

# Justice for All - Keeping Minority Youth Out of Detention

Observing the successful organization of the  
Disproportionate Minority Contact Program and  
Juvenile Detention Alternative Initiative

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## CHAPTER 1: INTRODUCTION

In the United States' juvenile justice system, the ideal approach is rehabilitation. Juveniles should be treated in a safe environment that protects their needs while also protecting the public. Unfortunately, the juvenile justice system in this country has never reached its ideal. Juveniles are treated as if they are adults, placed in custodial detention centers that lack basic necessities and are subjected to punishment rather than rehabilitation. The focus is less on the needs of the individual and more about addressing a perceived juvenile crime wave. Even more unfortunate, this ugly trend has affected the minority communities the hardest. It is their youth who are arrested and locked up more often than their white counterparts, regardless of the crime. The inflexibility and inconsistency of the national and the local juvenile justice systems have only contributed to the decline of this ideal. However, there is hope.

Through the efforts of the national legislature and non-profit organizations, two equally promising programs have developed in recent years. The first program was originally called Disproportionate Minority Confinement (DMC). Its general goal was to reduce the disproportionate representation of minority youth in the juvenile justice system and address the root causes of that disproportionality. As explained in Chapter 2, as the program developed, juvenile justice officials realized that detention was not the only contact point where minorities were disproportionately represented. So they changed the name of the program to Disproportionate Minority Contact and the program will be referred to by this name for the remainder of this paper. The second program, sponsored by the Annie E. Casey Foundation was the Juvenile Detention Alternative Initiative (JDAI).

JDAI sought to reduce the number of all youth that were locked up in secure detention facilities and did so through the support of community-based programming.

Both programs saw significant success in their early pilot programs and created a framework for how the issue of disproportionality and detention alternatives should be approached in all jurisdictions. Their successes and lessons learned provide a model that states have adopted over the years in order to realize the ideal juvenile justice system.

This paper will outline the structure and successes of the DMC and JDAI pilot programs and demonstrate that their effective organization can be replicated. Furthermore, the two programs have overlapping approaches and have seen overlapping successes; so many jurisdictions have begun integrating the two into one effective and efficient program. While only two of those jurisdictions are discussed here, there are many around the nation that have combined DMC and JDAI and have seen promising results. It is their efforts, building on the successes of the pilot programs, that contribute to the idea that we, as a nation, can establish a safe and effective juvenile justice system that does not discriminate and does not doom all children to lives of crime.

## **CHAPTER 2: DISPROPORTIONATE MINORITY CONTACT**

Disproportionate minority contact (DMC) refers to a condition in the juvenile justice system when a racial or ethnic group's representation in detention is not proportional to their representation in the general population (Building Blocks for Youth & Juskiewicz, 2000). This condition often results in disparities within the juvenile justice system, as well as disparities in society as a whole. These racial and ethnic disparities demonstrate the need for specific initiatives and programs that can seek to identify that disparity and create a plan to eliminate it.

There are two major causes of DMC, structural inequalities that exist in society and systemic inequalities within the juvenile justice system. These structural inequalities are based on socio-economic conditions that have long plagued communities, such as segregation of neighborhoods and housing, inconsistent access to education, high poverty rates in minority communities, and unequal access to stable employment (Hinton-Hoytt, Schiraldi, Smith, & Ziedenberg, 2005).

Disproportionate Minority Contact in the juvenile justice system can also be a result of unequal access to services. In minority communities, there is less access to adequate detention alternative programs or after school programs that are free to participants. Also, access to transportation makes it difficult for the parents of minority at-risk youth to attend hearings and may influence the judge's decision to release or detain a youth. Other inequalities in services that profoundly affect the minority communities include the lack of access to acceptable child care and the ability to take time off of work. These examples demonstrate that within the juvenile justice system, there is little support for minority communities who do not have the power or resources to advocate for their children.

## ***THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974***

Juvenile court systems have gone through dramatic changes over the course of American history. The first juvenile court system established in the United States was in Chicago, Illinois in 1899 and represented a trend in the Progressive Era toward rehabilitation and away from punishment (Clapp, 1995). The court's existence rests on the passage of the Illinois Juvenile Court Law of 1899, which was the first legislative step toward an organized juvenile justice system. Juvenile courts emerged around the country, but there was no national program to guide them. Finally, in 1974, 75 years after the first juvenile court was established, a national program was created. The Juvenile Justice and Delinquency Prevention Act of 1974 was a piece of major federal legislation that shaped the content of state policy in regards to the states' juvenile court systems. The act partially came to fruition in response to three Supreme Court decisions in the 1960's and 1970's that exposed the defects of the locally controlled juvenile courts.

The first Supreme Court decision, *Kent v. United States* (383 U.S. 541, 1966), created a national precedent for juvenile court procedures. Prior to the 1960's, the purpose of the juvenile courts was to prevent a youth from being tried and treated as a criminal. During that decade, people began to question the juvenile court's informality and disregard for due process. In 1966, the Supreme Court addressed the fairness of the juvenile system. The local juvenile court judge charged the youth as an adult without a hearing, did not allow Kent's counsel access to social information on which the judge based his decision, and did so without explanation (Shepherd, 1999). The Supreme Court concluded that Kent had been denied due process and was denied a meaningful right to representation by counsel and right to a hearing. In this historic case, the Supreme Court defined the parameters of fairness that must be followed in the juvenile court system.

The next Supreme Court case that heavily influenced the Juvenile Justice and Delinquency Prevention Act was *in re Gault* (387 U.S. 1, 1967). *In re Gault* addressed many of the questions regarding the fairness of the procedures within the juvenile court itself. Gerald Gault was convicted without knowing the charges against him or his right to counsel. The Supreme Court decided that Gault's right to due process and his 14<sup>th</sup> Amendment rights had been violated. He was entitled to adequate notice of the nature of the charges against him, the right to counsel, the right to confront witnesses and have them cross-examined, and finally the right against self-incrimination (Shepherd, 1999). This landmark decision created a new approach to juvenile justice based on the adult model for criminal due process.

The last significant Supreme Court case in the years before the Juvenile Justice and Delinquency Prevention Act is *in re Winship* (397 U.S. 358, 1970). According to juvenile law at the time, a judge only needed a 'preponderance of the evidence' to justify placing a juvenile in detention. Winship's counsel argued that the standards of proof for a juvenile act should be 'beyond a reasonable doubt' (Answers.com, 2008). The Supreme Court agreed that the Due Process clause of the Constitution requires proof beyond a reasonable doubt for an act that would be tantamount to a criminal offense in the adult court. While the phrase, 'beyond a reasonable doubt' is not mentioned in the text of the Constitution, it was accepted as a standard of common law procedure and historically used by the courts to determine guilt or innocence, therefore, according to the Court, it was a standard that should be upheld in juvenile proceedings.

By 1974, despite the landmark Supreme Court cases, many viewed the juvenile justice system as a failure. The inconsistencies and lack of standardization between jurisdictions demonstrated it was time to unify the processes and framework of the juvenile court system. In response to these concerns, Congress passed the Juvenile Justice and Delinquency Prevention Act. The general goals of the Act were

to exert control over how states treat juvenile offenders. It sought to create a mechanism for standardizing juvenile justice and great some specific standards that each jurisdiction must follow. The 1974 Juvenile Justice and Delinquency Prevention Act defined a juvenile as someone under the age of eighteen and defined juvenile delinquency as the act of committing an offense that would be a crime in adult court (Office Of Juvenile Justice And Delinquency Prevention, 1974). The act created a national method of diverting juveniles away from adult prisons through "grants to states and local governments to assist them in planning, establishing, operating, coordinating, and evaluating projects ... for the development of more effective education, training, research, prevention, diversion, treatment, and rehabilitation programs in the area of juvenile delinquency and programs to improve the juvenile justice system" (Office of Juvenile Justice And Delinquency Prevention, 1974). In addition, the 1974 Act allowed for the deinstitutionalization of status offenders that would prevent status offenders from being detained for extended periods of time (Building Blocks for Youth & Juskiewicz, 2000).

### ***AMENDING THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT***

In 1988 the Coalition for Juvenile Justice issued an annual report to Congress entitled, "A Delicate Balance" (Office of Juvenile Justice and Delinquency Prevention & Hsia, 2005). The report brought the issue of the disproportionality of minorities in juvenile justice confinement to national attention. It presented the issue of Disproportionate Minority Contact and its causes. First, minority youth are disproportionately represented in all stages of the juvenile justice system. Second, minority youth do commit violent crimes at a slightly higher rate; however the disproportionate detention numbers cannot simply be explained by that fact. Finally, the disproportionate rates throughout the juvenile justice system of the various racial and ethnic groups are a result of economic, family,

community effects, and the decision-making process of members of the system (National District Attorneys Association & Harp, 2001). As a result of the Congressional report, Congress reauthorized the 1974 Juvenile Justice and Delinquency Prevention Act with additional amendments. In the 1988 amendments, Congress required that States address disproportionate minority representation in confinement. The process by which States address DMC was to be through efforts aimed at reducing the proportion of youth detained in secure facilities. Congress also sought to protect the members of those facilities who are minorities, especially if their numbers exceed the number of minorities in the general population (Office of Juvenile Justice and Delinquency Prevention & Hsia, 2005). To help the states, the Office of Juvenile Justice and Delinquency Prevention, in 1989, instituted a basic technical assistance strategy that provided various workshops, instruction manuals, and consultants to help states address DMC issues (Office of Juvenile Justice and Delinquency Prevention & Hsia, 2005).

In 1991, the Office of Juvenile Justice and Delinquency Prevention decided to take further action and established the Disproportionate Minority Contact Initiative to examine the various methods associated with reducing disproportionality and assess State's actions. The Office of Juvenile Justice and Delinquency Prevention selected five test states in which to implement the Initiative: Arizona, Florida, Iowa, North Carolina, and Oregon. These states and their Disproportionate Minority Contact Initiative programs will be explained in detail later in this chapter.

After years of research, the Office of Juvenile Justice and Delinquency Prevention got Congress to pass another version of the Juvenile Justice and Delinquency Prevention Act in 2002. This revised version of the Act adapted the requirements of Disproportionate Minority Contact. The revision requires states to "address juvenile delinquency prevention efforts and system improvement efforts designed to reduce, without establishing or requiring numerical standards or quotas, the disproportionate number

of juvenile members of minority groups who come into contact with the juvenile justice system” (Office Of Juvenile Justice And Delinquency Prevention & Hsia, 2005). This adjustment broadened Disproportionate Minority Confinement to Disproportionate Minority Contact by requiring States to examine the disproportionate minority representation at all points within the juvenile justice system, not just in secure institutions. In addition, the revised Act established four core protections that States must comply with in order to receive their grant funds. Under the new provisions, States must deinstitutionalize status offenders, separate juveniles from adults in institutions, remove juveniles from adult jails and lockups, and reduce Disproportionate Minority Contact where it exists (Office Of Juvenile Justice And Delinquency Prevention, 2008). Yet before the 2002 revision, the Office of Juvenile Justice and Delinquency Prevention had the opportunity to put the act into action through the DMC Initiative pilot program.

### ***DISPROPORTIONATE MINORITY CONTACT PILOT INITIATIVES***

In 1991, DMC was implemented in five competitively selected test states and conducted in two 18-month phases (Office Of Juvenile Justice And Delinquency Prevention, Devine, Coolbaugh, & Jenkins, 1998). In the first phase, States identified the extent that minority youth were disproportionately confined, and then in the second phase, States created and implemented remedial actions. The Office of Juvenile Justice and Delinquency Prevention provided grant funding for both phases, technical support for designing solutions, and technical assistance for implementation of those solutions (Office Of Juvenile Justice And Delinquency Prevention, Devine, Coolbaugh, & Jenkins, 1998).

To understand the successes and failures of the Disproportionate Minority Contact Initiative, it is necessary to look at each of the pilot States individually and examine their processes for identifying and correcting disproportionality.

### *ARIZONA*

According to the Office of Juvenile Justice and Delinquency Prevention's Juvenile Justice Bulletin from 1998, the racial composition in Arizona is 72 percent Anglo, 19 percent Hispanic, 5 percent Native American, 3 percent African American, and 1 percent Asian/Pacific Islander (Office Of Juvenile Justice And Delinquency Prevention, Devine, Coolbaugh, & Jenkins, 1998). The Arizona Disproportionate Minority Contact Initiative began in October 1991 and concluded in the spring of 1995. Arizona completed both phases of the program over this period of time. The objectives of Phase I research were to examine the extent to which race/ethnicity influence juvenile justice system decision-making and to examine the extent to which race/ethnicity influences the interactions between youth, parents, community members, and juvenile justice system personnel (Caliber Associates, 1996). The methodology of the research was conducted through quantitative analyses of juvenile records as well as qualitative analyses of interviews with crucial members of the juvenile justice system. The research activity of Phase I was focused in Arizona's two urban counties, Pima and Maricopa. Together the counties account for approximately 80 percent of all justice system involved youth in Arizona with Pima County processing 11,000 youth in 1991 (46 percent were minority), and Maricopa County processing 29,000 youth in 1991 (54 percent were minority) (Caliber Associates, 1996).

The research from Phase I found that there was evidence of Disproportionate Minority Contact at several points within the state's system. Race/ethnicity had statistically observable impacts at eight

decision points within the system. The level of disproportionality varied depending on the point in the system and even varied among minority groups. Yet, it was most strongly indicated at the state when a decision is made on whether to file a petition based on the charge for which a youth has entered or reentered the system (Caliber Associates, 1996). In addition, the effects were cumulative. Decisions at one stage largely influenced subsequent decisions, meaning, minority youth were more likely to receive outcomes that moved them deeper into the system. Researchers found, in particularly in Maricopa County, that 71 percent of African American males, 43 percent of Hispanic males, and 39 percent of Anglo males would have a record before turning 17 years old (Caliber Associates, 1996). They also found that Native American youth were more likely than any other racial or ethnic group to be detained. Hispanic youth were 9 percent more likely than Anglo youth to have a petition filed, and African American youth were 7 percent more likely (Caliber Associates, 1996).

After examining their findings, the researchers conducted interviews with youth, parents, youth advocates, educators, and court officials to identify the perceived sources of this disproportionality. The analysis of these interviews suggested there were nine major issues, which are indicated in Figure 1.

