Lorain County Domestic Relations Court – Juvenile Division

Lorain County, Ohio

Disproportionate Minority Contact Assessment Report (2009)

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I. Background

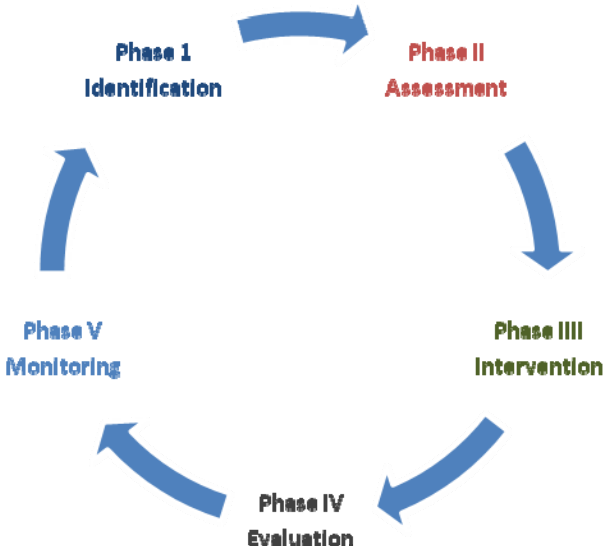
Disproportionate minority contact (DMC) within the juvenile justice system is not new. The phenomenon has been documented within criminology literature for decades and has been a prioritized focus for federal and state policy makers since the 1990's (President's Commission, 1967; Piquero, 2008; Puzzanchera & Adams, 2008). It is generally agreed that minority youth, especially African Americans, are found disproportionately at the point of arrest, detainment pending investigation, juvenile court referral (16 percent of population, but make up 30 percent of referrals, Piquero, 2008), case petitioning, secure confinement, and transfers to adult criminal court (58 percent of youth admitted to state adult prisons) (Puzzanchera, Adams, & Snyder, 2008). In addition, minority youth make up only one-third of the population but account for two-thirds of youth in long-term juvenile justice facilities, and are more likely to be incarcerated than non-minority youths for the same types of offenses (Kempf-Leonard, 2007; Hoyt, Schiraldi, Smith, & Ziedenberg 2001; National Council on Crime and Delinquency, 2007; Poe-Yamagata & Jones, 2000; Shelton, Arya, & Augarten, 2008). In particular, an African American youth is six times more likely to be incarcerated compared to white youth (and held on average 61 days longer); and Hispanic youth more than two times more likely (and held on average 112 days longer) (Mauer & King, 2007; National Council on Crime and Delinquency). Also concerning is the underrepresentation of minority youth in cases that are diverted from the juvenile courts, and those cases that come under probation supervision (Puzzanchera, et al., 2008). This may be correlated to the arrest disparities – whereby arrests of white youth have decreased nine percent from 2001 to 2006 but African American youth arrests have increased seven percent during this same time period (Johnson, 2009).

It is important to note that decisions throughout the juvenile justice system are interrelated and can affect DMC in cumulative ways, with earlier decisions impacting later ones. Explanations, though without any clear consensus, for this DMC phenomenon include youth socioeconomic status, youth family structure, different juvenile justice system processing, differing youth offenses, implicit or explicit system bias, racial inequality, crime policies, et al. (Olatunde & Johnson, 2007). These explanations are also framed as differential youth involvement with the juvenile justice system and differential selection by the juvenile justice system, and arguably are a function of both (Piquero, 2008).

To address this problem the Office of Juvenile Justice and Delinquency Prevention (OJJDP) has required all states to determine their disproportionate juvenile minority contact rates and act on corrective recommendations to address the identified problem(s) (Juvenile Justice and Delinquency Prevention Act of 2002). The minority populations identified

