
ASSESSING THE MECHANISMS THAT CONTRIBUTE TO DISPROPORTIONATE MINORITY CONTACT IN MONTANA'S JUVENILE JUSTICE SYSTEMS

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EXECUTIVE SUMMARY

INTRODUCTION

The objective of the research was to conduct a disproportionate minority contact assessment oriented toward providing an understanding of the contributing factors that influence minority overrepresentation trends in four Montana counties. Specifically, the investigation involved a quantitative examination of the role of extra-legal and social factors in the explanation of disproportionate minority contact. The study used data from focus groups and face-to-face interviews with juvenile justice systems decision makers to put in to context and provide a more complete understanding of the mechanisms that contribute to disproportionate minority contact in Montana. The primary research objectives are based on an examination of the following questions:

1. Are minority juveniles overrepresented in Montana's Juvenile Justice Systems?
 - Are disparities concentrated in a single decision point or are they spread out across multiple points?
2. Does race continue to contribute to disproportionate minority contact after social characteristics (e.g. individual and family factors) and criminal histories have been accounted for in the models?
 - Are the findings similar when examined across multiple decisions points (e.g. referral to the county attorney; petitions for adjudication; delinquency findings; confinement in secure placement)?

This report is the result of a contract between the Montana Board of Crime Control, Youth and District Court Services, and The University of Montana. UM via the Social Sciences Research Laboratory provided the services of Department of Sociology Associate Professor Dusten Hollist, Professors James Burfeind and Daniel Doyle and Social Science Research Lab Administrator Chuck Harris. The research also utilized the skills and talents of graduate assistants Jacob Coolidge, Wesley Delano, Mike King, Patrick McKay, Tyson Mclean, and undergraduate assistant Ian Greenwood.

METHODOLOGY

The study is based on a mixed methods design. It began with an initial gathering of quantitative data from the Juvenile Court Assessment and Tracking System. This data provided a means to evaluate the role of non-racial explanations for (e.g. extra-legal, situational, and social influences) that are not part of the ratios used to calculate the relative rate index scores used to measure disproportionate minority contact.

The qualitative data were gathered during visits by the research team to the county seats of Cascade, Hill, Missoula, and Yellowstone Counties. During the first visits, which took place during late October and early November of 2011, focus groups were held with local juvenile justice system practitioners. Discussions also included county-level experiences since the State of Montana began collecting relative rate index data in 2003 as well as suggestions or ideas for future efforts to better

address disproportionate minority contact in Montana. In a follow-up visit during January of 2012 members of the research team conducted face-to-face interviews with key contacts in the counties who were recommended during the initial visit. Special emphasis was also placed on conducting interviews with any person who was invited to be a part of the focus groups, but were unable to attend.

A follow-up study in the form of a JJS stakeholder survey was conducted in the summer and fall of 2012. The survey provided an opportunity to gather information from stakeholders within the four JDAI counties who were not a part of the initial focus groups and interviews discussed above. In addition, it provided an opportunity to engage stakeholders from the other 52 Montana counties.

SUMMARY OF FINDINGS

QUANTITATIVE FINDINGS

The patterns in the quantitative findings were in the anticipated direction with the exception of two instances in the analysis of the data. The findings showed that the likelihood of referral to the county attorney was higher among juveniles living in families whose income is greater than \$40,000 per year versus those with family incomes between \$20,000 and \$40,000 and those whose family incomes were less than \$20,000. Also, cases involving juveniles living in a non-intact family were less likely to result in a referral to the county attorney and petition for adjudication and were more likely to be diverted prior to petition for adjudication than cases involving juveniles who were living with both the biological father and mother. These findings suggest that juveniles who are living in more economically affluent families are more likely in the data to proceed formally at the referral point of contact while those who are living in non-intact families are less likely to proceed formally at referral, and adjudication. As these are not typically what is expected these findings are pointed out in advance so that readers of the report recognize that the findings and what is written about them is consistent with the analysis of the data.

Case Processing Analysis

- Placement in detention resulted in 17.8% (1296 out of 7286) of the citations that were issued in the four counties from January 1, 2009 to December 31, 2010.
- Slightly more than half (51.7%, n=508) of the cases involving detained juveniles resulted in a referral to the county attorney.
- Of the cases referred to the country attorney, 88.6% (n=450) result in a petition filed to bring the case forward to adjudication.
- More than half (53.9%, n=529) of the cases that resulted in the juvenile spending time in detention were diverted through court actions before a petition was filed for adjudication.
- Almost two-thirds (61.8%, n=278) of the cases involving petition, also resulted in delinquency findings as the outcome in the adjudication phase.
- Of the cases for which a delinquency finding was the outcome at adjudication, secure placement resulted in less than one-third (28.4%; n=79) of the decisions.
 - Secure placement was rare. These cases comprised less than 6% of the total outcomes for detained juveniles.