*Figure 1: Interview Findings from Arizona’s Phase I Research*

<ul style="list-style-type: none"> <li>• Feelings of system-wide discrimination against youth of color</li> <li>• System barriers to effective parental advocacy on behalf of system-involved youth</li> <li>• Inadequate language skills and cultural understanding among system administrators and field staff</li> <li>• Withdrawal of juvenile justice system agencies from contact and involvement in poor neighborhoods</li> <li>• Crisis in neighborhood-based education, vocational, cultural, recreational, employment, medical and behavioral health resources for youth of color.</li> </ul>	<ul style="list-style-type: none"> <li>• Gang labeling by system officials, and lack of understanding of reasons for actual gang involvement</li> <li>• Belief that consideration of prior policy contacts and court references as major determinants in case-handling decisions is a racially discriminatory practice</li> <li>• Limited system resources and the critical need for improved coordination among system administrators in the allocation of resources</li> <li>• Attitudes of youth toward system agencies and practices</li> </ul>
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In Phase II of the Initiative, Arizona decided to focus on the development of seven community-based pilot projects (Caliber Associates, 1996). These seven, one-year programs were created to target

minority groups and the various sources of Disproportionate Minority Contact and funded through the Federal discretionary grant from the Office of Juvenile Justice and Delinquency Prevention (\$175,000). Unfortunately, by the end of Phase II, many of the pilot programs were not expected to continue, due to funding, so state involvement diminished (Caliber Associates, 1996). Once this fact became clear, Arizona focused more attention on continuing public awareness and education of Disproportionate Minority Contact issues and efforts.

### *FLORIDA*

The demographic breakdown of the entire population of the State of Florida is 73 percent Anglo, 13 percent African American, 12 percent Hispanic, 1 percent Asian/Pacific Islander and 0.3 percent Native American (Office Of Juvenile Justice And Delinquency Prevention, Devine, Coolbaugh, & Jenkins, 1998). In October 1991, the Florida Disproportionate Minority Contact Initiative began in 1991 and completed both phases in four years. The major findings of the research from both phases found that African American youth were overrepresented at every stage of the juvenile justice system. African American youth were twice as likely to have an initial referral with 11 percent referred in Phase I compared to 5 percent of Caucasian youth referred during the same period (Caliber Associates, 1996). African American youth represented 39 percent of youth referred to system overall and 63 percent of the youth eventually committed.

Phase I of the Initiative was conducted through a three-pronged research effort:

1. To describe the youth processed through Florida's juvenile justice system, by race and county

2. To examine the decision by law enforcement officers to arrest or release youth with whom they come into contact
3. To measure the effect of the interaction of race, and to learn how juvenile justice case managers' perceptions of the relative seriousness of the offence impacts their referral recommendations and the eventual distribution of disposition outcomes (Caliber Associates, 1996).

To meet the first of these objectives, the research team carried out a major quantitative analysis of juvenile data from public agencies. They found that African American youth were referred to the system at rates disproportionately higher than other racial/ethnic groups. The second objective was met through a standardized survey completed from a sample of 497 juveniles based on information contained in police reports to determine the processes of decision-making. Researchers found that there was a potential for differential treatment and that race/ethnicity correlated with processing decisions at every stage in the process (Caliber Associates, 1996). To meet the last objective, researchers mailed surveys to 258 delinquency and intake workers and case managers. It showed that females tended to give a higher seriousness rating than males did, especially among African American females. African American female workers cited factors such as the seriousness of the offense, prior offenses, family structure, and urbanicity as factors they consider to contribute to the seriousness ratings they gave. Results of all these objectives proved that not only were African American youth referred to the courts in disproportionately high numbers, but they were also two to three times more likely to receive more serious action of prosecutors and more serious dispositions from the court (Caliber Associates, 1996). Researchers found that Anglo youth were most often released to their parents, while African American

youth were released to their parents and taken to Health and Rehabilitative Services in equal proportions.

Phase II of the Florida Initiative took place in Hillsborough County because of the high levels of disproportionality in the county and the county officials willingness to contribute to the efforts to reduce that differential treatment (Caliber Associates, 1996). The decision was made to focus Phase II on intake assessment, the initial decision point in juvenile justice processing because they believed if they could reduce disproportionality at this level, the effects would influence subsequent stages. The Phase II plan was constructed around already existing effective and innovative programs in Hillsborough County and had five objectives:

- Establish a Core Group of community members to meet regularly to set the local agenda and identify community resources
- Provide diversion advocacy and planning for African American youth admitted to the Juvenile Assessment Center
- Organize a coalition of existing service providers each with their own program capacity, dedicating slots to African American youth diverted from the justice system during assessment
- Establish a civil citation program for non-serious offenders
- Provide cultural competency training to staff in the juvenile justice system

Each of these objectives sought to effectively match minority youth with appropriate community-based service programs, involve the minority community in solving the issue of minority confinement, and raise the awareness among juvenile justice professionals of the racial differences in the system. By the

end of Phase II, all pilot project objectives were implemented, except for the cultural competency training (Caliber Associates, 1996).

**IOWA**

The demographic data for Iowa, according to the Office of Juvenile Justice and Delinquency Prevention 1998 Juvenile Justice Bulletin, reflects the population as 96 percent Anglo, 2 percent African American, 1 percent Hispanic, and 1 percent of other racial/ethnic groups (Office Of Juvenile Justice And Delinquency Prevention, Devine, Coolbaugh, & Jenkins, 1998). The Iowa Initiative focused on identifying the extent of disproportionality in secure settings in four counties, Black Hawk, Polk, Scott, and Woodbury. The initial data suggested that minority youth were not only overrepresented in lock up facilities, but they were also more likely to have longer stays in juvenile detention facilities, state training schools, and mental health institutions (Caliber Associates, 1996). Once the extent of the disproportionality was identified, researchers ascertained the factors that contributed to the overrepresentation of minority youth. After numerous town meetings, the researchers discovered a long list of contributing factors which are outlined in Figure 2.

*Figure 2: Factors that Contribute to Disproportionate Minority Contact in Iowa*

<p>1. Juvenile Justice System</p> <ul style="list-style-type: none"> <li>• Lack of culturally diverse staff</li> <li>• Discriminatory policies</li> <li>• Lack of services: treatment, prevention, diversion</li> <li>• Need for minority parent involvement</li> <li>• Subtle racism</li> </ul>	<p>3. Education</p> <ul style="list-style-type: none"> <li>• Early school failures</li> <li>• Lack of prevention programs</li> <li>• High truancy, suspension, and expulsion rates among minorities</li> <li>• Inappropriate labeling of minority youth</li> </ul>	<p>5. Family</p> <ul style="list-style-type: none"> <li>• Families with troubled youth need more support</li> <li>• Youth abandon traditional culture</li> <li>• Dysfunctional families</li> <li>• Lack of positive role models</li> <li>• Single family homes</li> </ul>
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<p>2. Socio-Economic Factors</p> <ul style="list-style-type: none"> <li>• Poverty</li> <li>• High crime neighborhoods</li> <li>• Lack of community services</li> </ul>	<ul style="list-style-type: none"> <li>• Lower expectations for minority youth</li> </ul> <p>4. Youth</p> <ul style="list-style-type: none"> <li>• Drug use and trafficking</li> <li>• Gang involvement</li> <li>• Prior record</li> </ul>	
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In Phase II of the Initiative, Iowa addressed the problem of overrepresentation through three initiatives, funding a pilot community program to provide prevention and intervention services targeted at minority youth, providing planning grants to the four pilot counties that participated, and implementing a state-wide cultural competency training program (Caliber Associates, 1996). To achieve the first initiative, the Iowa group selected an existing program in Cedar Rapids called Jane Boyd Community House’s Positive Youth Development Project. The project provides holistic support for the neighborhoods with the hope of empowering families and providing prevention and treatment programs for troubled youth and their families. To build on the program, the Iowa Initiative funded specific program services addressing minority youth, created additional services for at-risk minority youth, and developed additional services through the creation of a coalition of local agencies (Caliber Associates, 1996). The second initiative was accomplished by giving \$10,000 planning grants to the four pilot counties to allow the communities to pursue their own unique approaches to reducing Disproportionate Minority Contact. Lastly, the development and implementation of a cultural competency training workshop was completed. One of the last things implemented in Iowa, that had profound effects on the way the state handled the issue of disproportionality, was the creation of a permanent Disproportionate Minority Contact coordinator for the state who was to be a full-time resource and monitor of the initiatives implemented in Phase II (Caliber Associates, 1996).

## *NORTH CAROLINA*

The demographic data for North Carolina shows that the state's racial/ethnic composition in 1990 was 75 percent Anglo, 22 percent African American, 1 percent Hispanic, 1 percent Native American, and 1 percent Asian/Pacific Islander (Office Of Juvenile Justice And Delinquency Prevention, Devine, Coolbaugh, & Jenkins, 1998). North Carolina's Initiative program was slightly shorter than the other states' programs, beginning in February 1992 and ending in the fall of 1994. The goal for North Carolina was to gain a deeper understanding and official acknowledgement from the state and community of the problem of disproportionality and commit to solving that problem (Caliber Associates, 1996). Because of North Carolina's conservative political atmosphere and the long history of struggle for civil rights, members of the Initiative group hoped that their goals would best be achieved through information dissemination, community education, and awareness.

The first Phase of the North Carolina Initiative found that minority youth were more likely than Anglo youth to be arrested and be committed. Given these findings, the Initiative members sought the following:

- To obtain community-based input on Disproportionate Minority Contact issues
- To assist pilot counties to understand the nature of their own issues and plan interventions
- To develop state-level commitment of agencies to contribute to effort
- To develop program operation manuals to assist court officials
- To develop a state-wide, automated information system to obtain and collect data to monitor the extent of Disproportionate Minority Contact at different points in the juvenile justice system (Caliber Associates, 1996).

The data from Phase I was obtained through arrest, detention, and commitment reports from 1990, from all counties in North Carolina, as well as detention processing data from the ten pilot counties. The initial study found that minority youth were overrepresented at every stage in the process and reflected that African America youth were more likely to be referred to court and more likely to be committed to a training program, but the researchers accounted this fact to offender characteristics that were not race-based. The state research team questioned the validity of these findings and began a follow-up study in 1994 (Caliber Associates, 1996). The second study concluded that differences in minority representation did not vary between counties and upon presentation to court; all racial/ethnic groups were referred to juvenile courts in fairly equal proportions. Lastly, the researchers concluded that their findings were only suggestive of evidence that race was a factor in the treatment of a juvenile in the system (Caliber Associates, 1996). These results were not solely based on objective data, but on political maneuvering and unwillingness to recognize DMC.

Phase II in North Carolina focused on county-level, community-based planning and sought to develop County Action Plans for corrective action. The Initiative achieved this by identifying leadership on the county level, providing formal and informal information gathering to disseminate findings from Phase I, provide on-site technical training, and offer grants to support the process (Caliber Associates, 1996). These plans were created to support individual community efforts and allowing for each county to utilize their own unique approaches to handling the disproportionality at the many points in the juvenile justice system. In addition, North Carolina created a statewide conference for the purpose of developing policy recommendations to reduce Disproportionate Minority Contact within the state-wide system.

## *OREGON*

The final pilot state, Oregon is demographically 91 percent Anglo, 4 percent Hispanic, 2 percent African American, 2 percent Asian/Pacific Islander, 1 percent Native American (Office Of Juvenile Justice And Delinquency Prevention, Devine, Coolbaugh, & Jenkins, 1998). Oregon's Initiative program addressed the extent of Disproportionate Minority Contact at all points of the juvenile justice system. The effort was statewide but also included a detailed analysis of three pilot counties, Multnomah, Marion, and Lane. These three counties were chosen because their population accounted for 49.5 percent of the state's minority youth population, including 85 percent of the state's African American population in 1990. The minority youth in Oregon were disproportionately represented in the three urban areas of the state, each of which is within one of the pilot counties (Caliber Associates, 1996).

Phase I of the Initiative in Oregon found that African American youth in particular were more likely to be overrepresented at every decision point in the system. Researchers found that the overrepresentation tended to occur more heavily at the "back of the system," where commitment decisions were made (Caliber Associates, 1996). Then the researchers conducted group interviews with juvenile justice and community representatives to try to discover the factors that contribute to the Disproportionate Minority Contact. They found the following:

- There were inadequacies in the service delivery system which negatively affect minority youth and their families, such as lack of culturally appropriate placements and other resources
- There is a lack of family involvement and, even when families are supportive and involved, there is a lack of family-centered services to support them

- There is a need for cultural competency training throughout the Oregon juvenile justice system
- There are few alternative placements or treatment services available to 'gang-involved' youth, especially those labeled as violent

Following the focus groups, the researchers gathered data from census data, juvenile arrest data, juvenile department data, and commitment data to create a disproportionate representation index. The disproportionate representation index is the proportion of a specific youth group processed at a given decision point divided by the proportion of this group within the youth population at risk. If the number is equal to 1.0, the group is represented in the juvenile justice in proportion with their population. A value greater than 1.0 suggests overrepresentation, while a value less than 1.0 indicates underrepresentation. African American youth had values ranging from 2.6 to 5.9, depending on the point in the system (Caliber Associates, 1996). Their research also found that there was a slight overrepresentation of Native Americans in detention and training schools and Hispanic youth in detention, no other group was overrepresented.

Phase II for the Oregon Initiative program developed and implemented plans to address the concerns raised in Phase I. Uniquely, Oregon recognized the issue as one that plagued the juvenile justice system as a whole and targeted system interventions instead of focusing on one point in the process. The officials in Oregon also worked toward creating programs for advocacy, collaboration, and alternative resource development. Their Phase II process implemented uniformed policies and procedures to prevent or remedy the Disproportionate Minority Contact and employ a uniform data collection protocol to monitor changes in the representation over time (Caliber Associates, 1996). The

interventions created to solve the problem were county-specific and had individual designs and findings and proved to be incredibly effective.

### ***CONCLUSION***

The Disproportionate Minority Contact is a complex issue that has been recognized and studied for decades. Beginning from the first juvenile court to the Juvenile Justice and Delinquency Prevention Act of 1974 to the many reforms and amendments of the Act and finally with the pilot programs that were created all around the nation, community members and juvenile justice professionals have taken hopeful steps toward solving the problems of Disproportionate Minority Contact. However, their efforts alone have not been enough to eliminate the disproportionality. There has been the need for a different kind of program and a need for integration between the two.

## **CHAPTER 3: JUVENILE DETENTION ALTERNATIVE INITIATIVE**

The Juvenile Detention Alternative Initiative (JDAI) is an initiative launched by the Annie E. Casey Foundation in 1992. It is based on the idea that all court-involved youth have the opportunity to develop into healthy, productive citizens without being unnecessarily incarcerated in detention centers (Annie E. Casey Foundation). Detention centers are locked facilities where youth are confined prior to their court dates or pending placement into a correctional program. There are three types of youth that are put into detention centers. The first are those whom authorities believe might commit new crimes before their cases are heard before a judge. Second, the authorities in the juvenile justice system place youth in detention if they believe that they will not show up for their court hearing. Lastly, and most unfortunate, there are those youth whom adults don't know what to do with. The JDAI program is concerned with all these groups and recognizes the necessity for detention alternatives.

