these issues may help in addressing a statewide issue of DMC.

## **Qualitative Findings**

During the qualitative interviews, juvenile justice practitioners in Richmond, Norfolk, and Fairfax identified numerous contributing mechanisms that may be influencing the disproportionate representation of minority youth in the local juvenile justice systems. A few concerns were consistently mentioned at all three sites. The primary set of issues concern data collection and quality. These issues should be addressed locally and statewide. Overall, however, the qualitative interviews at all three sites illustrated the unique problems that face all jurisdictions as they attempt to address DMC. The reader is cautioned again that the responses given by interviewees, even juvenile justice professionals, can be subjective or incorrect, but they can also provide instruction, insight, and direction. However, the purpose of the qualitative interviews was to seek probable explanations for disproportionately from local juvenile justice professionals as key informants.

In Richmond, many respondents noted a few system-level policies and processes that could be contributing to the disproportionate representation of minority youth. For example, several respondents specifically noted the role that School Resource Officers (SROs) play in referring a large number of minority youths to the justice system for offenses such as disorderly conduct. Some respondents even pointed to a specific SRO employed at one public high school who accounted for a large portion of referrals. In addition, it became apparent from interviews that although the diversion process used some structured decision-making tools, including a Detention Assessment Instrument, the process still allows for a certain amount of subjectivity. The court system in Richmond follows several formal diversion policies, such as not diverting youths charged with felony offenses, but there are also some informal policies that drive the diversion decision, such as not diverting youths charged with breaking and entering. Another issue that was discussed by a few respondents related to the number of youths from surrounding jurisdictions (specifically Henrico County) that come into Richmond and commit a crime. Those youth are charged in the Richmond juvenile justice system but sent back to Henrico County for courtesy supervision. Similarly, Richmond youths who go to Henrico County and commit a crime would be charged with an offense in Henrico County but would serve probation in Richmond under courtesy supervision. This situation could potentially affect the total number of Richmond youths included in the data at each decision-making point, which could in turn influence the accuracy of Relative Rate Index (RRI) values. Finally, a few respondents discussed the range of treatment opportunities available to youth in the juvenile justice system. Services available to youths (if they are determined to be eligible) include drug court/alcohol and drug treatment services, sex offender treatment, in-home services, community-based services, law-related education, and treatment services for serious offenders (the Serious Habitual Offender Comprehensive Action Program).

In Norfolk, a few respondents made similar observations about the school system. Respondents noted many white youths in the city attended private schools, which likely handled disciplinary issues within the school among students and parents, while many African American youths attended public schools, which have zero-tolerance policies and are more likely to refer youths to the juvenile justice system for school-based offenses rather than handle the problem in the school. These different school environments could

contribute to the overrepresentation of minority youth in the system. In addition, it was reported that a larceny involving items valued at \$200 or more was considered a felony. It was noted this could easily constitute shoplifting a small amount of items from a local shopping mall. There appears to be considerable controversy surrounding this offense, not just in Norfolk but also across the other two sites studied, as to how the \$200 felony threshold is determined. Some interviewees argued that the original purchase price of an item governs the amount that determines the offense charged, while others contended the current market value of an item affects the decision more. Both sides of the disagreement have cited points of law supporting their positions. The choice of valuation makes a difference, considering, for example, that a 2-year-old Apple iPhone originally priced at \$400 might have a current market value of just \$25. This is especially relevant to larcenies taking place in schools where cell phones, music devices, and computers are commonly stolen. This could have considerable DMC impact as data shows minority youths were more likely than white youth to have felony charges during the study period. Also similar to Richmond, some respondents noted the Norfolk Detention Center also serves youth from Northampton and Accomack communities, which could affect the total count of Norfolk youth held in detention, thus affecting RRI values as well. With regard to detention, numerous respondents indicated that Norfolk reviews its detention cases for possible release on a regular basis. This work is done by the Detention Review Committee. However, it was reported in an interview that neither the Public Defender's Office nor the Office of the Commonwealth's Attorney was represented at the majority of meetings throughout the 9-month period from March through November 2011. (The Public Defender's Office was said to have attended once, and the Office of the Commonwealth's Attorney attended twice during the period.) Participation by these agencies was suggested to be critical to get detained juveniles on the dockets for possible release discussions. Their absence from the review process can have obvious ramifications for the overall length of stay in detention for minority youth who dominate the detention population.

In Fairfax, very different contributing mechanisms were the emphases of most interviews. For example, transportation issues were discussed by several respondents who felt minority youth from the southeastern sections of the county may be at a disadvantage if they cannot get to and from the courthouse in Fairfax. In addition, Fairfax is different from other jurisdictions in Virginia because more than 100 languages are spoken by children who attend public school, attesting to the great diversity of the local population. Interview respondents spoke in particular of large groups of Middle Eastern, Korean, Vietnamese, Haitian, Sudanese, and Ethiopian peoples. They reported a rise in arrests among Middle Eastern, Haitian, and Somali populations, as well as Korean and Vietnamese. However, during the interviews this also raised an interesting issue because there appears to be considerable confusion and variation as to how to classify/code race and ethnicity among juvenile justice staff. In addition, a few respondents identified numerous language-related issues in Fairfax that might contribute to DMC and be associated with both differential handling and differential opportunities for prevention and treatment. For example, it was suggested that Hispanic youths and SROs have difficulty communicating effectively, which may cause manageable situations to escalate into problems. Another issue that surfaced during interviews was the scheduling of detention hearings for juveniles, which appears to be a subject of some controversy and disagreement. It was explained that detention hearings are held daily at 1:30 p.m. If a juvenile is in detention, the hearing provides an

opportunity for him or her to be released by the court. However, staff noted that to be on the 1:30 p.m. hearing docket, there must be a petition filed with the court by 12 p.m. the day before the hearing. This apparently allows for necessary paperwork and proper notifications to relevant parties. According to such a schedule, anyone detained after the noon deadline must automatically spend extra time in detention simply because of the filing requirements. For example, if a youth is detained at 1 p.m. on Tuesday, instead of appearing at a hearing on 1:30 p.m. Wednesday, the case would get docketed for a 1:30 p.m. Thursday hearing. A few respondents discussed the Fairfax Detention Review Committee (DRC), which meets every Thursday. Members of the committee indicated that the Fairfax DRC does not actually conduct a review of each case to consider the potential for a release and a subsequent proposal for a detention hearing. Rather, the committee reviews the current status of each case and updates information on a master list of detention cases. Further, Gang Prevention staff estimated that more than three fourths of their program clients are Hispanic youth. While Hispanic youths account for 15 percent of the youth population in Fairfax, they accounted for about 26.5 percent of intakes during the study period. Although events with gang charges as the most serious offense represent fewer than 1 percent (101) of all intakes, Hispanic youths accounted for about 65 percent of those cases. Finally, it was reported in some interviews that youth from the District of Columbia (DC) commonly come to the Springfield Mall in Fairfax, which is located near a Metro stop. Tysons Corner Center reportedly attracts few youths from the District of Columbia because it is not near a Metro stop. It was thought by some respondents that many of these cross-border visits might sometimes result in an arrest, perhaps for larceny, and that D.C. youths could represent as many as 10 to 15 percent of Fairfax arrests.

Although there were some similarities in the discussions about contributing mechanisms among the respondents from each jurisdiction, overall the interviews illustrated that Richmond, Norfolk, and Fairfax face unique situations that must be recognized and considered when addressing DMC-related issues. For example, Fairfax may wish to address the transportation issue, a countywide issue that seems to present a particular problem for minority youth from the southeastern section of the county, while transportation is not seen as an important issue affecting DMC in Richmond and Norfolk. In addition, Richmond seems to have established a DRC that meets regularly to review cases of youth currently being held in detention in order to send recommendations to judges about youths who could be released. However, the Fairfax DRC does not appear to currently be in a position for making such recommendations to judges about possible early releases, and the Norfolk DRC has had some difficulties getting all the necessary parties to participate in committee meetings. It is important that each jurisdiction understand the primary contributing mechanisms that may lead to overrepresentation of youth in the local juvenile justice system. Officials at each site will need to tailor appropriate responses to those contributing mechanisms at the local level.

## Recommendations

The DMC Assessment is intended to be both exploratory and practical in nature. It is exploratory in the sense that it seeks to discover possible mechanisms that could contribute to DMC in a jurisdiction. It is practical in the sense that it seeks to guide a jurisdiction toward DMC-reduction efforts that might be fruitful, given the nature of contributing mechanisms that appear to be operating in a jurisdiction. There is not likely to be a *single* cause of DMC

in a complex juvenile justice system, nor is there likely to be a ‘magic bullet’ that will make DMC disappear. Rather, jurisdictions entering the intervention stage of DMC reduction should expect to find themselves engaging in a simultaneous mix of direct services, training and technical assistance, and systems change efforts.

The present assessment of DMC in Fairfax, Norfolk, and Richmond identified numerous mechanisms that are considered to contribute to DMC. Wherever possible the assessment has made corresponding recommendations for actions to reduce the impact of those mechanisms. Some of these recommendations might involve changes in policy; some might require a retooling of existing practices; some might require investment in new or expanded program services. It is, therefore, critical that each jurisdiction engage in some form of coordinated strategic planning to identify and support those recommendations that will be advanced in their community. This effort must also incorporate a plan to *evaluate* the impacts of each intervention and *monitor* its subsequent effects over time on DMC reduction in a jurisdiction.

### **Statewide Recommendations**

1. Prior history and allegation severity are contributing mechanisms to much of the racial disparity in Virginia’s juvenile justice system. It is quite clear in the assessment data that African American youths in the study jurisdictions disproportionately commit serious and violent crimes. In terms of consequences, offenders who commit such offenses are generally denied diversion, they are more likely held in secure detention, and they have a greater likelihood of being petitioned to court, adjudicated, and sanctioned. This is the very essence of disproportionate minority contact. Efforts to reduce DMC **must** begin with efforts to reduce the flow of minority youth into the juvenile justice system and **must** focus on those behaviors that have the greatest consequence for deep penetration into the juvenile justice system—serious and violent crime. The National Research Council (2012) suggests that reform efforts to reduce DMC should pay special attention to the arrest and detention stages at the front end of the system. **We recommend that Virginia review a) the effectiveness of existing prevention programming, b) the extent to which existing programming targets (and is successful with) minority populations, and c) the areas where more programming is needed. The significant keys to such interventions are neighborhood/school-based initiatives that provide primary prevention focused on increasing the protective factors associated with moral reasoning, conflict resolution, and anger management skills of minority youth.** These skills are crucial for mediating the spontaneous altercations that bring so many minority youths into the juvenile justice system. **There is also tremendous potential benefit to programming that provides youth with such skill enrichment at the diversion, detention, and adjudication stages as these skill sets may reduce recidivism to the juvenile justice system.** Aggression Replacement Training (ART), Moral Reconciliation Therapy (MRT), Repeat Offender Prevention Program (ROPP), and Project Back-on-Track are examples of evidence-based programs that have demonstrated success in helping youth.\*

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\*Resources to determine appropriate prevention programs to implement can be found in OJJDP’s *Model Programs Guide (MPG)* [<http://www.ojdp.gov/mpg/>] and the *OJJDP DMC–Reduction Best Practices Database* (<http://www.ojdp.gov/dmcbestpractices/>).

