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Assessment Report

Hamilton County, Ohio
Juvenile Court

Disproportionate Minority Contact
Assessment, Measurement & Recommendations

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Executive Summary

A core value of the Office of Juvenile Justice and Delinquency Prevention (OJJDP) is to ensure equal and fair treatment of every youth at every stage of the juvenile justice system. The Hamilton County Juvenile Court (HCJC) shares this core value and wants to make certain that all youth are treated justly. To assess their success in treating all youth fairly and equally, the Hamilton County Juvenile Court has undertaken this project. One measure of equal and fair treatment is the rate at which minorities are represented at various stages of the system. OJJDP developed the Relative Rate Index (RRI) to allow comparisons of disproportionate minority contact (DMC) between races and jurisdictions. The method compares the relative rate of a given activity (i.e., arrest, referral, etc.) for each major stage of the juvenile justice system for minority youth with the rate of that activity for majority youth. The comparison provides an index measuring the extent to which the rate of a given activity differs between minority and White youth. This measurement has identified several stages of the HCJC system where minorities are potentially overrepresented. Hamilton County Juvenile Court is actively working to better understand and address any identified disparity.

As the Hamilton County Juvenile Court moves through the process of identifying DMC and assessing the potential causes of DMC in their jurisdiction, they begin the process of effectively understanding, targeting, evaluating and monitoring disparity in their system. In Hamilton County there is a notable difference in the relative rate at which African-American youth and White youth are arrested, and in the difference in the rate at which African-American and White juveniles are diverted from the system. It is important to understand, however, that the relative rate is unable to identify the cause of the high arrest rates and should not be used to suggest systematic racial bias of any Hamilton County agency.

Because minorities are more likely to be overrepresented in communities that have high levels of the factors most correlated with crime and delinquency, the relationship between race and crime is often misattributed (Wilson, 1987).

The identified minority overrepresentation is likely a result of minority representation in urban areas with high rates of poverty (Curry & Spergel, 1988), residential instability (Shaw & McKay, 1942), (Taylor & Covington, 1988), single teenage female-headed households (Conseur, Rivara, Barnoski, & Emmanuel, 1997), little sense of community where members believe they can count on one another to exert social control (Sampson, 1999) and where juveniles are only weakly attached to schools (Gottfredson, Wilson, & Najaka, 2000). These socioeconomic, familial and behavioral factors (Short & Sharp, 2005) (Kakar, 2006) (Chapman, Desai, Falzer, & Borum, 2006) all increase the likelihood that youth will be involved in delinquency and increase the potential of juveniles to reoffend (Engen, Steen, & Bridges, 2002). Factors that increase involvement in the



system are also likely to increase the likelihood that juveniles will be arrested and referred to the court. Furthermore, these factors are all disproportionately concentrated in minority communities.

To address identified disparity in the rate at which minorities are diverted and held in secure detention:

1. *It is recommended that the Hamilton County Juvenile Court create a program that provides an alternative to secure detention for medium to high risk juveniles from neighborhoods with multiple risk factors associated with delinquency and high levels of minority representation.*
 - a. Additionally, it is recommended that the court adopt a program designed to provide an alternative to secure detention that focuses on the interplay of individual, family, peer, school, and neighborhood factors known to be most predictive of future offending. Finally, it is recommended that the program be focused in the area of the county that has the most concentrated level of criminal offending. In Hamilton County, the zip code with the highest rate of offending represents Avondale – a community that also has a very high level of minority representation. By addressing the need for alternatives to detention in this area, the court will likely be able to affect disparate minority representation at both the diversion and secure detention decision points.
2. *It is recommended that the Hamilton County Juvenile Court continue to analyze data to identify the extent of DMC within the court decision-making process in order to further understand the disparity in the rate at which minorities are represented in the nine decision points outlined above, and to ensure that all youth are treated fairly and justly.*
 - a. This analysis should examine correlates that may lead to disproportionate contact and recommend systematic process changes or service delivery interventions that will reduce or extinguish the disparity at those points identified in this report.
3. *It is further recommended that the Hamilton County Juvenile Court study the feasibility and practicality of implementing a new and updated detention admission model.*
 - a. This recommendation is made in order to provide additional relief associated with the use of clinical assessments to override the statistical admission model, to address identified disparity in the rate at which minorities are diverted and held in secure detention, to build staff confidence in the model, decrease the



projected need for overrides based on clinical assessments, and accurately predicts future risk.

- b. It is *additionally recommended that the detention admission model be objectively based and designed to reduce potential racial disparity* to ensure that it improves the rate at which minorities are diverted and held in secure detention. At a minimum, any new Hamilton County Juvenile Court detention admission model should be developed in light of the findings presented in this and future descriptive reports.
4. *Finally, it is recommended that the Hamilton County Juvenile Court make available to staff cultural competency training programs.*
 - a. Providing this training should further the Hamilton County Juvenile Court staff's understanding of disparity in the rate at which minorities are represented and appropriately address concerns identified in the evaluation of factors associated with disproportionate contact within their system.



I. Background

A core value of the Office of Juvenile Justice and Delinquency Prevention (OJJDP) is to ensure equal and fair treatment of every youth at every stage of the juvenile justice system. One measure of equal and fair treatment is the rate at which minorities are represented at various stages of the system. There is consistent evidence that, at the national level, minority juveniles represent a higher proportion of contact at all stages within the juvenile justice system than proportion of the population. This issue, known as juvenile disproportionate minority contact (DMC), is a main focus of national juvenile justice policy. The OJJDP has recently required that all states determine the existence and extent of disproportionate minority contact for juveniles and then act to remedy identified problems. If a state does not comply with the requirements, that State has the potential of losing 25% of its annual Formula Grants.

Although the State of Ohio meets the minimum federal requirements, Governor Strickland has asked the Department of Youth Services (DYS) to request that the 14 Ohio counties with the highest minority youth populations participate in a guided initiative to assess DMC related issues, develop a response to address identified problems, and monitor and evaluate results. Specifically, DHS has asked that data be collected on nine key decision points throughout the juvenile justice system. These nine points include: juvenile arrests, referral to juvenile court, cases diverted, cases involving secure detention, cases petitioned, cases resulting in delinquent findings, cases resulting in probation findings, cases resulting in confinement in secure juvenile correctional facilities, and cases transferred to adult court. This proposed project is designed to help the Hamilton County Juvenile Court fulfill the Department of Youth Services' request.

The Hamilton County Juvenile Court (HCJC) shares OJJDP's core value and wants to make certain that all youth are treated justly. To assess their success in treating all youth fairly and equally, the Hamilton County Juvenile Court has established a means of measuring the rate at which minorities are represented at various stages of the juvenile court system. This measurement has identified several stages of the system where minorities are potentially overrepresented. The court's next step is to evaluate the potential root causes that might explain why minorities could be overrepresented and to assess appropriate responses to address the identified DMC.

Although it is important to measure DMC to know whether minorities are disproportionately represented at different stages of the system, its observance within the juvenile justice system may lead some to inappropriately judge the system as inherently racially biased. DMC is a complex issue that may or may not imply an actual bias within individuals or system processes. If racial bias exists and is manifested in any of the decision points under consideration, DMC would be expected at that stage. It should not be argued, however, that DMC - as measured by the relative rate at which minorities are represented in the system - always reflects racial bias. A



conclusive analysis must isolate racial bias by controlling for other factors that may influence the rate at which minorities come into contact with the system.

The following assessment provides the Hamilton County Juvenile Court with the information necessary to more fully understand the historical context of DMC in the United States, the level of DMC within their court and recognize potential factors contributing to the identified disparity. The assessment also contains recommendations that HCJC may find helpful in the development and implementation of programs and policies to address potential causes of DMC.

Historical Context of DMC

Disproportionate minority contact within the juvenile justice system is not a new problem. Studying crime in Chicago neighborhoods nearly 100 years ago, Shaw and McKay (1942) noted that the rates at which minorities were involved in delinquency were much higher than the rates for Whites. More than forty years ago, the President’s Commission on Law Enforcement and the Administration of Justice noted that the arrest rates for African American adults was more than five times that of Whites – for juveniles, African-Americans were about three times more likely to be arrested than Whites (President's Commission, 1967). Shortly after the President’s Commission highlighted the problem and noted a need for change, *The Juvenile Justice and Delinquency Prevention Act of 1974* (JJDPA, 1974) was passed into law and set a course to bring about change in overrepresentation of minorities in the juvenile justice system. The JJDPA was revised in 1988 and again in 1992 to place federal pressure on state and local agencies by threatening to revoke twenty-five percent of federal funding for those states that did not take steps to minimize the disproportionate minority contact within their state juvenile system.

Forty years after the President’s Commission report, little has changed. In 1997 minority youth in juvenile detention facilities were disproportionately represented in every state except Vermont (Hoyt, Schiraldi, Smith, & Ziedenberg, 2001). As shown in table 1, the person offense arrest rate for African-American juveniles in 2005 was four times that of White juveniles. Additionally, while the

Table 1: National Person Offense Rates for Delinquency Cases, 2005

Decision Points	White	African-American
Population at Risk (Ages 10-17)	26,108,000	5,589,300
Juvenile Arrests	7.3	26
Cases referred to juvenile court	127.5	120.3
Cases diverted	24.7	17.5
Cases detained	25	28.5
Cases petitioned	54.6	63.6
Cases adjudicated	63.2	57.5
Adjudicated Cases Resulting in Probation	65.8	60.5
Adjudicated Cases Resulting in Placement	22.6	26.2
Cases judicially waived	1.3	1.5

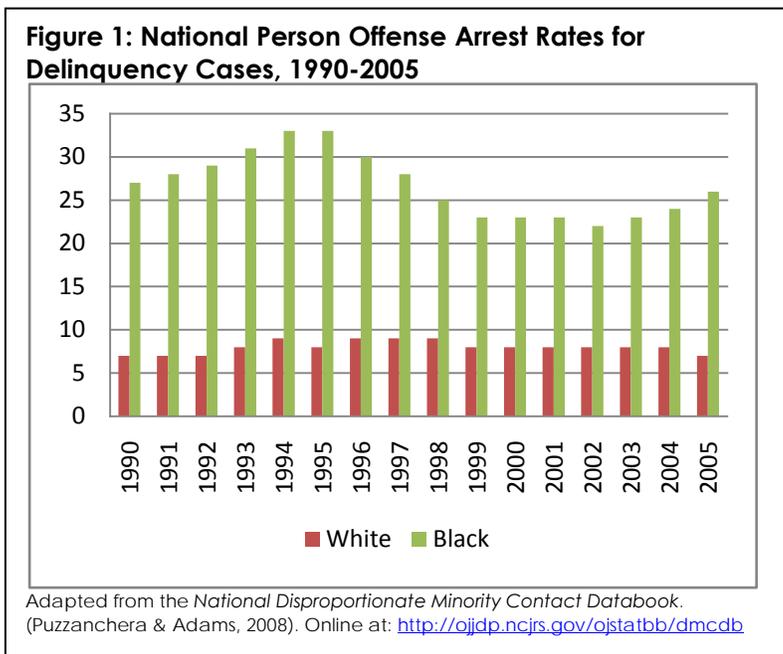
Adapted from the *National Disproportionate Minority Contact Databook*. (Puzzanchera & Adams, 2008). Online at: <http://ojidp.ncjrs.gov/ojstatbb/dmcd>



arrest rate for delinquency offenses for White juveniles remains relatively stable over time, the same rate for African-American youth fluctuates a great deal from year to year. As the overall arrest rate for Black juvenile's fluctuates, the level of disparity between White and African-American youth changes. As shown in Figure 1, in some years, like 1995, the rate at which African-American youth were arrested for delinquency cases was more than four times that of White juveniles. In some years, the level of disparity is far less. For example, in 2002, the disparity between the African-American and White juveniles was 2.75 (see figure 1). The fact that minority youth are, and have been, more likely to be arrested is clear and persistent.