In a snapshot survey of juvenile offenders detained on a single day in 1995, 29 percent were detained for violent crimes, 30 percent detained for property, public order, and 'other' offenses, 7 percent locked up for drug offenses, and 34 percent locked up for status offenses and technical violations (Stanfield, 1999, p. 6-7). Status offenses are unique to minors and may include underage consumption of alcohol, underage tobacco usage, truancy, or running away from home. Technical violations involve missing a court date, breaking a rule of probation, or violating a specific court order. Many juveniles, like the 34 percent detained for status offenses and technical violations, are detained simply because they have no adults in their lives willing to take responsibility for them.

## ***THE NEED FOR DETENTION ALTERNATIVES***

Regardless of the reason for incarceration, there are numerous detrimental effects of placing young men and women into confined detention. One of the first major problems with current detention conditions is the problem of overcrowding facilities. Overcrowded facilities first create an unsafe and unhealthy environment for both the detainees and the staff (Mendel, 2007). From 1985 to 1995, a period when juvenile detention was utilized in response to the perceived wave of juvenile crime, the percentage of youth in overcrowded facilities rose from 20 percent to 62 percent (Mendel, 2007). The effects of this dramatic increase in incarcerated youth has led to a strain on basic services, like food, bathroom access, recreation, education, medical treatment, and mental health resources. Without equal and timely access to these necessities, many youth are severely traumatized, some to the point of suicide (Burrell, 1998, p. 5-6).

The limited resources also place an undue burden on the detention staff. Staff ratios are not increasing at the same rate as the detention population, so there is a higher incidence of the use of extreme measures to deal with the psychological and behavioral problems (Burrell, 1998, p. 5-6). These extreme measures include the use of lock downs, detainee isolation, and mechanical constraints, all of which have a severe and lasting impact on a developing mind (Burrell, 1998, p. 5-6). As a result of these measures, there has been an increase in the number of lawsuits against detention centers, arrests of detention faculty, child abuse allegations, and even death (Mendel, 2007, p. 14).

Overcrowded facilities also place a significant financial pressure on the local community and government. Running detention centers is an understandably expensive public service, yet operating costs for juvenile public detention centers had gone from \$362 million in 1985 to \$820 million in 1996

(Mendel, 2007, p. 7). The doubling of operating expenditures is no doubt a result of increased emergencies, increased overtime requests, an increased need for more basic services, and other resources that were not originally budgeted for (Mendel, 2007, p. 7).

The overcrowding of facilities is a symptom of a larger problem; society simply does not know how to deal with high-need youth. Parents of high-needs or high-risk youth have a difficult time managing their child's behavior and many, unfortunately, stop involving themselves and leave children to their own devices. Schools have also abandoned the idea of rehabilitation with the adoption of zero-tolerance policies that become a major driving force for the increase number of youth in detention. In addition, the lack of accessibility and affordability of the necessary mental health services prevent many youth from receiving the psychological attention they need to correct their behaviors.

### ***THE JUVENILE DETENTION ALTERNATIVE INITIATIVE (JDAI)***

The Juvenile Detention Alternative Initiative (JDAI) began in 1993 as a five year experiment sponsored by the Annie E. Casey Foundation in five selected sites with the goal of rationalizing and restructuring the juvenile justice system to prevent overcrowding and unnecessary detentions. The declared purpose of JDAI, according to the Annie E. Casey Foundation is “ to eliminate the inappropriate or unnecessary use of secure detentions; to minimize failures to appear and the incidence of delinquent behavior; to redirect public finances from building new facility capacities to responsible alternative strategies; and to improve conditions in secure detention facilities” (Mendel, 2007, p. 7).

JDAI was inspired by Broward County, Florida. In the early 1990's officials in Broward County initiated a lawsuit charging illegal overcrowding at the juvenile detention center (Stanfield, 1999, p. 8).

In response, the Annie E. Casey Foundation helped organize a local reform package that used an objective test to determine whether a juvenile really needed to be behind bars. They also created a wide range of community-based alternative programs to exert a more positive influence on the youth than detention. The program was such a success that the Annie E. Casey Foundation decided to transplant the program into other urban areas dealing with overcrowded facilities (Stanfield, 1999, p. 8). In 1993, they officially launched JDAI in five test sites: Cook County, Illinois, Sacramento County, California, Multnomah County, Oregon, Milwaukee County, Wisconsin, and New York City. Each site received a planning grant and became eligible for \$2.25 million over the following three years. During the five year experiment, Milwaukee County and New York City both had their funding terminated for lack of progress and political support (Stanfield, 1999, p. 8).

From the beginning, there were several general strategies that were recognized as crucial for success. The first was to devise information systems and procedures to determine which youth needed to be detained and to identify the youth already detained. The development of the risk assessment instruments allowed police and court officials to identify appropriate placement of juveniles through objective means. This often resulted in a test that included questions about the charge, the juvenile's arrest history, if the juvenile missed court dates before, and whether the juvenile had violated probation in the past. Each answer to a question resulted in a certain number of points, more points for worse behavior. The total score would determine whether or not a youth should be detained, sent home, or placed in an alternative program.

The second strategy crucial for success was collaboration. Traditionally, the juvenile justice system was not a united agency, but rather an assortment of independent agencies, local communities, non-

profit organizations, schools, health service providers, and government branches. Therefore, communication regarding the best interests of a particular youth is difficult and sometimes controversial. The initiative creators recognized that it would be necessary that the many agencies be able to debate, share information, develop systemic policies, and promote accountability in order to change the way adults deal with juveniles (Mendel, 2007, p. 7). To achieve this, the JDAI participants are required to develop a central coordinating collaborative consisting of the various organizations with an interested role in juvenile justice (Stanfield, 1999, p. 11).

The last major strategy for JDAI was to develop community-based detention alternative programs for youth. It was understood that even though a juvenile did not need to be detained, he or she was still in need of supervision. Therefore, the JDAI sites developed several alternatives. The most restrictive alternative to detention is house arrest. Youth are permitted to leave their homes to attend school and some specific, pre-approved activities, but are otherwise confined to their home under the supervision of a responsible adult. In some extreme cases, where there is an unreliable adult or the juvenile cannot be trusted to follow the rules of house arrest, they may be fitted with an electronic monitor which transmits to the courts through the telephone system. For less serious cases, sites were asked to develop a variety of community activities. These included day or evening report centers where a juvenile who did not participate in organized activities could be monitored. These programs were typically responsible for the juvenile in the hours between 3 and 9 PM, when youth are out of school and often home alone.

## ***JUVENILE DETENTION ALTERNATIVE INITIATIVE PILOT SITES***

As with the Disproportionate Minority Contact Pilot Sites, it is important to examine the structure of the JDAI sites before determining the successes and failures. Since Milwaukee County and New York City did not complete the five year test period, they will not be included in this examination.

### ***COOK COUNTY, ILLINOIS***

Getting the JDAI project started in Chicago was not an easy task. In Cook County, the detention center was managed and administered by the county's executive branch. The original JDAI grant award was given specifically to the executive branch to reform the practices of the detention center, but left out many crucial stakeholders in the process (Stanfield, 1999, p. 14). The judges who determined if a juvenile would be sent to detention and the Probation Department which monitored the status of individual juveniles are part of the judicial branch of Cook County government. These key players, who were initially left out, felt that their branch should have control over the JDAI initiative because they worked directly with the youth to determine their detention status. According to Mike Rohan, the Supervisor of Cook County's Deputy Director of Juvenile Probation and Court Services, under the executive branch "there was no coordination of all the programs, it was a disjointed approach," (Stanfield, 1999, p. 15). As a result, the judicial branch assumed power for organizing JDAI, but remained committed to open collaboration with the executive branch in order to meet the JDAI objectives.

One of the first tasks that the Cook County JDAI program sought to achieve was to develop an objective method to deciding if a juvenile should be detained. As part of the original JDAI purpose, Cook County developed a risk assessment instrument that analyzed the youth's history and behavior to

determine whether that youth was a risk if released into the community. The Cook County risk assessment questionnaire inquired about the severity of the instant offense, other previous offenses, current probation status, etc. Each answer, depending on its severity, was worth a specified number of points. It took Cook County three of the five years to develop and refine their risk assessment (Stanfield, 1999, p. 17). Their original assessment was scored out of ten points, any juvenile who received a score of ten or above went straight to detention. As a result, Cook County officials saw a dramatic upsurge in the number of detained juveniles and number of detained juveniles who were being released the next day after talking with a judge (Stanfield, 1999, p. 18). Cook County juvenile officials decided that their risk assessment needed adjustment since judges were releasing youth right after the assessment had them detained in the first place.

To adjust the risk assessment, officials conducted research and collected data regarding which juveniles violated probation, the characteristics of juveniles who did not appear in court, the relationships between types of offenses, and the likely disposition (verdict) of the case (Stanfield, 1999, p. 18). From that data, they created a more sensitive fifteen-point risk assessment. Once the risk assessment was adjusted, Cook County detention rate went from 70 percent to 45-49 percent (Stanfield, 1999, p. 18).

Lastly, the Cook County JDAI program created a program to meet the final objective of the original JDAI program called Detention Alternatives Division (DAD). This program reviewed the status of juveniles in detention (Stanfield, 1999, p. 19). Before JDAI, juveniles who violated their rules of probation were sent to detention for a minimum of three weeks. Under DAD, juveniles are locked up for seven days, and then qualified candidates are released to a community-based program that helps

monitor their probation requirements (Stanfield, 1999, p. 19). In congruence with the DAD program, Cook County officials created a system of neighborhood-based evening reporting centers all around Chicago so that youth could be monitored during peak hours for potential delinquency (Stanfield, 1999, p. 22). The reporting centers function as community organizations with staff from the youth's own neighborhood. The staff picks the youth up from school and provides a wide range of constructive and entertaining activities until nine-o'clock. Court-involved youth are assigned to their neighborhood reporting center for twenty-one days and Cook County determined that 89 percent complete the program successfully (Stanfield, 1999, p. 24).

### *SACRAMENTO COUNTRY, CALIFORNIA*

As outlined by the original JDAI objectives, collaboration was crucial to success. Sacramento County's JDAI program was no exception. In order to receive JDAI grant funding, each pilot site had to create a central coordinating collaboration of government and non-profit organizations and officials with an interest in detention reform. Unlike, Cook County, Sacramento County already had such a body in place, the Criminal Justice Cabinet (Stanfield, 1999, p. 11). The Cabinet was composed of the leaders of all the agencies with criminal justice responsibilities and met once a month to discuss the problems within the system. The pre-existence of the Cabinet greatly contributed to the ability of Sacramento's JDAI program to reform the process of detaining juveniles.

One specific problem the Cabinet sought to address was the length of time from arrest to disposition hearing. They created a program called Early Resolution, which allowed the prosecutor, defense attorney, judge, and probation officer to come together to settle the case early without having

to fully prepare their case (Stanfield, 1999, p. 13). Initially, defense attorneys were not receptive to the program because it meant that a juvenile could enter into a plea bargain without knowing all the facts of the prosecutor's case. The Cabinet negotiated with both prosecutors and defense attorneys to compromise and offered the defense a complete and open discovery process so that the defense would have all the information about the prosecutor's case early on and could make a more informed decision regarding a plea bargain (Stanfield, 1999, p. 14). Through the process of collaboration, the Cabinet was able to adapt the program to appeal to all stakeholders and shorten the disposition process so that juveniles could spend less time in detention while decisions were being made.

The Sacramento JDAI program also sought to regulate the juveniles admitted to detention. Before JDAI, admission criteria for detention in Sacramento County were very broad (Orlando, 1999, p. 19). As part of the JDAI program, the Cabinet created a committee made up of law enforcement, the presiding juvenile court judge, the detention administrator, and intake supervisor to create an objective risk assessment for detention. The committee limited the offenses eligible for detention to serious felonies, misdemeanors or felonies where a firearm was present, runaway, and minors charged with felony drug possession that had a record of not appearing in court (Stanfield, 1999, p. 19). The new risk assessment gained significant credibility in the community and within the juvenile justice system because of the credibility of the members of the committee and the process of collaboration between agencies.

Like Cook County, Sacramento County also sought to emphasize community-based programs as a viable alternative to detention. In addition to creating home confinement programs, electronic monitoring, and collaborating with existing community-based programs, Sacramento JDAI developed a three-year, \$3 million day-reporting centers (Stanfield, 1999, p. 22). The day-reporting center served as

a school that had additional services specially adapted for court-involved youth. The attendees were given breakfast and lunch and took a variety of classes. In addition to academics, all juveniles were required to participate in group therapy sessions and lessons in anger control, conflict resolution, and victim reconciliation (Stanfield, 1999, p. 22). Lastly, juvenile justice officials developed a computer program to monitor the status of each juvenile detained, the availability of beds in residential programs, openings in community-based programs, and waiting lists for those programs. Through this program, all detained youth can be accurately tracked and officials can seek to find program opportunities to shorten the length of stay in custody.

### *MULTNOMAH COUNTY, OREGON*

Overcoming obstacles to get JDAI up and running was not unique to Cook or Sacramento Counties. Multnomah County in Oregon was able to organize agency heads and managers to sit and discuss possible reforms, but could not obtain the cooperation of the police officers, probation officers, or prosecutors (Stanfield, 1999, p. 16). The agency leaders realized that a top-down approach would not be an effective method of reforming the system, so they reorganized and brought in the ‘frontline staff’ before any decisions were made (Stanfield, 1999, p. 16). Once crucial staff was brought into the process, reform measures went into action much more quickly and efficiently.

While researching and developing a risk assessment instrument for detention admissions, Multnomah County JDAI found that one major problem in the county’s detention center was that police would often bring in status offending runaways, homeless youth, and low-level misdemeanants to be detained because there were no alternatives (Orlando, 1999, p. 21). To solve the problem, a non-profit

agency, New Avenues for Youth (NAFY), developed a 24-hour reception center located at the central police bureau of Portland. Youth who did not meet the criteria for detention but could not be released on their own were brought to the bureau and NAFY staff would work with community agencies to address the immediate needs of that youth.

In addition to working with NAFY to divert juveniles away from unnecessary detention, Multnomah County's JDAI looked to the community for detention alternatives for youth who needed a more rigid supervision system. The Multnomah officials developed a home confinement program that was to be entirely run by a non-profit agency, Volunteers of America (Stanfield, 1999, p. 21). Volunteers of America tailored its supervision of each youth to the specific risks associated with that individual. It was up to the teams of volunteers to determine how strict rules needed to be and they met regularly to discuss the individual cases.