Differential Offending and Differential Treatment Analysis

- The majority of cases involved misdemeanor offenses (76.4%; n=749) where the citation involved a crime against person (36.9%, n=362).
- There was a near equal distribution in the percentage of felony cases for White and American Indian Juveniles.
 - Felony citations occurred in 17.0% (n=112) of cases involving White juveniles and 17.5% (n=43) of cases involving American Indian juveniles.
- The percentage of cases resulting in referral to the county attorney and petition for adjudication were similar for White and American Indian juveniles and lower for Hispanic/Latino and African American Juveniles.
 - Referrals to the county attorney were made in 52.5% (346 of 659) of the cases for detained White juveniles and 53.3% (131 of 246) of the cases for detained American Indian juveniles.
 - Forwarding of cases to adjudication occurred 89.0% (308 of 346) of the time for cases involving White juveniles and 87.0% (114 out of 131) of the time for cases involving American Indian juveniles.
- The most apparent race/ethnicity differences occurred for likelihood of delinquency findings at adjudication.
 - Cases involving American Indian juveniles (71.9%; 82 of 114) were more likely to be formally adjudicated delinquent when compared to similar levels for White (59.1%; 182 of 308), Hispanic/Latino (55.6%; 10 of 18), and African American (37.5%; 3 of 8) juveniles.
- Cases involving American Indian juveniles were more likely to result in confinement in secure placement as the outcome due to delinquency findings at adjudication than those involving White juveniles.
 - Secure confinement occurred in 30.5% (25 of 82) of the cases involving American Indian juveniles and in 27.5% (50 of 182) of the cases involving White juveniles.

Referral to the County Attorney

- There were few differences based on race/ethnicity. In the majority of comparisons, cases involving minorities were less likely to be referred to the county attorney than those involving Whites.
- Cases involving felony offenses were nearly seven times more likely than those involving misdemeanors to result in a referral to the county attorney.
- Cases involving males were 71.9% more likely than those involving females to result in a referral to the county attorney.
- Referral to the county attorney was 57.5% more likely for juveniles diagnosed with a mental health issue when compared to those with no mental health diagnosis.

Diversion Prior to Petition

- There were few differences with regard to likelihood of diversion prior to adjudication that could be attributable to race/ethnicity.
- Diversion was more likely for juveniles who reside in an non-intact family and in cases where there was no evidence of prior mental health issues and drug use.

- The most consistent finding pertained to issues associated with the current offense where cases involving misdemeanor offense and offenses other than property offenses were more likely to be diverted.

Petition to Adjudication

- Cases involving American Indian juveniles were more than twice (130.6%) as likely to result in a petition forward to adjudication as cases for White juveniles.
- Petition was 82.9% less likely for cases involving juveniles in non-intact families.
- Petition was 80.2% more likely when the case involved juveniles with mental health issues.

Consent Decree

- Cases involving American Indian juveniles were 50% to 80% less likely to be resolved through a consent decree after petition for adjudication.
- Cases were more likely to result in consent decrees when the juvenile was a school dropout and where the current offense was a felony offense that was something other than an offense against property.
- Consent decree outcomes were less likely when the cases involved male juveniles, juveniles with a history of mental illness, and in cases where the current offense was a drug offense.

Delinquency Findings

- Cases involving American Indian juveniles were 72.0% more likely than those involving White juveniles to result in delinquency findings when a race only model was specified that did not include social, extra-legal, and criminal history factors.
- In the full model which included individual, family and offense factors, cases involving American Indian and Hispanic/Latino juveniles were over twice as likely to result in delinquency findings compared with cases involving White juveniles.
- Cases involving males were almost three times more likely than those involving females to result in delinquency findings at adjudication.
- Delinquency findings were 60% more likely in cases where the juvenile had a history of mental health issues.
- Cases involving juveniles living in a non-intact family were 55% more likely to result in delinquency findings at adjudication.