Disparity in arrest rates reveals only part of a multifaceted picture. First, it fails to show whether the disparate representation continues to be an issue as delinquents move through the juvenile justice system. Though the disparity between the rate at which African-Americans and White juveniles are arrested is easily identified at arrest, the over-representation appears to be far less of a problem at other stages of the system – at least at the national level. When considering national data, the rate at which African-Americans were referred to the court (120.3) in 2005 was slightly lower than the rate for Whites (127.5). This suggests that African-American juveniles are not

referred to the court by means other than arrest at a rate that is overly disparate from that rate that White juveniles are referred. Because referrals come from a variety of sources – schools, parents, or others in the community – disparity in the rate at which minorities are referred to the court are likely to reflect extra-legal decisions that are out of the court's control.



Again, as shown in Table 1, when considering national data, disparity is dependent on which area of the system is being considered. With regard to cases diverted away from the court, African-American juveniles are diverted about 70% as often as White juveniles (24.7 and 17.5 respectively). This suggests that minorities are less likely to have their cases moved out of the system and handled informally than are Whites. Similarly, according to national data, African-American juveniles are less likely to be placed on probation than are White juveniles. To summarize the data shown in Table 1, the national rate at which African-Americans are arrested,



detained, have their cases petitioned, and are placed in secure confinement is higher than the respective rates for White juveniles. It is equally noteworthy that African-Americans are under-represented in cases diverted and probation placements. The rate at which minorities are disparately represented at various parts of the juvenile justice system is mixed – at least when considering national data.

Though the level of disparity at different stages of the system is sometimes questioned, most research reveals consistent evidence that, at the national level, minority juveniles represent a higher proportion of contact at all stages within the juvenile justice system than their proportion of the population as a whole (Nellis, 2005) (Piquero & Brame, 2008). It is generally understood that the proportion of minority youth in juvenile facilities is close to double of the relative proportion of minority youth in the national population. Specifically, minority youth make up 34 percent of the population and make up 62 percent of detention centers, 67 percent of young people in public facilities, and 55 percent of juveniles in private facilities (Hoyt, Schiraldi, Smith, & Ziedenberg, 2001). Furthermore, while there have been recent decreases in the overall number of juveniles held in custody, minority youth still make up 61 percent of the juveniles in public and private facilities. Additionally, research reveals that while there is disparity at every point of the contact process, it is generally highest at arrest and detention. Data from 2002 show that minority youth are almost twice as likely to be arrested and 1.4 times as likely to be detained as White youth.

Although it is important to document that minorities are represented in the juvenile justice system at rates higher than their proportion of the general population, it is equally important to understand potentially systematic explanations as to why minorities are disproportionately represented. Many explanations have been offered. For example, it has been suggested that legislative changes such as the war on drugs (Kempf-Leonard, 2007) and anti-gang laws (Nellis, 2005) could have bias undertones toward minority youth and therefore impact the rate at which minority youth are in contact with the system. Though these legislative efforts may have differentially impacted minority youth, there is no evidence that these efforts were designed to target minority youth or that those who wrote the legislation were racially motivated. Others have suggested that differential police patrol policies contribute to DMC (Piquero & Brame, 2008) and that policies directing the transfer and waiver of juveniles to adult courts have differentially impacted minority youth (Short & Sharp, 2005). Evidence suggests that these systematic efforts do result in some level of disparate representation of minorities in the juvenile justice system (Short & Sharp, 2005) (Kakar, 2006) (Wordes, Bynum, & Corley, 1994).

In addition to these systematic explanations, there is a great deal of research suggesting that, as minority juveniles commit more offenses and participate in a wider variety of offenses than do their White counterparts (Nellis, 2005) (Lieber, 2002) and that these differential rates of offending and involvement in crime explain minority overrepresentation. In short, the theory purports,

minorities are overrepresented because they commit more offenses (Nellis, 2005) and participate in a wider variety of crime (Lieber, 2002) (Bridges & Steen, 1998).

Just as it is important to understand the potential systematic causes of DMC, it is equally important to understand the relatively strong evidence explaining why minority youth offend at disproportionately higher rates than do White juveniles (Piquero & Brame, 2008).

There is a great deal of research suggesting that race is not the cause of differential minority involvement in the juvenile justice system; rather, DMC is the result of a number risk factors associated with delinquency that are also closely associated with race. And, much of what we know about the problem is not new to criminological research. The 1967 President's Commission, for example, noted that minority representation is not likely an affect of race, but rather, an effect of larger social issues. The research suggests that minority representation in the justice system is likely a result of minority representation in urban areas with high rates of poverty (Curry & Spergel, 1988), residential instability (Shaw & McKay, 1942; (Taylor & Covington, 1988), single teenage female-headed households (Conseur, Rivara, Barnoski, & Emmanuel, 1997). Additionally, minorities are more disproportionately from neighborhoods that lack a since of community where members believe they can count on one another to exert social control (Sampson, 1999) and where juveniles are only weakly attached to schools (Gottfredson, Wilson, & Najaka, 2000). These socioeconomic, familial and behavioral factors (Short & Sharp, 2005) (Kakar, 2006) (Chapman, Desai, Falzer, & Borum, 2006) all increase likelihood that youth will be involved in delinquency and increase the potential of juveniles to reoffend (Engen, Steen, & Bridges, 2002). Furthermore, these factors are all disproportionately concentrated in minority communities.

Because minorities are more likely to be overrepresented in communities that have high levels of those factors most correlated with crime and delinquency, the relationship between race and crime is often misattributed (Wilson, 1987).

Few people doubt that minorities are differentially represented in the juvenile justice system; fewer still understand what brings about the disparity and know what to do about it.



II. Search for Solutions

Given that DMC occurs at all levels of contact within the juvenile justice system, it would be unlikely that a single program or policy would effectively bring about racial equilibrium within the system. As with most complex issues, the solution is likely multifaceted. There is no shortage of ideas that may diminish the disproportionate representation of juveniles in the system. Some have noted that education and training for organizational staff is necessary to prioritize this issue and set the stage for effective change (Short & Sharp, 2005). Others have suggested that teaching parents how to be more authoritative with their children or helping youth find employment (Short & Sharp, 2005) will increase community involvement and improve economic conditions (Kakar, 2006). There have also been suggestions that the system should create alternatives to secure detention (Nellis, 2005) (Kakar, 2006) (Bell, Onek, & Finley, 2005) (Lotke & Schiraldi, 2005). Assessment techniques are also being evaluated and represent an area of the juvenile justice system that needs to be carefully examined for bias tendencies (Kempf-Leonard, 2007) (Bridges & Steen, 1998). Some researchers have gone as far as recommending the development of assessment tools to be used at each decision point in the juvenile justice system (Bell, Onek, & Finley, 2005) (Lotke & Schiraldi, 2005). Regardless of the programs or policies recommended, to address the root causes, they are likely to be broad in scope and require buy in from members of the juvenile justice system, community members, key stakeholders, politicians, juveniles inside and outside of the system, and those experienced with juvenile justice and DMC (Short & Sharp, 2005) (Bell, Onek, & Finley, 2005) (Lotke & Schiraldi, 2005).

In an effort to understand the complexity of DMC and address overrepresentation of minority youth in the juvenile justice system, the Congress of the United States directed the Office of Juvenile Justice and Delinquency Prevention (OJJDP) to work with states to create intervention strategies that included both juvenile delinquency prevention efforts system improvements to assure equal treatment of all youth. With this new charge, OJJDP has committed to identifying where and to what extent DMC exists, assessing what causes minorities to be disproportionately represented and supporting interventions to address the problem. Additionally, OJJDP is devoted to helping agencies evaluate and monitor intervention effectiveness in an ongoing effort to lower disparity in the rate at which minorities are represented in the juvenile justice system. This commitment has resulted in a much better understanding of disproportionate minority contact (DMC) within the juvenile justice system at the national and local level.

Through the process of working toward a better understanding of DMC in the juvenile justice system, it has become clear that DMC is not isolated to a few locations or a few points in the system. To the contrary, at the national level, it is generally understood that minorities are disproportionately represented at most of the major decision points in the juveniles justice system. It is further understood that decisions occurring as juveniles enter into the system influence

decisions that take place as youth move through the system. With regard to DMC, this suggests that if minorities are over- or under-represented at early stages of the juvenile justice system, the level of disparity will likely be amplified as they move through the system. As local juvenile justice agencies begin to better understand that decisions made throughout the juvenile justice system affect the rates at which minorities are represented at the various stages of the system, it becomes ever more clear that DMC reduction strategies should be comprehensive and include broad approaches that work toward systemwide change.

As local juvenile justice systems work to better understand the extent of DMC in their jurisdictions, it has become increasingly important that they systematically study the issue using both quantitative and qualitative research techniques. Studying DMC using these techniques allows agencies to more fully understand the dynamics of DMC within their local agencies and direct efforts to address any identified disparity. Additionally, using standardized research techniques allows agencies to study minority representation generally and understand the effect of programs that are implemented to address potential causes. As local agencies become more adept at studying disproportionate minority contact in their organizations, it has become increasingly important to understand the level of disparity across different races and multiple jurisdictions.



III. Assessment Method

This assessment of disproportionate minority contact in the Hamilton County Juvenile Court uses both quantitative and qualitative data to identify DMC, search for causes of disparity, recommend additional study needs, and recommend potential policy and programmatic solutions. All of the data used in this assessment were obtained from the Hamilton County Juvenile Court. The court made every effort to ensure the necessary data were made available for the assessment. As part of the DMC initiative, the court created a program to allow the creation of Relative Rate Index tables for the past four years, 2004 to 2007. It should be noted that all county generated data in this assessment use 2005 population estimates from the Bureau of Census. Demographic and socioeconomic data were gathered through the Bureau of Census. These data were utilized to determine neighborhoods or communities that had a high concentration of the risk factors for crime and delinquency. Although quantitative data were used extensively in this project, these data alone are not enough to reach a full understanding and recommend solutions to the problem of DMC. To gain additional information and develop a more sound reason for why DMC occurs in the Hamilton County and how to fix the problem, many outside sources were contacted to gather qualitative data and get their perspective. Focus groups and interviews of key stakeholders were used to gather qualitative data. Key stakeholders included both members of the court and those outside of the court with connections with the court. There were also meetings with the DMC Work Group of Hamilton County. The work group, whose members include many of the key stakeholders, was developed to understand their efforts to improve and come up with solutions for DMC. To further the analysis and assessment of DMC it was crucial to have the involvement of those people who were directly responsible for decisions regarding prospective DMC policies. By conducting interviews and having ad hoc discussion with members of this group, the research gained a more thorough understanding of the issues and working practice of the Juvenile Court in Hamilton County.



IV. The Relative Rate Index

OJJDP developed the Relative Rate Index (RRI) to allow comparisons of disproportionate minority contact between races and jurisdictions. The method compares the relative rate of a given activity (i.e., arrest, referral, etc.) for each major stage of the juvenile justice system for minority youth with the rate of that activity for majority youth. The comparison provides an index measuring the extent to which the rate of a given activity (i.e., arrest, referral, etc.) differs between minority and White youth. Because the RRI offers a rate of particular events based on population of each minority group, it is also useful for inter-jurisdictional comparisons.

Calculating the RRI is a reasonably simple procedure. First, the number of events for various stages of the juvenile justice system is computed for the minority group of interest. This number is then translated into a rate by dividing the number of events in one stage by the number of events at the preceding stage. The rates for minority groups are then divided by the rate for White youth in order to provide a numeric indicator of the extent to which the rate of contact for minority youth differs from the rate of contact for White youth.

Though the calculation is relatively simple, OJJDP provides a seven step model that can be used when calculating the relative rate index. To begin, OJJDP identified nine broadly defined stages of the juvenile justice system where decisions are made that may disparately affect minorities¹. The nine decision points are:

1. Juvenile arrests,
2. Juveniles referred to juvenile court,
3. Cases diverted,
4. Cases involving secure detention,
5. Cases petitioned (charge filed),
6. Cases resulting in delinquent findings,
7. Cases resulting in probation placement,
8. Cases resulting in confinement to secure juvenile correctional facilities, and
9. Cases transferred to adult court.