Once Multnomah County had met the collaborative and community-based objectives of the JDAI program, they focused their attention on reforming the risk assessment process. Prior to the JDAI grant, Multnomah County did not utilize any assessment instruments or screening tools to determine if detention was appropriate (Wheeler et al. 2006, p. 2). As part of JDAI, the collaborative body created a risk assessment tool based on failure-to-appear or risk of re-offense. This development minimized the biases of individual intake officers and created a more objective, streamlined approach to detention. The Multnomah County risk assessment worked on a point system, like the Cook and Sacramento Counties, and dictated that a score of twelve or higher mandated detention (Wheeler et al. 2006, p. 8). Additionally, Multnomah County officials did not want to rush into using the risk assessment without testing it properly, so they followed several steps toward full implementation. First, while the risk

assessment was being developed, intake officials continued to rely on their old, subjective system. Second, staff tested the developed risk assessment on the previous six months worth of cases and compared the results with actual decisions regarding detention. Third, the Court hired a counselor to conduct risk assessments on juveniles at intake for six months. Fourth, the Court developed a hybrid intake process that used both the risk assessment and the old intake process. Finally, the risk assessment was put in place as the sole instrument for risk assessment at intake (Wheeler et al. 2006, p. 8).

### ***CONCLUSION***

Although the grant period for the three pilot JDAI programs expired in 1997, all three counties continued their JDAI reforms. The test period allowed each site to identify their own obstacles, shortcomings, and systemic issues and test a variety of approaches to reform. All three worked to meet the objectives outlined by the JDAI pilot program; to create collaboration between all juvenile justice stakeholders, to develop an objective risk assessment for determining if a juvenile should be detained, and to focus on diverting youth away from secured facilities into community-based programs outside of the system.

## **CHAPTER 4: SUCCESSES OF DISPROPORTIONATE MINORITY CONTACT**

As described in detail in Chapter 2, Disproportionate Minority Contact (DMC) occurs when the proportion of youth of color in the juvenile justice system exceed the proportion of youth of color in the general population. In 1991, the Office of Juvenile Justice and Delinquency Prevention took significant steps to correcting this disproportionality through a five state DMC initiative. Chapter 2 detailed the selection and development of the pilot programs in Arizona, Florida, Iowa, North Carolina, and Oregon. This chapter seeks to evaluate the successes of the pilot programs by explaining the broad methods of correcting DMC and by examining the individual states' DMC programs.

### ***METHODS OF CORRECTING DISPROPORTIONATE MINORITY CONTACT***

As part of the DMC initiative, each state assumed several tasks to begin to evaluate and respond to DMC. These activities varied from state to state but followed a general framework.

#### ***ASSIGN ORGANIZATIONAL RESPONSIBILITY***

The first process for each state was to assign organizational responsibility. This involved each state designating an agency to lead the effort, appoint a coordinator, and allocate resources for development and implementation (Devine, Coolbaugh, & Jenkins, 1998, p. 3). The first task, designating an agency to lead responsibly is essential and several factors were considered when selecting the agency. These factors include political stability, adequate funding, location, and the ability to provide long-term leadership (Devine, Coolbaugh, & Jenkins, 1998, p. 3). In addition to possessing the necessary criteria for leadership, the agency should have the credibility and ability to ensure the following

responsibilities. The agency must be able to collect and submit the data required for DMC assessment and be able to analyze that data to determine the factors that contribute to DMC (Devine, Coolbaugh, & Jenkins, 1998, p. 3). The agency must be able to provide support for local programs, supply technical assistance, monitor DMC-related activities, as well as recruit the participation of other juvenile justice agencies in the initiative.

The next important task of simplifying the organization process was to appoint a DMC coordinator to engage all the essential agencies and community programs (Devine, Coolbaugh, & Jenkins, 1998, p. 3). This position was typically filled with a state-level staffer because their position within the government allowed them to effectively promote DMC strategies and gave them a level of accountability to the other agencies. In addition, having one person to control the data collection, review DMC programs, and disseminate information streamlines the process to achieve maximum efficiency.

The last step to organizing DMC in the pilot states was to allocate adequate resources. This allocation of resources included three resource requirements (Devine, Coolbaugh, & Jenkins, 1998, p. 3). First, resources needed to be set aside to cover DMC staff salaries, the collection and analysis of raw data, and any other office related expenses. Second, resources were required for specific DMC programs that addressed the core issue of disproportionality. Lastly, resources were needed to fund a continuing effort to monitor and measure the effects of the DMC initiative. As described in Chapter 2, the cost of major aspects of the DMC initiative were covered by the Office of Juvenile Justice and Delinquency Prevention grant, however, the pilot states still struggled with insufficient funding. Part of the learning

process was to identify the extent of the inadequate funding and document it so that future programs could learn to adapt.

### *ANALYZE JUVENILE JUSTICE DATA*

To simplify the process of assessing the relationship between the proportions of youth of color in the juvenile justice system to those in the general population, the Office of Juvenile Justice and Delinquency Prevention developed a standard equation. This equation uses an index value to measure DMC (Devine, Coolbaugh, & Jenkins, 1998, p. 4).

Minority overrepresentation index:

$$\frac{\% \text{ of minority youth in the juvenile justice population}}{\% \text{ of minority youth in the general juvenile population}}$$

An index value of:

- More than 1 indicates minority overrepresentation
- 1 indicates proportional representation
- Less than 1 indicates minority underrepresentation

Yet applying this simple calculation to the reality of the pilot states proved to be dependent upon several factors. These factors included (1) acquiring accurate quantitative data about juveniles both within and outside the juvenile justice system; (2) conducting systematic data analysis; (3) interpreting the data within the local social and political framework; and (4) engaging other juvenile agencies in the process (Devine, Coolbaugh, & Jenkins, 1998, p. 4).

At first it was difficult for the pilot states to obtain accurate data about the number and characteristics of juveniles involved in the justice system. Prior to the DMC initiative, the data collected on juveniles was unique to each agency and was often incomplete or inaccurate (Devine, Coolbaugh, & Jenkins, 1998, p. 4). In addition, the data typically came from state agencies or the census records, which also tended to have portions of relevant information missing. Yet, in the DMC process of simplification, agencies found that ironically, the more local systems that reported data to the lead agency, the more likely that evidence of racial disparities might have been lost, which is a concern that DMC sites must deal with (Pope & Feyerherm, 1993).

The next factor necessary for proper analysis of juvenile justice data was to conduct a systematic data analysis. As addressed in Chapter 2, focusing on overrepresentation only in terms of confinement limits the understanding of the causes of DMC as a whole. Therefore, it was up to each of the pilot states to examine the multiple decision points where racial or ethnic characteristics may have contributed to an outcome. In order to assess DMC in each jurisdiction, the Office of Juvenile Justice and Delinquency Prevention developed a generic model that depicts the major decision points common to a majority of juvenile justice systems (Devine, Coolbaugh, & Jenkins, 1998, p. 5). These points include:

- The decision to arrest a juvenile
- The decision at intake to release or process the juvenile
- The decision to remove a juvenile from their current living situation
- The decision to file a formal petition of delinquency
- The decision to resolve the case through release, probation, or custody transfer

This model helped sites identify all the possible decision points in their own systems and evaluate which points might have been influenced by race/ethnicity. Additionally, the model facilitated the assessment

of the availability of appropriate data for the decision points that would accurately contribute to a systematic analysis (Devine, Coolbaugh, & Jenkins, 1998, p. 5).

The DMC pilot sites then needed to interpret the data within their own local context. The local context was crucial to identifying the successes of the DMC pilot programs because each program was designed and operated under very different social, political, and economic circumstances. It was important, however, for the pilot states to remain consistent with the criteria by which they analyzed their data because inconsistency may artificially enhance or suppress the appearance of disproportionality (Devine, Coolbaugh, & Jenkins, 1998, p. 5). Once the various social, political, and economic factors have been identified, individual states can develop their own programs and policies to respond to disproportionality.

The last step in the process of data analysis for the pilot states was to engage other juvenile justice agencies in the analysis process. As with any other major government service, the juvenile justice system involves a wide variety of stakeholders. These agencies include legislative policymakers, juvenile justice system professionals (judges, attorneys, probation officers, social workers, etc.), community service providers, the juveniles and their families. The participation of these agencies in the data analysis increased credibility, confidence in results, and contributed to an increase in the consensus in regards to the meaning of the data (Devine, Coolbaugh, & Jenkins, 1998, p. 6). This process facilitated a team-like effort toward responding to DMC and created a foundation for future collaboration that continued the success of the initiatives.

### *IDENTIFYING UNDERLYING FACTORS*

The next important step for the pilot sites was to identify the underlying factors of DMC. This step was considered crucial to conceiving appropriate DMC intervention strategies and all five pilot states utilized a similar approach. Each state focused their Phase I assessments and Phase II planning to include extensive data collection of some of the causes of DMC (Devine, Coolbaugh, & Jenkins, 1998, p. 6). Once a variety of contributing factors were identified, the DMC coordinator for each site was responsible for compiling the most critical factors and working with the local organizations to correct them.

The methods of gathering the information on contributing factors involve:

- Public forums, hearings, and town hall meetings with representatives of the juvenile justice system and of education, social services, civic, religious, and community groups
- Interviews and mail surveys of staff and managers within the juvenile justice agencies
- Interviews with minority youth and their families
- Case record reviews within local juvenile justice agencies

The responses obtained through these various methods indicate a wide variety of explanations that range from blaming the system to blaming the individual (Devine, Coolbaugh, & Jenkins, 1998, p. 6).

Once the myriad of causes were identified, it was necessary for the DMC coordinator and staff to synthesize those factors. The factors were divided into four interrelated domains: (1) the juvenile justice system; (2) the educational system; (3) the family; and (4) socioeconomic conditions (Devine, Coolbaugh, & Jenkins, 1998, p. 6). Once the factors were divided among these lists, it was necessary to build consensus about those factors. This process, utilized by the pilot states, allowed the programs to

minimize conflict and enable different agencies to work together once they recognized a common set of underlying causes (Devine, Coolbaugh, & Jenkins, 1998, p. 6).

### *CREATING AND ENHANCING EXISTING DMC INTERVENTIONS*

As part of the DMC initiative's objectives, each pilot site needed to design a range of strategies to address disproportionality in the juvenile justice system. However, due to the five year limit on the original grant funding, many of the pilot site's strategies were only partially implemented (Devine, Coolbaugh, & Jenkins, 1998, p. 7). As a result, a full assessment of effectiveness was not possible, but each state was able to identify the lessons learned from the process that would help future states deal with DMC.

The first lesson learned was that the roles for both state and local agencies must be clearly defined. Each agency was able to contribute something different to the response to DMC and the different approaches and resources, when combined, created the most efficient programs. This lesson also included the belief that DMC programs must focus on local planning and implementation (Devine, Coolbaugh, & Jenkins, 1998, p. 8). While the state has resources not available to the local communities, local involvement was considered crucial to contributing to the integrity of the programs and to developing the most appropriate programs specific to each community. Part of this also meant the inclusion of all significant juvenile justice and community members. It was widely believed that the more stakeholders were involved, the more lasting and effective reforms would be implemented (Devine, Coolbaugh, & Jenkins, 1998, p. 9).

Another lesson that contributed to creating and enhancing interventions was for each site to develop multiple intervention strategies (Devine, Coolbaugh, & Jenkins, 1998, p. 9). The first set of intervention strategies included advocacy strategies that sought to improve the ability of the juveniles and their families to navigate the system. This included agencies providing information or personal advocates to assist minority youth and families while also applying pressure on the system to change policies that lead to DMC (Devine, Coolbaugh, & Jenkins, 1998, p. 9). The second strategy included collaboration between community-based interventions and the juvenile justice system. This involved pilot programs addressing cultural competency among professionals in juvenile justice and creating coalitions among those professionals to address DMC factors (Devine, Coolbaugh, & Jenkins, 1998, p. 9). The last strategy involved the development of alternative resources such as diversion and prevention programs to minimize disproportionality (Devine, Coolbaugh, & Jenkins, 1998, p. 9).

### *DEVELOP METHODS TO MEASURE IMPACT*

Part of the importance of the pilot states was to determine if their approaches were the most efficient and successful models at addressing DMC. In order to evaluate that, it was necessary for each state to develop methods of monitoring all DMC strategies and programs (Devine, Coolbaugh, & Jenkins, 1998, p. 10). The first step in this process was to design the monitoring systems at a local level because local systems are more likely to provide detailed and timely data that is relevant to the communities. Then, the pilot states needed to select a monitoring organization that has a legitimate basis for the collection, analysis, and critique of the impact of the DMC programs.

## ***SUMMARY OF THE GENERAL SUCCESSES OF DMC***

As a result of the variety of detailed measures described in the sections above, the five pilot DMC programs had significant early impacts on the system. First, the pilot states recognized the information needs of the juvenile justice system and were able to create appropriate informational systems to collect and analyze that data (Devine, Coolbaugh, & Jenkins, 1998, p. 10). Prior to 1991, none of the five states had informational resources that were sufficient to meet the needs of the DMC initiative. By evaluating their existing systems and filling in the gaps, the pilot programs saw that the proper collection of information tended to make local officials more aware of the resources available and how to use them, and therefore more able to enact appropriate programming (Devine, Coolbaugh, & Jenkins, 1998, p. 10).

Secondly, the pilot states were able to create a model for the development of new community collaborations that effectively enhances juvenile services. The wide variety of community partnerships and programs that sought to work together to reduce disproportionality made the juvenile justice process more accessible to all community members. Thirdly, the pilot programs successfully institutionalized mechanisms to examine and respond to DMC (Devine, Coolbaugh, & Jenkins, 1998, p. 10). The process of creating a lead organization, a DMC coordinator, and building partnerships between stakeholders generated a model for other jurisdictions on how to approach their own juvenile justice systems. Lastly, under the original DMC initiatives, local services improved. These improvements occurred within the juvenile court itself, and also within the community, addressing many of the underlying factors of DMC identified by the pilot sites (Devine, Coolbaugh, & Jenkins, 1998, p. 11).

## ***DMC PILOT SITE EVALUATIONS***

The previous section explained the general successful approaches of the five DMC sites. However, each pilot site dealt with different local issues in different ways. Their methods and successes will be outlined here.

### ***ARIZONA***

As mentioned in the Chapter 2 description, the Arizona DMC Initiative focuses on the development and implementation of small community-based programs to address the problems of disproportionality. As a result of the detailed Phase I and Phase II research and analysis, Arizona DMC identified several specific lessons learned that built upon the general lessons learned described above. Yet in order to understand those lessons, it is first important to offer a brief description of the pilot program and how it functioned.

In Arizona, the DMC Initiative adopted Arizona Equitable Treatment of Minority Youth (ET) as a conglomerated title for the seven pilot projects (Caliber Associates, 1996). The purpose of ET, as described before, emphasized local grass-roots program planning and problem solving. The seven pilot programs were selected from a variety of government and private non-profit organizations that demonstrated a willingness to coordinate with the independent evaluator to implement the entire process and evaluate the outcomes (Caliber Associates, 1996). The seven pilot programs selected were located in three Counties: Maricopa County, Pima County, and Pinal County.