2. **It is recommended that the Commonwealth review and assess its criteria for access to diversion and other programs.** This may not mean a programmatic change so much as a policy change that increases the number of times a youth may participate in diversionary programs (currently the limit is one time). It appears that minority youth come into the juvenile justice system multiple times, and that it may require multiple efforts to prevent continuing entry into the system. Most of the available research literature suggests that deeper penetration into the juvenile justice system is harmful. **It is also recommended that the Commonwealth increase restorative justice options, such as victim-offender mediation, youth courts, and reconciliation programs; and encourage jurisdictions to collaborate with their respective police agencies to encourage the establishment of police diversion programs.**
3. There is a need for more detention alternatives, advocacy, and community-based services and supervision for youths being considered for secure preadjudication detention. Aside from differential offending (allegation severity and prior history), contributing mechanisms for DMC at detention were not identified through the quantitative analysis. However, some interview respondents suggested that African American youths may be more likely to be placed in detention and have longer lengths of stay in detention because of difficulties in getting family members into court, transportation issues in getting someone to pick up a youth, or other family issues. All the jurisdictions studied had some, or many, of the full range of detention alternatives. **It is recommended that expanded use of advocates, electronic monitoring, house arrest, shelter care, and day reporting centers be encouraged.** Advocacy at the detention hearing can be helpful in providing structure, supervision, and community-based services, which subsequently may convince a judge to allow a youth to go home instead of to secure detention. Examples of short-term advocacy programs geared toward diverting youth from detention include the Detention Diversion Advocacy Program (DDAP), the Pre-Adjudication Coordination and Transition (PACT) Center in Baltimore, Md., and the Minority Family Advocate (MFA) programs, the last being a network of Colorado programs whose advocates serve as social support, mentor, tutor, court-based supervisor, and as coordinator of resources in the community.\*
4. DMC can be illustrated by examining statewide data for a particular period. This data is somewhat limited because the spreadsheets reported by the Commonwealth do not include juvenile arrests or cases transferred to adult court. Virginia officials do not include arrest data because they are not considered reflective overall of initial juvenile contacts with the system. In Virginia, intake is the primary first point of contact. Arrests are, however, extensively analyzed as part of Virginia's 3-Year Plan but in summary and on a statewide basis. **It is recommended that the Commonwealth should consider altering its juvenile arrest reporting and data dissemination, and integrating that arrest data with other juvenile justice information available to the cities and counties for use in DMC RRI measurement and assessment studies.**

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\*These programs can be found in OJJDP's *DMC-Reduction Best Practices Database* (<http://www.ojjdp.gov/dmcbestpractices>).

5. DJJ publishes an annual *Data Resource Guide* that presents many descriptive statistics on the Commonwealth's juvenile justice system. These data are useful for many planning purposes. However, during the course of the DMC Assessment it became apparent that it is very difficult to track and analyze the outcomes of cases through the system, in large part because of structural limitations of the Commonwealth's multiple data systems operating under the aegis of differing agencies, including DJJ and the Supreme Court of Virginia. **It is recommended that the Commonwealth expand the analytic versatility of its juvenile justice databases, especially to ensure that all relevant decision-makers and decisions are fully represented.** In particular, actions that take place in the courts (adjudication outcomes, sentences, representation by counsel, forms of hearings, etc.) need to be fully represented in the dataset both to ensure accuracy and to enhance the future ability of the Commonwealth to adequately assess the decision-making processes.
6. There is insufficient data available on the feeder pathways for youth in each of the jurisdictions. While there is *speculation* about the "school-to-prison pipeline," and while there was evidence in Richmond that School Resource Officers make many arrests, we do not have sufficient information on whether they have a school-to-prison pipeline. **It is recommended that the Commonwealth add the category of School Resource Officer under 'Petitioner Type' in the Juvenile Tracking System.** This small modification in coding will allow improved tracking of the extent to which schools may be feeding this pipeline.
7. A larceny involving property valued at \$200+ is considered a felony in the Commonwealth. There is considerable confusion in each of the three sites regarding the methodology for determining whether the \$200 threshold has been met. Some interviewees argued that the original purchase price of an item governs, while others argued that current value governs. Proponents of both positions were convinced that law was on their side. This is a training issue. **It is recommended that the Commonwealth inform jurisdictions of the proper valuation methodology and ensure that offenders are appropriately charged. It is even more important that the legislature review the appropriateness of the \$200 threshold in the contemporary economy and consider raising it.**
8. Virginia is one of only 18 states/territories with a federal Formula Grants (Title II) allocation (FY2011) greater than \$1 million. It clearly has a financial incentive to remain compliant with the DMC Core Requirement. In this light, **it is recommended that the Commonwealth consider elevating the DMC Coordinator position to full-time status. In addition, the Commonwealth should consider providing some level of support for local DMC efforts with federal juvenile justice funds.** Each jurisdiction should strive to establish and maintain a local DMC Committee or similar group focused on implementing the federal Office of Juvenile Justice and Delinquency Prevention (OJJDP) DMC-Reduction Model.
9. Interview data suggested that there could be considerable numbers of youth who reside outside the Fairfax, Norfolk, and Richmond communities but who are arrested and prosecuted within those jurisdictions and are then placed on "courtesy supervision" in their home communities. These youths would not be reflected in local at-risk population statistics but might be found in referral, prosecution, and adjudication data. Local youths

could likewise be found in other nearby jurisdictions. Such situations have the potential to contaminate DMC measurement data. DMC statistics for local communities should be prepared and examined both in terms of the jurisdiction in which the offending occurs and in terms of the youth's home jurisdiction.

10. While the DMC Assessment study satisfies Virginia's obligation to address the DMC Core Requirement for an assessment, this study focused on only three jurisdictions. The present study was clearly fruitful in identifying local mechanisms that contribute to DMC in those jurisdictions. **It is recommended that the Commonwealth continue and extend such assessment efforts in each of its major jurisdictions to ensure the fair and equal treatment of youths by the juvenile justice system.** Assessment results, in turn, should guide DMC-reduction *interventions* in local jurisdictions.

In addition to the overall recommendations listed above, specific recommendations are provided for each of the three jurisdictions based on the results of the qualitative and quantitative analyses. (These recommendations also appear in chapters 3, 4, and 5.)

### **Recommendations for Norfolk**

11. Norfolk has been implementing JDAI since 2005. Although Norfolk did not enter into the JDAI strategy as a way to reduce DMC, the city has used it as a foundation to start the conversation. JDAI can help reduce DMC at the detention stage and at other, subsequent stages. However, an explicit emphasis on reducing racial and ethnic disparities is essential (JDAI 2009a). If an intentional emphasis on DMC reduction is missing, detention reform may improve rates for the overall population without reducing DMC. Sites that have been successful in reducing DMC (such as Multnomah County, Ore.; Santa Cruz; Calif.; Massachusetts; and Harris County, Texas [JDAI 2009b]) have made DMC reduction a clear priority in their JDAI work. These successful sites have all organized DMC-specific JDAI committees or task forces. **It is recommended that Norfolk increase its emphasis on DMC within its JDAI work and committees.** Ultimately, JDAI cannot be considered a DMC-reduction strategy if DMC reduction is not a clear and supported goal of the initiative.
12. **It is recommended that juvenile justice administrators ensure that the data collected at certain decision points—particularly at the arrest, probation, and detention stages—are not affected by the presence of youth from jurisdictions outside of Norfolk.** If youths from Hampton or surrounding jurisdictions are showing up in the data, juvenile justice administrators should determine the possible impact on their local DMC data.
13. **It is recommended that clarification and training be made available for practitioners who are involved in the decision-making process regarding the \$200 felony threshold in larceny cases.** Policies regarding the determination of the value of stolen items (which determine whether youths are charged with a felony or a misdemeanor larceny) be clarified so there is no confusion or differences in how youths are charged with this particular crime. It is evident from the interviews that the current policy allows for subjective decision-making, which could contribute to DMC.

14. Some respondents indicated that representatives from the Office of the Commonwealth’s Attorney and the Public Defender’s Office do not attend regularly scheduled Detention Review meetings, which could affect the amount of time youths spend in detention. These offices are critical stakeholders in juvenile case processing, and active participation should be considered essential. **It is recommended that officials in Norfolk make every effort to ensure that representatives from the Office of the Commonwealth’s Attorney and the Public Defender’s Office attend the Detention Review.**
  
15. A considerable number of minority youths have been arrested for trespassing at public housing facilities in Norfolk. **It is recommended that the jurisdiction examine whether arrest is the only viable option for these cases, or whether there is another option that can be exercised by officials.**
  
16. Some interview respondents suggested that African American youths may present an “attitude” toward juvenile justice officials that impedes their release. This very example is used in the 2001 JDAI publication *Reducing Racial Disparities in the Juvenile Justice System*, which describes how unfamiliar body language can be easily misinterpreted in ways that negatively affect judgments about minority youth. Improving the gap in communication between decision-makers and minority youth can help prevent and reduce such misinterpretations. **It is recommended that decision-makers receive training in how to better communicate and work with young people, including how to interpret teenagers’ body language, because this training could be helpful in building understanding and possibly in reducing DMC.** “Effective Police Interactions with Youth,” developed and implemented in Connecticut for police officers, is an example of such training, and was found to be successful in increasing knowledge and improving police attitudes toward youth (Connecticut Office of Policy and Management Criminal Justice Policy & Planning Division N.d.\*).
  
17. **Deeper examination of racial disparities at adjudication is recommended.** Even after controlling for severity, prior history, gender, and age, much disparity still exists for African American and Hispanic youths at adjudication. They are more likely than white youths to be found delinquent and handled as adults than to receive “other action.” In fact, after control variables were introduced, Hispanic youths were *more* likely than white youths to be adjudicated delinquent. However, African American and Hispanic youths are also more likely to be released than to receive “other action.” These disparities warrant further investigation.
  
18. Among adjudicated youths, Norfolk handled more of its youths as adults than Fairfax and Richmond, and nearly all of these youths were African American. Attention to this stage is warranted given the high percent of African American youths being transferred (African American youths were twice as likely as white youths to be transferred), and also given that the consequences juveniles face at this stage are much greater than at other decision points in the system. Adding to the racial disparity consequences at this stage, research has demonstrated that transferring youth to adult court increases recidivism

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\*This curriculum teaches police to know their role in helping eliminate DMC; increase their understanding of adolescent behaviors such as testing boundaries, challenging authority, and difficulty controlling impulses; and gain strategies for communicating more effectively with youth.

(\*Lanza–Kaduce, Lane, and Bishop 2002) and suggests that transfer laws as currently implemented “probably have little general deterrent effect on would-be juvenile offenders” (Redding 2010). **It is recommended that Norfolk judges, Commonwealth’s Attorneys, public defenders, Court Service Unit staff, and other juvenile justice stakeholders and decision-makers review how racial disparity differs by transfer type (judicial discretion, automatic transfer, and prosecutorial waiver) and what steps can be taken to reduce overall numbers as well as existing racial disparities.** Education should also be provided so that all decision-makers and stakeholders understand the benefits as well as the costs of using the transfer option.