¹ See Appendix A for a graphical presentation of the nine decision points and a step-by-step guide to implementing and calculating the relative rate index.



With the nine stages identified, the number of occurrences at each stage is calculated and then divided by the number of occurrences at the preceding stage. To calculate an arrest and referral rates, because there is no earlier stages in the system, the number of arrests/referrals is divided by the total population of young people age 10-17 for the jurisdiction. To calculate minority specific arrest/referral rates, the number of arrests for the minority group is divided by the population of that minority group between the ages of 10 and 17. This recorded a rate of occurrence can then be used to compare racial categories. It is the comparison of rates for minority groups to White juveniles that creates the relative rate index. It is important to note that the RRI considers each event, regardless of whether one juvenile is responsible for multiple events. If, for example, a delinquent offends and is arrested on two separate occasions, each arrest is represented in the RRI. Thus, the RRI represents the rate at which the event occurs and not the number of offenders at that stage. As a result, an over-representative RRI may be the product of a small, but very active subset of the offending population.

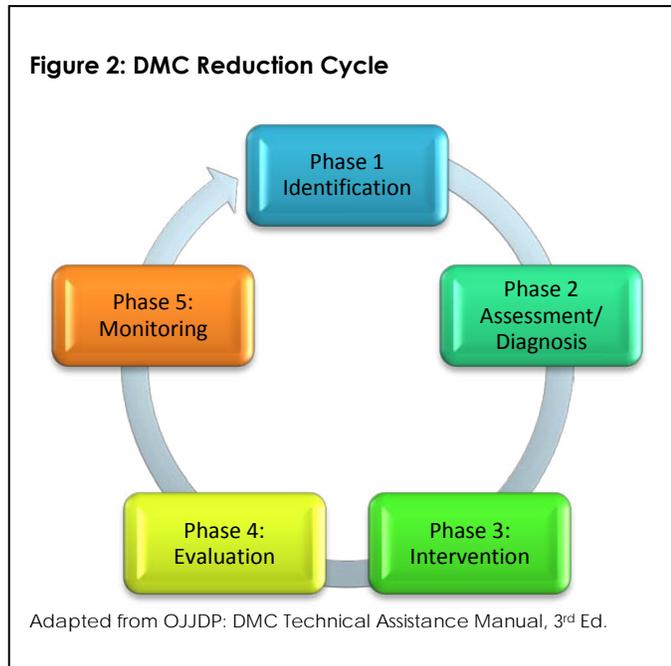
Like all mathematical equations, the RRI will only be as accurate as the data used within the formula. Accuracy of the data is particularly important due to the fact that RRI's for each succeeding decision point are based on the data from the previous stage.

Because OJJDP has encouraged the use of the RRI as their main source of calculation to show disproportionate contact at all nine decision points for minority youth, the Hamilton County Juvenile Court has created a method of calculating the RRI for each decision point outlined above.



V. DMC Strategy in Hamilton County

As the Hamilton County Juvenile Court (HCJC) moves through the process of identifying DMC and assessing the potential causes of it in their jurisdictions, they will begin the process of effectively understanding, targeting, evaluating and monitoring disparity in their system. Additionally, this process will also ensure that HCJC systematically moves through the DMC Reduction Cycle developed by OJJDP. It is during this process that the court will begin to measure minority contact. It is also important at this stage to analyze any

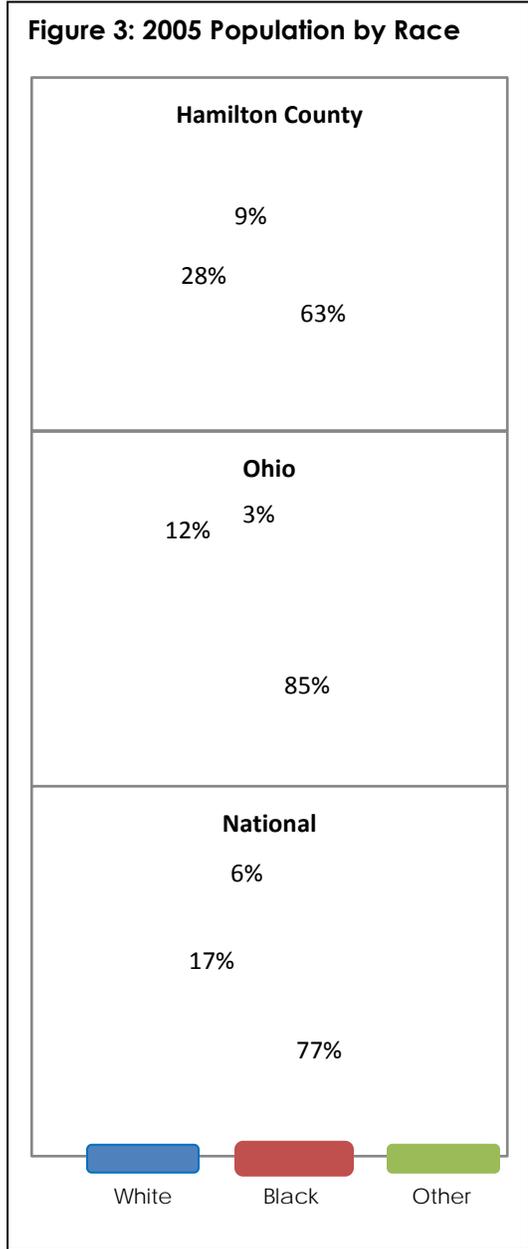


identified disparity in the level of contact minority juveniles have with the system as compared to the level of contact that White youth have with the system. Information gathered and studied at this stage can be utilized to develop intervention efforts – programs, policies, etc – that target the specific factors contributing to any identified disparity. Linking specific intervention efforts to identified contributing factors is perhaps the most important way that the Hamilton County Juvenile Court can use data to guide their decision-making with regard to where and how they should focus efforts to address their specific DMC issues. By continuously monitoring the impact of programs and policies aimed at effecting minority contact with the system, HCJC will continue to build their understanding of level of DMC within their court and the issues contributing it. Furthermore, ongoing monitoring of efforts will allow the court to be more acutely aware of how their efforts are impacting the level of minority contact within their system. As Hamilton County Juvenile Court works through this process, it is accomplishing a very important goal highlighted by OJJDP – that DMC efforts move beyond simple compliance with the DMC core requirements set forth by OJJDP and toward the implementation of effective DMC activities that actually reduce disparate representation of minority youth at every decision point of the juvenile justice system.

VI. Hamilton County: Overview of Data

Population by Race

According to 2005 Census data, the juvenile Population of Hamilton County is 63 percent White, 28 percent African-American or Black and 9 percent belong to another racial group. The overall youth population, those ages 10-17, in Hamilton County totals 102,097. Of these, there were 67,446 White youth, 29,545 African-American youth, 1,190 Hispanic Youth, 1,213 Asian Youth, 174 American Indian/Alaska Native, and 2,529 that belong to consider themselves of another or mixed race. Although a large majority of Hamilton County juveniles are White, minorities represent a larger proportion of the population in Hamilton County than they do in Ohio or nation at large. In Ohio², 85 percent of the overall population is White, 12 percent are African American and 3 percent belong to other racial groups. Nationally, minorities represent 23 percent of the juvenile population. More specifically, at the national level, 17 percent of young people age 10-17 are Black and 6 percent belong to another minority group. At the national level, the juvenile population is 77 percent White – a significantly larger proportion of the juvenile population than is seen in Hamilton County. With regards to DMC, this is important as it shows that Hamilton County has a proportionately larger minority population than does the State of Ohio or the United States.



² Ohio data are based on Census Data from 2005 representing the total Ohio population.



Delinquency Filings

Figure 5: Delinquency Filings, January 2004 - August 2008

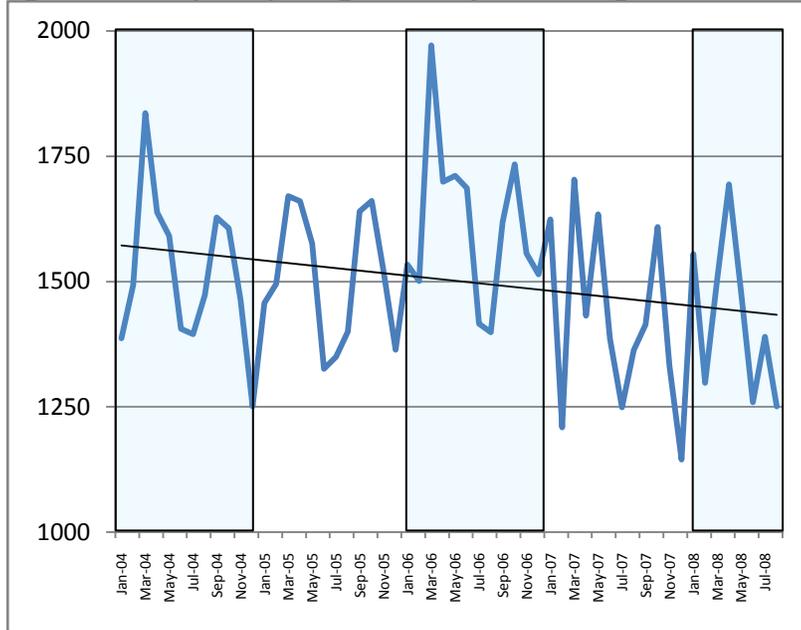
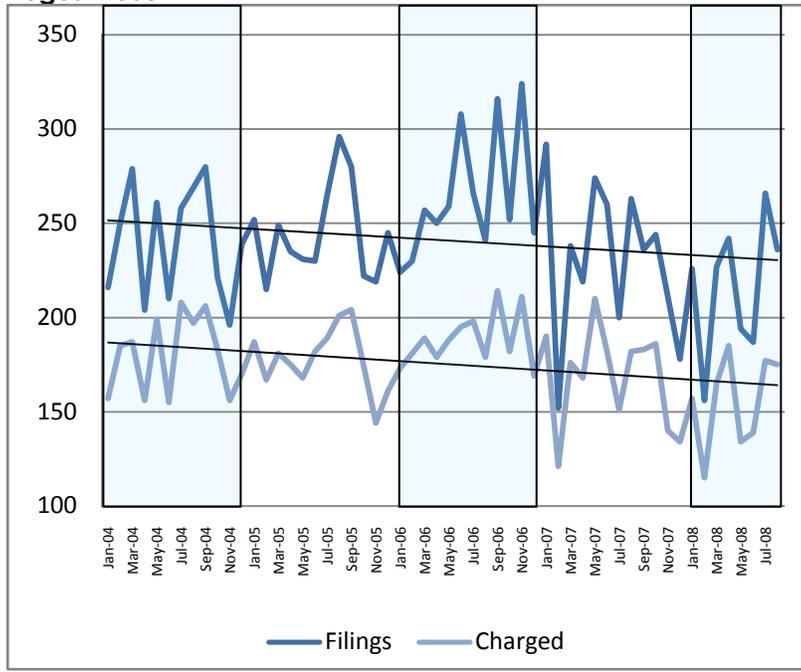