While each of these seven pilot programs was unique in the way they approached solving DMC, they shared some underlying common characteristics. All but one was an official community-based

organization, and all were dedicated to addressing the problem through a ‘bottom-up’ approach (Caliber Associates, 1996). All seven of the programs also focused on three primary emphases. The first emphasis was on systemic change. DMC is best understood through a systemic perspective, rather than through a legal, sociological, or service delivery perspective, and should focus on juvenile justice systemic reform (Feyerherm, 1995). The second emphasis was on systemic change through educational understanding. This approach operated on the premise that minority communities and families could get the most out of the juvenile justice system if they understood the system (Caliber Associates, 1996). The last emphasis was on diversion programs that sought to divert youth from the juvenile justice system or detention.

Here is a brief description of the seven pilot programs in ET (Caliber Associates, 1996).

<b>PILOT PROJECTS</b>	<b>PROJECT EMPHASIS</b>
<i>American Indian Family Law Education: Positive Contact Program</i>	Systemic change through education <ul style="list-style-type: none"> <li>• Increase the understanding of the juvenile justice system with a focus on Native American communities through law-related training of families</li> </ul>
<i>Empact-SPC: A Different Path Program</i>	Diversion <ul style="list-style-type: none"> <li>• Decrease the likelihood of incarceration for youth who have a family member incarcerated</li> <li>• Provide assessment of referred juveniles within 48 hours</li> <li>• Provide peer and family group counseling</li> </ul>
<i>Mothers Against Gangs: Apoyo Program</i>	Systemic change through education <ul style="list-style-type: none"> <li>• Improve interface between monolingual youth/families and the juvenile justice system</li> <li>• Develop a training model that includes services and resources to train monolingual parents to become effective advocates for youth</li> </ul>
<i>Our Town Family Center: Minority Workshop Project</i>	Systemic change through education <ul style="list-style-type: none"> <li>• Assist families in developing parenting and youth cultural support skills</li> <li>• Create community sites at locations with high levels of court referrals of minority youth</li> <li>• Develop and train youth/parent cultural support groups and train minority community volunteers</li> </ul>

	to conduct support groups
<i>Pima Prevention Partnership: Equal Treatment Project</i>	Juvenile Justice System systemic change <ul style="list-style-type: none"> <li>• Establish a Community Outreach Work Group that will produce a 10-minute informational video on court procedures, legal options, and community services</li> <li>• Create a curriculum for cultural sensitivity training with project partners: police, court staff, volunteers</li> <li>• Continue a dialogue with the community by hosting community forums</li> </ul>
<i>Pinal Hispanic Council: Project Esperanza</i>	Diversion <ul style="list-style-type: none"> <li>• Focus on pre-arrest stage of juveniles</li> <li>• Provide counseling, case management, emergency/crisis intervention and alternative activities</li> </ul>
<i>Westside Social Services: Juvenile Diversion Program</i>	Diversion <ul style="list-style-type: none"> <li>• Provide counseling and resources for first-time offenders</li> <li>• Develop 8-week counseling program</li> <li>• Teach communication, awareness, behavior control, and role play skills</li> <li>• Develop a youth speakers bureau</li> </ul>

After the DMC Pilot Initiative ended in Arizona, the individual programs were evaluated to determine whether they had completed implementation of their objectives as planned. After five years, only two projects did not complete their objectives: American Indian Family Law Education and Mothers Against Gangs. Six out of the seven were able to match the government-provided funds and operated on an average budget of \$18,348 (Caliber Associates, 1996). The assessment of the programs revealed that there was a significant importance to adequate funding. The size of the pilot program, and its ability to operate on low annual budgets, was a reliable determinant of the extent to which the projects goals were achieved (Caliber Associates, 1996). American Indian Family Law Education and Mothers Against Gangs both failed because they were new organizations with a heavy reliance on volunteer labor and thus could not effectively leverage their annual grants.

Although two programs could not meet their goals, the remaining five achieved all of their objectives within the grant period. Staff involved in the projects identified several factors that contributed to this success. The first was the commitment of the agency staff, community agencies, and constituent communities to attaining the program objectives (Caliber Associates, 1996). The second factor involved a broad-based involvement of programs in the research of Phase I, which contributed to each programs underlying understanding of the DMC problem. Third, there was a commitment to the idea that each intervention must provide systemic change, not just addressing the various symptoms of DMC. Lastly, a factor that contributed to implementation in the five successful programs was that the agencies had already developed previous projects and understood what would work and what would not work in the community context.

Similarly, the project staff identified several obstacles to the success of a project. The most critical obstacles involved the turnover of staff, both paid and volunteer, and the lack of general resources (Caliber Associates, 1996). Other barriers identified were project-specific and included the following: (1) no sanctions for non-attendance at workshops; (2) length of time needed for new systems to take hold at community levels; and (3) lack of quality data from and about Native American juveniles and communities (Caliber Associates, 1996).

Like the general lessons learned described above, Arizona's DMC Initiative determined a successful outline for the process of problem identification and problem solving. Their outline went as follows:

- Assign organizational responsibility
- Define disproportionate minority contact using qualitative data and statistical techniques

- Identify factors that contribute to DMC
- Design interventions that are responsive to the root causes of DMC
- Monitor the impact of interventions in DMC
- Recognize the system effects of DMC activity

As part of this general outline, Arizona, based on their unique experience, detailed how to achieve the goals bulleted above. The first step in the process was to insure local planning. DMC in Arizona could only be successful if organizations and agencies worked on a local level to respond to local conditions (Caliber Associates, 1996). Then, Arizona determined that there needed to be a clear and significant role for the state in supporting the local design and implementation efforts. ET learned this lesson through the experiences of pilot project staff who claimed that the state role in Phase II was inadequately defined and unsatisfactorily carried out. Additionally, Arizona's programs learned through their own successes that developing alternative resources to offset deficits was extremely valuable. They achieved this through heavy recruitment and training of volunteer labor and through an aggressive search for alternative funding sources (Caliber Associates, 1996). Lastly, evaluations of the ET program demonstrated that information gaps within the system plagued the success of DMC assessment. Arizona was one of the first pilot programs to develop an online, statewide juvenile justice informational system called "Juvenile Online Tracking System (JOLTS) to ensure uniform data collection and adequate capture of DMC-related information (Caliber Associates, 1996).

Although the initial pilot period for DMC has now ended, Arizona has continued to develop the DMC initiative through state-level planning and activities. While the individual programs may have

ended because of funding, their approaches to juvenile justice reform and problem-solving techniques still exist and continue to be implemented through programs seeking to address DMC.

### *FLORIDA*

As described in Chapter 2, Florida's Phase I research identified that African-American youth were overrepresented at every stage of the juvenile justice project, especially at intake. Hillsborough County was chosen as the location for the Phase II pilot initiative because of the severity of that overrepresentation and focused on intake assessment strategies. In Hillsborough County, the DMC Initiative was called Minority Overrepresentation Initiative (MORI) and included five components (Caliber Associates, 1996).

1. Development of a Core Group
2. Development of a Coalition of Service Providers
3. Development of a system for diverting non-serious, minority youth brought to Juvenile Assessment Center
4. Provision of cultural sensitivity training for juvenile justice professionals
5. Establishment of a civil citation program as an alternative to intake at the Juvenile Assessment Center

Through this approach, MORI sought to develop a replicable model for a community-based approach to juvenile justice reform. It utilized the Tampa-Hillsborough Urban League, Inc. as a means of involving the minority leaders in the community and gathering input from community members (Caliber Associates, 1996). These leaders created a Core Group who organized and oversaw all aspects of the MORI program

and advocated for minority youth. The Core Group dramatically exceeded expectations by bringing together groups from different agencies and engaging them in a high level of dialogue. Together, the Core Group met their own objectives to design a system for diverting minority youth from detention and develop a curriculum to train juvenile justice professionals about DMC (Caliber Associates, 1996).

At first, the Department of Juvenile Justice (DJJ), who worked with MORI to achieve its goals, reported concern that few clients received the services they needed (Caliber Associates, 1996). DJJ discovered early on that the MORI staff were not sufficiently documenting their results, which led the DJJ to believe the program was off to a rough start. Yet, through proper communication and dialogue, the DJJ alerted MORI staff, who subsequently began documenting their results more carefully.

Once data became available, the DJJ and the Core Group found that they were achieving many of their objectives within the outlined time frame. The first objective met was the development of a civil citation program which ran as a fully functional diversion alternative for all youth in Hillsborough County (Caliber Associates, 1996). The next objective, create a diversion program that sought to divert 50 percent of minority youth referred for non-serious delinquent acts, succeeded. This program's success was dependent upon the definition of non-serious, which was agreed to include first time misdemeanants by the Core Group. Third, MORI sought to develop a monthly report of the minority youth diverted away from the Juvenile Justice System to a non-judicial organization, which was also accomplished (Caliber Associates, 1996). The last major objective, to develop curricula for juvenile justice professionals, including cultural training, was partially met. A trainers guide and participant guide were both developed, but the minimum requirement of four training sessions was not met by the end of the pilot program time frame (Caliber Associates, 1996).

There were recognized barriers to the ultimate success of MORI, but they were easily overcome through the effective communication of and among the Core Group. Periodic tensions between DJJ and MORI existed, but the dedication of the MORI staff and dialogue with DJJ proved to overcome that barrier. In the future, Florida has outlined a commitment to DMC and at the end of the pilot period, hired a full-time data analyst and a State DMC coordinator to promote open communication and organization between the state and local agencies (Caliber Associates, 1996).

MORI's lessons learned were consistent with the lessons learned described earlier in this chapter. One of the most important lessons learned involved the collection of data to define the problem of DMC. MORI went beyond the scope of the initiative by not only examining the ration of minority youth held in detention, but also collecting data on youth with comparable records and offenses by race, as well as the disposition of youth detained by law enforcement, and the decision to adjudicate by the State Attorney (Caliber Associates, 1996). The data was organized geographically and disseminated to state agencies and community programs through a statewide conference. It was important for MORI to present the data in a non-accusatory fashion to help generate consensus that the entire system needed to be fixed, not just one department.

The successes of MORI ultimately depended upon the local nature of their program, the involvement of many agencies in an interagency dialogue, and a profound understanding of local power structures that helped overcome frustrations between agencies (Caliber Associates, 1996). Overall, Florida's DMC Initiative was a great success and held promise for the future. The state staff positions that were created at the end of the MORI program show that state and local agencies were willing and able to work together to produce reform. Additionally, the State Advisory Committee had agreed to

allocate an additional \$200,000 to DMC projects annually, which will go a long way in continuing the success in Florida.

### *IOWA*

Like Arizona and Florida's DMC pilot initiatives, Iowa's DMC program was divided into two phases, Phase I focused on research and Phase II on action. After investing in quality research, Iowa DMC workers discovered that race and ethnicity affected decisions-making within the juvenile justice system at every stage in the process. To address this, Phase II plans concentrated on community problem identification and community problem solving. The Division of Criminal and Juvenile Justice Planning in Iowa selected, from six applicants, a proposal from Cedar Rapid's Jane Boyd Community House which proposed a project known as Positive Youth Development Project (PYDP) (Caliber Associates, 1996). PYDP offered, through a comprehensive multi-agency approach, a wide variety of youth and family services that addressed the issues discovered in the Phase I research. It sought to provide immediate delinquency prevention to minority youth, provide family services and advocates on their behalf, and work in the neighborhood to address some of the socio-economic factors that contribute to DMC.

The first aspect of PYDP included a Task Force of twenty-four member agencies. These agencies held bi-monthly meetings, maintained meticulous records, and circulated the knowledge gained from the project to the community (Caliber Associates, 1996). Over the pilot program, the Task Force established co-located satellite staff in a variety of neighborhoods that allowed staff to better understand and better help the community members they served. This way, staff of the various agencies became more accessible to the community members and more able to communicate their mission.

The second focus of PYDP was to organize into three departments that would address DMC in Cedar Rapids. The first department was related to community focus. The Task Force established a variety of agency services within the community to provide prevention and intervention services to parents and their children. Additionally, the Task Force created a partnership with local law enforcement to increase visibility, accessibility, and accountability of the local police forces to make the neighborhood safer (Caliber Associates, 1996).

The second department the Task Force of PYDP focused on was families. They strongly believed that parents needed to feel empowered to help their children, and sought to facilitate that empowerment through the provision of training, support, and transmission of skills to prevent juvenile justice involvement. The Task Force developed four specific programs to achieve these ends. The first was the Master Teacher Program, which strengthened families through teaching “decision-making, communication, and basic parenting skills, and teaching about child development issues. The program trains resident parents to be trainers (Caliber Associates, 1996, p. IV-10). The second program was called the Coffee Break which provided graduates of the Master Teacher Program with bi-monthly support groups. Third, the Task Force organized home visitation and counseling for families who needed additional support in the home. Lastly, they instituted Family Night Out, which involved community-based social events for parents and their children.

The third PYDP department focused on youth. PYDP focused on at-risk youth who were typically confronted with unhealthy alternatives to educational and social development through preventative and intervention methods. The Task Force created a program called Rites of Passage which helped minority youth develop inner strength, positive self-esteem, and improved academic performance (Caliber

Associates, 1996). They also brought in community members to act as tutors and mentors for youth and organized weekly meetings. Lastly, they created the TAFT Alternative Program which was a “short-term, intensive intervention to provide an alternative educational program for fifth to eighth graders who were terminated from school due to behavioral problems” (Caliber Associates, 1996, p. IV-10).

These programs and the level of commitment of their staff successfully established a foundation for community-based prevention and intervention. The level of awareness of DMC issues increased and level of active and constructive participation of juvenile justice stakeholders and community members increased. Additionally, the identification of DMC issues and development of the Task Force led to the inclusion of more minority groups, especially in the staff, which saw not only an increase in the number of hires of minority staff, but also an increase in cultural sensitivity training (Caliber Associates, 1996).

Another major impact of Iowa’s DMC pilot initiative was the growth of an effective collaboration between different agencies and organizations to plan family and youth services. These agencies were able to co-locate services, create a more open process for referrals between agencies, establish common planning sessions for the development of individual treatment plans, all while increasing the level of familiarity between agency staff (Caliber Associates, 1996).

In a broader context, the Iowa DMC initiative presented several statewide DMC lessons (Caliber Associates, 1996). The first lesson, like Arizona and Florida discovered, revealed that the coordination and collaboration for reform should occur at as local a level as possible. Second, Iowa’s experiences demonstrated that the Phase I research process must be a thorough and un-rushed process and must present findings in a clear way so that all community members can understand. Third, for any collaborative body to be credible, that body must be inclusive of all minorities and levels of government.

Lastly, Iowa DMC staff recognized the need for a full-time DMC coordinator to balance between state and community representatives and observe the efficiency of the organizations.