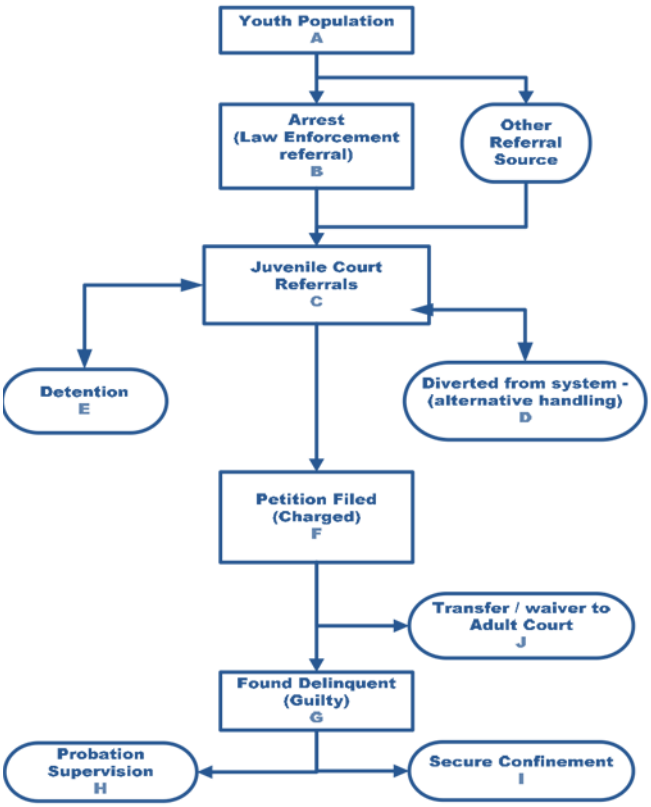
include American Indian and Alaska Native, Asian, Black or African-American, Hispanic or Latino, and Native Hawaiian or other Pacific Islanders.

In response to this directive, the Ohio Department of Youth Services (ODYS) has identified 14 counties' juvenile courts to address this DMC phenomenon, including Lorain County. These initial efforts are the first steps in states (including Ohio) that are participating in the Title II Formula Grants Program and include the following: identification of extent of DMC; assessment of the reasons for the DMC identified; development and implementation of intervention strategies to address these reasons; evaluation of the intervention effectiveness; and tracking of DMC trends and long-term adjustment of interventions. The Ohio counties involved are at varying levels of this planning and implementation (http://www.dys.ohio.gov/dnn/). The DMC reduction activity process is ongoing, as seen in the below feedback loop:



II. Overview

Disproportionate minority youth contact within the juvenile justice system can occur at any point of contact. OJJDP has identified nine key contact points: arrest; juvenile court referral; diversion; secure detention; petition (charge) filed; delinquency adjudication; probation placement (supervision); secure juvenile correctional facility confinement; and adult (criminal) court transfer.



To determine the extent of disproportionate minority contact, the Office of Juvenile Justice and Delinquency Prevention has recommended the use of the Relative Rate Index (RRI). The RRI determination compares white youth rates with minority youth rates at one particular decision point with the rate at the previous decision point (Puzzanchera et al., 2008). Calculation of these rates is fairly straight forward, with using overall youth population counts to begin the process. However, there are some limitations including being dependent on youth population statistics for use that could be no longer representative of the population, and that one youth could be represented more than one time in the data because the calculation is based on number of offenses (Gavazzi, 2008). An RRI of 1.0 indicates that the minority youth are represented at the same rate at which they are represented in the population; in other words, no disparity. An RRI of greater than 1.0 indicates that the minority youth are more likely than white youth to be at that contact point; while an RRI of less than 1.0 indicates that minority youth are less likely than white youth to be represented at that contact point.

To interpret RRI's, the findings are compared to this "normed" 1.0 rate. A secure detention RRI of 1.5, for example, means that the minority youth placement into the detention center was about 50 percent greater than the white youth detention center placement. Conversely, a secure detention RRI rate of .6 means that the minority youth placement into the detention center was far below that of white youth.

Lorain County

Decision Point	African American Youth		All Minorities	
	2006	2007	2006	2007
Juvenile Arrests	4.70	2.53	2.46	1.46
Juvenile Court Referral	n/a	n/a*	n/a	n/a*
Cases Diverted	n/a	n/a*	n/a	n/a*
Secure Detention	n/a	2.59	n/a	3.38
Charges Filed	n/a	1.93	n/a	2.55
Delinquent Findings	n/a	1.19	n/a	1.16
Probation Placement	n/a	.79	n/a	.90
Secure Facility Placement	n/a	.11	n/a	.42
Transfer to Adult Court	1.73	7.84	2.60	7.06