Figure 4: Felony Filings and Felonies Charged, January 2004 - August 2008

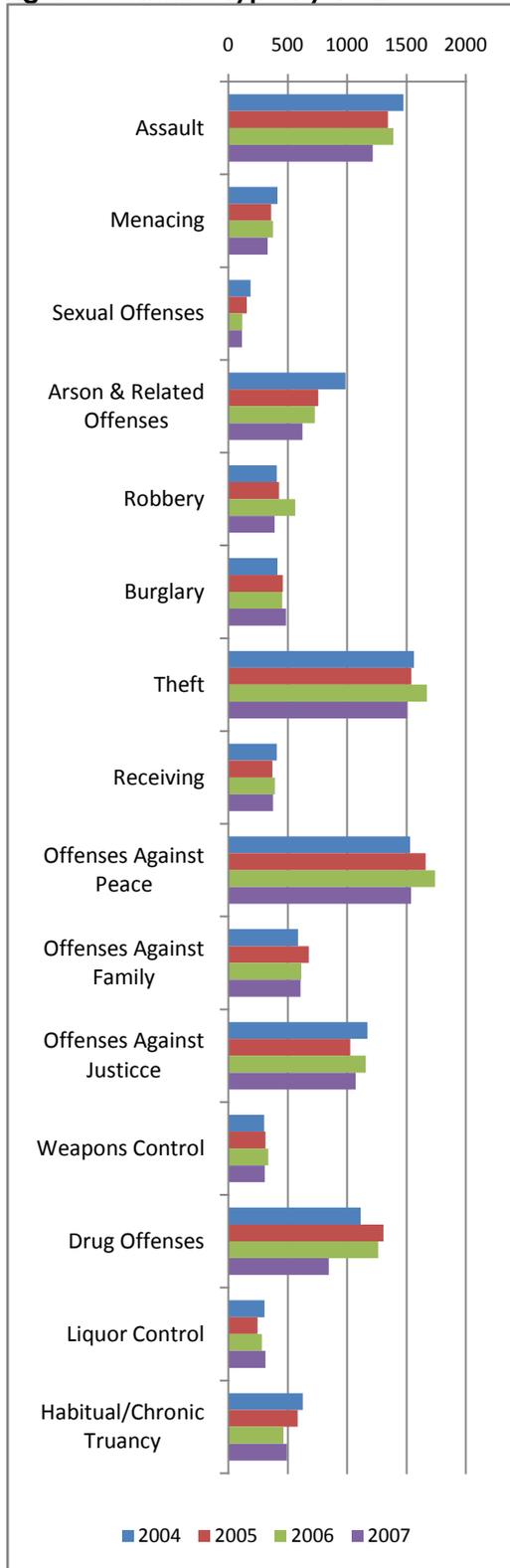


Since 2004, overall delinquency filings in Hamilton County have declined. That said, there were 1971 filings in March 2006 – more than any other month in the study period. As can be seen in Figure 5, for the month of March in 2004, 2005 and 2006, there was a sharp increase in the overall number of delinquency filings. For 2008, the spike in filings peaked in April, though March filings increase from February that year. In addition to the spike that occurs in March of each year, there appear to be other seasonal effects. In the years studied, filings decline in the summer months, increase in the fall, and then decline during the last few months of the year. As noted by the

overall trend line. There has been an overall decline in the total number of filings over the study period.



Figure 6: Offense Type by Year



Note: data for this graph taken from Hamilton County Annual Reports.

Figure 5 reveals that the seasonal pattern of Felony Filings and Felonies Charged does not follow the pattern of overall delinquency in Hamilton County. For these more serious offenses the seasonal trend appears to be that they start the year low and increase through early fall. The spike observed in the month of March for overall delinquency filings is not as pronounced in these cases. It is noteworthy that the proportion of Felony Filings to Felonies Charged is relatively consistent throughout the study period. Even the nearly 50 percent decline in felony filings that occurred in February 2007, was paralleled with a similar proportionate decline in felonies charged. With regard to these cases, perhaps the most significant observation is the overall decline represented by the trend line. In both cases, the Hamilton County Juvenile Court has seen an approximately 10 percent drop over the study period.

Offense Type

Figure 6 shows a number of different offenses that occurred each year within Hamilton County from 2004 to 2007. The graph is intended to reflect how the number of each specific type of crime has changed over the study period. Although assaults occur more often than many other types of crimes, the annual number decreased over the study period. In 2004, there were 1475 assault complaints filed, though the number fluctuated a bit in 2005 and 2006, the relatively large drop in 2007 ended the four year period with 1215 assaults – that is only 82 percent of the number for the first year

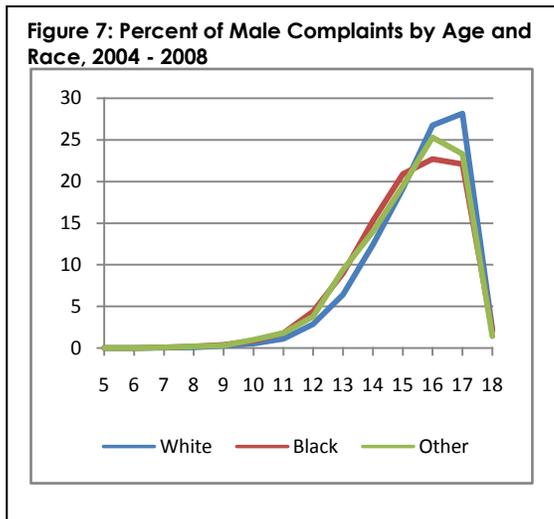
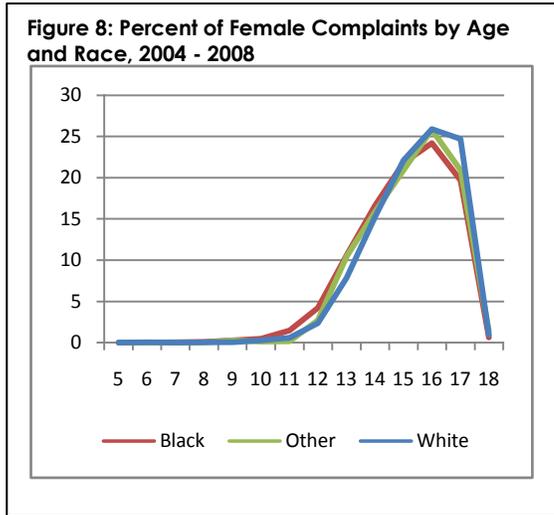


considered. Menacing is one of the groups of crime with the lowest number of total offenses. It holds the same trend as assault by starting higher in 2004 at 412, dropping to 361 in 2005, increasing to 375 in 2006, and then dropping again in 2007 to 332. Like assaults, this is approximately a 20 percent decline. Sexual Offenses have the lowest total numbers compared to the other offenses shown, which range from offenses such as rape to sexual battery to public indecency. Sexual offenses dropped even more dramatically by falling 40 percent over the four years under consideration. Arson & Related Offenses consist of crimes that involve arson, vandalism, disruptive behaviors, and criminal mischief. The trend of these crimes starts out in 2004 at 987 but then continue to drop throughout the next three years to 758 in 2005, 729 in 2006, and 624 in 2007. Though complaint filings for robbery begin and end the four year period with very similar totals, there was a sharp increase in 2006. Theft also experiences a very sharp increase in the number of filings in 2006 before leveling off in 2007. Offenses against the peace consist of crimes like inciting violence, riot, and disorderly conduct. This offense group has the largest complaint filings of any of the other data listed in the annual report. In 2004 there were 1532 complaints filed for these offenses, a steady rise through 2005 resulted in a peak of 1742 in 2006. Weapons control consist of offenses such as: carrying a concealed weapon, possessing criminal tools, or discharging a firearm. In the four years considered, the total number of complaints filed remained remarkably stable. Perhaps the most significant issue revealed in this overview of the relatively small decrease in the total number of complaints filed over the four year study period.



Race and Age

Figures 7 and 8 reflect the percentage of the male (figure 7) and female (figure 8) complaints filed by age and race. Generally, most juvenile offenders range in age from 15 to 17. Though it is



only a slight distinction in Figure 7, it is worth noting that the sharp increase in the proportion of White juvenile offenders begins later than is seen for minorities. In other words, while nearly five percent of minority offenders are age 12, the same age group represents only 3 percent of White offenders. Generally, a larger proportion of black or African-American and minority offenders begin offending earlier in life. Approximately 65 percent of African-American offenders are between the ages of 15 - 17 years old. Because they are more likely to start later, the approximately 85 percent of White male offenders are between the ages of 15 and 17. While only 11 percent of White male offenders are between the ages of 5 and 13, more than 16 percent of minority offenders are in the same age group. Given that age of onset is a significant predictor of serious chronic offending, this distinction is important.

As revealed in Figure 8, a similar, though less pronounced, trend occurs among female offenders. Offenders under the age 13 represent a larger proportion of the overall female African-American offender

population than the proportion of either White female offenders or minority female offenders. While 25 percent of White female offenders are age 17, only about 20 percent of minority female offenders are 17 years old.

Relative Rate Index

Table 2: Hamilton County 2007 Relative Rate Indexes

Decision Point	Relative Rate Index (RRI)
Juvenile Arrests	8.6
Refer to Juvenile Court	5.76
Cases Diverted	0.61
Cases Involving Secure Detention	1.42
Cases Petitioned	1.06
Cases Resulting in Delinquent Findings	0.92
Cases Resulting in Probation Placement	1.05
Cases Resulting in Secure Juvenile Justice Correctional Facilities	2.91
Cases Transferred to Adult Court	5.59

The Hamilton County Juvenile Court has created a computerized data analysis tool that can be used to calculate the relative rate at which minorities are represented. This tool was developed to measure the relative rate index (RRI) at the nine decision points identified by the OJJDP. An RRI of 1.0 suggests that minorities are represented at precisely the same rate at which they are represented in

the general population. Although the tool can be used to identify the RRI for each minority, because African-Americans represent more than 95 percent of minority juvenile cases in Hamilton County, they are the focus of this section of the report.

Due to the substantial difference in population size of each race, the RRI is the effective way to compare offending levels. The RRI compares the rates of each of the nine decision points for minority youth against the same rates of offending of White youth. Although the relative rate index brings each of the nine decision points into relation with each other, there are a few points that should be taken into consideration when considering the RRI technique. First, because the RRI is calculated using data collected on the overall population of youth within Hamilton County, it would be affected if minority population changed significantly during the study period, or if minority groups were misrepresented in the data collected during the census. Additionally, the RRI is based solely on the numbers of offenses, not on the individual youth. It is therefore important to note that an individual youth could be arrested more than one time in that time frame, but he or she would count as two arrests in the RRI (Gavazzi, 2008). Due to the compound nature of the data sets, there is also a risk that any discrepancy that occurs in the reported numbers at the beginning of the process will affect the numbers all the way through to the final decision point. Furthermore, the RRI is only as accurate as the data used for its calculation. And, most

importantly, though the RRI is an effective measurement tool, it is unable to offer a causal explanation or a solution to decrease the disproportionate contact that occurs with minority youth.

As shown in Table 2, Hamilton County Juvenile Court has identified a number of decision points where African-American or Black minorities are disproportionately represented. Those decision points with RRI's most proportionate to the White population of Hamilton County (RRI scores closest to 1.0) are cases resulting in probation placement (1.05), cases petitioned (1.06) and cases resulting in delinquent findings (.92). Those areas showing the most disproportionate level of contact are juvenile arrests (8.6), referral to juvenile court (5.76) and cases transferred to adult court (5.59). As discussed above, knowing the relative rate index (RRI) for each of the decision points only suggests that minorities are disproportionately represented and fails to explain any potential causes of the identified DMC.

It is important to understand that the relative rate index is not static over time. In other words, the RRI is likely to fluctuate over time. This is particularly important to note when efforts are being made to address disparity. Knowing whether the RRI at a given decision point becomes more or less disparate is important to successfully choosing where efforts may be most impactful.



Arrest and Referral

OJJDP Definition of Arrest: Youth are considered to be arrested when law enforcement agencies apprehend, stop, or otherwise contact them and suspect them of having committed a delinquent act.

