



Disproportionate Minority Contact (DMC) 101

Pathways for Promising Futures Conference
Dover, Delaware
June 13, 2012



Session Objectives

- Review the background and purpose of the DMC core requirement.
- Briefly review OJJDP's DMC Reduction Model.
- Learn about Delaware's DMC reduction efforts.
- Become familiar with OJJDP tools/resources to reduce DMC.



History of DMC

The original goals of the Juvenile Justice and Delinquency Prevention (JJDP) Act of 1974:

- Help state and local governments prevent and control juvenile delinquency and improve the juvenile justice system.
- Protect juveniles in the juvenile justice system from inappropriate placements and from the physical and psychological harm that can result from contact with adult inmates.
- Provide community-based treatment for juvenile offenders.



History of DMC (continued)

The evolution of the four JJDP Act Core Requirements:

1. Deinstitutionalization of Status Offenders (DSO)—1974
2. Separation—1974
3. Jail Removal—1980
4. Disproportionate Minority Confinement (DMC)—1988
 - Became a Core Requirement—1992
 - Expanded to Disproportionate Minority Contact — 2002



History of DMC (continued)

- 1988 Annual Report to Congress by the Coalition for Juvenile Justice (then the National Coalition of State Juvenile Justice Advisory Groups), *A Delicate Balance*.
- DMC as a requirement in the JJDP Act of 1974, as amended in 1988:
 - Requiring states participating in the JJDP Act's Part B Formula Grants program to "address efforts to reduce the proportion of juveniles detained or confined in secure detention facilities, secure correctional facilities, jails, and lockups who are members of minority groups if such proportion exceeds the proportion such groups represent in the general population."
- DMC as a Core Requirement in the JJDP Act of 1974, as amended in 1992: Twenty-five percent of that year's Formula Grants allocation was tied to state compliance.



Disproportionate Minority Contact (DMC) as a Core Requirement in the JJDP Act of 2002

Requiring states participating in the JJDP Act's Part B Formula Grants program 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.*"

Twenty percent of the state's Formula Grants allocation in the subsequent year is tied to the state's compliance status.



Purpose of the DMC Core Requirement

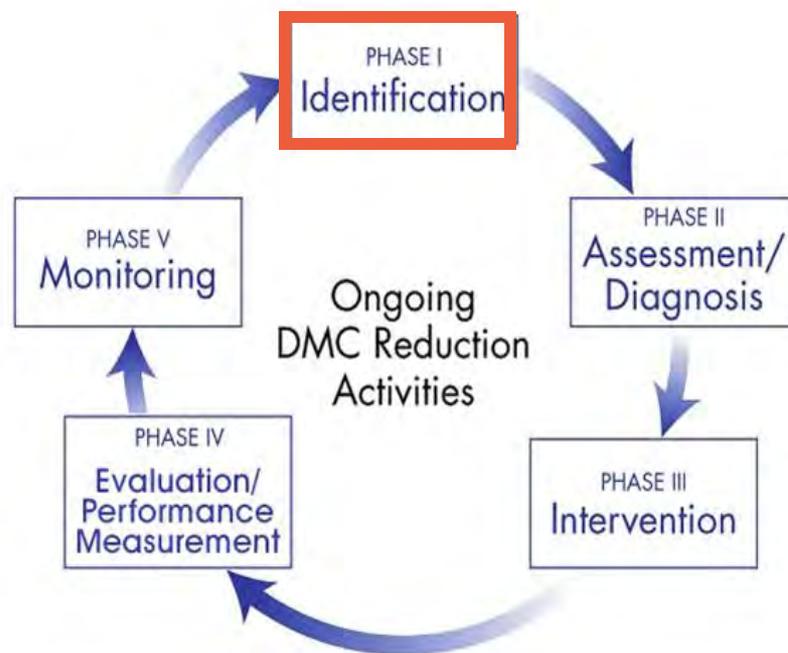
To ensure equal and fair treatment for every youth in the juvenile justice system, regardless of race and ethnicity.



Identification

Answers the questions:

- Does DMC exist?
- If so, where on the juvenile justice continuum?
- And with what minority population?
- To what extent?





Important Considerations in Measuring DMC

- The need to compare jurisdictions and trends despite vast differences in the demographic composition of communities.
- DMC measurement is like taking the vital signs in a hospital—it doesn't tell you what the illness is or how to fix it, but it does tell you if it's getting better or worse and where to aim diagnostic resources.



Relative Rate Index Formula **When Compared With White Rate** (Most Frequently Used Formula)

$$\text{Relative Rate Index} = \text{minority rate} \div \text{white rate}$$



Relative Rate Index Formula When Compared With Another Minority Rate

$$\begin{aligned} &\text{Relative Rate Index} \\ &= \\ &\text{minority rate} \div \text{another minority rate} \end{aligned}$$



Handling Special Circumstances

- When minority youth outnumber white youth
 - If this occurs, statistical significance can still be determined contingent upon several factors (i.e. if there are different subsets of minorities, examining the volume of minority youth compared to white youth in the previous juvenile justice decision points, changing the reference group, etc.).
- When minority youth are very small in number
 - To address this issue multiple years of data can be collected. States should also conduct a sound analysis of volume versus magnitude to determine which juvenile justice system contact points will be addressed.