### **Recommendations for Richmond**

19. More than 94 percent of the youths coming into contact with the juvenile court in Richmond are African American. Because of this very high percentage, disparity is hard to measure within Richmond since there is such a small comparison group of white youths. However, decreasing the overall numbers of youths being referred to court, detained, securely confined, and transferred to adult court—and increasing the numbers of youths being diverted—will improve DMC statewide and could improve the lives of the children whose penetration into the juvenile justice system could be prevented or limited. **To ensure an overall reduction in the numbers of youths in the system, it is recommended that existing programming for youths be analyzed for accessibility and effectiveness.** The analysis should cover existing prevention programs, immediate sanctions (including court diversion options), intermediate sanctions, residential programs, and reentry programs to determine effectiveness and accessibility, and to identify needs for new programs. Programming should target the youths who are already involved in the juvenile justice system or who are most at risk of system involvement.
20. Numerous interview subjects complained about the proliferation of juvenile justice referrals emanating from Richmond schools. Yet when the DMC Assessment attempted to analyze school-based referrals, it was determined that *Petitioner Type* (i.e., the source of the referral) was missing/not reported in approximately 61 percent of the cases, making analyses impossible. **It is therefore recommended that the jurisdiction make concerted efforts to improve the completeness of data at the intake stage, and that quality control be imposed to reduce missing information.**
21. Fairfax County and Norfolk both have postdispositional (post–D) programs operated out of their detention centers. These programs allow the jurisdictions the option of keeping youths in the community who might otherwise be sent to a correctional placement operated by the Commonwealth. Post–D programs have several advantages: they allow unused detention space to be put to use, they are therapeutic in nature, and they provide 6 months of aftercare programming.\* **It is recommended that Richmond explore the option of developing a post–D program for appropriate adjudicated youth.**
22. DMC Assessment participants in Richmond were clearly vocal about the large number of court referrals coming from schools, as well as the aggressive policing role of certain

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\*More information on the Fairfax County Beta program can be found at <http://www.fairfaxcounty.gov/courts/jdr/jdc/jdc05postd.htm>.

SROs. Overall, it appears that the school-based disciplinary process is not being exhausted before an arrest/court referral. **It is recommended that the schools and the police revisit their expectations for the presence of SROs in schools. The police should evaluate the cultural competency components of its SRO training curriculum, and consider including juvenile probation officers as trainers to provide a particular focus on adolescent contact and supervision. The schools should prepare offense-specific protocols outlining what the recommended school disciplinary process should be, and these protocols should be incorporated into SRO training and school/police operating agreements.** Both schools and police should strive to dramatically reduce the numbers of school-based incidents that result in arrest and court referral.

23. The decision to divert a case appears to be somewhat subjective in Richmond. In addition to the Commonwealth code, according to juvenile justice staff, there appear to be *unwritten* policies that certain cases are not to be diverted. These practices can lead to uneven decision-making and potentially allow the introduction of bias into the process. **It is recommended that the jurisdiction incorporate an objective assessment into diversion decisions, and policies and practices should be written and regularly monitored for implementation fidelity.** Fairfax County has recently developed a decision-making tool for diversion intake that has been pilot-tested. The Commonwealth should consider reviewing these findings and making a tool available to all jurisdictions.

### ***Recommendations for Fairfax***

24. The study revealed confusion among staff about how to classify/code the race and ethnicity of certain minority groups. While the confusion is understandable in such a diverse community, it has the potential to introduce error into the calculation of DMC statistics. This is a quality assurance and training issue. **It is recommended that the jurisdiction review with staff the proper classification/coding for each group that is likely to be encountered in the community. This issue ultimately will likely need to be addressed with a revision of the coding system that DJJ uses on a statewide basis. However, the inconsistency of reactions given by a variety of CSU staff also suggests that this is an area which needs attention at the county level, particularly given the wide diversity of background represented in Fairfax.**

25. Study data indicated that gang activity in the jurisdiction disproportionately involves Hispanic youth. Although less than 1 percent of all intakes involve specific gang-related offenses as the “top charge,” Hispanic youths accounted for about 65 percent of those cases. This is an “actionable” finding in that it connects a particular group to specific behaviors in the community that can become the subject of a direct intervention. **It is recommended that Fairfax consider implementing evidence-based gang intervention programs. The Little Village Gang Violence Reduction Project (Comprehensive Gang Model) and CeaseFire Chicago (based on the Chicago, Ill., program that uses an evidence-based public health approach to reduce gang-related violence using violence interrupters and outreach workers) are examples of evidence-based programs that have demonstrated success in gang intervention.\***

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\*For more information on the Comprehensive Gang Model, see <http://www.ojdp.gov/mpg/Comprehensive%20Gang%20Model-MPGProgramDetail-311.aspx>. For more

26. Field interviews exposed a broad concern among local juvenile justice professionals that language barriers can impede the assurance of fair and equal treatment for youth. Though the Fairfax CSU is very aware of this issue and already invests significantly in this area, it was especially highlighted as a problem for the Spanish-speaking population of Fairfax. **It is recommended that the community ensure that bilingual SROs are assigned to those schools with significant Hispanic student enrollment; that intake staff and public defenders have ready access to interpreters; that various information guides, forms, and other system paperwork are provided to youths and their families in relevant languages; and that program offerings are culturally competent for clients.** It would be appropriate to empower a committee to facilitate and monitor performance in these important areas.
27. While the Detention Review Committee meets weekly to discuss detention cases, Fairfax CSU managers and staff reported that this is a confirmation/update of detention status rather than a review of the circumstances for each individual case. **It is recommended that Fairfax explore the adoption of the ‘Expeditor’ position and functions of actively seeking alternatives to detention and facilitating the advancement of cases through the system, as is done in Richmond. The jurisdiction should review its efforts in this area to determine whether greater youth advocacy could be achieved with the implementation of an Expeditor model.**
28. Interviewees suggested that the release of youths from detention might possibly be delayed as an artifact of the court’s docket scheduling process. **It is recommended that the Fairfax CSU examine this process to ensure the timeliest processing of detention cases.**
29. Local policy denies diversion if restitution in a case will be more than \$500. **It is recommended, first, that the CSU examine ways of facilitating and assisting youths’ efforts to better meet restitution obligations. Second, the CSU should examine the merits of increasing the \$500 limitation.** Doing so may lead to lessening the system penetration of these cases.
30. Families who lack time and transportation resources are further disadvantaged when they reside a considerable distance from the county’s only juvenile court facility. These factors can lead to Failure-to-Appear issues that compound a child’s circumstances. **It is recommended that Fairfax County examine the many possible ways of addressing transportation issues, including, for example, satellite court options, the use of video technology, scheduling innovations, and transportation assistance.**
31. Even after controlling for a series of variables, Fairfax still showed significant DMC at the diversion stage. To increase its diversion programming, **it is recommended that the Fairfax Police Department investigate the feasibility of implementing a police diversion program. Such a program could keep youth from entering the court system. The police**

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information on CeaseFire-Chicago, see <http://www.ojdp.gov/mpg/CeaseFire—Chicago-MPGProgramDetail-835.aspx>.

department might want to examine the nearby successful police diversion program that has been implemented in Montgomery County, Md.

32. African American and Hispanic youths in Fairfax are more likely than white youths to have had a previous court intake and to have had any intake *in the previous 12 months*. Further, African American and Hispanic youths have an earlier age of initial contact with the justice system. **It is recommended that Fairfax implement new programs to reduce recidivism among first-time, younger offenders.** Programs to reduce recidivism among young, first time offenders should reduce DMC by reducing re-referral rates for minority youth. Examples of evidence-based programs in this area include Project Back-on-Track\*, an afterschool diversion program designed to help divert youths in early stages of delinquency from committing future crimes; and the Repeat Offender Prevention Program,† a multimodal early intervention program targeting young offenders at high risk of becoming chronic delinquents.

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\*For more information on Project Back on Track, see <http://www.ojdp.gov/dmcbestpractices/Project%20Back-on-Track-DMCProgramDetail-19.aspx>.

†For more information on ROPP, see <http://www.ojdp.gov/dmcbestpractices/Repeat%20Offender%20Prevention%20Program-DMCProgramDetail-695.aspx>.

## References

- Annie E. Casey Foundation. 2009. "Juvenile Detention Alternatives Initiative." In *JDAI Annual Results Report 2009*. Baltimore, Md.: The Annie E. Casey Foundation.  
<http://www.aecf.org/~media/Pubs/Initiatives/Juvenile%20Detention%20Alternatives%20Initiative/JDAIResultsReport2009/JDAIResults2009.pdf>
- (Burns Institute) W. Haywood Burns Institute for Juvenile Justice, Fairness, and Equity. N.d.a. "Our Work." San Francisco, Calif.: Burns Institute.  
<http://www.burnsinstitute.org/article.php?id=56>
- Burns Institute. N.d.b. "RAC [Readiness Assessment Consultation] Evaluation." San Francisco, Calif.: Burns Institute. <http://www.burnsinstitute.org/article.php?id=62>
- Cheesman, Fred L., Thomas Cohen, Denise Dancy, Matthew Kleiman, Nicole Mott, and Heidi Green. 2002. *Blended Sentencing in Minnesota: On Target for Justice and Public Safety?* Williamsburg, Va.: National Center for State Courts.
- Commonwealth of Virginia. 2005. *The Governor's Prevention Crime in Virginia's Minority Communities Task Force Report*. Richmond, Va.  
<http://www.dcjs.virginia.gov/cple/documents/crimeinminoritycommunities/main.pdf>
- Commonwealth of Virginia. 2009. *HR 113 (2008) Final Report: Study of Virginia's Juvenile Justice System*. Report of the Virginia State Crime Commission. House Document No. 12.  
[http://leg2.state.va.us/dls/h&sdocs.nsf/By+Year/HD122009/\\$file/HD12.pdf](http://leg2.state.va.us/dls/h&sdocs.nsf/By+Year/HD122009/$file/HD12.pdf)
- Connecticut Office of Policy and Management Criminal Justice Policy & Planning Division. N.d. "Effective Police Interactions with Youth Training Curriculum." Available at  
<http://www.ct.gov/opm/cwp/view.asp?a=2974&q=460244>
- Graham, Sandra, and Brian S. Lowery. 2004. "Priming Unconscious Racial Stereotypes About Adolescent Offenders." *Law and Human Behavior* 28(5):483–504.  
[http://stopyouthviolence.ucr.edu/pubs\\_by\\_topic/4.Priming%20unconscious%20racial%20stereotypes.pdf](http://stopyouthviolence.ucr.edu/pubs_by_topic/4.Priming%20unconscious%20racial%20stereotypes.pdf)
- Grooms, Vanessa D. 2009. "Walking the Tracks." *Virginia Department of Juvenile Justice: DJJ Partnership* 5(3):1.  
[http://www.djj.virginia.gov/Resources/DJJ%20Partnership%20Newsletter/volume5\\_issu e3/Article8.pdf](http://www.djj.virginia.gov/Resources/DJJ%20Partnership%20Newsletter/volume5_issu e3/Article8.pdf)
- Hoytt, Eleanor Hinton, Vincent Schiraldi, Brenda V. Smith, and Jason Ziedenberg. 2001. "Reducing Racial Disparities in Juvenile Detention." *Pathways to Juvenile Detention Reform* 8. Baltimore, Md.: The Annie E. Casey Foundation. Available at  
<http://www.aecf.org/upload/publicationfiles/reducing%20racial%20disparities.pdf>
- (JDAI) Juvenile Detention Alternatives Initiative. 2009a. "Detention Reform: An Effective Approach to Reduce Racial and Ethnic Disparities in Juvenile Justice." *Detention Reform Brief* 3. Baltimore, Md.: The Annie E. Casey Foundation. Available at  
[http://www.aecf.org/~media/Pubs/Initiatives/Juvenile%20Detention%20Alternatives%20Initiative/DetentionReformAnEffectiveApproachtoReduceRac/JDAI\\_factsheet\\_3.pdf](http://www.aecf.org/~media/Pubs/Initiatives/Juvenile%20Detention%20Alternatives%20Initiative/DetentionReformAnEffectiveApproachtoReduceRac/JDAI_factsheet_3.pdf)
- JDAI. 2009b. *JDAI Annual Results Report 2009*. Baltimore, Md.: The Annie E. Casey Foundation. Available at  
<http://www.aecf.org/~media/Pubs/Initiatives/Juvenile%20Detention%20Alternatives%20Initiative/JDAIResultsReport2009/JDAIResults2009.pdf>