Confinement in Secure Placement

- Cases involving American Indian juveniles were 53.5% more likely to result in confinement in secure placement compared to cases involving White juveniles.
- The likelihood of confinement in secure placement was almost six times greater in cases where the juvenile resided in a non-intact family when compared to cases where the juvenile lived with both the biological father and mother.
- Confinement in secure placement is 48% more likely in cases involving juveniles with a history of mental health issues.

QUALITATIVE FINDINGS

The primary objective of the qualitative investigation was to investigate possible explanations for the patterns that emerged in the quantitative findings reported above and to develop a contextual understanding of the mechanisms that contribute to minority overrepresentation in the juvenile justice system. The data was drawn from transcripts taken from focus groups and face-to-face interviews with 54 probation officers, attorneys, and judges who are decision makers across the various decisions points in the case processing analysis outlined above. In a report such as this, it is simply not feasible to present a full analysis of all of the themes and issues that appear in the transcripts data. As a result, the qualitative investigation is a targeted approach that focuses primarily on the most commonly identified issues from the focus groups and the most salient mechanisms that contribute to disproportionate minority contact that were uncovered in the quantitative investigation.

It was clear in the early stages of the analysis of the qualitative data that practitioners view disproportionate minority contact as a multidimensional issue that involves cultural, social, and economic dimensions. It was commonly stated that these issues were the most proximate source of influence on minority overrepresentation in the juvenile justice system. Race and ethnicity were not discussed as being among the primary determinates in the decisions of which juveniles would be dealt with formally. Discussions involving the overlapping of these issues and differences in the degree they impact minority juveniles were common. As a result, it was a challenge to separate the data into discrete categories without losing the context in which the view was expressed.

Culture

- There is a need for a better cultural understanding of issues facing juveniles and more training on how to better address these.
- It is currently difficult to effectively address cultural issues due to structural and procedural constraints.
- More cultural sensitivity training opportunities and training for practitioners is needed as is the need to increase the number of minority professionals working in the juvenile justice system.

Poverty

- Financial disparities are critical disproportionate minority contact mechanisms; this is particularly true for juveniles living in non-intact families.
- There is consistent evidence in the data that supports the increased likelihood of poverty and economic strain among minority juveniles and their families.
- Disproportionate minority contact is an indirect outcome of poverty. The stain associated with poverty diminishes opportunities and negatively impacts juveniles' worldview with regard to prospects for the future.

Family

- The influence of living in a non-intact family was a commonly mentioned conditioning mechanism that influences disproportionate minority contact.

- This is an issue that crosses race/ethnicity boundaries and often results due to minimal alternatives to delinquency that are largely attributable to financial and resource constraints in these homes.
- A primary outcome of family issues is seen in the number of juveniles who are detained and the amount of time that they remain in detention due to the absence or the ability of parents or a primary caregiver to intervene.

Alcohol and Drug Abuse

- Many practitioners took the position that disproportionate minority contact issues were due in large measure to disproportionate substance abuse issues among minority juveniles.
- Alcohol and substance abuse issues were commonly presented, like poverty and family disruption, as a generational issue where juveniles in the justice system live in families where adults were also struggling with similar problems.
- Alcohol and substance abuse problems were also discussed in the context of coping mechanisms that juveniles use to deal with hopelessness and despair.

School

- The role of school was closely connected with the alcohol and substance abuse concerns outlined above.
- Juveniles who attend and are involved with school activities were seen as less likely to come in to contact with the juvenile justice system simply because they do not have unsupervised free time to find “trouble” to get involved in.
- Many practitioners described an increase in juvenile contacts after school and in the summer months when there are no classes.

Mental Health

- Lack of access to affordable mental health services outside of the system is a mechanism that contributes to disproportionate minority contact.
- Economic costs associated with mental health services often serve as barriers to getting effective treatment and may result in disparities in admission to detention for many poor and largely minority juveniles.
- Juveniles may spend significant amounts of time in detention either due to no other options for services or waiting for the limited spaces for treatment outside of detention to become available.

Data Concerns

- Self-selection or assignment of race/ethnicity for juveniles at the initial point of contact at arrest and in official paperwork within the juvenile justice system may bias examinations.
- The degree of movement back and forth between homes and communities are a potential source of bias that may skew disproportionate minority contact results, in particular those at the initial point of contact where the relative rate index scores for arrest are calculated.
- There were concerns raised regarding the degree to which census data and school enrollment data accurately represent the actual number of minority juveniles living in any given community.