Juvenile Justice System (JJS) Contact Points

| Area of concern | Decision stage or contact points |
|--|---|
| More than 1.00 | Arrests Referrals to Juvenile Court Cases involving secure detention Cases petitioned Cases resulting in delinquency findings Cases resulting in confinement in secure juvenile correctional facilities Cases transferred to adult court |
| Less than 1.00 | Cases diverted Cases resulting in probation placement |
| Note: RRI values that cause DMC concern can be greater than 1 or less than 1. | |



A Simple Example

- A state with nearly 1,100,000 white (non-Hispanic) youth had 22,175 arrests in 2009. What is the rate of arrests per 1,000 white non-Hispanic youth?

$$22,175 \div 1,100,000 \times 1,000 = 20.1$$

- The same state had nearly 185,000 (non-Hispanic) black or African-American youth with 12,700 arrests in 2009. What is the rate of arrest per 1,000 for (non-Hispanic) black or African-American youth?

$$12,700 \div 185,000 \times 1,000 = 68.6$$

- What is the Relative Rate Index indicating the relative volume of arrests involving black or African-American youth to white (non-Hispanic) youth?

RRI = $68.6 \div 20.1 = 3.41$, indicating that the rate of arrests for black or African-American youth was more than 3 times higher than that for white (non-Hispanic) youth.



Delaware Relative Rate Index (RRI) Data: Volume of Activity

Data Entry Section

AREA REPORTED

State : Delaware

County : Statewide

Reporting Period 1/1/2010
through 12/31/2010

| | 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) | 93,393 | 61,850 | 27,679 | 0 | 3,054 | 0 | 810 | 0 | 31,543 |
| 2. Juvenile Arrests | 5,865 | 2,670 | 3,171 | 0 | 16 | 0 | 8 | 0 | 3,195 |
| 3. Refer to Juvenile Court | 5,865 | 2,670 | 3,171 | 0 | 16 | 0 | 8 | 0 | 3,195 |
| 4. Cases Diverted | 925 | 518 | 400 | 0 | 4 | 0 | 3 | 0 | 407 |
| 5. Cases Involving Secure Detention | 1,284 | 383 | 897 | 0 | 2 | 0 | 2 | 0 | 901 |
| 6. Cases Petitioned (Charge Filed) | 5,865 | 2,670 | 3,171 | 0 | 16 | 0 | 8 | 0 | 3,195 |
| 7. Cases Resulting in Delinquent Findings | 1,680 | 670 | 1,002 | 0 | 4 | 0 | 4 | 0 | 1,010 |
| 8. Cases resulting in Probation Placement | 1,616 | 717 | 893 | 0 | 4 | 0 | 2 | 0 | 899 |
| 9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities | 118 | 32 | 85 | 0 | 1 | 0 | 0 | 0 | 86 |
| 10. Cases Transferred to Adult Court | 60 | 10 | 50 | 0 | 0 | 0 | 0 | 0 | 50 |
| Meets 1% rule for group to be assessed? | | Yes | Yes | No | Yes | No | No | No | |



Delaware RRI Data (continued)

| 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 | 1.00 | 2.65 | * | 0.12 | * | * | * | 2.35 |
| 3. Refer to Juvenile Court | 1.00 | 1.00 | * | ** | * | * | * | 1.00 |
| 4. Cases Diverted | 1.00 | 0.65 | * | ** | * | * | * | 0.66 |
| 5. Cases Involving Secure Detention | 1.00 | 1.97 | * | ** | * | * | * | 1.97 |
| 6. Cases Petitioned | 1.00 | 1.00 | * | ** | * | * | * | 1.00 |
| 7. Cases Resulting in Delinquent Findings | 1.00 | 1.26 | * | ** | * | * | * | 1.26 |
| 8. Cases resulting in Probation Placement | 1.00 | 0.83 | * | ** | * | * | * | 0.83 |
| 9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities | 1.00 | 1.78 | * | ** | * | * | * | 1.78 |
| 10. Cases Transferred to Adult Court | 1.00 | 4.21 | * | ** | * | * | * | 4.18 |
| Group meets 1% threshold? | Yes | Yes | No | Yes | No | No | No | |

| | | | |
|--|--|------------------|--|
| Key: | | | |
| Statistically significant results: | | Bold font | |
| Results that are not statistically significant | | Regular font | |
| Group is less than 1% of the youth population | | * | |
| Insufficient number of cases for analysis | | ** | |
| Missing data for some element of calculation | | --- | |



Achieving Statistical Parity: What Would it Take in Delaware?

| | White | Black or African- American | Hispanic or Latino | Asian | Hawaiian American or other Pacific | Indian or Alaskan | Other/ Mixed | All Minorities |
|--|-------|----------------------------------|-----------------------|-------|--|----------------------|-----------------|-------------------|
| 2. Juvenile Arrests | 0 | -1976 | 0 | 116 | 0 | 27 | 0 | -1833 |
| 3. Refer to Juvenile Court | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 4. Cases Diverted | 0 | 215 | 0 | -1 | 0 | -1 | 0 | 213 |
| 5. Cases Involving Secure Detention | 0 | -442 | 0 | 0 | 0 | -1 | 0 | -443 |
| 6. Cases Petitioned | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 7. Cases Resulting in Delinquent Findings | 0 | -206 | 0 | 0 | 0 | -2 | 0 | -208 |
| 8. Cases resulting in Probation Placement | 0 | 179 | 0 | 0 | 0 | 2 | 0 | 182 |
| 9. Cases Resulting in Secure Confinement | 0 | -37 | 0 | -1 | 0 | 0 | 0 | -38 |
| 10. Cases Transferred to Adult Court | 0 | -38 | 0 | 0 | 0 | 0 | 0 | -38 |