Table 1 – Lorain County Relative Rate Index (RRI) Findings
*** Lorain County began tracking in 2008**

Decision Point	African American Youth			All Minorities		
	Lorain Cty 2007	Ohio 2006	National 2005*	Lorain Cty 2007	Ohio 2006	National 2005*
Juvenile Arrests	2.53	3.70	1.7	1.46	3.03	1.7
Juvenile Court Referral	n/a	3.41	1.2	n/a	3.12	1.2
Cases Diverted	n/a	.77	.7	n/a	.80	.7
Secure Detention	2.59	1.46	1.5	3.38	1.38	1.4
Charges Filed	1.93	1.04	1.2	2.55	1.04	1.2
Delinquent Findings	1.19	1.01	.9	1.16	.99	.9
Probation Placement	.79	1.13	.9	.90	1.03	.9
Secure Facility Placement	.11	2.97	1.2	.42	2.63	1.2
Transfer to Adult Court	7.84	3.06	1.1	7.06	2.97	1.1

Table 2 – Lorain County, Ohio, and National RRI Comparison
*** Most recent data available (Puzzanchera, et al., 2008)**

In Lorain County, a Disproportionate Minority Contact Team was formed in 2007 to investigate possible reasons or explanations for why DMC exists in the juvenile justice system and if any bias exists in the treatment of minority youth. The team is comprised of a diverse representation of hands-on experts working with the court system and includes professionals from the Lorain County Juvenile Court (Administration and Probation), Prosecutor's Office, Lorain County Police Department (Chief and Captains), Elyria City School District, Lorain County Children's Services, and Lorain County Workforce Development.

In assessing the 2007 RRI results (2006 results were incomplete due to information technology and tracking issues) the identified DMC decision point concerns are juvenile arrests, secure detention, charges filed, delinquency findings, and transfers to adult court. Two decision points – probation placement and secure facility placement (ODYS) – are not DMC concerns for Lorain County (as seen in Table 1).

Accurate DMC information on juvenile court referrals and case diversions coming out of the Prosecutor's Office has not been available to date. Before 2008 the Prosecutor's Office had not been tracking the referrals or diversions via race; however, this correction has been made and the first year of data collection will be available for review and analysis in the next stage of the process.

It was determined that the first decision point for youthful offenders, juvenile arrests, would be investigated and assessed, for it has been found that strategies to reduce overrepresentation at arrest may have a much more lasting impact on DMC because arrest is highly correlated with accumulated disadvantage for minority youth (Geis, Cohen, & Villarreal, 2005, Ch. 4, p. 3). Not only is this the entrance point for youth in the juvenile justice system, it is a concern in Lorain County as evidenced with a high RRI finding. Secondarily, efforts have begun to investigate possible explanations for the higher RRI findings for African American youth held in secure detention.

III. Assessment Method

Subsequent to a review of the data collected on youth as they are processed through the Juvenile Court system, it was determined that certain decision points lacked the data collection process that would be required to assess the disparity in decisions made.

The first hurdle was bringing the Court's racial designation into line with the official categories of the U.S. Census Bureau. While there has been some small amount of resistance in the Hispanic Community to removing Hispanic as a race category (on its own, as opposed to being a descriptor of the other categories), it has since become the norm in the Court's process and is generally accepted and processed without incident.

The first step in enabling the Court to assess decision points was to review how information was tracked in the Office of the Lorain County Prosecutor. In Juvenile Court, the Prosecutor makes the determination as to whether official charges will be filed and what charges will be filed (not the police). Law enforcement forwards a report and supplemental information to the Prosecutor's office for review. Prior to August, 2008, the Prosecutor was not tracking race as

reports were forwarded by law enforcement for review and possible charges. After some discussion, the Prosecutor began tracking the race and location of each child referred to them for possible delinquent or unruly charges. This will give the Court an ability to review the actions of the Prosecutor as a decision point in the juvenile justice process.