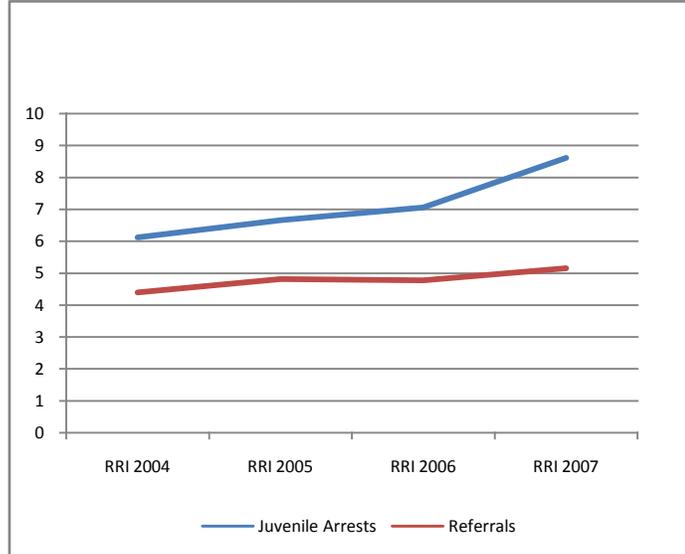
In Hamilton County there is a dramatic difference in the relative rate at which African-American youth and White youth are arrested. The RRI for Black juveniles rose slightly from just over 6 in 2004 to 7.06 in

2006. The following year, the RRI for Arrest of African –American youth rose significantly to 8.6. The staff at the Hamilton County Juvenile court recognizes that the RRI for arrest of African-American youth is high and understand the weight of the increase from 2006 to 2007. It should be noted, however, that the Juvenile Court has little to no control over the juveniles that are being arrested and brought in by the police. It should also be noted that, although disproportionate, the RRI is unable to identify the cause of the high arrest rates and should not be used to suggest systematic racial bias of any police agency in Hamilton County. Though there is disparity in the rates at which African-Americans are arrested in Hamilton County, identification of the cause of this disparate condition will require a much more thorough examination than the scope that this report affords.

African-American juveniles in Hamilton County are also more likely than White juveniles to be referred to the court. The RRI for these minority youth steadily increase from 4.4 in 2004 to 5.16 in 2007. Though disproportionate, the relatively steady rate at which African-Americans are referred to the court likely reflects stability in the factors that cause kids to be referred and the institutions that are most likely to refer juveniles to the court.

OJJDP Definition of Referral: Referral is when a potentially delinquent youth is sent forward for legal processing and received by a juvenile or family court, or juvenile intake agency, either as a result of law enforcement action or a complaint by a citizen or school.

Figure 9: Arrest and Referral RRIs for African-American Juveniles, 2004-2007



According to Staff at the Hamilton County Juvenile Detention Center, most referrals are coming from schools. According to these staff, each principal within the Cincinnati Public School system is given the responsibility and individual discretion to determine whether a student should be referred to the Juvenile court for his or her actions, or to handle the situation informally. Staff suggest that a majority of those students referred to the court come from schools. And, that they come from a small subset of inner-city schools. They also note that they suspect that referral rates are impacted by changes in school personnel and policy.

To recap – and highlight – the discussion provided above, minority overrepresentation in arrest and referral is likely a result of minority representation in urban areas with high rates of poverty (Curry & Spergel, 1988), residential instability (Shaw & McKay, 1942; Taylor & Covington, 1988), single teenage female-headed households (Conseur, Rivara, Barnoski, & Emmanuel, 1997), little sense of community where members believe they can count on one another to exert social control (Sampson, 1999) and where juveniles are only weakly attached to schools (Gottfredson, Wilson, & Najaka, 2000). These socioeconomic, familial and behavioral factors (Short & Sharp, 2005) (Kakar, 2006) (Chapman, Desai, Falzer, & Borum, 2006) all increase the likelihood that youth will be involved in delinquency and increase the potential of juveniles to reoffend (Engen, Steen, & Bridges, 2002). Factors that increase involvement in the system are also likely to increase the likelihood that juveniles will be arrested and referred to the court. Furthermore, these factors are all disproportionately concentrated in minority communities.

Because minorities are more likely to be overrepresented in communities that have high levels of those factors most correlated with crime and delinquency, the relationship between race and crime is often misattributed (Wilson, 1987). Moreover, the high level arrest and referral RRs in Hamilton County likely reflect a complex relationship of socioeconomic, familial and behavioral and other factors.

Cases Diverted

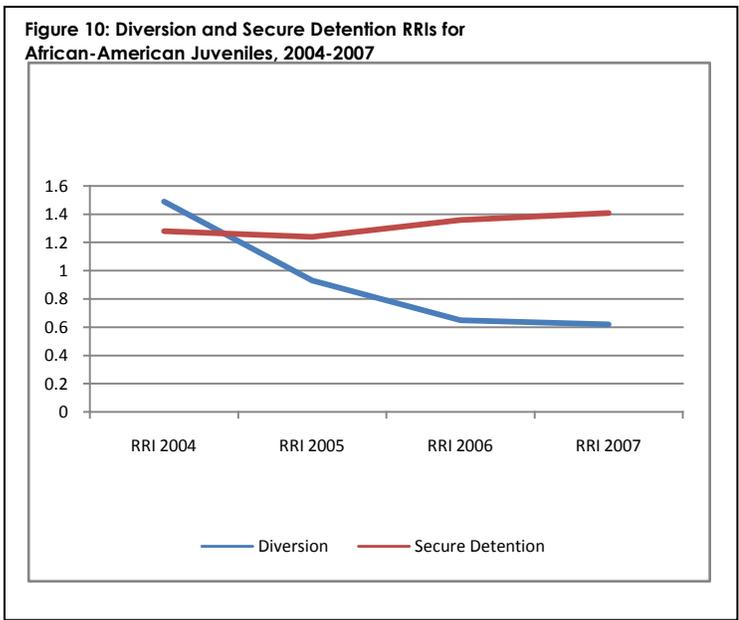
ODDJP Definition of Cases Diverted: *Youth referred for legal processing but handled without the filing of formal charges.*

In Hamilton County, intake officers report that they make decisions about diversion based on many factors. In addition to utilizing a statistical risk assessment instrument, clinical assessments are based on the officer's experience and their individual determination of whether a juvenile should be held. These decisions are made on a case-by-case basis. Seriousness of offense is held to be most important in the intake officer's decision. They also report paying particular attention to the property value or damage that occurred during the criminal act. Those intake officers with more experience and who believe they have a better understanding of the complexity of delinquent behavior report making clinical decisions about diversion based on their personal

experience – on what they have learned on the job and in the community. For these intake officers, what they know from years on the job weighs heavier in the decisions being made than the risk assessment results.

As shown in Figure 10, the RRI for African-American Juvenile Cases Diverted experienced a noteworthy decline from 1.49 to .62 during the study period, from 2004 to 2007. This is

concerning because it suggests that proportionately fewer African-American juveniles were diverted in 2007 than in the earlier years of the study.



Secure Detention

OJJDP Definition of Secure Detention: *Detention refers to youth held in secure detention facilities at some point during court processing of delinquent cases (i.e. prior to disposition).*

The RRI measuring Secure Detention for African-American youth in Hamilton County remained very stable throughout the study period. It began in the period with an RRI of 1.28 in 2004 and ended with an RRI of 1.41 in 2007. The stable RRI measure that is relatively close to 1 suggests that African-American youth are only slightly more likely than White youth to be held in secure detention. Though the reason for the slight disparity is unclear, it is likely caused by many factors.

In Hamilton County, a single decision point determines whether a juvenile is to be diverted or held in secure detention. Intake officers in Hamilton County make that determination and base their decisions on systematic and individualized circumstances.

The Hamilton County Admission Model notes that the decision to admit or divert youth intaked into the youth center is based on the intake offense(s), the degree of the intake offense(s), the type of offense, prior adjudications, age at first adjudication, and the number of prior detention admissions. The Admission Model was developed to help intake officers make uniform and consistent diversion/secure detention decisions. And, this may be a partial explanation for the relatively flat RRI trendline for African-American juveniles being held in secure detention. Although the Admission Model is designed to help staff make fair decisions about diversion and

secure detention, there are other factors that influence the decision. For example, co-defendants are lumped together. If a first time offender commits a crime with an offender who has been in trouble before, both will be sent to be held in secure detention. There are also automatic holds that require youths to be held in secure detention. For example, work detail violations, leaving early release or violating rules at Talbert House will result in an automatic hold. Additionally, probation violation and violations of an order of the court automatically result in secure detention. Though policy outlines many circumstances that require secure detention, an exact number of these cases is unknown. According to interviews conducted, estimates are that between 3 and 20 juveniles fit into the mandatory hold category each week.

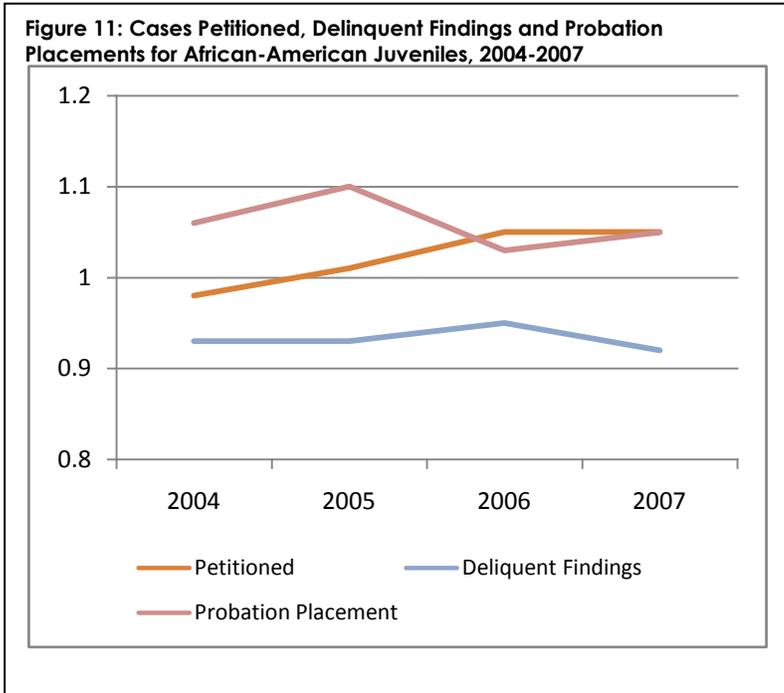
It is also not uncommon for intake officers to override the admission model and either detain or divert a juvenile using a clinical assessment. The Admission Model Override is a decision by an intake officer that supersedes the Detention Model Assessment. These decisions are based on the clinical assessment, judgement and experience, of the intake officer and are to be based on the type of offense, whenever a capias/bond has been established, victimization and the seriousness of the offense. The rate at which overrides occur and details about the cases that are overridden is unavailable at this time.

When making the decision whether to divert or hold in secure detention, intake officers in Hamilton County have very few intermediate options. One option is to refer a youth to Lighthouse Services – a shelter care facility. Youth may be diverted to Lighthouse services when the intake officer is unable to contact the juveniles parents after 8 hours and the youth is facing a non-violent misdemeanor charge, a violation of a court order, or a curfew, truancy, runaway, incorrigible, or unruly charge. With very limited options between diversion and detention, there is a great need for programming that would allow juveniles on the cusp of secure detention to be released with additional supervision.

A program that offered an alternative to secure detention and diversion that targetted juveniles with many of the risk factors associated with continued delinquency might very well reduce the address the disparity identified in both the diversion and secure detention RRI's.

Cases Petitioned

OJJDP Definition of Cases Petitioned: *Formally petitioned (charged) delinquency cases are those that appear on a court calendar in response to the filing of a petition, complaint, or other legal instrument requesting the court to adjudicate a youth as a delinquent or status offender or waive jurisdiction and transfer a youth to criminal court.*



As shown in Figure 11, the RRI for Cases Petitioned remained very close to 1 throughout the assessment period and was never more than 1.05. With an RRI so close to 1, it is clear that there is no disparity in the rate at which African-American and White youth have their cases petitioned.

Delinquent Findings

OJJDP Definition of Delinquent Findings: *Youth are judged or found to be delinquent during adjudicatory hearings in juvenile court.*

Figure 11 also shows the rate at which African-American juveniles are found to be delinquent is slightly, and consistently, lower than the rate for White juveniles. As with Cases Petitioned, the evidence reveals that there is no disparity in the rate at which African-Americans and White youth are found delinquent.