Delaware RRI Data (continued)

2010 AFRICAN AMERICAN RRI BY COUNTY

| | KENT | | | NEW CASTLE | | | SUSSEX | | |
|--------------|----------|-----------|-------------|------------|-----------|-------------|----------|-----------|-------------|
| | W | AA | RRI | W | AA | RRI | W | AA | RRI |
| ARR. | 693 | 744 | 2.21 | 1271 | 1952 | 3.07 | 706 | 475 | 2.49 |
| DIV. | 80 | 48 | .56 | 111 | 103 | .60 | 23 | 12 | .78 |
| DET. | 100 | 210 | 1.96 | 182 | 553 | 1.98 | 101 | 134 | 1.97 |
| DEL. | 182 | 236 | 1.21 | 270 | 566 | 1.36 | 218 | 200 | 1.36 |
| PROB. | 133 | 194 | 1.12 | 403 | 480 | .57 | 181 | 219 | 1.32 |
| CONF. | 8 | 20 | 1.93 | 15 | 53 | 1.69 | 9 | 12 | 1.45 |
| TRAN. | 3 | 14 | * | 3 | 23 | * | 4 | 13 | 8 |



Northeast and Mid-Atlantic State Comparison

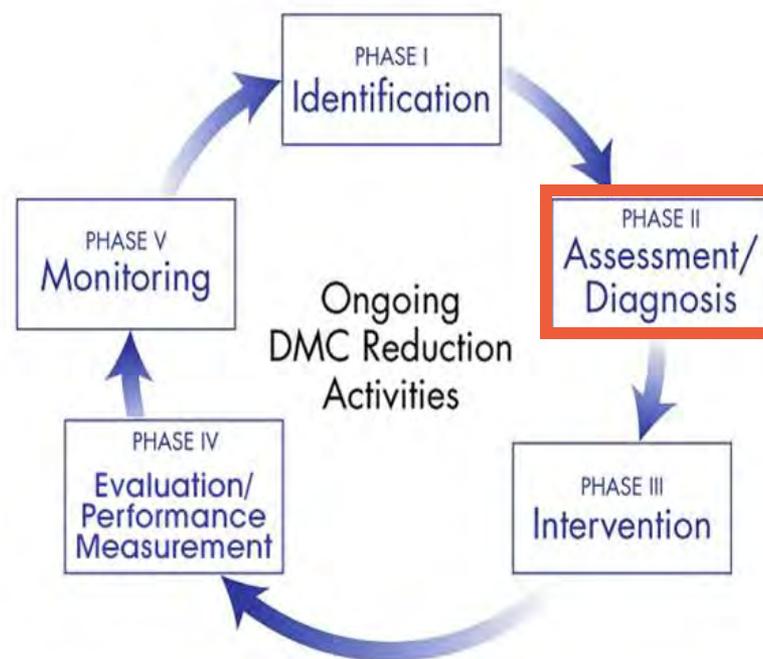
| STATE | ARR. | REF. | DIV. | DET. | DEL. | PROB. | CONF. | TRAN. | YR. |
|-------|----------------------------------|------|------|------|------|-------|-------|-------|-------|
| MD | - | 2.62 | .79 | 3.13 | .93 | .86 | 4.70 | 1.14 | 10-11 |
| PA | 3.99 | 1.22 | .76 | 2.71 | .89 | .73 | 1.93 | 1.17 | 10 |
| NJ | 2.91 | .116 | .72 | 4.46 | 1.26 | 1.20 | 4.83 | - | 09 |
| VA | - | 2.59 | .91 | 1.79 | 1.29 | .76 | 1.82 | - | 10-11 |
| MASS | 3.32 | 1.42 | - | 1.29 | 1.63 | .51 | 1.02 | - | 09 |
| CT | - | 4.63 | .66 | 2.02 | .98 | .89 | 3.31 | 2.60 | 11 |
| NH | 3.37 | - | 1.14 | .77 | 1.07 | .90 | 1.08 | - | 10 |
| VT | 2.40 | .64 | - | - | - | - | - | - | 10-11 |
| ME | NO STATEWIDE REPORTS DMC WEBSITE | | | | | | | | |
| RI | 9.60 | .85 | .30 | 1.46 | 1.00 | - | 2.44 | - | 10 |
| DE | 2.70 | 1.0 | .81 | 2.00 | 1.22 | .96 | 2.57 | 3.72 | 11 |



Assessment

Answers the questions:

- Given the knowledge we have about our community, what probable explanations may be generated about DMC in specific areas and juvenile justice contact points?
- What are the types of data and patterns needed to support the possible explanations generated?
- What data sources are needed?
- Based on the data analysis what are the most likely mechanisms creating DMC?
- What are the mechanisms that the community decides to address with delinquency prevention/intervention and systems improvement strategies?





Mechanisms Leading to DMC: Indirect Effects

- What are the risk factors for involvement in the juvenile justice system?
- To what extent do risk factors differ for minority youth, and does it explain the RRI's?
- Suggested data sources:
 - OJJDP Model Programs Guide community indicators
 - Self-report data on alcohol, tobacco, and other drug use
 - Community-level income data
 - Community-level unemployment rate
 - Community-level demographic data
 - Area-level school attendance data



Mechanisms Leading to DMC: Differential Treatment

Is DMC caused by intentional or unintentional bias? Intentional bias is overt and operates on stereotypes and assumptions. Unintentional bias is typically indirect and operates through legitimate criteria but disadvantages minority youth.