In the Court's Investigation and Referral process (roughly equitable to a pre-sentence investigation in the adult system), race has been tracked in the program database and can be compared to outcomes in terms of recommended levels of supervision and types of interventions. This database though is limited in usage for it represents only those youth referred for possible Juvenile Court supervision (only one of nine contact points) – and is a group with more serious and chronic offenses when compared to all youth who enter the Juvenile Court. Though hampered by this limitation, an initial pilot study of the 2008 and 2009 (first quarter) youth assessed was completed to help inform and guide the next step – a more complete dataset of all youth involved in each disparate decision point of the juvenile justice process.

It is recommended that this more complete decision point analysis be coordinated with the calendar year, as the information on placements, outcomes, and populations are already being gathered for the statutorily-required annual report. With these analyses in place, disparity can be evaluated (at hopefully numerous decision points) on specific offenses, groups of offenses, or other areas that may show to be of concern. The Court hopes to begin analyzing data across decision points in 2010, once a full year of this data can be retrieved and reviewed. To date, two decision points have been identified for review and initial DMC investigation – juvenile arrests and secure detention.

Juvenile Arrests

To better understand the juvenile arrest disparity, the police departments provided 2007 arrest data for all county areas. Review of this information identified two distinct disparity locations in Lorain County - one each in the two major cities, Elyria and Lorain. High juvenile arrest disparity rates were found in the City of Lorain's Admiral King High School neighborhood (an RRI of 2.42) (it should be noted that the Lorain City Police Department does not track arrests by city zones), where African American youth were more than twice as likely to be arrested as white youth. Additionally, even higher arrest disparity rates were found in the City of Elyria's Wilkes Villa and South Park neighborhood (Zone 7B – RRI = 5.0); where African American youth were five times more likely to be arrested than white youth. These findings were discussed and reviewed by the DMC Team and other stakeholders, whereby possible explanations as to these disparities were identified.

Secure Detention

Data from the 2008 and first quarter of 2009 Court Investigation and Referral Department was analyzed to determine if the youth referred for possible juvenile court supervision (n = 486) could reveal indicators for future decision point review. These youth demographic and court outcome data were analyzed to help "drill down" possible areas of concern to use in the ongoing DMC investigation. Knowing from the earlier RRI findings that secure detention was of concern for the Court, this pilot study questioned whether the youth's race, gender, level of offense (felony or misdemeanor), Youth Level of Service/Case Management Inventory score (Y-LSI), Massachusetts Youth Screening Instrument (MAYSI-2) scores, school enrollment, or special education disability predict secure detention confinement.

IV. Assessment Results

Results of the current assessment analysis will be reviewed by Court staff, shared with the Judges, studied and researched for implications, and provided to the DMC Team for recommendations. Subsequent to this feedback process, the Court Administrator will bring recommendations as needed to the Judges for their approval and implementation. These new steps will be shared with the DMC Team and monitored during the next Calendar Year for their impact.

Juvenile Arrests

	Admiral King Area Arrest #	Wilkes Villa Arrest #
African American Youth	537	35
Hispanic Youth	207	0
White Youth	307	7
RRI	2.42	5.0

Table 3 – 2007 Youth Arrest Data

The disparity between African American and White youth arrest rates in these two Lorain County neighborhoods has a number of possible explanations. The DMC Team and stakeholders regard these explanations as hypotheses, in need of further investigation.

Admiral King Neighborhood

1. Large number of community calls to the police department.

Admiral King is in the central part of the city of Lorain and is the larger of the two high schools. The neighborhood school district includes several low-income housing projects, along with some middle-class starter homes. The local print and television media has routinely covered youth fights or other problems involving police intervention in the high school, highlighting the problems. This can lead to a community perception of the Admiral King area having a large population of "bad kids". This may or may not be the case, and analysis of arrest data is underway to drill down on the disparity issue(s) for this area.

2. Community policing.

Historically, the Admiral King area has been a higher problem area (earlier 1990's gang problems, since dissipated) and a majority of the families (and youth) who live there are African American. So for many years there had been increased police presence and more patrols in response. This increased police presence may be leading to higher arrest rates for African American youth in this area. This potential cause of youth arrest disparity, if confirmed, is considered "justice by geography" (Veis, Cohen, & Villarreal, 2005).

3. Socio-economic impact on this community.

While socio-economic data is not available for this subsection of the city, this area has, both historically and today, been impacted by unemployment, higher poverty rates, and poorer neighborhood conditions. These factors combine to promote a formula for more delinquent activity, a greater police presence, and, thus, more arrests. It is consistently documented that these issues are delinquency risk factors for children and youth (Roberts, 2004).