Probation Placements

OJJDP Definition: *Probation cases are those in which a youth is placed on formal or court-ordered supervision following a juvenile court disposition.*

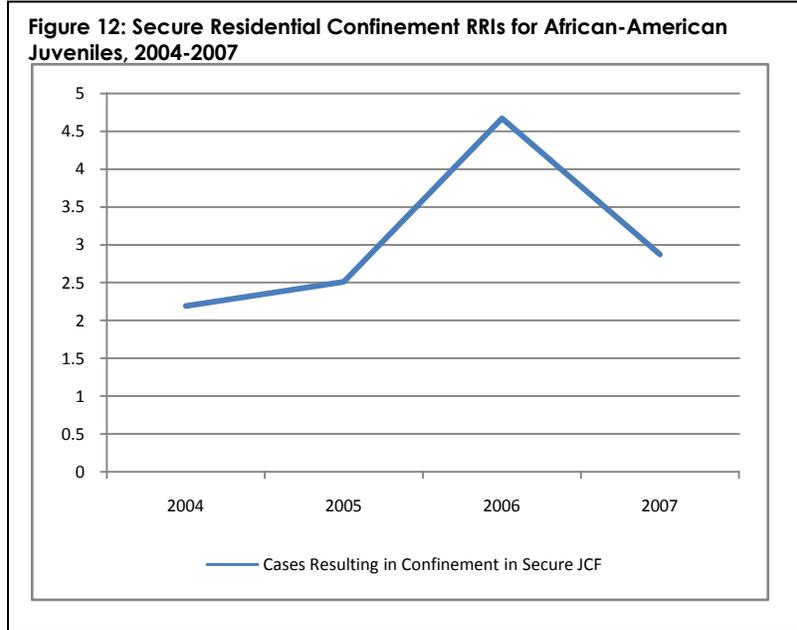
The final line on Figure 11 reveals that African-American juveniles are very slightly more likely to be placed on probation than are White juveniles. The RRI for probation placement begins at 1.06 in 2004, increases very slightly to 1.1 in 2005 and then decreases to 1.03 in 2006 and 1.05 in 2007. As with Cases Petitioned and Delinquent Findings, the evidence reveals that there is virtually no disparity in the rate at which African-Americans and White youth are placed on probation.



Secure Residential Confinement

OJJDP Definition of Secure Confinement: *Confined cases are those in which, following a court deposition, youth are placed in secure residential or correctional facilities for delinquent offenders.*

As shown in Table 12, the RRI for African-American youth being placed in secure residential facilities nearly doubled from 2.5 in 2005 to 4.67 in 2006. The next year, the RRI declined nearly as much to 2.87. This decline is likely explained by two systematic factors implemented by the court.



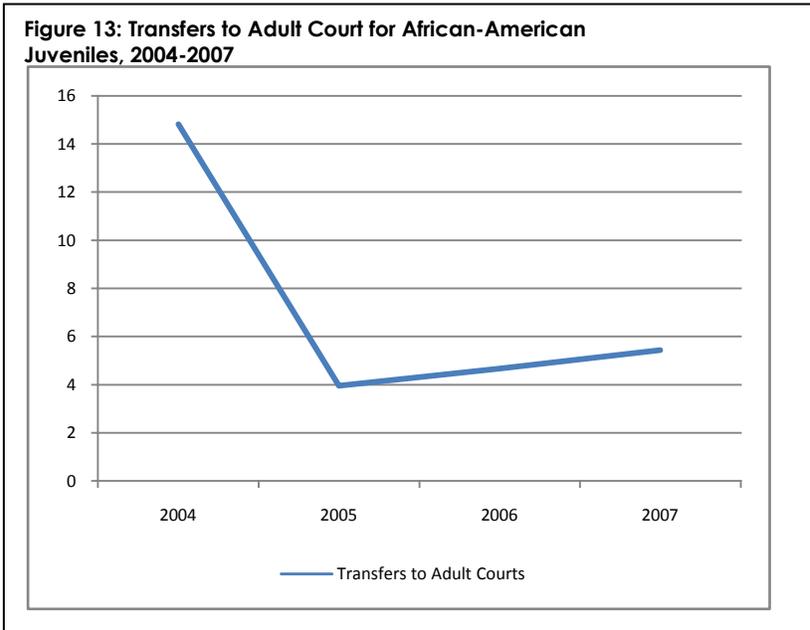
First, senior court administrators began meeting each week at about the time of the decline to staff all cases for youth who would be appearing before the judge for felonies that could result in their being placed in DYS or other secure residential facility. This meeting, attending by the Court Administrator, Executive Director of Court Services, the Chief Magistrate, Deputy Magistrate – Delinquency, the Youth Center Superintendent, the Superintendent of Hillcrest, the Chief Probation Officer, and the Director of Community Services and RECLAIM. The main objective of the meeting is to discuss the dispositional options of each case. These include but not limited to: DYS, Hillcrest, Passages (female residential program), Boys Town (Nebraska), Glen Mills School (Pennsylvania), Correctional Management (Indiana), Alternatives (local residential drug treatment), The Village Network (Northern Ohio), Abraxas (Richland County, Ohio), ISP, and Direct Sentencing to detention (up to 90 days) and Probation.

The second potential explanation is that as the spike occurred in 2006, additional Title 20 funding became available that allowed the court to place offenders in less restrictive residential placement programs.

Transfers to Adult Court

OJJDP Definition for Transfer to Adult Court: *Waived cases are those in which a youth is transferred to criminal court as a result of a judicial finding in juvenile court.*

As shown on Figure 13, there was a significant decline in the rate at which African-American juveniles were transferred to adult court. The reduction in the RRI measuring Transfers to Adult Court dropped from 14.82 in 2004 to 3.96 in 2005 and reflects a movement toward the desired RRI of 1. A clear understanding of the cause of this reduction



will require a much more thorough examination than the scope that this report affords.

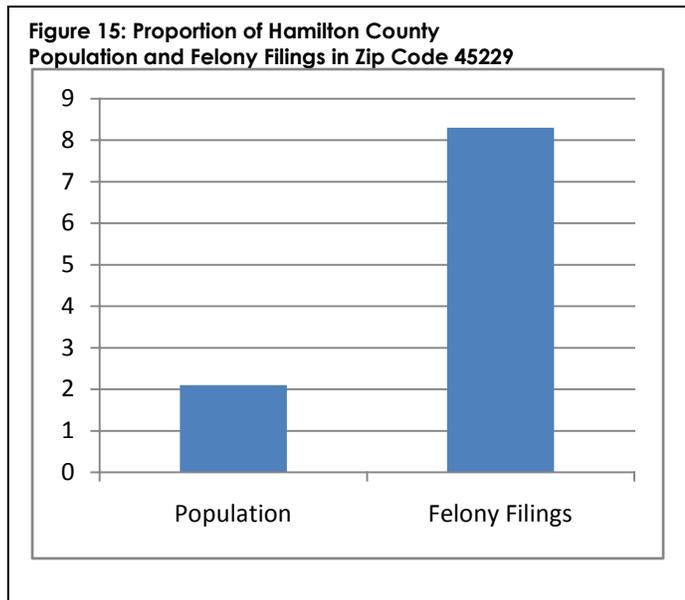
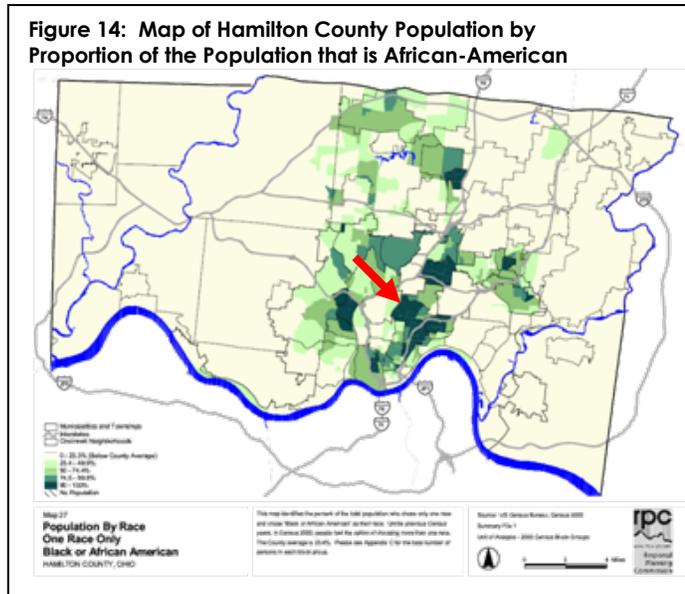
Summary of the RRI Data

Understanding the causes of disproportionate minority contacts at each stage is critical developing a plan that will successfully address the underlying issues leading to DMC. Without first knowing the causes of the problem, there is no ability to develop an appropriate response to the identified disproportionate level of minority contact. Furthermore, without a clear understanding of the factors contributing to DMC, there is no ability to predict likelihood of success of any programs implemented. Having identified and described the RRI from Hamilton County Juvenile Court over the past several years, it is necessary to further analyze the data to determine an appropriate response to any identified disparity. A key to responding to disparity in Hamilton County, and tackling its fundamental causes, is to target those areas where the factors known to be associated with crime and delinquency are most highly concentrated.



VII. Targeting Those Who Need Help

It is important to understanding that crime, and the factors associated with it, are not randomly distributed in Hamilton County. It is thus critical that efforts to address the causes of crime target those areas that are most in need. When discussing DMC, often that suggests a concentration in areas that have large minority populations. As shown in Figure 15, the African-American population in Hamilton County is largely concentrated in a few areas. One such area that has particularly high crime rates is the neighborhood of Avondale (denoted by the red arrow). The zip code 45229 was used to gather data on the neighborhood of Avondale. Using the zip code, juvenile court data were examined to determine if the zip code was disproportionately represented in felony filings. As shown in Figure 14, the zip code represents 2.1 percent of the total Hamilton County population and 8.3 percent of the total Hamilton County Felony Filings.



Because it represents such a disproportionate amount of felony filings, it next seemed appropriate to study the extent to which the factors known to be correlated with crime are present in the zip code. Data from the United States Census Bureau was used to analyze the socio-contextual makeup of 45229 – the area predominately making up the neighborhood of Avondale.

Figure 16: Hamilton County/45229 Comparison
Bureau of Census Data, 2000

	Hamilton County	45229
Female	52.3	54.3
Male	47.7	45.7
5 to 9 yrs old	7.2	8.7
10 to 19 yrs old	7.6	8.3
White	72.9	14.3
African-American	23.4	83.2
Other	3.7	2.5
Family Household	30.2	27.2
Married-couple family	19.4	7.9
Female householder, no husband present	9	17.6
Owner occupied housing units	59.9	29.4
Renter occupied housing units	40.1	70.6
Less than 9th Grade	4.4	6.8
9th to 12th grade, No diploma	12.8	21.9
High school graduate	27.8	28.5
Some college, no degree	19.6	21
Associates Degree	6.2	4.5
Bachelor's degree	18.5	10.4
Grandparents Responsible for Children	48.3	62.9
Lived in the same house for the last 5 yrs	55.4	49.9
Employed	62.2	54.4
Unemployed	3.3	5.4
Median Household Income in Dollars	40,964	20,741
Median Family Income in Dollars	53,449	29,021
Per Capita Income in Dollars	24,053	15,230
Families Below Poverty	8.8	26.8
Below Poverty with children under 18 yrs old	13.8	37.8
Below Poverty with children under 5 yrs old	18.4	47.7
Below Poverty with Female householder, no husband	27.7	40.6
Individuals below poverty level	11.8	31.2
Total Housing - 1 Unit, Detached	55.8	21.7
Total Housing - 20 or more Units	8.5	22.6

When comparing 45229 to all of Hamilton County, there are few differences when it comes to age and gender. Both have a larger female population and the number of kids between 5 and 19 are within one percentage point of each other. However, the disparity is noted between Hamilton County and Avondale when race is evaluated. The percentage of the population in Hamilton County is predominately White, 72.9 percent. On the other hand, in the area of 45229 the opposite is true considering – 83.2 percent of the population is African-American. Even though this difference is significant it is not the most alarming comparison. There is also a great deal of disparity between the county and 45229 on many of those factors know to be associated with crime and delinquency. One of those factors includes the makeup of the family structure, which is significantly different in these two areas. Another is the issue of school and education. Kids that are skipping school or not in school are most likely to commit

crime. In Hamilton County 17.2 percent of the population did not graduate from high school, however in Avondale 28.7 percent of the population did not graduate from high school. The variance between the two populations is drastic considering the consequences that can occur from the lack of education. The socioeconomic differences between the two areas are also vast. The median household income in dollars in all of Hamilton County is double that of the area of 45229. Hamilton County households have an average income of \$40,964.00 dollars per year. In the 45229 zip code, households average only \$20,741.00 dollars a year. Another drastic



difference is the percentage of the Avondale community's household population that is below the poverty level. The percentage of female headed households with children under the age of 5 in 45229 is twice as high as the rest of the county (47.7 percent compared to 18.4 percent). Additionally, the proportion of individuals in the 45229 population below the poverty level is 31.2 percent. That is nearly three times higher than the percentage of population below the poverty level in Hamilton County as a whole. This census data shows that there are many points of disparity between the area of 45229 and the rest of Hamilton County. When looking at the risk factors of Avondale compared to Hamilton County it is obvious that this area of zip code 45229 not only has many of the prevalent risk factors, but have them at a much higher proportion than does Hamilton County at large.