- For example, are more minority youth referred to secure detention based on indirect effects?
- Suggested data sources
 - Case files
 - Surveys of youth and staff
 - Risk Assessment Instruments



Mechanisms Leading to DMC: Legislation, Policies, and Legal Factors with DMC Impact

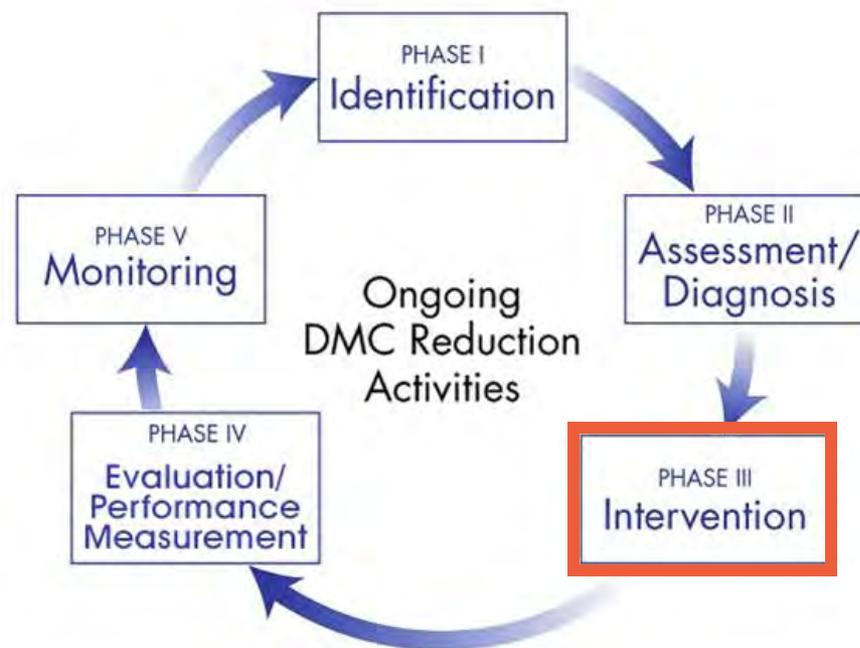
- Do these rules disproportionately affect minorities?
- What rules exist for releasing youths after the initial hearing?
- What policies are in place to regulate behavior among youths at the area schools?
- Does enforcement deployment differ?
- What procedures exist for providing youth with indigent defense?
- Suggested data sources:
 - State and/or local code
 - Administrative rules regarding handling of youths in the juvenile justice system



Categories of Intervention

Answer the following questions:

- What direct services are available?
- Is there training and technical assistance?
- What systems change strategies are needed?





Intervention Strategies and Contributing Mechanisms

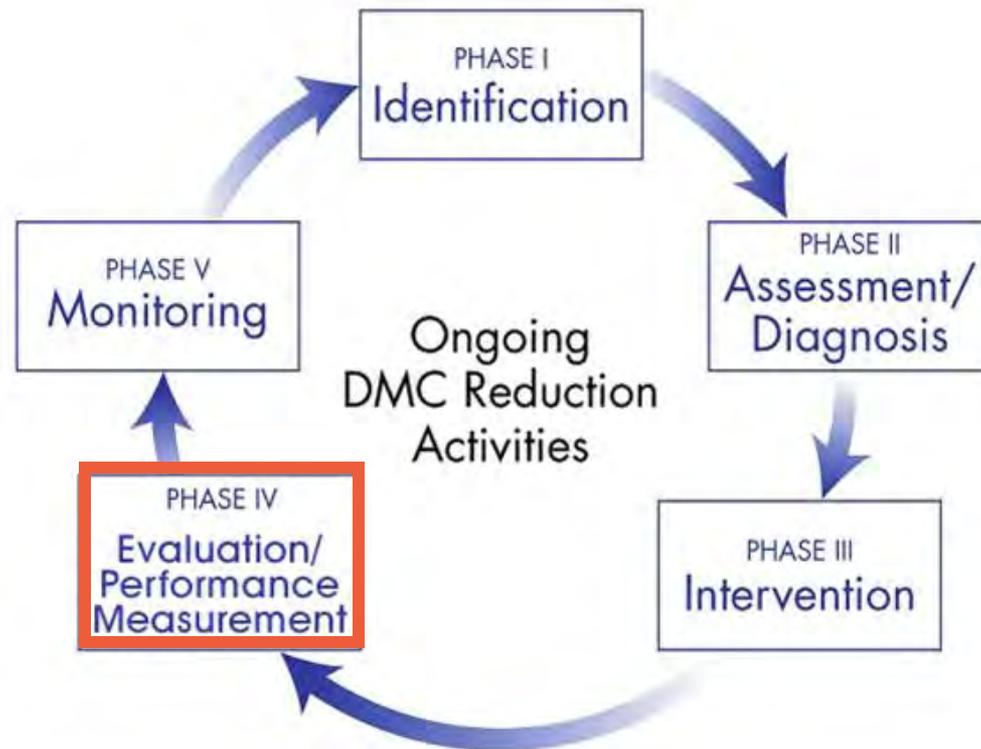
| Contributing Mechanisms | | Direct Services | Training & Technical Assistance | Systems Change |
|--------------------------------|--|-----------------|---------------------------------|----------------|
| | Differential Contact/Offending | X | X | |
| | Mobility | X | X | |
| | Indirect Effects | X | | X |
| | Differential Opportunities | X | X | X |
| | Differential Handling/ Inappropriate Criteria | | X | X |
| | Justice by Geography | | X | X |
| | Accumulated Disadvantage | X | X | X |
| | Legislation, Policies, & legal factors | | X | X |
| | Statistical Aberrations | | X | X |



Evaluation

Answers the following questions:

- What is the effectiveness of DMC prevention intervention/ and systems improvement efforts?
- How can an intervention be improved?
- What additional resources are needed?