- Lanza-Kaduce, Lonn, Jodi Lane, and Donna Bishop. 2002. *Juvenile Transfer to Criminal Court Study: Final Report*. Submitted to the Florida Department of Juvenile Justice. Department of Juvenile Justice Management Report Number 02-02.  
<http://www.prisonpolicy.org/scans/juveniletransfers.pdf>
- Lauritsen, Janet L. 2005. "Racial and Ethnic Differences in Juvenile Offending. D. Hawkins and K. Kempf-Leonard (eds.). *Our Children, Their Children: Confronting Racial and Ethnic Differences in American Juvenile Justice*. Chicago, IL: University of Chicago Press.
- Leiber, Michael J. "A Comparison of Juvenile Court Outcomes for Native American, African Americans, and Whites." *Justice Quarterly* 11(2):257-77.
- Leiber, Michael J., Dorinda M. Richetelli, and William Feyerherm. 2009. "Assessment." In *Disproportionate Minority Contact Technical Assistance Manual, Fourth Edition*. Washington, D.C.: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.  
[https://www.ncjrs.gov/html/ojjdp/dmc\\_ta\\_manual/index.html](https://www.ncjrs.gov/html/ojjdp/dmc_ta_manual/index.html)
- Moore, Lori D., and Irene Padavic. 2010. "Racial and Ethnic Disparities in Girls' Sentencing in the Juvenile Justice System." *Feminist Criminology* 5:263-85.
- National Research Council. 2012. *Reforming Juvenile Justice: A Developmental Approach*. Committee on Assessing Juvenile Justice Reform, Richard J. Bonnie, Robert L. Johnson, Betty M. Chemers, and Julie A. Schuck (Eds.). Committee on Law and Justice, Division of Behavioral and Social Sciences and Education. Washington, DC: The National Academies Press.
- (OJJDP) Office of Juvenile Justice and Delinquency Prevention. N.d.a. "Structured Decision-Making." *OJJDP DMC Reduction-Best Practices Database*. Washington, D.C.: U.S. Department of Justice, Office of Justice Programs, OJJDP.  
[http://www2.dsgonline.com/dmc/SC\\_Structured\\_Decisionmaking.aspx](http://www2.dsgonline.com/dmc/SC_Structured_Decisionmaking.aspx)
- OJJDP. N.d.b. DMC Web-Based Data Entry System. Washington, D.C.  
<https://www.ojjdp.dmcddata.org/default.aspx>
- OJJDP. 1990. *Disproportionate Minority Confinement Technical Assistance Manual*. Washington, D.C.: U.S. Department of Justice, Office of Justice Programs, OJJDP.
- Orchowsky, Stan, Mary E. Poulin, and Janice Iwama. 2010. *A Review of the Status of Disproportionate Minority Contact (DMC) Efforts in Iowa and Virginia*. Washington, D.C.: Justice Research and Statistics Association.
- Osterhoff, William E., Ann Permaloff, and Carl Grafton. 2002. *Disproportionate Confinement and Processing of Minority Youth in Alabama*. Montgomery, Ala.: Auburn University at Montgomery and Montgomery County Commission on Juvenile Justice.
- Poulin, Mary E., Janice Iwama, and Stan Orchowsky. 2008. *Interim Project Report: A Review of the Status of Disproportionate Minority Contact (DMC) Efforts in Iowa and Virginia*. Washington, D.C.: Justice Research and Statistics Association.
- Poulin, Mary E., Stan Orchowsky, and Janice Iwama. 2011. "Assessing DMC Initiatives: A Case Study of Two States." In N.Y. Parsons-Pollard (Ed.), *Disproportionate Minority Contact: Current Issues and Policies*. Durham, NC: Carolina Academic Press:97-121.
- Puritz, Patricia, Mary Ann Scali, and Ilona Picou (eds.). 2002. *An Assessment of Access to Counsel and Quality of Representation in Delinquency Proceedings*. Washington, D.C.: American Bar Association Juvenile Justice Center and Mid-Atlantic Juvenile Defender Center. <http://www.njdc.info/pdf/Virginia%20Assessment.pdf>

- Redding, Richard E. 2010. "Juvenile Transfer Laws: An Effective Deterrent to Delinquency?" *OJJDP Juvenile Justice Bulletin*. Washington, D.C.: U.S. Department of Justice, Office of Justice Programs, OJJDP. <https://www.ncjrs.gov/pdffiles1/ojjdp/220595.pdf>
- Richetelli, Dorinda M., Eliot C. Hartstone, and others. 2009. *A Second Reassessment of Disproportionate Minority Contact in Connecticut's Juvenile Justice System*. Avon, Conn.: Spectrum Associates Market Research.
- Sampson, Robert J. 1987. "Urban Black Violence: The Effect of Male Joblessness and Family Disruption." *American Journal of Sociology* 93(2):348-82.
- Shaban, Karen, Marlon Murphy, and Katherine Williams. 2011. "Building Community Collaboration to Address DMC: The Fairfax County Experience." Presentation at Juvenile Justice and Delinquency Prevention Conference: Making a Difference in Juvenile Justice, Williamsburg, Va., June 6-7.
- Sullivan, Carrie, and Edward J. Latessa. 2010. *Evaluation of the Graduated Interventions Level System (GILS) in Richmond, Va.* Cincinnati, Ohio: University of Cincinnati.
- (Va. DCJS) Virginia Department of Criminal Justice Services. 2009. *Virginia's Three-Year Plan for Juvenile Justice: 2009-2011*. Richmond, Va.: Va. DCJS. <http://www.dcjs.virginia.gov/juvenile/resources/2009-2010ThreeYearPlan.pdf>.
- Va. DCJS. 2012. *Virginia's Three-Year Plan for Juvenile Justice: 2012-2014*. Richmond, Va.: Va. DCJS.
- Va. DCJS. 2010. *Blueprints for Change: Criminal Justice Policy Issues in Virginia, Addressing DMC Across Systems*. Richmond, Va.: Va. DCJS. <http://www.dcjs.virginia.gov/>
- (Va. DJJ) Virginia Department of Juvenile Justice. 2009. *Celebrating 6 Years of JDAI in Virginia: FY 2003 to FY 2009*. Richmond, Va.: Va. DJJ. [http://www.djj.virginia.gov/Initiatives/pdf/VA\\_JDAI\\_Celebrating\\_6\\_Years\\_12-2009.pdf](http://www.djj.virginia.gov/Initiatives/pdf/VA_JDAI_Celebrating_6_Years_12-2009.pdf)
- Va. DJJ. 2010. *Disproportionate Minority Contact (DMC) and Relative Rate Index (RRI), FY 2009*. Richmond, Va.: Va. DJJ. [http://www.djj.virginia.gov/Initiatives/pdf/Statewide\\_DMC\\_2010.pdf](http://www.djj.virginia.gov/Initiatives/pdf/Statewide_DMC_2010.pdf)
- Va. DJJ. N.d. "Initiatives." Richmond, Va.: Va. DJJ. <http://www.djj.virginia.gov/Initiatives/DetAltInit.aspx>
- Williams, Katherine, and Marcia Cohen. 1993. *Determinants of Disproportional Representation of Minority Juveniles in Secure Settings: Final Report*. Fairfax, Va.: Fairfax County Juvenile and Domestic Relations District Court.

# Appendices

- A. RRI Spreadsheet Data for Fairfax, Norfolk, and Richmond
- B. DMC Assessment Interview Protocol
- C. Detention Assessment Instrument (DAI)

# Appendix A

RRI Spreadsheet Data for Fairfax, Norfolk and  
Richmond

## Data Entry Section

### AREA REPORTED

State : Virginia  
 County : Fairfax

Reporting Period 7/1/2007  
 through 6/30/2008

	Total Youth	White	Black or African-American	Hispanic or Latino	Asian	Native Hawaiian or other Pacific Islanders	American Indian or Alaska Native	Other/Mixed	All Minorities
1. Population at risk (age <b>10</b> through <b>17</b> )	112,553	64,382	11,805	15,509	16,812	0	236	3,809	48,171
2. Juvenile Arrests	0	0	0	0	0	0	0	0	0
3. Refer to Juvenile Court	6,169	2,404	1,376	1,119	224	0	1	1,045	3,765
4. Cases Diverted	1,424	680	258	237	47	0	0	202	744
5. Cases Involving Secure Detention	1,321	395	369	260	55	0	0	242	926
6. Cases Petitioned (Charge Filed)	4,249	1,526	1,033	786	159	0	1	744	2,723
7. Cases Resulting in Delinquent Findings	1,465	441	355	308	61	0	0	300	1,024
8. Cases resulting in Probation Placement	1,134	406	267	204	46	0	0	211	728
9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	37	6	14	8	2	0	0	7	31
10. Cases Transferred to Adult Court	0	0	0	0	0	0	0	0	0
Meets 1% rule for group to be assessed?		<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>No</b>	<b>No</b>	<b>Yes</b>	

**State : Virginia**                      **County : Fairfax**                      Reporting Period 7/1/2007 through 6/30/2008

<b>Juvenile Justice Rates</b>								
	White	Black or African-American	Hispanic or Latino	Asian	Native Hawaiian or other Pacific Islanders	American Indian or Alaska Native	Other/Mixed	All Minorities
2. Juvenile Arrests								
3. Refer to Juvenile Court	37.3	116.6	72.2	13.3		4.2	274.4	78.2
4. Cases Diverted	28.3	18.8	21.2	21.0			19.3	19.8
5. Cases Involving Secure Detention	16.4	26.8	23.2	24.6			23.2	24.6
6. Cases Petitioned	63.5	75.1	70.2	71.0		100.0	71.2	72.3
7. Cases Resulting in Delinquent Findings	28.9	34.4	39.2	38.4			40.3	37.6
8. Cases resulting in Probation Placement	92.1	75.2	66.2	75.4			70.3	71.1
9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	1.4	3.9	2.6	3.3			2.3	3.0
10. Cases Transferred to Adult Court								