It is equally important to remember that, when other factors known to contribute to crime are controlled for, race loses much of its independent predictive power. In other words, it is not race that predicts delinquency; rather, it is a complex set of connections between many factors that are disproportionately represented in minority communities.



VIII. Recommendations

Recommendation 1:

1. To address identified disparity in the rate at which minorities are diverted and held in secure detention, it is recommended that the Hamilton County Juvenile Court:
 - a. **Create a program that provides an alternative to secure detention for medium to high risk juveniles from neighborhoods with multiple risk factors associated with delinquency and high levels of minority representation.** Additionally, it is recommended that the court:
 - b. Adopt a program designed to provide an alternative to secure detention that focuses on the interplay of individual, family, peer, school, and neighborhood factors known to be most predictive of future offending. Finally, it is recommended that:
 - c. The program is focused in the area of the county that has the most concentrated level of criminal offending. In Hamilton County, the zip code with the highest rate of offending represents Avondale – a community that also has a very high level of minority representation. By addressing the need for alternatives to detention in this area, the court will likely be able to affect disparate minority representation at both the diversion and secure detention decision points.

As mentioned above, decisions regarding juveniles being diverted (decision point 3) and those being held in secure detention (decision point 4) are made by intake officers at the Hamilton County Juvenile Detention Center. Intake officers use a number of factors to help make these decisions. Typically, the decision of whether a juvenile is released or held in secure detention revolves around the level of risk the juvenile is thought to pose to the community or to himself. There are two primary methods used to help intake officers make this very important decision.

The first technique is for intake officers to determine whether a juvenile should be diverted or held in secure detention based a score generated using a statistical risk assessment instrument. In Hamilton County, the standardized risk assessment instrument consists of a series of questions concerning factors known to be predictive of future offending. Using this instrument, an intake officer determines a youth's level of risk from a numerical score assigned to the responses. The numerical score is used to categorize the youth as low, medium or high risk. Those that score high risk are those most likely to be held in secure detention while those categorized as low risk are typically diverted. These objective risk assessment instruments are designed to help decision-makers remove some of the subjectivity of determining whether juveniles should be diverted or held in secure detention.



A second method used by Hamilton County intake officers is to consider their own experience and knowledge of the youth's background to make a clinical prediction of the juvenile's risk. Based on interviews with juvenile detention staff, it appears that decisions as to whether to hold juveniles are made on case by case basis. Typically, the seriousness of offense is considered the most important factor in the intake officer's decision. Lesser important factors include the property value or damage that occurred during the criminal act, the number of times the juveniles has been in trouble in the past, and the amount of attention a case might receive in the media. It is also important to note that, when making these clinical decisions, different intake officers may make decision differently. According to detention staff, intake officers with a great deal of experience tend to make more decisions based on their clinical assessment of the juvenile's risk. In other words, seasoned intake officers are more likely to base decisions on their years of experience. Under this scenario, intake officers believe that what they know from years on the job weighs heavier in the decisions being made than the risk assessment instrument.

In Hamilton County, like many other jurisdictions, intake officers are allowed to override the statistical prediction made using the risk assessment instrument when they believe the juvenile poses a risk that the instrument has not identified, or, when they believe the statistical prediction tool has misclassified a juvenile into a higher risk category than they believe is required.

A compounding factor that affects decisions regarding diversion and secure detention is that there are very few options available for juveniles that fall between the low and high risk categories. In other words, there are serious limitations in the available intermediate options between diversion and secure detention. As a result, juveniles whose risk assessment scores suggest they pose a medium to high risk are often held in secure detention because it is the only option available to intake officers reluctant to divert these juveniles. Additionally, juveniles whose risk assessment scores suggest a lower risk level than the intake officer's clinical assessment are often held in secure detention because there is no viable intermediate action available.

It is also worth noting that the juvenile court's policy states that juveniles who violate orders of the court are automatically held in secure detention. Though recent post orders have allowed these cases to be diverted at the discretion of the superintendent of the detention facility, the controlling policy is that juveniles who violate court orders are automatically held in secure detention.

As noted above, minorities are underrepresented in the rate at which they are diverted and overrepresented in rate at which they are held in secure detention. By addressing the process by which both of these decisions are made, the court could likely help increase the rate at which minorities are diverted and decrease the rate at which they are securely detained. To be clear, there is no evidence suggesting that intake officers are using clinical overrides to disproportionately divert or hold minorities in secure detention. There is, however, evidence



suggesting that an intermediate alternative to diversion and secure detention that could be utilized to divert juveniles who would normally be held in secure detention. Furthermore, if a program were to be applied for youth from neighborhoods with highly concentrated minority populations, it is possible that the program could balance the identified disparity at both of these decision points.

To alleviate the problems associated with using clinical assessments to override statistical findings and to address identified disparity in the rate at which minorities are diverted and held in secure detention, it is recommended that the Hamilton County Juvenile Court create a program that provides an alternative to secure detention for medium to high risk juveniles from neighborhoods with multiple risk factors associated with delinquency and high levels of minority representation. Additionally, it is recommended that the court adopt a program designed to provide an alternative to secure detention that focuses on the interplay of individual, family, peer, school, and neighborhood factors known to be most predictive of future offending. Finally, it is recommended that this type of a program be focused in the area of the county that has the most concentrated level of criminal offending. In Hamilton County, the zip code with the highest rate of offending represents Avondale – a community that also has a very high level of minority representation. By addressing the need for alternatives to detention in this area, the court will likely be able to affect disparate minority representation at both the diversion and secure detention decision points.

Recommendation 2:

1. To further understand the disparity in the rate at which minorities are represented in the nine decision points outlined above, and to ensure that all youth are treated fairly and justly, it is recommended that the Hamilton County Juvenile Court:
 - a. **Continue to analyze data from the Hamilton County Juvenile Court to identify the extent of DMC within the court decision-making process.** This analysis should examine correlates that may lead to disproportionate contact and recommend systematic process changes or service delivery interventions that will reduce or extinguish the disparity at those points identified in this report.

Recommendation 3:

1. To provide additional relief associated with the use of clinical assessments to override the statistical admission model and to address identified disparity in the rate at which minorities are diverted and held in secure detention, **it is recommended that the Hamilton County Juvenile Court study the feasibility and practicality of implementing a new and updated detention admission model** that builds staff confidence in the model, decreases the projected need for overrides based on clinical assessments, and accurately predicts future risk.
 - a. To ensure that it improves the rate at which minorities are diverted and held in secure detention, it is additionally *recommended that the detention admission model be objectively based and designed to reduce potential racial disparity*. At a minimum, the Hamilton County Juvenile Court detention admission model should be developed in light of the findings presented in this and future descriptive reports.

Recommendation 4:

2. To further the Hamilton County Juvenile Court staff's understanding of disparity in the rate at which minorities are represented in the nine decision points outlined above, and to ensure that all youth are treated fairly and justly, it is recommended that the Hamilton County Juvenile Court:
 - a. **Make available to staff cultural competency training programs that appropriately address concerns identified in the evaluation**, including the factors associated with disproportionate contact within their system. It is further recommended that this training define and describe disparities in the Hamilton County Juvenile Court, discuss the implications of demographic changes in the Hamilton County population, explain the cultural beliefs that may be associated with DMC, and demonstrate effect techniques for working with minority populations.

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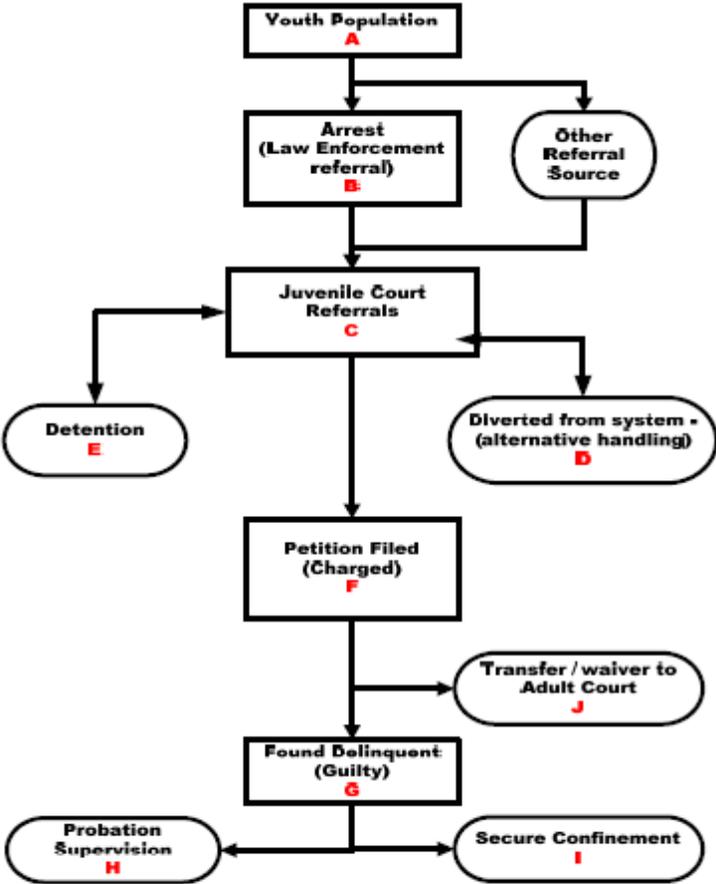


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Appendix A: Implementing the RRI Calculations – DMC Technical Assistance Manual, 3rd Ed.

Relationship of Data Elements for Relative Rate Index Calculations



Implementing the RRI Calculation: Step by Step

The following materials are intended to provide step-by-step instructions for completing the initial step in understanding the example, and the analysis process, we have created a general model of the juvenile justice system (figure 1). Cases flow between major stages in the justice system and are depicted in such a way that one can follow the major components and can record the number of cases passing through each stage during a year. The number of cases is used to compute a rate of occurrence, and those rates are compared among racial/ethnic categories. So, for example, one may calculate an arrest rate for White youth and for Hispanic youth, comparing those two rates to determine the extent to which Hispanic youth may have a higher arrest rate than White youth. The result of that comparison is the relative rate index. It must be emphasized that the RRI is a first step in examining disproportionate minority contact. The RRI points to areas for more intensive examination and provides an ongoing set of “vital signs” or an “early warning system” for the management of the juvenile justice system. The following sections discuss each step of the RRI calculation process.

The first is the identification stage for examining disproportionate minority contact within a jurisdiction. These instructions should provide some guidance in the analysis process, both by specifying the steps to take (including data, data definitions, and basic descriptions of the juvenile justice system) and providing an example to follow using a data tool developed for the purposes of this analysis. The example is one of a real jurisdiction, selected not for any particular reason, but rather as a fairly typical juvenile justice system.