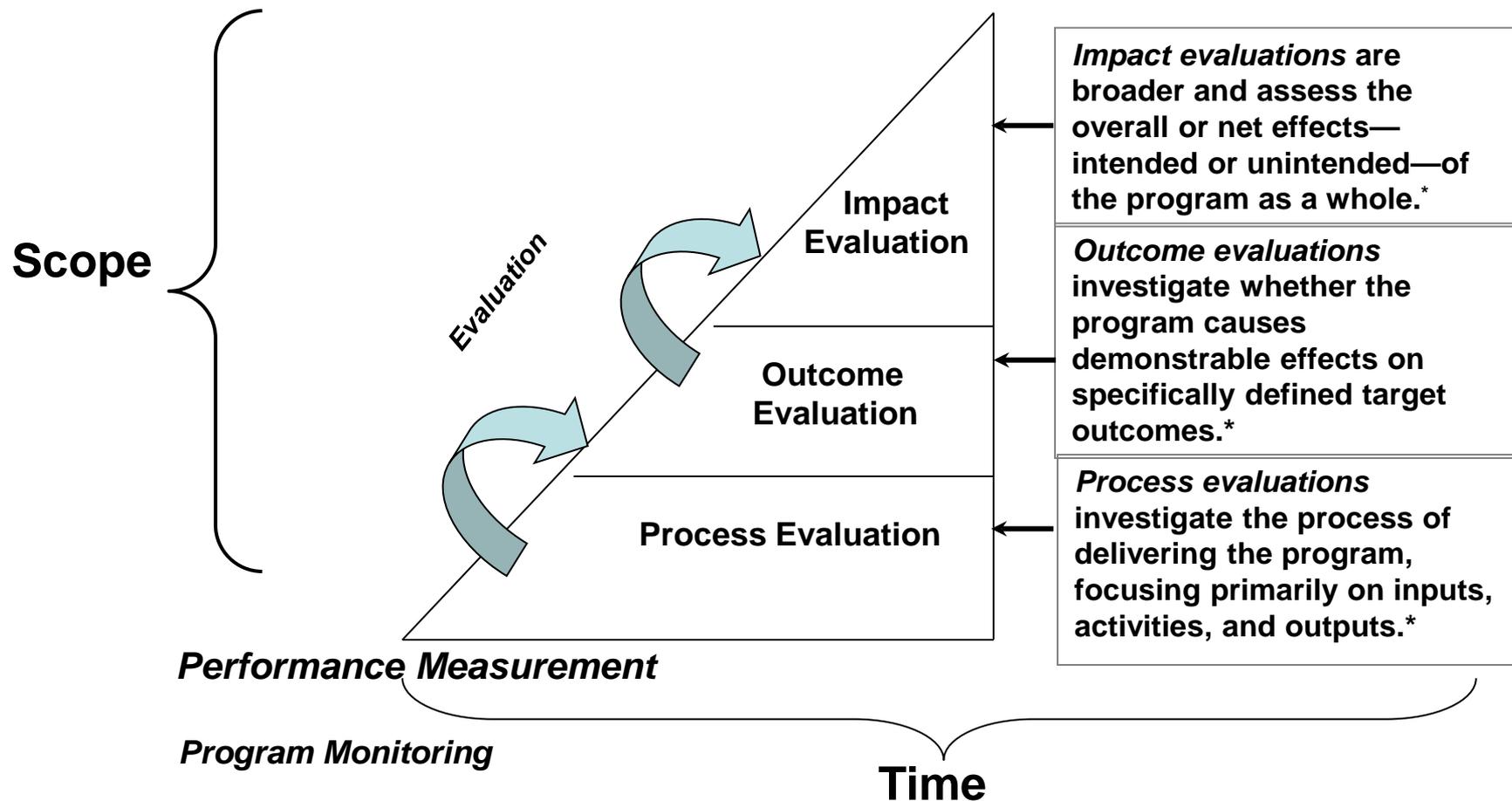


What is an evaluation?

- An evaluation is a formal process for collecting, analyzing, and interpreting information about a program's implementation and effectiveness. It uses procedures that are systematic, objective, and unbiased.