<b>Relative Rate Index Compared with : White</b>								
	White	Black or African-American	Hispanic or Latino	Asian	Native Hawaiian or other Pacific Islanders	American Indian or Alaska Native	Other/Mixed	All Minorities
2. Juvenile Arrests	**	**	**	**	*	*	**	**
3. Refer to Juvenile Court	1.00	<b>3.12</b>	<b>1.93</b>	<b>0.36</b>	*	*	<b>7.35</b>	<b>2.09</b>
4. Cases Diverted	1.00	<b>0.66</b>	<b>0.75</b>	<b>0.74</b>	*	*	<b>0.68</b>	<b>0.70</b>
5. Cases Involving Secure Detention	1.00	<b>1.63</b>	<b>1.41</b>	<b>1.49</b>	*	*	<b>1.41</b>	<b>1.50</b>
6. Cases Petitioned	1.00	<b>1.18</b>	<b>1.11</b>	1.12	*	*	<b>1.12</b>	<b>1.14</b>
7. Cases Resulting in Delinquent Findings	1.00	<b>1.19</b>	<b>1.36</b>	<b>1.33</b>	*	*	<b>1.40</b>	<b>1.30</b>
8. Cases resulting in Probation Placement	1.00	<b>0.82</b>	<b>0.72</b>	0.82	*	*	<b>0.76</b>	<b>0.77</b>

9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	1.00	<b>2.90</b>	1.91	**	*	*	1.72	<b>2.23</b>
10. Cases Transferred to Adult Court	**	**	**	**	*	*	**	**
<b>Group meets 1% threshold?</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>No</b>	<b>No</b>	<b>Yes</b>	

### Data Entry Section

#### AREA REPORTED

State : Virginia

County : Norfolk City

Reporting Period 7/1/2007

through 6/30/2008

	Total Youth	White	Black or African-American	Hispanic or Latino	Asian	Native Hawaiian or other Pacific Islanders	American Indian or Alaska Native	Other/ Mixed	All Minorities
1. Population at risk (age <b>10</b> through <b>17</b> )	24,459	8,606	13,032	1,266	557	0	97	901	15,853
2. Juvenile Arrests	0	0	0	0	0	0	0	0	0
3. Refer to Juvenile Court	2,393	392	1,848	47	14	0	5	87	2,001
4. Cases Diverted	866	147	655	20	10	0	3	31	719
5. Cases Involving Secure Detention	604	60	517	7	1	0	1	18	544
6. Cases Petitioned (Charge Filed)	1,135	125	947	19	3	0	1	40	1,010
7. Cases Resulting in Delinquent Findings	311	25	271	2	1	0	1	11	286
8. Cases resulting in Probation Placement	218	30	172	5	0	0	0	11	188
9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	48	4	42	1	0	0	0	1	44
10. Cases Transferred to Adult Court	0	0	0	0	0	0	0	0	0
Meets 1% rule for group to be assessed?		<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>No</b>	<b>No</b>	<b>Yes</b>	

State : Virginia

County : Norfolk City

Reporting Period 7/1/2007

through 6/30/2008

Juvenile Justice Rates								
	White	Black or African-American	Hispanic or Latino	Asian	Native Hawaiian or other Pacific Islanders	American Indian or Alaska Native	Other/Mixed	All Minorities
2. Juvenile Arrests								
3. Refer to Juvenile Court	45.5	141.8	37.1	25.1		51.5	96.6	126.2
4. Cases Diverted	37.5	35.4	42.6	71.4		60.0	35.6	35.9
5. Cases Involving Secure Detention	15.3	28.0	14.9	7.1		20.0	20.7	27.2
6. Cases Petitioned	31.9	51.2	40.4	21.4		20.0	46.0	50.5
7. Cases Resulting in Delinquent Findings	20.0	28.6	10.5	33.3		100.0	27.5	28.3
8. Cases resulting in Probation Placement	120.0	63.5	250.0				100.0	65.7
9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	16.0	15.5	50.0				9.1	15.4
10. Cases Transferred to Adult Court								

Relative Rate Index Compared with : White								
	White	Black or African-American	Hispanic or Latino	Asian	Native Hawaiian or other Pacific Islanders	American Indian or Alaska Native	Other/Mixed	All Minorities
2. Juvenile Arrests	**	**	**	**	*	*	**	**
3. Refer to Juvenile Court	1.00	<b>3.11</b>	0.82	<b>0.55</b>	*	*	<b>2.12</b>	<b>2.77</b>
4. Cases Diverted	1.00	0.95	1.13	**	*	*	0.95	0.96
5. Cases Involving Secure Detention	1.00	<b>1.83</b>	0.97	**	*	*	1.35	<b>1.78</b>
6. Cases Petitioned	1.00	<b>1.61</b>	1.27	**	*	*	<b>1.44</b>	<b>1.58</b>
7. Cases Resulting in Delinquent Findings	1.00	<b>1.43</b>	**	**	*	*	1.38	<b>1.42</b>
8. Cases resulting in Probation Placement	**	**	**	**	*	*	**	**

9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	**	**	**	**	*	*	**	**
10. Cases Transferred to Adult Court	**	**	**	**	*	*	**	**
<b>Group meets 1% threshold?</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>No</b>	<b>No</b>	<b>Yes</b>	

### Data Entry Section

#### AREA REPORTED

State : Virginia

County : Richmond City

Reporting Period 7/1/2007

through 6/30/2008

	Total Youth	White	Black or African-American	Hispanic or Latino	Asian	Native Hawaiian or other Pacific Islanders	American Indian or Alaska Native	Other/Mixed	All Minorities
1. Population at risk (age 10 through 17 )	17,985	3,637	13,080	782	121	0	64	301	14,348
2. Juvenile Arrests	0	0	0	0	0	0	0	0	0
3. Refer to Juvenile Court	2,069	93	1,939	18	0	0	0	19	1,976
4. Cases Diverted	669	46	612	5	0	0	0	6	623
5. Cases Involving Secure Detention	748	12	723	6	0	0	0	7	736
6. Cases Petitioned (Charge Filed)	1,362	47	1,291	12	0	0	0	12	1,315
7. Cases Resulting in Delinquent Findings	373	11	358	2	0	0	0	2	362
8. Cases resulting in Probation Placement	268	9	255	2	0	0	0	2	259
9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	55	0	55	0	0	0	0	0	55
10. Cases Transferred to Adult Court	0	0	0	0	0	0	0	0	0
Meets 1% rule for group to be assessed?		<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>Yes</b>	

State : Virginia

County : Richmond City

Reporting Period 7/1/2007

through 6/30/2008

<b>Juvenile Justice Rates</b>								
	White	Black or African-American	Hispanic or Latino	Asian	Native Hawaiian or other Pacific Islanders	American Indian or Alaska Native	Other/Mixed	All Minorities
2. Juvenile Arrests								
3. Refer to Juvenile Court	25.6	148.2	23.0				63.1	137.7
4. Cases Diverted	49.5	31.6	27.8				31.6	31.5
5. Cases Involving Secure Detention	12.9	37.3	33.3				36.8	37.2
6. Cases Petitioned	50.5	66.6	66.7				63.2	66.5
7. Cases Resulting in Delinquent Findings	23.4	27.7	16.7				16.7	27.5
8. Cases resulting in Probation Placement	81.8	71.2	100.0				100.0	71.5
9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities		15.4						15.2
10. Cases Transferred to Adult Court								

<b>Relative Rate Index Compared with : White</b>								
	White	Black or African-American	Hispanic or Latino	Asian	Native Hawaiian or other Pacific Islanders	American Indian or Alaska Native	Other/Mixed	All Minorities
2. Juvenile Arrests	**	**	**	*	*	*	**	**
3. Refer to Juvenile Court	1.00	<b>5.80</b>	0.90	*	*	*	<b>2.47</b>	<b>5.39</b>
4. Cases Diverted	1.00	<b>0.64</b>	**	*	*	*	**	<b>0.64</b>
5. Cases Involving Secure Detention	1.00	<b>2.89</b>	**	*	*	*	**	<b>2.89</b>
6. Cases Petitioned	1.00	<b>1.32</b>	**	*	*	*	**	<b>1.32</b>
7. Cases Resulting in Delinquent Findings	1.00	<b>1.18</b>	**	*	*	*	**	<b>1.18</b>
8. Cases resulting in Probation Placement	**	**	**	*	*	*	**	**

9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	**	**	**	*	*	*	**	**
10. Cases Transferred to Adult Court	**	**	**	*	*	*	**	**
<b>Group meets 1% threshold?</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>Yes</b>	

## Data Entry Section

### AREA REPORTED

State : Virginia

County : Statewide

Reporting Period 7/1/2007

through 6/30/2008

	Total Youth	White	Black or African-American	Hispanic or Latino	Asian	Native Hawaiian or other Pacific Islanders	American Indian or Alaska Native	Other/Mixed	All Minorities
1. Population at risk (age <b>10</b> through <b>17</b> )	815,207	511,087	189,049	57,883	33,928	0	2,128	21,132	304,120
2. Juvenile Arrests	0	0	0	0	0	0	0	0	0
3. Refer to Juvenile Court	62,524	28,150	26,314	3,596	516	0	57	3,891	34,374
4. Cases Diverted	15,224	7,242	6,230	737	132	0	11	872	7,982
5. Cases Involving Secure Detention	17,561	6,072	8,964	1,155	150	0	12	1,208	11,489
6. Cases Petitioned (Charge Filed)	41,677	18,262	17,847	2,533	328	0	40	2,667	23,415
7. Cases Resulting in Delinquent Findings	10,943	4,252	4,803	859	106	0	13	910	6,691
8. Cases resulting in Probation Placement	6,865	2,855	2,871	517	76	0	5	541	4,010
9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	798	198	505	37	8	0	3	47	600
10. Cases Transferred to Adult Court	0	0	0	0	0	0	0	0	0
Meets 1% rule for group to be assessed?		<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>No</b>	<b>No</b>	<b>Yes</b>	

State : Virginia

County : Statewide

Reporting Period 7/1/2007

through 6/30/2008

Juvenile Justice Rates								
	White	Black or African-American	Hispanic or Latino	Asian	Native Hawaiian or other Pacific Islanders	American Indian or Alaska Native	Other/Mixed	All Minorities
2. Juvenile Arrests								
3. Refer to Juvenile Court	55.1	139.2	62.1	15.2		26.8	184.1	113.0
4. Cases Diverted	25.7	23.7	20.5	25.6		19.3	22.4	23.2
5. Cases Involving Secure Detention	21.6	34.1	32.1	29.1		21.1	31.0	33.4
6. Cases Petitioned	64.9	67.8	70.4	63.6		70.2	68.5	68.1
7. Cases Resulting in Delinquent Findings	23.3	26.9	33.9	32.3		32.5	34.1	28.6
8. Cases resulting in Probation Placement	67.1	59.8	60.2	71.7		38.5	59.5	59.9
9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	4.7	10.5	4.3	7.5		23.1	5.2	9.0
10. Cases Transferred to Adult Court								