Step 1: Understanding System Elements

Begin by understanding the basic relationship of the elements in the juvenile justice system and comparing those elements in the state system to the general model in figure 1. Figure 1 does not show all of the possible pathways that a case involving a juvenile might follow in the juvenile justice system. Rather, it shows the major flows and the major points at which data are likely to be available. Because much of the RRI model is based on the relationship of these elements, each jurisdiction should confirm that its juvenile justice system generally fits the model. If there is not a good fit, then the jurisdiction must modify the model, either by changing the location of some decision points or by adding others. For example, a jurisdiction may have to change its model if diversion occurs only after a juvenile has been found guilty/delinquent or probation can be ordered without a finding of delinquency or add an additional decision point to its model if an important decision stage exists in the local justice system that consistently generates reliable data to use in calculating relative rates.



In many instances represented in figure 1, there are double-headed arrows between the stages—for example, between referrals and diversion. This indicates that some cases are indeed returned from diversion to the legal/court process due to violation of conditions or other reasons. The important feature, however, is that the total number of diversions is counted, both those resulting in an exit from the system and those resulting in return to further processing.

Step 2: Defining Data Elements

Next, gather the definitions for each data element. This means gathering both the legal definitions for the action (e.g., the definition of an arrest for the jurisdiction, the definition of diversion, probation, etc.) and the operational definition for that stage (What action actually creates the data to count the number of instances of diversion, an arrest, a sentence to probation?).

Given the variety of forms of juvenile justice data collected across the nation, two issues, in particular, need to be addressed. For each there is a preferred type of data based on the congressional mandate to address total contact of youth with the juvenile justice system. First, for those data elements that involve “holding” a youth in a particular status, the preferred information is that which identifies the total number of youth in that status during the year, not just the number of new entries into that status during the year. For example, the preferred data element would be the total number of cases in which youth are subject to confinement during the year rather than a count of the new admissions to secure confinement over the year. Likewise, there is the issue of whether data elements reflect “duplicated” or “unduplicated” counts. For example, if a youth is arrested four times during a year, does this count as one youth arrested (unduplicated) or four arrests of a youth (duplicated)? Again, given the congressional mandate to address total contact with the juvenile justice system, the preferred type of data is the duplicated count, one reflecting the total number of youth contacts with the justice system. As part of implementing a national data collection system for DMC issues, OJJDP has created a set of standard definitions for each of the stages in the juvenile justice system depicted in figure 1. These definitions are provided in table 1.

Table 1: Standard Definitions for Each Stage in the Juvenile Justice System

Stage	Definition
Arrest	Youth are considered to be arrested when law enforcement agencies apprehend, stop, or otherwise contact them and suspect them of having committed a delinquent act. Delinquent acts are those that, if an adult commits them, would be criminal, including crimes against persons, crimes against property, drug offenses, and crimes against the public order.
Referral	Referral is when a potentially delinquent youth is sent forward for legal processing and received by a juvenile or family court or juvenile intake agency, either as a result of law enforcement action or upon a complaint by a citizen or school.
Diversion	Youth referred to juvenile court for delinquent acts are often screened by an intake department (either within or outside the court). The intake department may decide to dismiss the case for lack of legal sufficiency, resolve the matter informally (without the filing of charges), or resolve it formally (with the filing of charges). The diversion population includes all youth referred for legal processing but handled without the filing of formal charges. (continued)
Detention	Detention refers to youth held in secure detention facilities at some point during court processing of delinquency cases (i.e., prior to disposition). In some jurisdictions, the detention population may also include youth held in secure detention to await placement following a court disposition. For the purposes of DMC, detention may also include youth held in jails and lockups. Detention should not include youth held in shelters, group homes, or other nonsecure facilities.
Petitioned/ charges filed	Formally charged (petitioned) delinquency cases are those that appear on a court calendar in response to the filing of a petition, complaint, or other legal instrument requesting the court to adjudicate a youth as a delinquent or status offender or to waive jurisdiction and transfer a youth to criminal court. Petitioning occurs when a juvenile court intake officer, prosecutor, or other official determines that a case should be handled formally. In contrast, informal handling is voluntary and does not include the filing of charges.
Delinquent findings	Youth are judged or found to be delinquent during adjudicatory hearings in juvenile court. Being found (or adjudicated) delinquent is roughly equivalent to being convicted in criminal court. It is a formal legal finding of responsibility. If found to be delinquent, youth normally proceed to disposition hearings where they may be placed on probation, committed to residential facilities, ordered to perform community service, or various other sanctions.
Probation	Probation cases are those in which a youth is placed on formal or court-ordered supervision following a juvenile court disposition. Note: youth on “probation” under voluntary agreements without adjudication should not be counted here but should be part of the diverted population instead.
Confinement in secure correctional facilities	Confined cases are those in which, following a court disposition, youth are placed in secure residential or correctional facilities for delinquent offenders. The confinement population should not include all youth placed in any form of out-of-home placement. Group homes, shelter homes, and mental health treatment facilities, for example, would usually not be considered confinement. Every jurisdiction collecting DMC data must specify which forms of placement do and do not qualify as confinement.
Transferred to adult court	Waived cases are those in which a youth is transferred to criminal court as a result of a judicial finding in juvenile court. During a waiver hearing, the juvenile court usually files a petition asking the juvenile court judge to waive jurisdiction over the case. The juvenile court judge decides whether the case merits criminal prosecution. When a waiver request is denied, the matter is usually scheduled for an adjudicatory hearing in the juvenile court. If the request is granted, the juvenile is judicially waived to criminal court for further action. Juveniles may be transferred to criminal court through a variety of other methods, but most of these methods are difficult or impossible to track from within the juvenile justice system, including prosecutor discretion or concurrent jurisdiction, legislative exclusion, and the variety of blended sentencing laws.

In some instances, a jurisdiction may have access to the local data required to support these standard definitions for each stage of processing using the preferred units of count (e.g., cases placed in confinement, number of arrests). In other jurisdictions, the ideal data may not be available. In many instances, such jurisdictions may have alternative definitions that the available data may support. Such alternative definitions and data are acceptable into the OJJDP DMC data entry system as long as they are carefully defined and consistent over time. Therefore, persons who construct a jurisdiction's RRI must develop a comprehensive understanding of the types of information that are available about its juvenile justice system processing and select from among those available data the ones that best represent each processing stage. In other words, these researchers must become experts in data that can be harvested to fulfill the DMC goals that OJJDP has established. To assist in this process, this chapter includes an appendix (see appendix A) that serves as a primer of the nature and sources of available data that may be used to populate the RRI matrix. While no single source can meet all user needs, this appendix provides a sound foundation for those faced with the task of quantifying DMC at the jurisdictional level. When one uses alternative definitions, he or she should note the definition and sources of data at appropriate locations in the data entry screens provided in the online data tool.

Step 3: Determining Racial/Ethnic Categories

The next step is to determine the categories of race and ethnicity that are available for each data element. This means determining not only what groups are counted but what the source is for that classification (self-identification, classification by officials, records from other sources, etc.) This will also involve determining whether the classification is a single label for each youth, a set of possibilities (e.g., Hispanic and Asian), or a "check all that apply" format. When possible, determine whether the classification system can be converted to follow the U.S. Census Bureau classification as referenced in the OJJDP regulations.

Step 4: Entering Information in the Data Tool

Once the racial/ethnic categories are determined, gather the counts of events involving youth in each of the various stages (A–J) classified in each racial/ethnic category and enter that information into the data entry module of the data tool (see table 2). The data tool analysis of DMC data is available on the Internet at www.dsgonline.com/dmc. After you enter the population data for a jurisdiction



into the tool, it will calculate whether a specific racial/ethnic group meets the 1 percent rule, at which point OJJDP requires that the jurisdiction examine this group separately. In this instance, examine DMC separately for Native American or other/mixed groups. Identify the jurisdiction (state, county, or other entity) and the dates that the data cover, along with the relevant age range for youth at risk of contact with the juvenile justice system (in this instance, ages 10 through 17). The cells for entering this information, as well as the entry areas for the numeric data, are highlighted in the data tool. The only other information that is needed for the DMC data tool is the total state juvenile population for the age range under consideration. In this example, the age range is 10 to 17, and the total state population for this age range is 1,377,550.

Step 5: Determining Availability of Data for Racial/Ethnic Groups

Next, determine which racial/ethnic groups are available for analysis. Ideally, a state will have the information available on each of the seven groups shown at the top of table 2. There are, however, several situations in which that may not be so. The numbers presented in table 2 are actual data from a state and present some of the difficulties a state may encounter. The two spaces for other/mixed-race youth represented with ** are absent for specific reasons. With respect to the population entry, the estimation derived from the NCJJ source provides no estimates for mixed- or multiple-race youth; these estimates are spread across the other groups. Second, the law enforcement systems in the state provide no arrest information on mixed-race youth; it simply is not in their set of categories. The juvenile court system, on the other hand, does report and record the categories (as shown). It is impossible, however, to know how to distribute the numbers of mixed race or other youth back into the other categories of youth. This mixture of classification methods across the population estimates and across multiple juvenile justice data systems raises a quandary—there is no accurate way to make categories completely consistent across the data entry system.

For example, one could estimate the number of cases involving mixed or “other” youth at the arrest stage, but the basis for such an estimate would raise questions. It might be possible (but not easy) to go back to population numbers for the 2000 census, but the population estimates available for more recent years do not have all categories—they estimate only the major groups. It might be possible to distribute the number of cases involving mixed-race youth across the other categories for the stages in the juvenile justice system (for example, the referral, detention, and other stages)—but that could leave the results open to some challenge. Leaving them alone, as in the example, permits examination of whether any particular issues occur later in the system (e.g., in transition from



referral to detention or conviction). Leaving them alone will also probably underestimate the degree of DMC for some groups because other “other/mixed” youth will be in the population estimates and arrest information for those other groups but not in the referral, detention, and other numbers. As a result, the rates of activity will be somewhat lower than if one had better information, which in turn means that estimates of DMC will tend to be slightly lower than the actual extent of DMC. It seems preferable to say that one’s estimates are the “lower boundary” of the size problem. The DMC numbers suggest that there are issues that must be addressed, but, given these data issues, the problem probably is actually a bit worse.

Table 2: Sample State Data for Entry Into the DMC Model

Data Element*	White	Black or African American	Hispanic or Latino	Asian	American Indian or Alaska Native	Other /Mixed
A. Population at risk (ages 10 through 17)	1,097,108	184,372	65,596	27,925	3,564	**
B. Juvenile arrests	69,759	34,754	7,975	845	39	**
C. Refer to juvenile court	22,175	12,682	2,531	227	29	1,683
D. Cases diverted	3,588	1,121	275	32	3	222
E. Cases involving secure detention	6,541	5,596	1,378	43	7	115
F. Cases petitioned (charges filed)	14,904	9,273	1,898	165	21	916
G. Cases resulting in delinquent findings	10,373	5,778	1,380	109	12	538
H. Cases resulting in probation placement	5,239	2,792	710	64	5	313
I. Cases resulting in confinement in secure juvenile correctional facilities	148	153	58	1	0	6
J. Cases transferred to adult court	91	84	13	0	0	9

* Data elements correspond to figure 1.

** Note the discussion of these two entries in step 5.

Step 6: Determining Availability of Base Numbers

You also need to determine what base numbers are available for calculating the rates. In general in figure 1, those numbers that the authors recommend for use as the base for a rate are in rectangular boxes down the center of the figure. For example, in calculating the rate of secure confinement (circle I in figure 1), the authors suggest that the appropriate base be the boxed count of the number of delinquent (guilty) findings. In this example, the rate of confinement for White youth is



1.43 per 100 delinquent findings ($100(148/10,373)$) and for African American youth the rate is 2.65 per 100 delinquent findings ($100(153/5,778)$). Given the situation in which that number is not available, the authors recommend that you use the preceding boxed number, in this example the number of petitions (charges) filed. The data tool will automatically select the preceding base for the rate if the preferred base is unavailable (all zeroes).

Step 7: Examining the Results

After entering (and verifying) all data in the data entry section, examine the results. The data tool results are organized by minority group, with each group being compared to the rates for White youth. Corresponding tabs at the bottom of the worksheet present the data for each group. Table 3 presents the analysis for the sample county to compare black or African American youth and White youth.