Types of Program Evaluation



*Evaluation definitions excerpt from William M. Trochim, *The Research Methods Knowledge Base, Second Edition.*



Intervention Strategies and Contributing Mechanisms

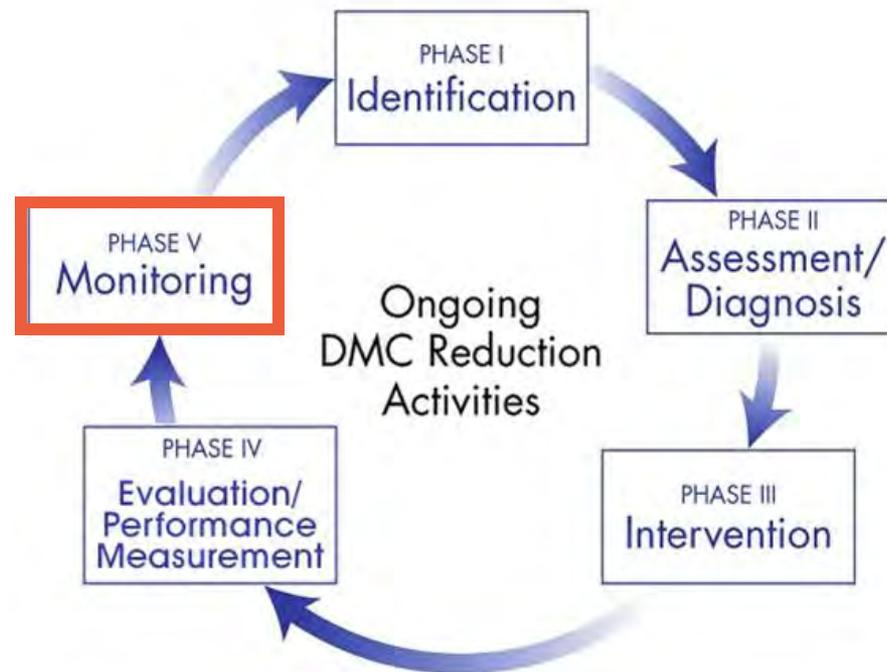
| Contributing Mechanisms | | Direct Services | Training & Technical Assistance | Systems Change |
|--------------------------------|--|-----------------|---------------------------------|----------------|
| | Differential Contact/Offending | X | X | |
| | Mobility | X | X | |
| | Indirect Effects | X | | X |
| | Differential Opportunities | X | X | X |
| | Differential Handling/ Inappropriate Criteria | | X | X |
| | Justice by Geography | | X | X |
| | Accumulated Disadvantage | X | X | X |
| | Legislation, Policies, & legal factors | | X | X |
| | Statistical Aberrations | | X | X |



Reasons for Ongoing Monitoring

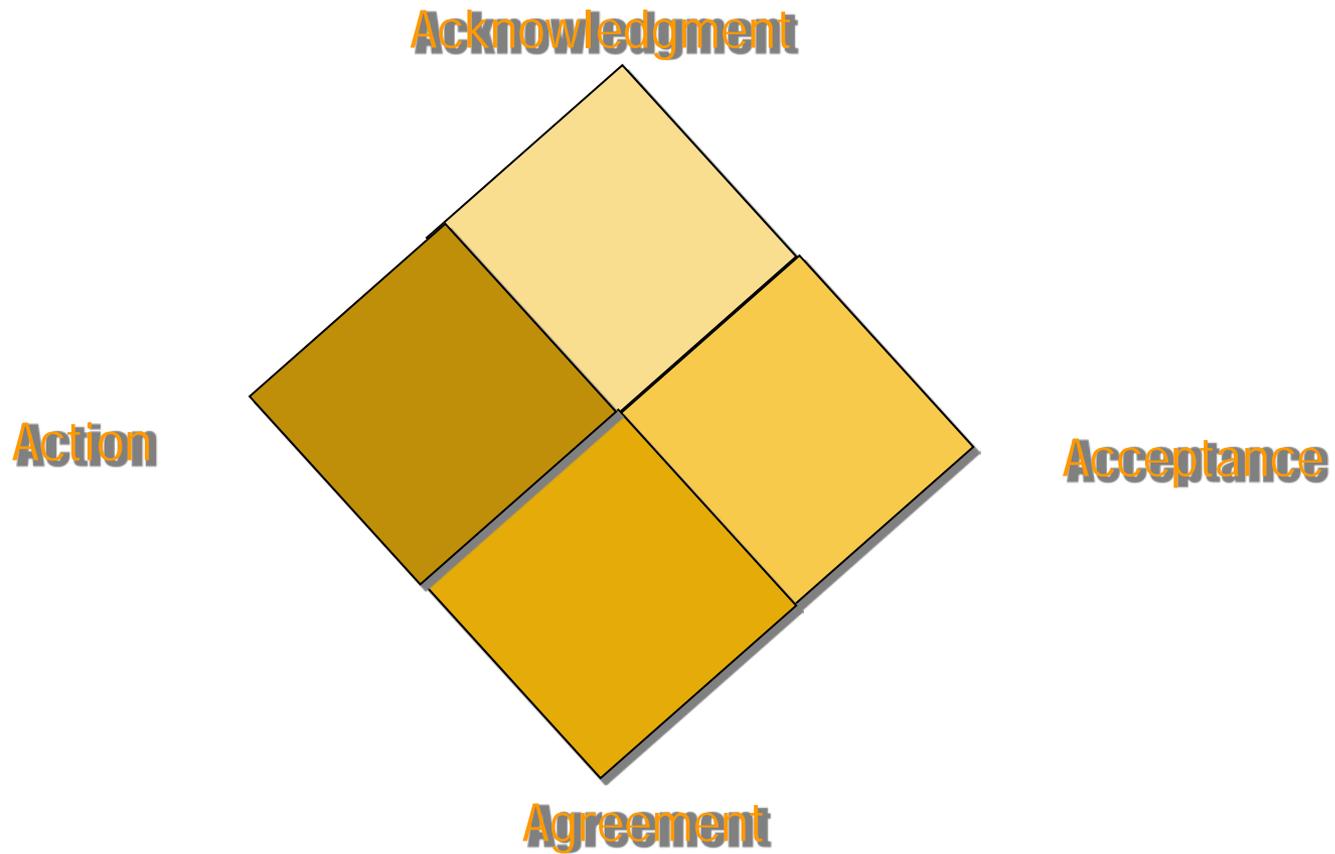
Uses the same methods as the Identification Phase to address the following questions:

- Has the targeted RRI(s) improved or worsened?
- Have other RRI values improved or worsened?
- What can account for these changes?