Relative Rate Index Compared with : White								
	White	Black or African-American	Hispanic or Latino	Asian	Native Hawaiian or other Pacific Islanders	American Indian or Alaska Native	Other/Mixed	All Minorities
2. Juvenile Arrests	**	**	**	**	*	*	**	**
3. Refer to Juvenile Court	1.00	<b>2.53</b>	<b>1.13</b>	<b>0.28</b>	*	*	<b>3.34</b>	<b>2.05</b>
4. Cases Diverted	1.00	<b>0.92</b>	<b>0.80</b>	0.99	*	*	<b>0.87</b>	<b>0.90</b>
5. Cases Involving Secure Detention	1.00	<b>1.58</b>	<b>1.49</b>	<b>1.35</b>	*	*	<b>1.44</b>	<b>1.55</b>
6. Cases Petitioned	1.00	<b>1.05</b>	<b>1.09</b>	0.98	*	*	<b>1.06</b>	<b>1.05</b>
7. Cases Resulting in Delinquent Findings	1.00	<b>1.16</b>	<b>1.46</b>	<b>1.39</b>	*	*	<b>1.47</b>	<b>1.23</b>
8. Cases resulting in Probation Placement	1.00	<b>0.89</b>	<b>0.90</b>	1.07	*	*	<b>0.89</b>	<b>0.89</b>

9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	1.00	<b>2.26</b>	0.92	1.62	*	*	1.11	<b>1.93</b>
10. Cases Transferred to Adult Court	**	**	**	**	*	*	**	**
<b>Group meets 1% threshold?</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>No</b>	<b>No</b>	<b>Yes</b>	

### Data Entry Section

#### AREA REPORTED

State : Virginia

County : Fairfax

Reporting Period 7/1/2008

through 6/30/2009

	Total Youth	White	Black or African-American	Hispanic or Latino	Asian	Native Hawaiian or other Pacific Islanders	American Indian or Alaska Native	Other/Mixed	All Minorities
1. Population at risk (age 10 through 17 )	112,532	63,546	11,675	16,032	17,018	0	224	4,037	48,986
2. Juvenile Arrests	0	0	0	0	0	0	0	0	0
3. Refer to Juvenile Court	4,971	2,035	1,301	1,222	226	0	2	185	2,936
4. Cases Diverted	1,231	617	246	254	60	0	1	53	614
5. Cases Involving Secure Detention	953	229	336	309	42	0	0	37	724
6. Cases Petitioned (Charge Filed)	3,418	1,271	990	882	154	0	1	120	2,147
7. Cases Resulting in Delinquent Findings	1,326	411	380	409	72	0	0	54	915
8. Cases resulting in Probation Placement	767	308	175	209	40	0	0	35	459
9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	37	3	19	13	1	0	0	1	34
10. Cases Transferred to Adult Court	0	0	0	0	0	0	0	0	0
Meets 1% rule for group to be assessed?		<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>No</b>	<b>No</b>	<b>Yes</b>	

**Relative Rate Index Compared with White Juveniles**

Reporting Period 7/1/2008  
through 6/30/2009

State : Virginia  
County : Fairfax

	Black or African- American	Hispanic or Latino	Asian	Native Hawaiian or other Pacific Islanders	American Indian or Alaska Native	Other/ Mixed	All Minorities
2. Juvenile Arrests	--	--	--	*	*	--	--
3. Refer to Juvenile Court	<b>3.48</b>	<b>2.38</b>	<b>0.41</b>	*	*	<b>1.43</b>	<b>1.87</b>
4. Cases Diverted	<b>0.62</b>	<b>0.69</b>	0.88	*	*	0.94	<b>0.69</b>
5. Cases Involving Secure Detention	<b>2.30</b>	<b>2.25</b>	<b>1.65</b>	*	*	<b>1.78</b>	<b>2.19</b>
6. Cases Petitioned	<b>1.22</b>	<b>1.16</b>	1.09	*	*	1.04	<b>1.17</b>
7. Cases Resulting in Delinquent Findings	<b>1.19</b>	<b>1.43</b>	<b>1.45</b>	*	*	<b>1.39</b>	<b>1.32</b>
8. Cases resulting in Probation Placement	<b>0.61</b>	<b>0.68</b>	<b>0.74</b>	*	*	0.86	<b>0.67</b>
9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	**	**	**	*	*	**	**
10. Cases Transferred to Adult Court	--	--	--	*	*	--	--
<b>Group meets 1% threshold?</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>No</b>	<b>No</b>	<b>Yes</b>	

release 10/17/05

## Data Entry Section

### AREA REPORTED

State : Virginia

County : Norfolk City

Reporting Period 7/1/2008

through 6/30/2009

	Total Youth	White	Black or African-American	Hispanic or Latino	Asian	Native Hawaiian or other Pacific Islanders	American Indian or Alaska Native	Other/ Mixed	All Minorities
1. Population at risk (age 10 through 17 )	23,906	8,501	12,470	1,314	570	0	92	959	15,405
2. Juvenile Arrests	0	0	0	0	0	0	0	0	0
3. Refer to Juvenile Court	2,245	375	1,756	38	11	0	2	63	1,870
4. Cases Diverted	932	178	700	16	7	0	0	31	754
5. Cases Involving Secure Detention	461	52	389	8	3	0	0	9	409
6. Cases Petitioned (Charge Filed)	985	107	839	16	2	0	1	20	878
7. Cases Resulting in Delinquent Findings	442	43	379	9	1	0	0	10	399
8. Cases resulting in Probation Placement	176	24	141	4	0	0	0	7	152
9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	49	1	46	0	1	0	0	1	48
10. Cases Transferred to Adult Court	0	0	0	0	0	0	0	0	0
Meets 1% rule for group to be assessed?		<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>No</b>	<b>No</b>	<b>Yes</b>	

**Relative Rate Index Compared with White Juveniles**

Reporting Period 7/1/2008  
through 6/30/2009

State : Virginia  
County : Norfolk City

	Black or African- American	Hispanic or Latino	Asian	Native Hawaiian or other Pacific Islanders	American Indian or Alaska Native	Other/ Mixed	All Minorities
2. Juvenile Arrests	--	--	--	*	*	--	--
3. Refer to Juvenile Court	<b>0.19</b>	<b>0.66</b>	<b>0.44</b>	*	*	<b>1.49</b>	<b>2.75</b>
4. Cases Diverted	<b>0.84</b>	0.89	**	*	*	1.04	<b>0.85</b>
5. Cases Involving Secure Detention	<b>1.60</b>	1.52	**	*	*	1.03	<b>1.58</b>
6. Cases Petitioned	<b>1.67</b>	1.48	**	*	*	1.11	<b>1.65</b>
7. Cases Resulting in Delinquent Findings	1.12	**	**	*	*	**	1.13
8. Cases resulting in Probation Placement	<b>0.67</b>	**	**	*	*	**	<b>0.68</b>
9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	**	**	**	*	*	**	**
10. Cases Transferred to Adult Court	--	--	--	*	*	--	--
<b>Group meets 1% threshold?</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>No</b>	<b>No</b>	<b>Yes</b>	

release 10/17/05

## Data Entry Section

### AREA REPORTED

State : Virginia

County : Richmond City

Reporting Period 7/1/2008

through 6/30/2009

	Total Youth	White	Black or African-American	Hispanic or Latino	Asian	Native Hawaiian or other Pacific Islanders	American Indian or Alaska Native	Other/ Mixed	All Minorities
1. Population at risk (age 10 through 17 )	17,731	3,915	12,489	830	147	0	59	291	13,816
2. Juvenile Arrests	0	0	0	0	0	0	0	0	0
3. Refer to Juvenile Court	1,731	71	1,612	38	2	0	0	8	1,660
4. Cases Diverted	594	33	547	12	1	0	0	1	561
5. Cases Involving Secure Detention	577	15	540	19	1	0	0	2	562
6. Cases Petitioned (Charge Filed)	1,093	36	1,025	24	1	0	0	7	1,057
7. Cases Resulting in Delinquent Findings	432	11	408	11	1	0	0	1	421
8. Cases resulting in Probation Placement	214	4	201	8	0	0	0	1	210
9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	60	0	60	0	0	0	0	0	60
10. Cases Transferred to Adult Court	0	0	0	0	0	0	0	0	0
Meets 1% rule for group to be assessed?		<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>Yes</b>	

**Relative Rate Index Compared with White Juveniles**

Reporting Period 7/1/2008  
through 6/30/2009

State : Virginia

County : Richmond City

	Black or African- American	Hispanic or Latino	Asian	Native Hawaiian or other Pacific Islanders	American Indian or Alaska Native	Other/ Mixed	All Minorities
2. Juvenile Arrests	--	--	*	*	*	--	--
3. Refer to Juvenile Court	<b>7.12</b>	<b>2.52</b>	*	*	*	1.52	<b>6.63</b>
4. Cases Diverted	<b>0.73</b>	0.68	*	*	*	**	<b>0.73</b>
5. Cases Involving Secure Detention	<b>1.59</b>	<b>2.37</b>	*	*	*	**	<b>1.60</b>
6. Cases Petitioned	<b>1.25</b>	1.25	*	*	*	**	<b>1.26</b>
7. Cases Resulting in Delinquent Findings	1.30	**	*	*	*	**	1.30
8. Cases resulting in Probation Placement	**	**	*	*	*	**	**
9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	**	--	*	*	*	--	**
10. Cases Transferred to Adult Court	--	--	*	*	*	--	--
<b>Group meets 1% threshold?</b>	<b>Yes</b>	<b>Yes</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>Yes</b>	

release 10/17/05

## Data Entry Section

### AREA REPORTED

State : Virginia

County : Statewide

Reporting Period 7/1/2008

through 6/30/2009

	Total Youth	White	Black or African-American	Hispanic or Latino	Asian	Native Hawaiian or other Pacific Islanders	American Indian or Alaska Native	Other/ Mixed	All Minorities
1. Population at risk (age 10 through 17 )	802,943	501,853	183,322	59,543	34,153	0	2,072	22,000	301,090
2. Juvenile Arrests	0	0	0	0	0	0	0	0	0
3. Refer to Juvenile Court	58,096	26,573	25,811	3,970	499	0	45	1,198	31,523
4. Cases Diverted	15,534	7,097	6,998	868	158	0	10	403	8,437
5. Cases Involving Secure Detention	11,224	3,566	6,366	953	104	0	16	219	7,658
6. Cases Petitioned (Charge Filed)	37,424	16,932	16,687	2,784	294	0	33	694	20,492
7. Cases Resulting in Delinquent Findings	12,610	5,065	6,014	1,154	117	0	17	243	7,545
8. Cases resulting in Probation Placement	6,242	2,808	2,644	593	70	0	5	122	3,434
9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	765	183	506	49	6	0	2	19	582
10. Cases Transferred to Adult Court	0	0	0	0	0	0	0	0	0
Meets 1% rule for group to be assessed?		<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>No</b>	<b>No</b>	<b>Yes</b>	