Wilkes Villa and South Park

1. Large number of community calls to the police department.

Located in this area is the City of Elyria's two housing projects. The surrounding neighborhood though is different than the Admiral King area, for here most of the homes are also low income. This dynamic has made the housing project an area of high police contact and presence. In particular, sections of this area of the city are well known for their youth drug offenders and dealers. A large majority of the families (and youth) in this Zone are African American.

2. Community policing.

Because of the historical, and current, higher illegal activities in the area, there is a significantly higher police presence and normally a full-time patrol assigned. This increased police presence has lead to distinctly higher African American youth arrest rates, particularly related to the illicit drugs.

3. Socio-economic impact on this community.

While socio-economic data is not available for this subsection of the city, this area has, both historically and today, been impacted by unemployment, higher poverty rates, and poorer neighborhood conditions. These factors combine to promote a formula for more delinquent activity, a greater police presence, and, thus, more arrests. It is consistently documented that these issues are delinquency risk factors for children and youth (Roberts, 2004).

Secure Detention

Logistic regression analysis of the Investigation and Referral Department dataset indicated three significant predictors for the group of youth referred for assessment and possible Court supervision – the Youth Level of Service/Case Management Inventory Score (Y-LSI), the Massachusetts Youth Screening Instrument (MAYSI-2) Alcohol and Drug Score, and African American Race. Findings indicated that African American race (Wald = 9.9; $p = .002$) and the MAYSI-2 Alcohol and Drug screening score (Wald = 9.0; $p = .003$) significantly predicts secure detention placement. Specifically, these predictors make secure detention more likely.

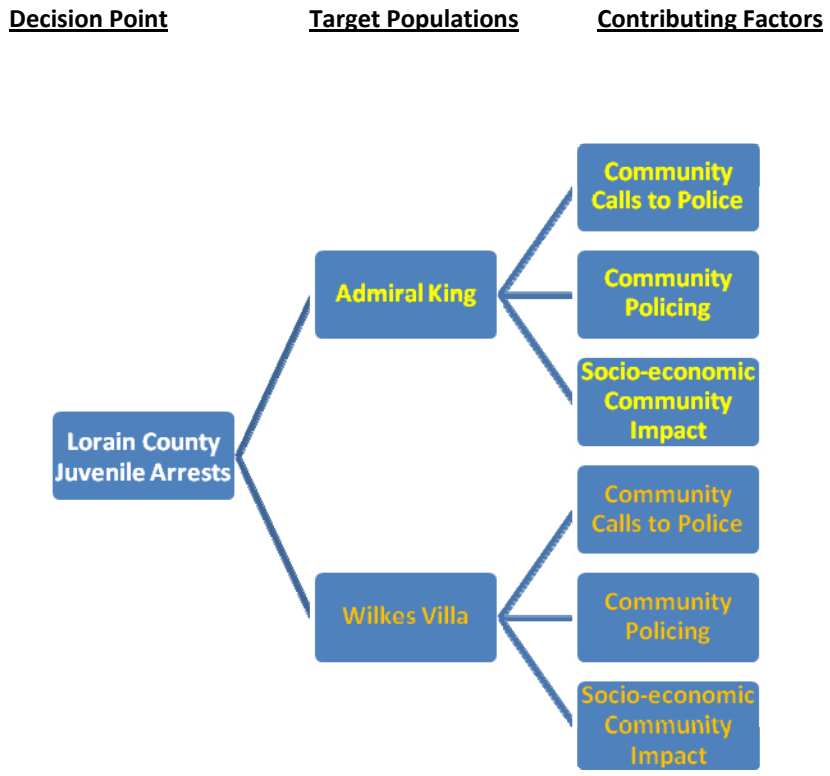
V. Recommendations

Juvenile Arrests

The Lorain County juvenile justice system - including the juvenile court, prosecutor's office, police department, school district, et al. - has taken the first steps in its DMC reduction initiative. The youth arrest disparity identification has been narrowed to two problematic neighborhoods in the county, one each in the two distinct cities. These first steps in the identification and assessment stages allow the stakeholders to next identify appropriate intervention strategies to minimize disparity at this first decision-making point. Appropriate intervention strategies for Lorain County's at-risk youth population are provided by the federal initiative's DMC Technical Manual (Gies, Cohen, & Villarruel, 2005). It is recommended that the DMC Team take this next step in an appropriate fashion to begin the intervention work to try to decrease the youth arrest disparity in both the Admiral King and Wilkes Villa/South Park neighborhoods.