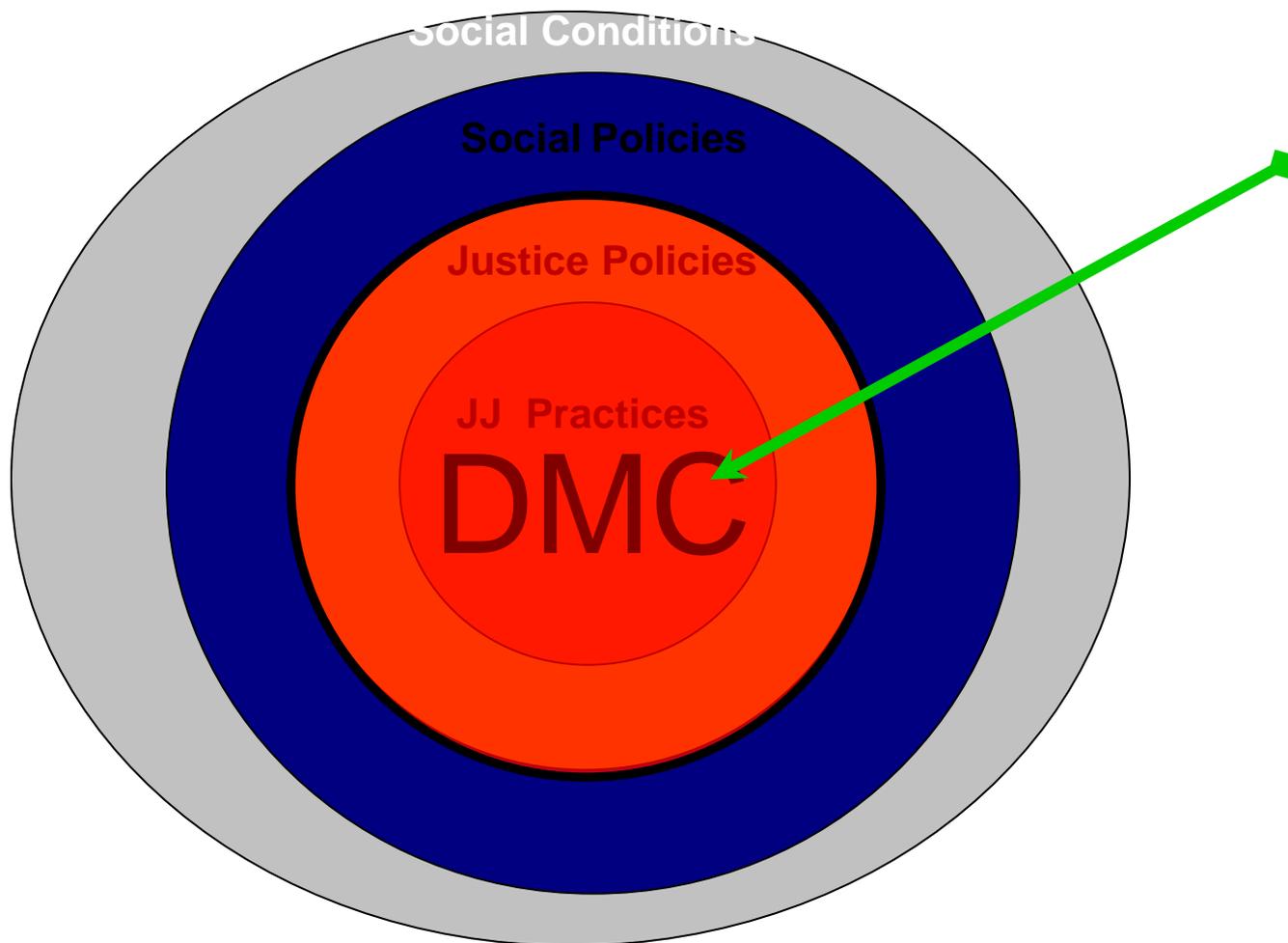


Community Pathway to DMC Reduction



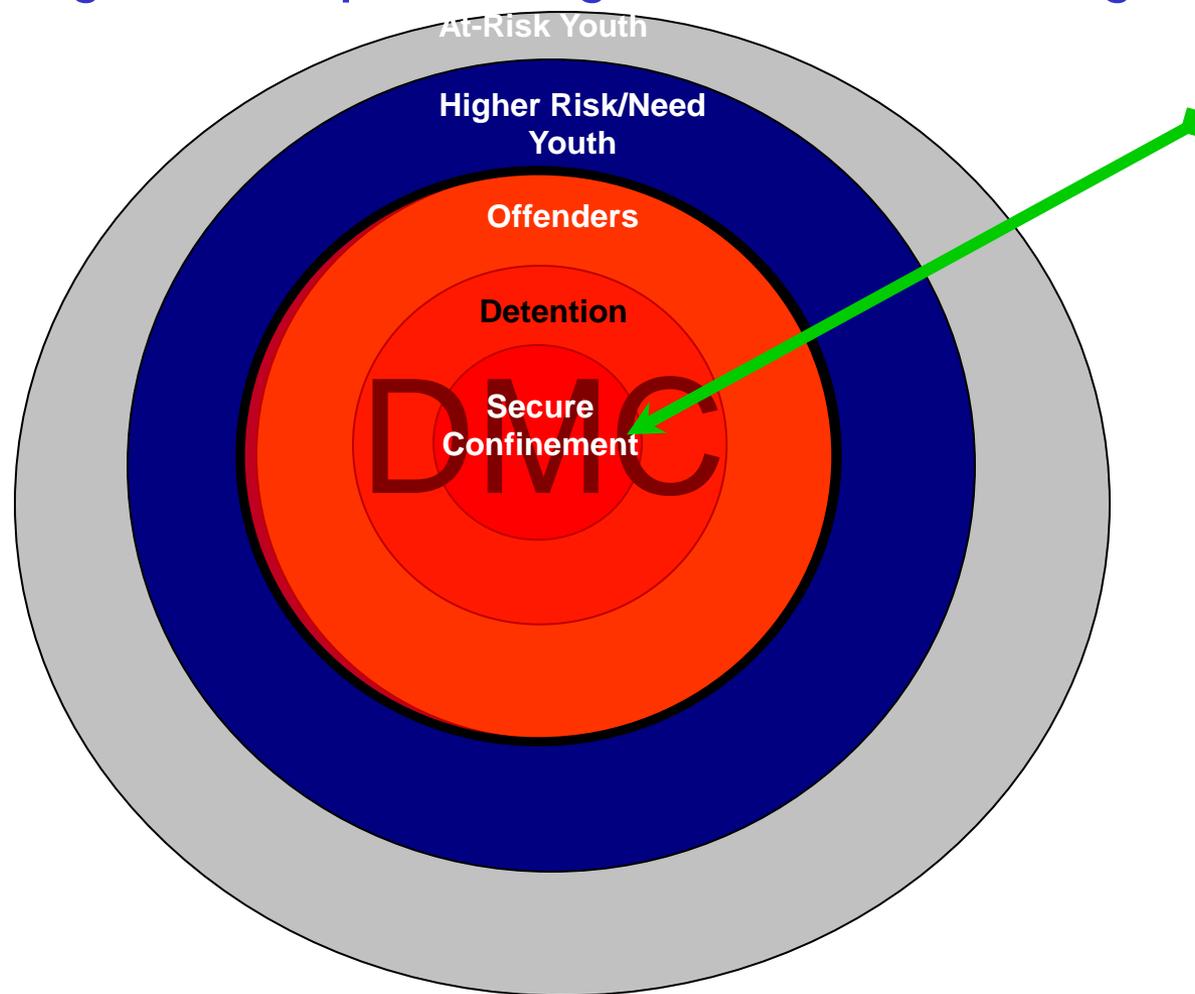


The Context for DMC Planning





Reducing DMC Requires Targeted Action Planning





Delaware's DMC Reduction Efforts

- DYRS has conducted an extensive review of agency practices and policies. Among the changes were changes to the Violation of Probation (VOP) processes (e.g. reducing detention admissions where the lead charge is a VOP, ensuring consistent decision-making regarding VOP requests, etc.).
- The Uniform Criteria for Violation Consideration form was developed which includes race and ethnicity blocks and must be completed by staff before a VOP request is approved.
- Changes were needed to ensure parity statewide and promote more effective and consistent use of graduated sanctions and positive mechanisms to promote youth compliance.



Delaware's DMC Reduction Efforts (continued)

- DSCYF, the YMCA, and the Wilmington Police Department partnered in developing a "diversion" program for youth picked up on curfew violations on weekend nights in Wilmington. Instead of charging the youth, they were taken to the YMCA where services were offered until a parent or responsible parent could be contacted to come and take the youth home.



Next Steps: Where does Delaware go from here?

- Collect data for Hispanic and Latino youth.