**Relative Rate Index Compared with White Juveniles**

Reporting Period 7/1/2008  
through 6/30/2009

State : Virginia  
County : Statewide

	Black or African- American	Hispanic or Latino	Asian	Native Hawaiian or other Pacific Islanders	American Indian or Alaska Native	Other/ Mixed	All Minorities
2. Juvenile Arrests	--	--	--	*	*	--	--
3. Refer to Juvenile Court	<b>2.66</b>	<b>1.26</b>	<b>0.28</b>	*	*	1.03	<b>1.98</b>
4. Cases Diverted	1.02	<b>0.82</b>	<b>1.19</b>	*	*	<b>1.26</b>	1.00
5. Cases Involving Secure Detention	<b>1.84</b>	<b>1.79</b>	<b>1.55</b>	*	*	<b>1.36</b>	<b>1.81</b>
6. Cases Petitioned	<b>1.01</b>	<b>1.10</b>	<b>0.92</b>	*	*	<b>0.91</b>	<b>1.02</b>
7. Cases Resulting in Delinquent Findings	<b>1.20</b>	<b>1.39</b>	<b>1.33</b>	*	*	<b>1.17</b>	<b>1.23</b>
8. Cases resulting in Probation Placement	<b>0.79</b>	<b>0.93</b>	1.08	*	*	0.91	<b>0.82</b>
9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	<b>2.33</b>	1.18	1.42	*	*	<b>2.16</b>	<b>2.13</b>
10. Cases Transferred to Adult Court	--	--	--	*	*	--	--
<b>Group meets 1% threshold?</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>No</b>	<b>No</b>	<b>Yes</b>	

release 10/17/05

## Data Entry Section

### AREA REPORTED

State : Virginia

County : Fairfax

Reporting Period 7/1/2009

through 6/30/2010

	Total Youth	White	Black or African-American	Hispanic or Latino	Asian	Native Hawaiian or other Pacific Islanders	American Indian or Alaska Native	Other/ Mixed	All Minorities
1. Population at risk (age 10 through 17 )	110,701	60,696	11,592	16,980	17,318	0	263	3,852	50,005
2. Juvenile Arrests	0	0	0	0	0	0	0	0	0
3. Refer to Juvenile Court	4,128	1,638	1,073	1,025	211	0	0	181	2,490
4. Cases Diverted	1,203	575	252	244	57	0	0	75	628
5. Cases Involving Secure Detention	506	142	165	168	15	0	0	16	364
6. Cases Petitioned (Charge Filed)	2,646	934	755	730	139	0	0	88	1,712
7. Cases Resulting in Delinquent Findings	902	275	260	286	51	0	0	30	627
8. Cases resulting in Probation Placement	542	185	147	153	31	0	0	26	357
9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	29	7	7	12	2	0	0	1	22
10. Cases Transferred to Adult Court	0	0	0	0	0	0	0	0	0
Meets 1% rule for group to be assessed?		<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>No</b>	<b>No</b>	<b>Yes</b>	

**Relative Rate Index Compared with White Juveniles**

Reporting Period 7/1/2009  
through 6/30/2010

State : Virginia  
County : Fairfax

	Black or African- American	Hispanic or Latino	Asian	Native Hawaiian or other Pacific Islanders	American Indian or Alaska Native	Other/ Mixed	All Minorities
2. Juvenile Arrests	--	--	--	*	*	--	--
3. Refer to Juvenile Court	<b>3.43</b>	<b>2.24</b>	<b>0.45</b>	*	*	<b>1.74</b>	<b>1.85</b>
4. Cases Diverted	<b>0.67</b>	<b>0.68</b>	<b>0.77</b>	*	*	1.18	<b>0.72</b>
5. Cases Involving Secure Detention	<b>1.77</b>	<b>1.89</b>	0.82	*	*	1.02	<b>1.69</b>
6. Cases Petitioned	<b>1.23</b>	<b>1.25</b>	<b>1.16</b>	*	*	<b>0.85</b>	<b>1.21</b>
7. Cases Resulting in Delinquent Findings	<b>1.17</b>	<b>1.33</b>	1.25	*	*	1.16	<b>1.24</b>
8. Cases resulting in Probation Placement	<b>0.84</b>	<b>0.80</b>	0.90	*	*	**	<b>0.85</b>
9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	1.06	1.65	**	*	*	**	1.38
10. Cases Transferred to Adult Court	--	--	--	*	*	--	--
<b>Group meets 1% threshold?</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>No</b>	<b>No</b>	<b>Yes</b>	

release 10/17/05

## Data Entry Section

### AREA REPORTED

State : Virginia

County : Norfolk City

Reporting Period 7/1/2009

through 6/30/2010

	Total Youth	White	Black or African-American	Hispanic or Latino	Asian	Native Hawaiian or other Pacific Islanders	American Indian or Alaska Native	Other/ Mixed	All Minorities
1. Population at risk (age 10 through 17 )	20,411	7,248	10,606	1,149	485	0	83	840	13,163
2. Juvenile Arrests	0	0	0	0	0	0	0	0	0
3. Refer to Juvenile Court	1,940	339	1,495	49	14	0	2	41	1,601
4. Cases Diverted	705	134	528	18	10	0	2	13	571
5. Cases Involving Secure Detention	391	35	330	10	3	0	0	13	356
6. Cases Petitioned (Charge Filed)	933	113	779	23	1	0	0	17	820
7. Cases Resulting in Delinquent Findings	373	37	325	5	0	0	0	6	336
8. Cases resulting in Probation Placement	208	17	178	8	1	0	0	4	191
9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	30	2	28	0	0	0	0	0	28
10. Cases Transferred to Adult Court	0	0	0	0	0	0	0	0	0
Meets 1% rule for group to be assessed?		<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>No</b>	<b>No</b>	<b>Yes</b>	

**Relative Rate Index Compared with White Juveniles**

Reporting Period 7/1/2009  
through 6/30/2010

State : Virginia  
County : Norfolk City

	Black or African- American	Hispanic or Latino	Asian	Native Hawaiian or other Pacific Islanders	American Indian or Alaska Native	Other/ Mixed	All Minorities
2. Juvenile Arrests	--	--	--	*	*	--	--
3. Refer to Juvenile Court	<b>3.01</b>	0.91	0.62	*	*	1.04	<b>2.60</b>
4. Cases Diverted	0.89	0.93	**	*	*	0.80	0.90
5. Cases Involving Secure Detention	<b>2.14</b>	<b>1.98</b>	**	*	*	<b>3.07</b>	<b>2.15</b>
6. Cases Petitioned	<b>1.56</b>	1.41	**	*	*	1.24	<b>1.54</b>
7. Cases Resulting in Delinquent Findings	1.27	**	**	*	*	**	1.25
8. Cases resulting in Probation Placement	1.19	**	--	*	*	**	1.24
9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	**	**	--	*	*	**	**
10. Cases Transferred to Adult Court	--	--	--	*	*	--	--
<b>Group meets 1% threshold?</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>No</b>	<b>No</b>	<b>Yes</b>	

release 10/17/05

## Data Entry Section

### AREA REPORTED

State : Virginia

County : Richmond City

Reporting Period 7/1/2009

through 6/30/2010

	Total Youth	White	Black or African-American	Hispanic or Latino	Asian	Native Hawaiian or other Pacific Islanders	American Indian or Alaska Native	Other/ Mixed	All Minorities
1. Population at risk (age 10 through 17 )	14,901	3,190	10,515	789	112	0	63	232	11,711
2. Juvenile Arrests	0	0	0	0	0	0	0	0	0
3. Refer to Juvenile Court	1,566	60	1,462	36	1	0	0	7	1,506
4. Cases Diverted	607	33	556	12	1	0	0	5	574
5. Cases Involving Secure Detention	395	15	367	12	0	0	0	1	380
6. Cases Petitioned (Charge Filed)	916	24	867	23	0	0	0	2	892
7. Cases Resulting in Delinquent Findings	366	5	347	13	0	0	0	1	361
8. Cases resulting in Probation Placement	178	2	170	4	1	0	0	1	176
9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	46	0	45	1	0	0	0	0	46
10. Cases Transferred to Adult Court	0	0	0	0	0	0	0	0	0
Meets 1% rule for group to be assessed?		<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>Yes</b>	

**Relative Rate Index Compared with White Juveniles**

Reporting Period 7/1/2009  
through 6/30/2010

State : Virginia

County : Richmond City

	Black or African- American	Hispanic or Latino	Asian	Native Hawaiian or other Pacific Islanders	American Indian or Alaska Native	Other/ Mixed	All Minorities
2. Juvenile Arrests	--	--	*	*	*	--	--
3. Refer to Juvenile Court	<b>7.39</b>	<b>2.43</b>	*	*	*	1.60	<b>6.84</b>
4. Cases Diverted	<b>0.69</b>	<b>0.61</b>	*	*	*	**	<b>0.69</b>
5. Cases Involving Secure Detention	1.00	1.33	*	*	*	**	1.01
6. Cases Petitioned	<b>1.48</b>	<b>1.60</b>	*	*	*	**	<b>1.48</b>
7. Cases Resulting in Delinquent Findings	**	**	*	*	*	**	**
8. Cases resulting in Probation Placement	**	**	*	*	*	**	**
9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	**	**	*	*	*	--	**
10. Cases Transferred to Adult Court	--	--	*	*	*	--	--
<b>Group meets 1% threshold?</b>	<b>Yes</b>	<b>Yes</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>Yes</b>	

release 10/17/05

## Data Entry Section

### AREA REPORTED

State : Virginia

County : Statewide

Reporting Period 7/1/2009

through 6/30/2010

	Total Youth	White	Black or African-American	Hispanic or Latino	Asian	Native Hawaiian or other Pacific Islanders	American Indian or Alaska Native	Other/ Mixed	All Minorities
1. Population at risk (age 10 through 17 )	800,297	494,940	180,103	64,493	35,857	0	2,089	22,815	305,357
2. Juvenile Arrests	0	0	0	0	0	0	0	0	0
3. Refer to Juvenile Court	51,491	23,205	23,021	3,696	504	0	27	1,038	28,286
4. Cases Diverted	14,087	6,543	6,173	843	174	0	13	341	7,544
5. Cases Involving Secure Detention	8,951	2,904	5,057	782	54	0	3	151	6,047
6. Cases Petitioned (Charge Filed)	32,617	14,403	14,683	2,616	291	0	13	611	18,214
7. Cases Resulting in Delinquent Findings	10,756	4,245	5,163	1,020	111	0	1	216	6,511
8. Cases resulting in Probation Placement	5,403	2,314	2,405	512	64	0	3	105	3,089
9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	591	148	384	44	4	0	0	11	443
10. Cases Transferred to Adult Court	0	0	0	0	0	0	0	0	0
Meets 1% rule for group to be assessed?		<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>No</b>	<b>No</b>	<b>Yes</b>	

**Relative Rate Index Compared with White Juveniles**

Reporting Period 7/1/2009  
through 6/30/2010

State : Virginia  
County : Statewide

	Black or African- American	Hispanic or Latino	Asian	Native Hawaiian or other Pacific Islanders	American Indian or Alaska Native	Other/ Mixed	All Minorities
2. Juvenile Arrests	--	--	--	*	*	--	--
3. Refer to Juvenile Court	<b>2.73</b>	<b>1.22</b>	<b>0.30</b>	*	*	0.97	<b>1.98</b>
4. Cases Diverted	<b>0.95</b>	<b>0.81</b>	<b>1.22</b>	*	*	<b>1.17</b>	<b>0.95</b>
5. Cases Involving Secure Detention	<b>1.76</b>	<b>1.69</b>	0.86	*	*	1.16	<b>1.71</b>
6. Cases Petitioned	<b>1.03</b>	<b>1.14</b>	<b>0.93</b>	*	*	<b>0.95</b>	<b>1.04</b>
7. Cases Resulting in Delinquent Findings	<b>1.19</b>	<b>1.32</b>	<b>1.29</b>	*	*	<b>1.20</b>	<b>1.21</b>
8. Cases resulting in Probation Placement	<b>0.85</b>	<b>0.92</b>	1.06	*	*	0.89	<b>0.87</b>
9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	<b>2.13</b>	1.24	**	*	*	1.46	<b>1.95</b>
10. Cases Transferred to Adult Court	--	--	--	*	*	--	--
<b>Group meets 1% threshold?</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>No</b>	<b>No</b>	<b>Yes</b>	

release 10/17/05

# Appendix B

## DMC Assessment Interview Protocol

## **Appendix B**

### **Virginia DMC Assessment - Interview Guide**

**Name:** \_\_\_\_\_

**Title:** \_\_\_\_\_

**Date:** \_\_\_\_\_

## **Differential Offending**

- Are there any observable differences between White and Black youth in the **types of crimes** that they are arrested for?