One problem the Iowa DMC initiative came across dealt with the identification of the systemic causes of DMC. During Phase I, committee members who oversaw the research held different conclusions about the causes of the high levels of DMC in Iowa (Caliber Associates, 1996). The first explanation was that “the causes of DMC are chiefly due to the juvenile justice system reflecting the racism of the community at-large to the disadvantage of minority youth” (Caliber Associates, 1996, p. V-8). This school of thought felt that DMC would best be addressed through reforming the juvenile justice system to eliminate racism. The second explanation was that DMC was caused by a variety of socio-economic factors that were beyond the control of the juvenile justice system and the government (Caliber Associates, 1996). The believers of this explanation felt that delinquents were involved in the system because they were members of the lowest economic class, not because of their race. The tensions between these two schools of thought were often underestimated and created disagreement among stakeholders on how best to address DMC. Both explanations involve very different solutions, and the Task Force in Iowa often found itself in gridlock. Yet, despite differences, Iowa participants were able to reach a level of consensus that focused on some immediate solutions without having to abandon their own theories regarding how to solve DMC in the long run. Admittedly, this is where the future of Iowa DMC might face its most serious obstacles.

### *NORTH CAROLINA*

In the development of the North Carolina DMC pilot initiative, four steps were identified as crucial to the success in community planning in the pilot counties: (1) establishing county DMC stakeholders; (2) garnering agreement as to the local DMC problem; (3) identifying factors which contribute to DMC; and (4) addressing DMC through the development and implementation of County Action Plans (Caliber Associates, 1996).

The success of the North Carolina DMC Initiative stemmed from the ability of the pilot program to instill within the community a sense of ownership for the DMC problem. This is best achieved by identifying the stakeholders and helping them recognize their role in solving DMC. In North Carolina, the DMC stakeholders were identified through various forums and community discussions (Caliber Associates, 1996). The stakeholders were racially and professionally diverse, but their level of involvement varied dramatically. Across the ten pilot counties, the number of stakeholders ranged from ten to forty individuals. Many of these stakeholders were identified as crucial to the DMC initiative, but failed to participate in the planning activities, like local law enforcement in some counties (Caliber Associates, 1996).

Part of developing a sense of ownership of DMC within each county included garnering agreement as to the DMC problem. This presented a significant obstacle for many of the pilot counties which disagreed about the extent of DMC within the community. The most frequently cited factor related to imbedded racism within the juvenile justice system (Caliber Associates, 1996). Many stakeholders agreed that minority youth and their families were responsible for DMC, a belief that unfortunately perpetuates the idea that minority youth are more likely to be delinquent. This resistance

to understanding and accepting the problem of DMC was unique to North Carolina in the pilot phases of the DMC Initiative, yet it served as a learning opportunity for future states on how to anticipate disagreement and how best to facilitate consensus.

The next major step for North Carolina's DMC Initiative was to develop county planning processes which include: (1) participation in state-wide DMC conference; (2) formation of a local DMC task force or committee; (3) application for a planning grant of \$1,000; (4) development of County Action plans; and (5) contribution to state-level Stakeholders Conference (Caliber Associates, 1996). All ten pilot counties attended the state-wide DMC conference, yet with a varying level of participation. Only four counties formed a DMC task force and those that did reported mixed success. The structure of the task force allowed stakeholders to formalize their planning discussions and activities, yet many ultimately faltered because of an absence of strong leadership, poor attendance, conflicting agendas, and a general lack of interest (Caliber Associates, 1996). Additionally, only four counties sought the \$1,000 grant. The counties that did not seek the grant stated that they lacked sufficient organization or commitment to pursue and make use of the financial resource. Yet, despite the struggles to adopt each of the steps outlined above, nine counties produced a County Action Plan to address DMC and it included steps needed, organizations with lead responsibility, and a timetable (Caliber Associates, 1996). Seven of the plans directly addressed the juvenile justice system, which included cultural awareness and sensitivity training. All nine plans addressed socio-economic factors, four of the nine action plans related to education, and three addressed family issues. Each of the counties addressed the factors that they perceived as the DMC causes within their own communities.

The North Carolina DMC Initiative struggled the most out of all original five pilot programs. In terms of organization, stakeholders commented that the DMC project might have been more successful if it was operated by an organization outside of the state government, which was susceptible to political pressure and denied the severity of the DMC problem (Caliber Associates, 1996). Also, changes in the original design of the initiative complicated funding issues. Originally, North Carolina's DMC was designed for two counties, and then was later expanded to ten, without expanding the pool of financial resources. Yet North Carolina found its biggest problem was in the difficulty defining and accepting DMC. Many stakeholders refused to recognize DMC in their counties, which may reflect a larger racism problem in the state. Also, representatives from the African-American community commented on the perception that DMC project team members avoided discussing racial bias to not alienate the stakeholders who denied DMC (Caliber Associates, 1996). These factors, as well as an overall lack of leadership, contributed to the struggles of North Carolina DMC.

However, the DMC Pilot Initiative in North Carolina was not a total failure. As a result of the five-year pilot program, a statewide juvenile justice informational system was developed and funded because of the valuable collection of data from Phase I (Caliber Associates, 1996). The Department of Youth Services has also made a lasting commitment to resolving DMC. They have planned to develop a statewide annual report on DMC, continue to support the statewide informational system, provide technical assistance to counties who wished to continue the initiative, and continue to work with state leadership to make DMC a higher priority. All of these benefits have, at the very least, introduced the problem of DMC to many involved in the North Carolina juvenile justice system and laid the foundation for future progress.

### *OREGON*

The Oregon DMC Initiative, as a result of their Phase I research, recognized that the causes of DMC were rooted in the juvenile justice system and sought targeted system interventions. The pilot initiative was established in three counties, Lane, Marion, and Multnomah, and each had a different approach to reform juvenile justice.

In Lane County, the DMC Initiative called Multicultural Advocate Program focused on advocacy. They sought to recruit and contact minority consultants to work with juveniles through intake process, provide additional services outside the Department of Youth Services, and provide ongoing in-house evaluation and project monitoring (Caliber Associates, 1996). The goal of the Multicultural Advocate Program was to divert juveniles away at intake and provide appropriate services to reduce the risk factors that lead to system involvement. To accomplish this, the Multicultural Advocate Program offered a variety of services and families including counseling, advocacy in court, mentoring, conflict management, school liaisons etc.

The Lane County program was found to be successful in meeting goals and objectives (Caliber Associates, 1996). The diversity of the staff contributed to the effectiveness of meeting the needs of an ethnically diverse target population and the organization and dedication of that staff facilitated more community involvement. The Multicultural Advocate Program successfully provided needed diversion for minority youth, strengthened the ties between the community and Department of Youth Services, addressed the needs of juvenile offenders in a culturally appropriate manner, and improved the ability of Department of Youth Services to be more culturally competent (Caliber Associates, 1996). However, statistical analysis performed during the evaluation of the program determined that there was not a

clear link between the program participation and reduced recidivism, despite the obvious positive impacts on the system and the individual (increased school attendance, increased employment participation, higher self-esteem).

The Marion County Children and Families Commission's Cultural Competency Criteria Program was an example of a collaborative approach that sought to reform the system from within by giving grants to programs and agencies that demonstrated cultural competency (Caliber Associates, 1996). This program sought to reduce DMC through enabling agency awareness of cultural barriers, provide tools and third-party evaluations to assess delivery of cultural competency services, and set guidelines for agency structure as it relates to cultural competency, all of which was overlooked by a Multicultural Coordinator (Caliber Associates, 1996).

The program successfully increased cultural awareness and sensitivity among juvenile justice officials and service providers while also expanding the diversity of the staff, improving outreach to minority clients, and reallocating funds to better serve minorities. By enabling broad participation, clearly defining criteria of cultural competency, and providing a wide spectrum of approaches to address the deficiencies of cultural competency, the Marion County initiative was determined to be a success in regards to reforming the system, but not in reducing recidivism (Caliber Associates, 1996).

Lastly, in Multnomah County, the African American Male Connection Program (AAMCP) developed an approach, through alternative resources, to intervene with African-American youth who were known to have a gang affiliation, to have dropped out of school, and/or to have had at least five juvenile referrals (Caliber Associates, 1996). The AAMCP objectives were to help African-American youth gain control over their lives by making rational decisions and improving relationships, to end recidivism,

reduce African-American confinement, and generally address socio-economic issues facing African-American youth. To meet these objectives, AAMCP utilized a multi-agency approach to use a variety of service providers, resources, and disciplines to develop comprehensive individual plans.

The results of the evaluation demonstrated that the AAMCP initiative in Multnomah County had no significant impact on recidivism (Caliber Associates, 1996). One reason for why this program was so unsuccessful in reducing recidivism was because of the large number of service providers. If the AAMCP limited the number of providers and focused on fewer, they might have been more successful in addressing the needs of the juveniles and their families.

Overall, the organizational guideline of the Oregon DMC Initiative shows a practical approach to reforming the juvenile justice system. The advocacy of Lane County, collaboration of Marion County, and alternative resources approach of Multnomah County, if done together, could have lasting and significant positive consequences on the juvenile justice system.

### ***CONCLUSION***

Although the five pilot states took a variety of approaches to solving DMC, they all serve as a functional foundation to how DMC should be addressed. There is not one solution, nor can DMC be solved through the work of a single person or organization. The five pilot programs demonstrated that there is a necessity for clearly defined roles from several different players. DMC Initiatives cannot just address one problem either; they must define and concentrate on several contributing factors to DMC to be successful.

## **CHAPTER 5: SUCCESSES OF JUVENILE DETENTION ALTERNATIVE INITIATIVE**

The successful reforms created by the pilot JDAI programs in Cook County, Sacramento County, and Multnomah County prove that it is possible to have more effective and efficient juvenile justice systems. This chapter seeks to go beyond the structure of the JDAI and the three pilot programs and discuss the general lessons learned and successes of those programs.

### ***STRATEGIES FOR DETENTION REFORM***

As outlined in Chapter 3, there were general strategies for detention reform that were a part of JDAI. All three pilot sites organized their JDAI programs with these objectives in mind. These strategies include the need for collaboration between all juvenile justice stakeholders, the development of an objective risk assessment, and the need for community-based detention alternatives.

### ***COLLABORATION***

The success of JDAI has shown that detention systems can change when all stakeholders in the juvenile justice system come together to develop a consensus about what is wrong with the existing system, to develop a vision of what the new system should look like, and to develop and implement a plan of action to produce that new system (Feely, 1999, p. 14). In the process of developing a new system, the juvenile justice officials at each of the pilot sites discovered several important principles that each jurisdiction must keep in mind when developing a JDAI program. By understanding and achieving these principles, programs can achieve success.

The first principle is that forming a collaborative group is extremely hard work and takes significant time (Feely, 1999, p. 14). Collaboration involves actors from many different government bodies and non-governmental organizations and agencies. Some organizations were represented more than others, and each had different power structures and bureaucracy to maneuver through. Yet, regardless of these obstacles, the original sites were able to anticipate these obstacles and commit to the idea that a collaborative body is possible.

The second principle is founded upon the idea that all relevant juvenile justice stakeholders must be present in order for collaboration to succeed (Feely, 1999, p. 14). Stakeholders may not be the same for every site, but they typically consist of juvenile court judges, prosecutors and defense attorneys, police officers, probation officers, the detention staff, and the county's executive office. The dynamics between the stakeholders may be complex, and often adversary, so each site must remain dedicated to the reform plan and committed to the effort of collaboration. In addition, the pilot sites soon discovered that many of these stakeholders had never worked together before, and once they each understood the role and methods of another, the system worked more efficiently.

The next principle determined as a result of the pilot JDAI programs is that through the process of collaboration, groups must reach a consensus about what should change and how it should change in each system (Feely, 1999, p. 15). Each stakeholder has its own views about what is wrong with the juvenile justice system. Public defenders and prosecutors have very different ideas about the shortcomings of the system, just as police officers and judges do. Therefore, each stakeholder must understand that they have a different perspective than the other actors and must be willing to compromise when determining the methods of reform.

The fourth principle relates to the previous one. In order to reach consensus on targets and methods of reform, stakeholders must be willing to compromise. Since many actors from many different agencies are coming together to solve one giant problem, some actors must concede. One proven method of helping actors compromise is through training in negotiation strategy (Feely, 1999, p. 16).

The fifth principle of JDAI developed from the experiences of the pilot states is that strong leaders are necessary for success. Leaders who are willing to take risks and try new things, while also motivating the other stakeholders can successfully build a team that is inspired by a shared vision toward a common goal. This leader must also be able to exercise the authority to affect change on the system (in pilot programs this often was a juvenile court judge). The power of the leader to head the collaborative effort also lies in his or her ability to communicate the message of reform effectively to the people who work within the system and the community members. Through effective communication, leaders obtain understanding and support.

Aside from a leader, successful collaborative bodies possess a person or group of people who are capable of getting things done (Feely, 1999, p. 16). These group members often are politically connected people or stakeholders who work within the policy power centers. All three pilot sites had members of the local government, as well as respected judges and detention staff, all of which had the ability to implement the reforms developed by the collaborative body.

The last principle from JDAI determined from the pilot programs is that self-assessment and the acquisition and analysis of data related to the reforms success is crucial for collaboration to occur (Feely, 1999, p. 17). Since many of the members of the collaborative body come from different roles and perspectives, it is necessary to convince them to support the proposed reforms through hard data.

Objective data analysis and self-reflection went a long way in persuading members of the pilot programs collaboration teams to compromise their approaches.

In addition to these principles identified by the pilot programs, the JDAI sites offered lessons learned from their five year experiences. One of the first lessons learned was that simply creating a collaborative team did not lead to action (Feely, 1999, p. 40). Collaboration is a prerequisite for change, but cannot influence change simply through discussion. Stakeholders must affect change through action and reform within the system, which often took time. Most of the pilot programs adjusted their approaches to reform over the five year pilot period once they began to see preliminary data. This ability to collaborate, collect data, and react meaningfully to it is the reason why the JDAI pilot programs were so successful.

As mentioned in the principles, a strong leader is necessary to successful reform. The early JDAI sites learned quickly that without political leadership, reform efforts will not succeed. Lack of political consensus and leadership were the reasons why New York City and Milwaukee County, Wisconsin JDAI programs were terminated. Yet, in the successful JDAI sites, strong leadership led to new ideas, new relationships, and renewed energy which led to ultimate success. Additionally, a strong leader must be aware that successful reforms can only be implemented if front-line staff was brought in early and in a meaningful way (Feely, 1999, p. 41). Front-line staff was more willing to support JDAI efforts when they were a part of the decision making process.

As the principles and lessons learned demonstrate, successful JDAI programs are founded upon collaboration. Individual agencies are capable to reforming their own policies and practices, but those

changes may not last beyond the next change in command. Universal reform is only possible through the involvement of all actors in the juvenile justice system in a meaningful collaboration.