In so doing, it is also important for the DMC Team to continue to identify, at the disparate decision points, which factors are the cause of the DMC rates of concern. These causal factors have been identified in other jurisdictions to include differential youth offending; differential youth opportunities; differential system handling; legislative, policy and legal factors; justice by geography; indirect effects; and accumulated disadvantage. Often efforts to reduce DMC RRI numbers are approached successfully with broad-based, multi-system approaches, once the key decision points are targeted. If specific youth and family intervention strategies are utilized, key elements for successful programs include interventions that work across youth areas; are holistic, intensive, individualized, and strength-based in design; and include working with systems often outside, but in collaboration with, the juvenile justice system (Krisberg, Currie, Onek, & Wiebush, 1995).

Concurrently, the Lorain County Prosecutor's Office is tracking data on the next two key decision points for youth in the juvenile justice system – court referral and case diversion - with the first year of data collection and subsequent analysis available in 2010. This information will allow the court to know if disparity for minority youth exists at these two sequential steps, and if so, then move from this assessment phase to the intervention phase. Work to date on the juvenile arrest decision point is reflected in the following logic model:



Secure Detention

The DMC Team has been able to move ahead and begin addressing the fourth decision point – secure detention – a disparity concern in Lorain County. This is important for the experience of detention makes it more likely that detained youths will continue to engage in delinquent behavior and may increase the odds that youth will recidivate (Holman & Ziendenberg, 2006; Torres & Ooyen, 2002), an outcome that perpetuates the disparity problem.

The Court's Investigation and Referral pilot study found two confirmatory and one interesting predictor for secure detention. African American race was found to be predictive of placement, confirming what was already known through the RRI calculations, though the risk looks to be lessening since the 2007 report. The risk assessment instrument (Y-LSI) was confirmed to be predictive of the need for greater court supervision (potential for secure facility placement), a function of the standardized measurement. However, the MAYSI-2 Alcohol and Drug indicator predictor has practical implications. This scale is intended to identify youths who are using alcohol or drugs to a significant degree, and who are at risk for substance abuse or dependence (Grisso, et al., 2001).

Hence, this finding represents a possible intervention point for the Juvenile Court for it can be interpreted that African American youth with this Drug and Alcohol Indicator score of concern are at significantly higher risk for detention facility placement. These youth involved with the juvenile court could be offered intervention strategies or evidenced-based programs to address the alcohol and drug usage, with the possibility of minimizing later detention outcomes. Before implementation of programs to address this, the Court and DMC Team should wait for a fuller analysis of results from the database that is being compiled that includes more decision point information, offense types, offense groupings, et al., to confirm these initial results. If confirmed, additional options are available.

The Court is taking two proactive steps to address secure detention. First, the Drug Court is being expanded to serve, supervise, and treat more youth who have drug and alcohol problems – in an effort to help decrease secure facility placement and maintain the youth in the community. Second, the Phoenix Curriculum has been implemented within the detention home for the residents. This successful, cognitive-behavioral program offers the youth detailed lesson plans and support materials to decrease potential gang involvement and other delinquency risk factors. Monitoring of these programs will be ongoing.

System Coordination

A final recommendation is for continual monitoring of the DMC process and to provide an accurate picture of planned for disparity reductions. To accomplish this, it is important for the

County police departments to begin tracking youth demographic information (including race). Also, the development of a data sharing system across the DMC team member's departments and systems is important to successfully monitor the DMC phenomenon, accurately track the data, and respond through a continual evaluative process.

Bibliography

Benda, B.B. & Tollet, C.L. (1999). A study of recidivism of serious and persistent offenders among adolescents, *Journal of Criminal Justice*, 27(2), 111-126.