For example:

- Drug crimes (possession versus sales)?
- Gang activity?
  - Describe the level of juvenile gang activity in the community?
- Violent crime?
  - Describe the extent of weapons involvement of local youth?
- Disorderly conduct, harassment, public order offenses?
  - What explains these public order arrests?
- Repeat offending?
- Other?

- Do you perceive any cultural differences in **inclination toward criminal activity** between White and Black youth?

## **Mobility**

- Are there any migrant and/or refugee groups that have surfaced in local arrest statistics?

- To what extent is the arrest population of juveniles comprised of youth from outside the city jurisdiction? (That is, from the suburbs, etc.)?

- Is there any transient military (dependent) population that might account for local juvenile arrests?

- Is there any seasonal inflow of population that might account for the heightened arrest of minority youth?

## **Differential Opportunities for Prevention and Treatment**

- Do the geographic catchment areas of community-based programs adequately cover the areas that arrested youth come from?
- Are there any transportation issues that make program participation difficult?
- Are there any program eligibility restrictions that make program participation difficult?
- Are there any program eligibility restrictions that limit participation in diversion programs? For example...
  - programs only for first offenders?
  - programs that require admission of guilt?
  - programs that charge a fee?
  - programs that require parental participation?
- What are some of the reasons why a juvenile might be denied access to a diversion opportunity?
- Are there any reasons why a youngster might be removed from a diversion program?
- Are there any offense-specific diversion programs available in the community?  
For example:
  - Shoplifting
  - Fire Starters
  - Aggressive Behaviors
- To what extent must a juvenile penetrate the juvenile justice system to get diverted?? For example,
  - Must he be arrested?
  - Must he be petitioned?
  - Must he be adjudicated?
- Are there any program alternatives to arrest?

## **Differential Handling**

- Does parental attendance at venues influence decisions that are made, and does attendance vary by race??
  - station house attendance
  - probation office attendance
  - court room attendance
- Does legal representation vary by race/ethnicity??
- Are interpreters available for non-English speaking families??
- If we were to ask Black youth themselves, do you think they would say they are treated differently than Whites??
- What factors might account for Black youth having a longer average length-of-stay in detention than Whites?
- Does age make a difference in how youth are handled?

## **Justice by Geography**

- Are there parts of the city where law enforcement is more active than other areas?
- Is there more tolerance for youth behaviors in certain areas of the city?
- Are School Resource Officers spread evenly across the schools?
- Does the nature and extent of school disciplinary problems vary among the schools?
- Are there areas of the city where merchants are more aggressive than others about prosecuting youth shoplifting or trespassing offenses?

## **Legislation, Policy, and Legal Factors**

- What is the local school policy on dealing with youth behavior problems?
- Are there any “Zero-Tolerance” policies in the schools that result in arrests?
- Are there any specific policies (at any of the various processing points) that guide or govern how a particular offense should be handled?  
[For example: enhanced attention for drugs, weapons, gangs, violence, sex offenses, etc]
- Under what circumstances would a youth be provided legal counsel?

## **Accumulated Disadvantage**

- To what extent does detention time influence a youth to plea bargain?
- What effect does a prior arrest have on how a present case would be handled?
- How about prior time in detention? Does it have an effect on case processing?
- How about a prior placement? Does it reduce the likelihood of diversion or probation?

## **Indirect Effects**

- How often do you see poverty as a motivation for youth crime? And does this vary by race/ethnicity in this community?
- How often do you see drug use associated with youth crime? And does this vary by race/ethnicity in this community?

# Appendix C

Detention Assessment Instrument (DAI)

**VIRGINIA DEPARTMENT OF JUVENILE JUSTICE  
DETENTION ASSESSMENT INSTRUMENT**

**Juvenile Name:** \_\_\_\_\_ **DOB:** \_\_\_\_/\_\_\_\_/\_\_\_\_ **Juvenile #:** \_\_\_\_\_ **ICN#** \_\_\_\_\_  
**Intake Date:** \_\_\_\_/\_\_\_\_/\_\_\_\_ **Time:** \_\_\_\_:\_\_\_\_ AM PM **Worker Name:** \_\_\_\_\_ **CSU #:** \_\_\_\_\_  
**Completed as Part of Detention Decision:**  **Completed as Follow-Up (On-Call Intake):**

**Score**

- 1. Most Serious Alleged Offense (see reverse for examples of offenses in each category)**
  - Category A:** Felonies against persons. .... 15
  - Category B:** Felony weapons or felony narcotics distribution. .... 12
  - Category C:** Other felonies. .... 7
  - Category D:** Class 1 misdemeanors against persons. .... 5
  - Category E:** Other Class 1 misdemeanors. .... 3
  - Category F:** Violations of probation/parole..... 2
  
- 2. Additional Charges in this Referral**
  - Two or more additional current felony offenses..... 3
  - One additional current felony offense ..... 2
  - One or more additional misdemeanor **OR** violation of probation/parole offenses ..... 1
  - One or more status offenses **OR** No additional current offenses ..... 0
  
- 3. Prior Adjudications of Guilt (includes continued adjudications with “evidence sufficient to finding of guilt”)**
  - Two or more prior adjudications of guilt for felony offenses..... 6
  - One prior adjudication of guilt for a felony offense ..... 4
  - Two or more prior adjudications of guilt for misdemeanor offenses..... 3
  - Two or more prior adjudications of guilt for probation/parole violations ..... 2
  - One prior adjudication of guilt for any misdemeanor or status offense ..... 1
  - No prior adjudications of guilt..... 0
  
- 4. Petitions Pending Adjudication or Disposition (exclude deferred adjudications)**
  - One or more pending petitions/dispositions for a felony offense ..... 8
  - Two or more pending petitions/dispositions for other offenses ..... 5
  - One pending petition/disposition for an other offense ..... 2
  - No pending petitions/dispositions ..... 0
  
- 5. Supervision Status**
  - Parole ..... 4
  - Probation based on a Felony or Class 1 misdemeanor ..... 3
  - Probation based on other offenses **OR** CHINSup **OR** Deferred disposition with conditions ..... 2
  - Informal Supervision **OR** Intake Diversion..... 1
  - None ..... 0
  
- 6. History of Failure to Appear (within past 12 months)**
  - Two or more petitions/warrants/detention orders for FTA in past 12 months ..... 3
  - One petition/warrant/detention order for FTA in past 12 months..... 1
  - No petition/warrant/detention order for FTA in past 12 months ..... 0
  
- 7. History of Escape/ Runaways (within past 12 months)**
  - One or more escapes from secure confinement or custody..... 4
  - One or more instances of absconding from non-secure, court-ordered placements..... 3
  - One or more runaways from home ..... 1
  - No escapes or runaways w/in past 12 months ..... 0
  
- 8. TOTAL SCORE** .....

**Indicated Decision:** \_\_\_\_ **0 - 9 Release** \_\_\_\_ **10 - 14 Detention Alternative** \_\_\_\_ **15+ Secure Detention**

**Mandatory Overrides:**  1. Use of firearm in current offense  
(must be detained)  2. Escapee from a secure placement  
 3. Local court policy (indicate applicable policy) \_\_\_\_\_

**Discretionary Override:**  1. Aggravating factors (override to more restrictive placement than indicated by guidelines)  
 2. Mitigating factors (override to less restrictive placement than indicated by guidelines)  
 3. Approved local graduated sanction for probation/parole violation

**Actual Decision / Recommendation:** \_\_\_\_ **Release** \_\_\_\_ **Alternative** \_\_\_\_ **Secure Detention**

## Offense Categories and Included Offenses

### Category A: Felonies Against Persons

Abduction  
Aggravated assault  
Aggravated sexual battery  
Arson of an occupied dwelling  
Assault, law enforcement officer  
Carjacking  
Escape from secure juvenile detention  
by force/violence  
Extortion  
Forcible sodomy  
Larceny > \$5 from a person  
Malicious wounding  
Murder  
Manslaughter  
Inanimate object sexual penetration  
Rape  
Reckless driving/disregard police with  
bodily injury  
Robbery

### Category B: Felony Weapons & Felony Narcotics Distribution

Distribute Schedule I or II  
Distribute Schedule I, II, III, IV or  
marijuana on school property  
Possess Schedule I or II with intent to sell  
Sell Schedule I or II or > 1 oz. Marijuana  
to a minor 3 years junior  
Brandish/point a firearm on school property or  
within 1000 ft.  
Discharge firearm from motor vehicle  
Discharge firearm in/at an occupied building  
Possess a sawed-off shotgun

### Category C: Other Felonies

Arson of an unoccupied dwelling  
Auto theft  
Burglary/Breaking and entering/  
Possess burglary tools  
Escape from a correctional facility  
(not detention)  
Failure to appear in court for a felony  
Fraud/bad checks/credit card > \$200  
Grand larceny/Larceny > \$200  
Larceny of a firearm /Receive a stolen firearm  
Possess Schedule I or II drugs  
Receive stolen goods > \$200  
Shoplift > \$200  
Unauthorized use of an automobile  
Vandalism > \$1000 damage

### Category D: Misdemeanors Against Persons

Assault, simple  
Sexual battery

### Category E: Other Misdemeanors

Brandish/point a firearm  
Carry concealed weapon  
Disorderly conduct  
Escape from secure juvenile detention  
without force/violence  
Fraud/bad checks/credit card < \$200  
Failure to appear for a misdemeanor  
Larceny < \$200  
Receive stolen goods < \$200

### Common Aggravating / Mitigating Factors (Known at the time of Intake)

#### Aggravating

History of 2+ violent/assaultive offenses  
Parent unwilling to provide appropriate supervision  
Parent unable to provide appropriate supervision  
Juvenile has significant mental health problem/  
mental retardation  
Juvenile has significant substance abuse problem  
Juvenile does not regularly attend school/work  
Juvenile has violated conditions of a detention alternative  
Juvenile is charged with a new (detainable) offense  
while in a detention alternative  
Juvenile is an explicit threat to flee if released  
Juvenile is currently an absconder from a non-secure placement  
Other Aggravating factor  
Detention alternative not available

#### Mitigating

Juvenile marginally involved in the offense  
Parent able/willing to provide appropriate  
supervision  
Juvenile has significant mental health problem/  
mental retardation  
Juvenile has significant substance abuse problem  
Juvenile regularly attends school/work  
Offense less serious than indicated by charge  
Juvenile has no/minor prior record