### *RISK ASSESSMENT*

As discussed in Chapter 3, the development of an objective risk assessment instrument for intake operations was a major strategy of the pilot JDAI programs. All of the three pilot programs had some sort of method of assessment when a juvenile was brought into detention. These assessments varied from subjective opinions of intake staff to an actual questionnaire. As a result of their data collection and self-evaluations, each site determined that an objective and structured risk assessment was an option, as long as it was created in congruence with other reform strategies, like the creation of alternative programs. Even if a risk assessment instrument was developed to be the most objective and fail-safe guide, juveniles would still be detained if there were no alternative programs to release them to.

As with collaboration efforts, developing a risk assessment requires data analysis and re-evaluation. All three pilot sites developed an initial risk assessment and continued to adjust and re-evaluate that assessment based on the opinions of stakeholders and data collected about detention admissions. This commitment to the overall reform of juvenile detention kept the developers of the risk assessment focused and on track.

## *DETENTION ALTERNATIVES*

In order to give judges more options when considered whether or not to detain a juvenile, JDAI's main objective was to help sites create detention alternative programs that were community-based. Before JDAI, the three pilot sites had a few detention alternatives, yet they primarily worked with juveniles who would not have been detained in any circumstance or they were not effective (Demuro, 1999, p. 10). As with collaboration, the experiences of the pilot JDAI sites determined some guiding principles for success.

The first principle was that detention should be considered as a legal status, not as an actual building (Demuro, 1999, p. 11). With this perspective, alternative programs can be developed as a continuum of options that range from secure custody to participation in recreational programs in the community. Additionally, with this view, reform measures are focused on the entire system, not just on the conditions of the actual detention building. This approach also allows JDAI sites to develop a range of detention alternative options that fit both the needs of the juvenile and the needs of the community.

Second, it is important for the collaborative body to come to a consensus on what they believe the purposes of secure detention and detention alternatives are (Demuro, 1999, p. 11). Without this process, inappropriate alternatives may be developed or courts may enter into contracts with programs that do not achieve the goals of detention alternatives. The resulting alternatives would be very different if one system determined that detention was a means of ensuring a juvenile's appearance in court and another saw detention as treatment.

As with collaboration and risk assessment, accurate data is crucial to reforming juvenile justice systems. The JDAI pilot sites discovered this was also true when creating detention alternatives. In all

three sites, data was collected regarding the number of juveniles detained, the reasons they were being detained, and the release options. This data helped the sites develop appropriate alternatives that focused on the special needs of the community. Additionally, each site created a plan for tracking data related to the new detention alternatives once they became implemented.

The fourth principle identified is that a reformed detention system should include a continuum of alternatives with various degrees of supervision (Demuro, 1999, p. 12). Pilot programs understood that different youth have different needs and issues to deal with. Not all juveniles are eligible for electronic monitoring (if they do not have a telephone) or would benefit from being released to parents (if home life is not safe). A continuum of detention alternatives would allow varying degrees of supervision and should be based on an assessment of that individual.

One of the most important principles that resulted from pilot program experiences was that alternatives should be culturally competent and accessible to all youth (Demuro, 1999, p. 13). Alternative programs would provide the most benefit to juveniles if the staff and programs relate to the culture of the individual youth. It is for this reason that detention alternatives should be community-based, because the people in the juvenile's community are most capable to understanding and addressing the youth's culture.

The last principle relates to the overall theory of JDAI, that detention alternatives should use the least restrictive means possible (Demuro, 1999, p. 13). The degree of supervision should depend upon each individual juvenile's potential risk to the community and potential to fail to appear in court. This process should also be flexible. If a youth is performing well and officials feel that a less restrictive

environment would be appropriate, that juvenile should have that option. This also has the added benefit of securing costly detention spots for the most at-risk youth.

Using these six principles, the JDAI pilot sites were able to utilize the risk assessment instruments and their collaboration efforts to place juveniles in detention alternatives. The risk assessment serves as a starting point to determine the level of supervision a juvenile needs. Then, the probation staff or other court officials take over and determine the most appropriate alternative program and the length of stay within the program. Through collaboration, stakeholders can also determine the best response if a juvenile is not compliant with the alternative program.

Additionally, all three programs found that alternative programs should be both publically and privately run (Demuro, 1999, p. 38). Some programs, like electronic monitoring, are best operated by the Probation Departments, while after school programs and reporting centers could be run by the community. This way, a wide variety of options are available and judges can pick and choose based on what is appropriate for each youth.

Developing alternative programs was not easy in any of the pilot sites. Each struggled with the balance between security and rehabilitation. Yet the commitment of the leaders, staff, and community to the idea of alternative options made the JDAI program a success.

### ***JDAI PILOT SITE SUCCESSES***

While the previous section outlined the general methods of success for JDAI in the pilot years, this section focuses on the specific successes in the individual counties, where data proves that the JDAI program is an effective reform.

### *COOK COUNTY, ILLINOIS*

Cook County proved to be an example of how the collection of accurate data, re-evaluation of practices, and commitment to reform lead to success. Between 1994 and 1995, admissions to detention rose dramatically, from 8,862 to 9,912 juveniles (Stanfield, 1999, p. 26). The collaborative body was initially shocked by these results, and decided to reconsider their risk assessment instrument to see if that affected the numbers. Once the risk assessment was adjusted appropriately and the Detention Alternatives Division was established, the numbers in detention began to go down: to 9,262 in 1996 and 8,756 in 1997 (Stanfield, 1999, p. 26). In addition to reducing the numbers in detention, JDAI reduced the rate of admissions for detention referrals from 70 percent to 45 percent by the end of the pilot program (Stanfield, 1999, p. 26). Cook County's detention center also saw a steady decline of the monthly average of detained youth, from 779 in February 1996 to 520 in October 1999 (Stanfield, 1999, p. 27).

Another positive outcome of the JDAI program was a reduction in the number of days from beginning to end of a particular case. In 1994, an average delinquency case took 190 days from arrest to disposition (Stanfield, 1999, p. 26). This meant that it took over six months for a final disposition placement or arrangement to be made, an awfully long time if a juvenile was detained from their arrest date. However, as a result of JDAI and the collaboration efforts, Cook County reduced the average number of days for a delinquency petition 35 percent, to 124 days (Stanfield, 1999, p. 26).

One major concern of community members at the beginning of the JDAI pilot program was that releasing juveniles from detention would threaten public safety. Cook County's JDAI proved them half wrong. Through their efforts, Cook County cut in half the proportion of kids who failed to appear in

court for their hearings but saw an increase in the recidivism rate from 7.1 percent in 1994 to 10.3 in 1996 (Stanfield, 1999, p. 29). Yet, despite the subtle rise in recidivism, the youth violent arrest rate fell 54 percent in the time extending past the pilot program, 1993 to 2000 (Annie E. Casey Foundation, 2008).

The creation and usage of detention alternatives also served to help the county save money. In general, a juvenile detention center costs almost \$200 per day per youth. Placement alternatives, evening reporting centers, and detention alternatives in the community each cost \$50 or less per child per day (National Association of Counties, 2007). As a result of overcrowding in Cook County, the government allocated \$300 million in additional detention expenditures over a two decade period, but because of JDAI it was not needed. Instead, Cook County allocated \$3 million per year to program funding of alternatives, which over twenty years would amount to \$60 million. This translates to a net savings of almost one-quarter of a billion dollars, just through the use of detention alternatives (National Association of Counties, 2007).

One of the last major objectives of JDAI was to improve the conditions of existing detention centers. These changes ranged from major to minor, and in Cook County, included daily showers for youth in custody (Stanfield, 1999, p. 29). Yet what may seem like a minor change goes a long way to improving the health, focus, and moral of the detained youth.

Overall, Cook County's successful start to a JDAI program has become an influential guide for localities that have little history of collaboration within the juvenile justice system, political arena, and community. The county has adapted and readjusted through changes in leadership and in response to changing data results, all the while remaining committed to detention reform and the JDAI program.

### *SACRAMENTO COUNTY, CALIFORNIA*

Like Cook County, Sacramento County's initial results did not show a dramatic decrease in the total admissions to the detention center. Admissions went down by 7 percent between 1994 and 1996, but rose again in 1997, although not as high as the 1994 level (Stanfield, 1999, p. 26). Yet the percentage of youth who were referred to detention and then admitted declined steadily from 54 percent in 1994 to 41 percent in 1997 (Stanfield, 1999, p. 26).

These results signify the first step in a long term process for Sacramento JDAI. One area where immediate success can be identified is through the achievement of collaboration in Sacramento County. As described in Chapter 3, Sacramento had a Criminal Justice Cabinet in existence prior to JDAI. The county officials were able to utilize this existing body, and adapt it to include juvenile justice representatives in a way that was all-inclusive. Sacramento's Cabinet was able to overcome many obstacles, like early opposition to the Early Resolution program by public defenders, and reach consensus regarding necessary reforms. Officials within the Sacramento County system have admitted that the collaboration between different agencies allow each stakeholder to identify and observe the implications of each of their reforms on the different agencies (Feely, 1999, p. 3).

Throughout the pilot period, officials in Sacramento County were able to witness the effects of their detention alternatives programming. Their pilot day-reporting center, which provided a wide variety of needs to at-risk youth, had to shut down during the pilot initiative (Orlando, 1999, p. 22). After the closing of the day-reporting center, detention staff and prosecutors noticed an increase in the number of admissions to detention for less serious offenses. They also noticed that police officers were overcharging youth whom they believed needed the missing services to bring them into detention.

Thankfully, Sacramento County was able to reinstitute the day-reporting center after the initial JDAI program had ended, and begin to reverse those effects.

Additionally, Sacramento County, like Cook, was able to reduce the number of average days of a delinquency case. Prior to JDAI, delinquency cases typically took 73 days from arrest to disposition (Stanfield, 1999, p. 26). In 1997, that number had been reduced to 51 days, a 30 percent reduction. The reduction in the number of case days was a result of the Early Resolution program and another program called Accelerated Intake Citation Program, which made intervention services available within 72 hours of receipt to juveniles who did not need to be detained, but whose offense or family issues warranted additional supervision (Orlando, 1999, p. 23). This program also contributed to the reduction of the number of juveniles sent to detention prior to their hearings, however the number of kids sent to detention after disposition increased, filling that gap (Stanfield, 1999, p. 27).

Sacramento County also took drastic measures to improve the conditions within the detention hall. Prior to JDAI, chemical restraints were utilized against juveniles who were non-compliant and violent (Stanfield, 1999, p. 29). After the start of the pilot program, Sacramento County abandoned chemical restraints and focused on a counseling service that dealt with behavior management. This produced a more safe and comforting experience for both juveniles and staff members.

Overall, the preexistence of a collaborative body and the willingness to create and adapt community-based alternatives, like the reporting centers, make Sacramento County a JDAI model site.

### *MULTNOMAH COUNTY, OREGON*

In Multnomah County, open discussion and collaboration among the top level juvenile justice officials was easy. These stakeholders were comfortable working together and had great plans for detention reform and once front line staff was incorporated into the collaboration efforts, Multnomah County was able to achieve great things. One of the unique aspects of Multnomah County's JDAI collaboration body was that one of the chairs of that body was the publisher of Portland's daily newspaper (Feely, 1999, p. 19). This designation sent a clear signal to all involved in the reform process that the JDAI program was subject to public scrutiny and acceptance.

Like Cook County, Multnomah County JDAI revolutionized the way kids were processed into detention. The New Avenues for Youth 24-hour reception center allowed juveniles with no secure home options to avoid detention. Because of this program, admissions to detention dropped from 2,915 in 1994 to 2,550 in 1996, 12.5 percent (Stanfield, 1999, p. 26). The admissions increased, however, in 1997 to 2,746, which was still less than the original 1994 number. It is understandable that the admissions numbers fluctuate; there are different variables that could lead to higher detention numbers one year, like economic crisis, new criminal codes, the number of police officers, political and social context, etc. Yet it is important to understand that these fluctuating numbers do not mean that JDAI pilot programs were not successful, indeed they changed the way juvenile justice was approached everywhere.

Other statistics in Multnomah County show consistent decreases in detention numbers and case processing times. In 1994, the percentage of delinquency referrals that were detained was 15 percent (Stanfield, 1999, p. 26). That number dropped to 7 percent in three years. Daily population, which was low to begin with, went from 127 in 1998 to 102 in 1999. Additionally, county officials were able to

reduce the time to process delinquency cases by 28 percent (Stanfield, 1999, p. 27). Lastly, the recidivism rate in Multnomah County dropped from 23 percent in 1994 to 18 percent in 1996.

In the years following the pilot program, Multnomah County officials continued reforming and adapting to new stakeholders and a new political environment. They have been so successful in achieving the goals of JDAI in the last decade and a half, that they are considered one of JDAI's Model Sites. In the years after the pilot program ended, Multnomah County saw a reduction of felony arrests by 45 percent, create an official partnership to train police officers on how to deal with truancy cases, and divert money originally assigned for detention to other needed alternative services (Annie E. Casey Foundation, 2008). These successes, in addition to the successes of the pilot years, make Multnomah County a model site.

### ***CONCLUSION***

Although each of the pilot sites had their own unique problems to deal with in terms of public support, power structures, funding, and community involvement, they all achieved the objectives outlined by the JDAI program. All three successfully overcame differing opinions to form cohesive, collaborative bodies that were able to discuss appropriate reforms for each community. All three successfully created and adjusted the risk assessment instruments that helped objectively identify the juveniles at risk and in need of secure arrangements. And all three successfully partnered and created community-based detention alternatives that focused on meeting the special behavioral, familial, cultural, and personal needs of juveniles. It is for all these reasons why the JDAI pilot programs were, and continue to be, a success.

## **CHAPTER 6: INTEGRATION OF DISPROPORTIONATE MINORITY CONTACT WITH JUVENILE DETENTION ALTERNATIVE INITIATIVE**

After the pilot years of both DMC and JDAI ended and the evaluations complied. Officials in juvenile justice began to discover that the successful approaches for DMC were very similar to JDAI and a lot of their programs had the potential for overlap. This section will focus on the approaches of DMC and JDAI that intersect and discuss the current programs that have integrated the two programs in a successful way.

### ***INTERSECTING APPROACHES TO JUVENILE JUSTICE***

Both DMC and JDAI programs, during the pilot programs and in following years discovered the successful elements necessary to reach their goals and run a program efficiently. Each program had to work within the pre-existing juvenile justice framework within their communities and institute broad reforms through the cooperation of many different groups. DMC and JDAI officials approached their prospective missions in similar ways and since both programs reached their goals and also addressed the issues of the other, it is a logical conclusion that the programs could be integrated and replicated around the country.