- Review RRI data (which includes Statistical Parity) to determine how and whether planned and current interventions will reduce DMC (e.g. Performance Measures, youth pre and posttests, etc.).
- Review recommendations from 2010 DMC assessment study and develop an implementation plan.
- Publish/post/release DMC assessment study.
- Monitor RRI data to ensure reductions are occurring.



Next Steps: Where does Delaware go from here? (continued)

- Develop specific objectives(e.g. increase diversion opportunities for African-American youth in Wilmington by 10% by 2013.
- Ensure interventions are *DMC delinquency prevention and systems improvement strategies* versus universal or general delinquency prevention and systems improvement strategies.



Next Steps: How can I get involved?

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OJJDP's DMC Resources

- OJJDP website: www.ojjdp.gov
- DMC webpage: www.ojjdp.gov/dmc
- DMC Virtual Resource Center:
<https://www.nttac.org/index.cfm?event=dmc.modelResource>
- OJJDP's National Training and Technical Assistance Center: www.nttac.org



WHERE DO WE GO FROM HERE? 4 STEPS TO ACCOMPLISHMENT

To ensure any DMC initiative is successful (e.g. reduces disproportionality throughout the juvenile justice system via sound delinquency prevention and systems improvement strategies) the 4P's must be accomplished:

- PLAN PURPOSEFULLY
- PREPARE THOROUGHLY
- PROCEED POSITIVELY
- PURSUE PERSISTENTLY



Questions, Comments, and Discussion