Blueprints Model Programs (2009), Center for the Study of Prevention and Violence, available at http://www.colorado.edu/cspv/blueprints/

Gavassi, S. M. (2008). *The Franklin County, Ohio disproportionate minority contact (DMC) report.* Hillard, OH: Consulting and Clinical Services.

Geis, S., Cohen, M., & Villarreal, F. (2005). Intervention (Chapter 4). *Disproportionate Minority Contact Technical Assistance Manual, 3rd Edition*, available at http://www.ncjrs.gov/html/ojjdp/dmc_ta_manual/

Grisso, T., Barnum, R., Fletcher, K., Cauffman, E., & Peuschold, D. (2001). Massachusetts Youth Screening Instrument for mental health needs of juvenile justice youths. Journal of the American Academy of Child and Adolescent Psychiatry, 40, 541-548.

Holman, B. & Ziedenberg, J. (2006). *The dangers of detention: The impact of incarcerating youth in detention and other secure congregate facilities*, Annie E. Casey Foundation, Baltimore, MD.

Hoyt, E. H., Schiraldi, V., Smith, B.B., & Ziedenberg, J. (2001). *Pathways to juvenile detention reform: Reducing racial disparities in juvenile detention.* Baltimore: the Annie E. Casey Foundation.

Johnson, L. (2009). *Federal commitment offers welcomed support to local initiatives to promote racial and ethnic fairness*. Available at http://www.modelsforchange.net/index.html
Kempf-Leonard, K. (2007). Minority youths and juvenile justice: Disproportionate minority contact after nearly 20 years of reform efforts. *Youth Violence and Juvenile Justice*, 5, 71-87.

Krisberg, B., Currie, E., Onek, D., & Wiebush, R.G. (1995). Graduated sanctions for serious, violent, and chronic juvenile offenders. In *A sourcebook: Serious, violent, and chronic juvenile offenders.* J.C. Howell, B. Krisberg, J.D., Hawkins, & J.J. Wilson. Thousand Oaks, CA: Sage Publishers.

Mauer, M. &King, R. S. (2007). *Uneven justice: State rates of incarceration by race and ethnicity*. Washington, DC, The Sentencing Project.

National Council on Crime and Delinquency (2007). *And justice for some: differential treatment of youth of color in the justice system*. Available at http://www.buildingblocksforyouth.org/justiceforsome/jfs.pdf

Olatunde, C. & Johnson, A. (2007). Disparity rules. *Columbia Law Review*, 107, 374-425.

Piquero, A. R. (2008). Disproportionate minority contact. *The Future of Children*, 18(2), 59-79.

Poe-Yamagata, E & Jones, M. (2000). *And Justice For Some*, Building Blocks for Youth, Washington DC, available at http://www.buildingblocksforyouth.org/justiceforsome/

President's Commission (1967). *The challenge of crime in a free society.* Washington, DC: United States Government Printing Office.

Puzzanchera, C. & Adams, B. (2008). *National disproportionate minority contact databook.* Developed by the National Center for Juvenile Justice for the Office of Juvenile Justice and Delinquency Prevention. Available at http://ojjdp.ncjrs.gov/ojstatbb/dmcdb/

Puzzanchera, C., Adams, B., & Snyder, H. (2008). An interpretation of the national DMC relative rate indices for juvenile justice system processing in 2005. *National Disproportionate Minority Contact Databook*. Prepared by the National Center for Juvenile Justice for the Office of Juvenile Justice and Delinquency Prevention. Available at www.ojjdp.ncjrs.gov/ojstatbb/dmcd/

Roberts, A.R. (2004). *Juvenile justice sourcebook: Past, present, and future*. Oxford Press.

Schmidt, F., Hoge, R., and Gomes, L. (2005). Reliability and validity analysis of the Youth Level of Service /Case Management Inventory. Criminal Justice and Behavior, 32(3), 329.

Shelton, H. O., Neelum, A., & Augarten, I. (2008). *Critical condition: African-American youth in the justice system*. Campaign for Youth Justice, available at http://www.njjn.org/media/resources/public/resource_852.pdf

Torres, C. & Ooyen, Marcel V. (2002). *Briefing paper*, Committee on Youth Services, New York, available at http://webdocs.nyccouncil.info/attachments/56612.htm?CFID=1677675&CFTOKEN=84562487