Collaboration between stakeholders and juvenile justice agencies was crucial for DMC and JDAI. In DMC, states found that if each stakeholder had a clearly defined role and a leadership position in the community, it was easier to implement change. Arizona and Florida DMC worked with established community organizations that had credibility with members of that community and each had their own work force and funding. The three JDAI sites had a similar method of collaboration. All three recognized

that having all relevant stakeholders present in reform meetings was necessary to gain a perspective of the problem and determine potential solutions. It was necessary that the stakeholders meet regularly, to discuss, evaluate, and reach a consensus to achieve successful reform, but to also build relationships that make the process more efficient and less antagonistic. Vital to both programs was a dedicated local work force and staff that already existed within the community and was open to reform. Bringing in the lower level staff members into reform discussions contributed to a sense of cohesiveness and a broad understanding of the nature of both minority overrepresentation and detention issues.

Once a collaborative body was created and that body reached some consensus regarding the root of the problem, data collection occurred. In many cases, prior to both programs, data collection was not accurate, uniform, or widely distributed. DMC and JDAI programs corrected that and implemented methods of data collection from different agencies to create a comprehensive picture of the problem. In DMC, data collection was necessary to determine at what point minority youth were overrepresented in the system, while in JDAI, data collection determined the number of youth in detention, their crimes, and possible alternatives in the community. Once armed with accurate data, program officials could better inform the public and convince political officials or skeptics to act. In the case of JDAI, accurate data was important to not only put the problem in perspective, but to also develop programs and evaluate those programs, like the risk assessment. Through a process of research and evaluation in Cook County, officials were able to adapt the risk assessment to benefit the juveniles while also maintaining community safety.

After a collaborative body existed and possessed the data to influence change, stakeholders needed to develop solutions. Important to both programs was the idea that reform should be multi-

faceted and address systemic change. This is one reason why there was so much overlap between the programs, because in the end, they both addressed the same issues. DMC program's approach was to step back and look at overrepresentation at *all* moments of contact in the system, not just one. This method allowed officials to select a variety of programs and options that would work at different points of contact and in different ways. Some programs were run by the local government or juvenile justice system and some were community-based, but all had the same goal: to reduce the number of minorities in the system. In JDAI, reforms focused on preventing juveniles from entering detention and getting them out as fast as possible. Because of discussions and data, JDAI stakeholders understood that they could not reduce the numbers in detention by just focusing on one problem. Each county took steps to reform all steps in the process, from reducing the number of days in a delinquency case to improving conditions inside detention.

Part of the solution for both DMC and JDAI was to rely on and develop additional community-based programs to meet objectives. All five DMC pilot sites provided grants for community-based programming that addressed a variety of issues. The importance of community-based programs in reducing overrepresentation of minority youth is that a community-based program is better equipped and staffed to address the special needs of minority youth. The staff typically comes from the community and can understand the pressures on youth while also providing a culturally-relevant role model for that youth. Additionally, relying on community-based programming allowed stakeholders to minimize some of the costs in terms of program funding and salaries by working with established organizations that had their own structure, staff, and funding. While this was not the case uniformly, it was the best approach and proved to be the most efficient method of allocating the grant money. It was

also important to use community programs that worked independently from the existing political power structure of the state. In North Carolina DMC, stakeholders found it difficult to achieve systemic reform because the political officials did not recognize DMC to be an issue. Therefore, DMC officials needed to work outside of that system and directly with the communities to institute reforms.

Another important aspect of community-based programming is the cultural awareness that comes with it. Both DMC and JDAI focused on raising the cultural awareness of juvenile justice staff and addressing those cultural issues in the community-based programming. All DMC and JDAI sites addressed cultures in one way or another. Florida and Oregon DMC created cultural competency workshops as part of training for police, intake, probation, and detention staff, while JDAI programs chose community-based programming that met the cultural needs of the juveniles diverted away from detention.

Lastly, all DMC and JDAI sites documented their methods and results so that at the end of their pilot programs, state and local officials could evaluate their successes. Not all sites witnesses sweeping success, but all DMC and JDAI sites provided a guide for structuring a program and dealing with various obstacles. Future programs could learn from North Carolina's DMC struggles and build upon Cook County's risk assessment and build a program that works for their specific community. The lessons from both programs and the specific successes suggest that both DMC and JDAI organized their programs the same way, had similar methods of data collection, both relied on collaboration, depended heavily on community-based programming, and did all this with overlapping success.

## ***DMC/JDAI INTEGRATED SITES***

Since both programs had so many similarities and both succeeded in reducing minority overrepresentation while providing detention alternatives, some juvenile justice systems are beginning to integrate the two. By combining the programs, a system can minimize bureaucracy, streamline funding, minimize repetition, and still achieve both goals.

## ***PIMA COUNTY, ARIZONA***

After the pilot DMC program ended in 1995 in the five pilot states, jurisdictions around the country began their own DMC programs. Pima County, Arizona began its official DMC program in 2003 spear-headed by the Pima County Juvenile Court Center (PCJCC) Minority Overrepresentation Committee (Pima County Juvenile Court Center, 2008). A year later, PCJCC partnered with the Annie E. Casey Foundation to begin a JDAI program. Pima County's approach was revolutionary because they sought to create a bridge between the two programs, which meant that from the beginning, Pima County's JDAI program also focused on DMC issues and worked to develop both programs simultaneously.

Once the JDAI program began, Pima County renamed the PCJCC Minority Overrepresentation Committee the DMC/JDAI Executive Committee. The Executive Committee consisted of the presiding court judge, county attorney's office, school district leaders, NAACP members, child protective services, and many other organizations representing the special cultural aspects of the Pima County community. This committee participated in a symposium in 2004 that brought fifty-one participants from the community together to examine issues of racial and ethnic identity, emphasize the necessity of

collecting accurate data, and encourage community collaboration, all objectives of both DMC and JDAI (Pima County Juvenile Court Center, 2008).

Once community members and juvenile justice agencies were on the same page, PCJCC staff began collecting and analyzing data. Staff paid close attention to racial and ethnic factors and even organized the data according to geography, which allowed them to determine if a specific zip code was overrepresented (ethnic and racial groups tend to be segregated by zip code in Pima County because of the presence of Native American Reservations around the Tucson area).

In response to the data collected, the Executive Committee created four work groups to tackle the specific problems of both DMC and JDAI, but under the authority of one agency. The first task was to develop an objective risk assessment. Pima County officials sought to develop an efficient risk assessment to prevent juveniles from being unnecessarily detained, but also to address the overrepresentation of minorities that occurred at intake (Pima County Juvenile Court Center, 2008). The second task was to create provisional warrants, which were used if a juvenile did not appear to court but was not deemed to be a threat to the community (Pima County Juvenile Court Center, 2008). These warrants gave the police officers discretion to not arrest minors and have them detained if they believe a parent or guardian can assure the minor's attendance at the next scheduled court appearance. The third task was to create an 'ad hoc target site' which used the geographically related data to identify specific areas where high percentages of minority youth were being arrested and detained (Pima County Juvenile Court Center, 2008). This program sought to work with local communities in high-target neighborhoods to minimize arrests and provide alternative services. Lastly, work groups were created to

address the issue of detaining probation violators and adapt alternatives to reduce the number of juveniles detained for technical violations (Pima County Juvenile Court Center, 2008).

According to the PCJCC website, the Arizona Department of Corrections has identified several points of the joint program that have achieved success. Pima County has developed an objective risk assessment instrument, just like the original JDAI sites. The risk assessment is on a 12-point scale and allots a defined number of points for various defenses. This minimizes the impact of intake officer's opinion or personal prejudices. PCJCC has also instituted cultural competency training for all members of the Court. Everyone, from probation officers to research assistants are required to complete the cultural training so they understand the nature of the problem and can address it in their own work. Additionally, from 2002 to 2004, Pima County successfully reduced the number of commitments to the Arizona Department of Juvenile Corrections by 64 percent (Pima County Juvenile Court Center, 2008). This was accomplished through the development and partnership with community programs and the development of an electronic monitoring system that allowed supervision of post-adjudicated youth without having them committed. Lastly, Pima County, through their DMC/JDAI efforts lowered the number of overall juvenile arrests 55 percent from 1997 to 2006 (Smith, 2007).

The combination of DMC and JDAI proves how a comprehensive approach can make the program efficient, while still retaining the success of the individual programs. Pima County continues to develop community-based programming, is constantly reassessing their approaches, and even reduced the average daily population in detention 27 percent from 2004 to 2006, from 173 to 127 juveniles (Pima County Juvenile Court Center, 2007). The dedication of stakeholders and the creation of a permanent DMC/JDAI Coordinator position suggest a continuation of that promise in years to come.

### *SANTA CRUZ COUNTY, CALIFORNIA*

Like Pima County, Santa Cruz County struggled with disproportionate representation of minorities in the juvenile justice system and overpopulation in detention. Before the creation of JDAI in Santa Cruz County, the juvenile justice system has a strong foundation for success. Conditions of confinement were relatively comfortable, yet crowded, multiple detention alternatives existed, and the court was efficient at moving a delinquency case quickly through the process (County Of Santa Cruz, 2008). Yet, there was no objective instrument for admitting juveniles to detention and Latino's were overrepresented at every stage of the process. In 1997, the new Head of Santa Cruz County Probation Department, John Rhoad, introduced the Annie E. Casey Foundation's start-up materials for JDAI to the department (County Of Santa Cruz, 2008). He organized a group of stakeholders in the County and brought them together to begin a JDAI program that was founded upon the ideas and lessons of the JDAI pilot sites. When interviewing stakeholders, he discovered that the Latino community was not adequately represented, so he partnered the JDAI task force with the county's Latino Strategic Planning Collaborative and Latino Affairs Commission to address DMC (Hinton Hoytt, Schiraldi, Smith, & Ziedenberg, 2005).

Like other JDAI programs, Santa Cruz County developed a data-driven process that focused on a revised risk assessment, increase in community-based alternatives, while also addressing the cultural needs of the minority population. In Santa Cruz County, the intake officers already used a risk assessment instrument to admit juveniles, but it was outdated and relied heavily on subjective opinions of detention staff. Santa Cruz County revised this risk assessment to allocate points on a 10-point scale, but still included mandatory detention options for violations of home supervision or electronic monitoring, placement failure, ascension from placement, or open warrant.

Santa Cruz County also relied heavily on the community to help address both DMC and JDAI issues. The Probation Department created a Community Resource Developer who connected with organizations in the community who could help juveniles avoid secure confinement (Mendel, 2007, p. 49). More specifically, the Community Resource Developer seeks out culturally competent programs that are grounded in positive youth development, so they can address both DMC and JDAI issues. Some of these programs, like Barrios Unidos, combine learning opportunities with behavioral education and substance abuse support, all issues that needed to be addressed in the community. Juvenile justice stakeholders recognize that they could not change the conditions that the minority youth came from, but they could work with as many organizations as possible to reduce the number of juveniles introduced into the system and minimize the number of juveniles returning.

In addition to the basic JDAI tasks, Santa Cruz County focused heavily on DMC as an added objective of JDAI. Their first step was to create a Disproportionate Minority Contact Checklist – a work plan of things to be done in the court system to address DMC (Hinton-Hoytt, Schiraldi, Smith, & Ziedenberg, 2005, p. 46). This checklist extensively outlined the need for more culturally diverse staff, especially in terms of language. The lack of Spanish-speaking staff at intake made the process more difficult, especially to release youth to their families. As a result, the Probation Department specifically hired extra Spanish-speaking staff to work in intake and to act as the translator for families (Hinton-Hoytt, Schiraldi, Smith, & Ziedenberg, 2005, p. 47). Yet, staff diversity didn't stop there. Diversity played a role in recruitment, hiring practices, and even training, so that all staff were fully aware of and prepared for the issues associated with DMC. It was also up to the staff to collect information and data

about the juveniles admitted so that each year, that data could be compiled and examined to determine if overrepresentation continued to occur.

As of 2005, Santa Cruz County accomplished 19 of their 23 stated goals on the Work Plan Checklist and continue to work to increase the number of bilingual staff, increase parental involvement with the help of bilingual staff, and work with more culturally competent community-based programs. Despite a few shortcomings, the joint DMC/JDAI approach has seen significant success. The average daily population for the juvenile hall decreased 57 percent, from 46.7 juveniles in 1996 to just 19.9 juveniles in 2008 (County Of Santa Cruz, 2008). The average length of stay for a juvenile decreased 29 percent, from 12.9 days in 1996 to 9.1 days in 2007 (County Of Santa Cruz, 2008). Santa Cruz County saw a 266 percent increase in the number of days juveniles participated in alternative programs and also reduced the disproportionality of Latino youth in detention, from 33.6 Latino's in 1998 to 14.3 Latinos in 2008 (County Of Santa Cruz, 2008).

While Santa Cruz County struggled with local political forces and building a solid relationship with the un-trusting community around the court, it's officials were able to achieve dramatic reforms in a short period of time. Their integration of DMC and JDAI into one approach helped them minimize the number of bureaucratic agencies that decisions needed to filter through while still meeting most of its goals.

### **CONCLUSION**

Pima County and Santa Cruz County are not the only localities that have integrated DMC and JDAI, but they serve as model sites for the process. Both sites adopted the crucial elements of each

individual program and made the most out of those approaches. In doing so, they were able to accomplish just as much as the pilot DMC and pilot JDAI sites, but managed to do so in a more efficient, cost-saving, timely manner. Their examples, in addition to the demonstrated overlap of the DMC and JDAI program objectives and approaches suggest that the best way to address the issues of detention reform and disproportionality is to develop a joint program under the auspices of one committee that is dedicated to meaningful change.

## CHAPTER 7: CONCLUSION

It is clear from the five pilot DMC programs, the three pilot JDAI programs, and the two integrated sites that reforming the juvenile justice system is no easy task. It requires jurisdictions to be intentional, strategic, and committed in their efforts to identify their own problems, address them, and self-evaluate. Simple research and debate was crucial to all of the programs, but action is where the results were found. Jurisdictions must act to address the needs of the youth in their communities. They must create objective approaches to deciding which children should be detained, work with all stakeholders and the community itself, and be aware of the special needs of minorities in the system.

This paper has demonstrated the need for detention alternatives and the need to address DMC. It has outlined the specific programs in the pilot sites which have achieved success and laid the groundwork for other jurisdictions to follow. Lastly, this paper argued that the integration of the DMC and JDAI programs would be both seamless and the best method of allocating resources while also addressing both issues.

In the last twenty years, the juvenile justice system has come a long way. Detention facilities are less crowded and have improved conditions. Community programs are expanding and working with the community members to educate youth and their families while also advocating on their behalf. Many jurisdictions have seen a reduction in the proportion of minority youth at many decision-making points and have increased awareness about the problem of DMC. Yet, there is still significant work to be done to reach the ideal juvenile justice system that will be safe, rehabilitative, and racially/ethnically

proportionate. And although we haven't reached that point yet, we have begun the long journey to reforming the juvenile justice system and providing justice for all youth.

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