STAKEHOLDER SURVEY FINDINGS

- Respondents were mostly inclined to disagree that there were disparities in the JJS at the initial point of contact with police, advancement through formal court proceedings, and secure placement in Pine Hills or Riverside; more than half reported disagreeing or strongly disagreeing that racial and ethnic disparities are a serious problem.
- Police officers received the highest average potential impact score—almost three quarters of respondents rated the potential impact of police officers on reducing racial and ethnic disparities as significant or very significant.
- Most respondents also rated initial contact with law enforcement as the point of contact that presented the most challenging barrier for reducing racial and ethnic disparities.
- Local judges and probation were rated as having the highest average levels of commitment to reducing racial and ethnic disparities.
- Social mechanisms (family, poverty/disadvantage, school issues) were rated as the most consequential mechanisms contributing to DMC.
- Early intervention services was the top rated intervention and DMC reduction strategy of the nine that were examined.
- Lack of adequate funding to support DMC interventions was the barrier that was rated as being the most consequential threat to successful DMC interventions.
- Over half of respondents in JDAI counties reported that the initiative has been effective or very effective; respondents who had previously heard about JDAI were more likely to be interested in participating than those who had no previous knowledge of JDAI before taking the survey.
- Lack of adequate funding, lack of knowledge about racial and ethnic disparities, and limited buy in from staff/rank and file were rated as the most significant barriers for successful implementation of JDAI.
- Lack of adequate funding, limited buy-in from administration/management, and limited technical assistance were rated as the most significant barriers for successful implementation of the risk assessment instrument.

RECOMMENDATIONS

PROCESS RECOMMENDATIONS

- The evidence shows differences in the likelihood of cases involving American Indian juveniles when compared to White juveniles in all but the referral to county attorney phase in the case processing analysis. There is a need to further examine the mechanisms that influence these disparities.
- Priority needs to be given to meeting with local stakeholders to discuss the relative rate index scores and their implications for the juvenile justice system and local community.
- Investigate why there are few diversion options that are available at the point of contact with the police and work to increase alternatives to detention.
- Consider the importance associated with the development of trained intake officers and reporting centers where juveniles at the point of arrest can be taken and an evaluation of whether or not they need to be placed in detention can be made.

- Evaluate existing programs that serve as alternatives to formal outcomes in the juvenile justice system.
- Develop a listing of state and local disproportionate minority contact prevention and intervention strategies that could be implemented.
- Work to increase the coordination and cooperation of the various systems that provide services to juveniles.
- Address the absence of minority practitioners currently working in the juvenile justice system.
- Reserve formal outcomes in the juvenile justice system for those juveniles determined to pose a significant public safety threat or flight risk.
- Developing alternatives for juveniles who are likely to cause self harm and cannot be dealt with more effectively in a non-formal or existing social service capacity.

DATA RECOMMENDATIONS

- Locate and analyze data that addresses concerns about the base used to estimate the initial point of contact at arrest in the relative rate index scores.
- Improve the consistency and reliability with which case processing outcomes across the various decision points can be monitored.
- Address the discrepancies regarding the dates and days that juveniles spend in detention.
- Integrate the Juvenile Court Assessment and Tracking System with systems like “Full Court” that monitor adult activities.
- Discuss and implement plans to increase the comprehensiveness and consistency with which information is entered and how it is archived in the Juvenile Court Assessment and Tracking System.
- Make data accuracy and comprehensiveness a priority.

ADMINISTRATIVE RECOMMENDATIONS

- Work to communicate and demonstrate State support for disproportionate minority contact reduction activities while emphasizing the importance of the work occurring at the local level.
- Provide training and technical assistance to stakeholders.
- Encourage legislators to get involved and work toward legislative reforms that address disproportionate minority contact.
- Examine the composition, function, and performance of the statewide disproportionate minority contact and juvenile detention alternatives initiative boards.
- Continue to develop partnerships and work in cooperation with Tribal governments and agencies.
- Lead by example in taking appropriate measures to ensure comprehensive and accurate State-Level data.
- Continue to approach disproportionate minority contact reduction as a process that will require ongoing implementation and evaluation.

RESEARCH RECOMMENDATIONS

- Develop an integrated resource that fully incorporates the previous relative rate index and disproportionate minority contact work that has been done in Montana along with the information in this report.
- Gather and/or collect data from local law enforcement agencies across the State.
- Begin working on the phase three disproportionate minority contact reduction interventions
- Examine issues in the data collected that were beyond the scope of the work that was reported here.

CONCLUSION

The findings in this assessment provided answers to critical questions regarding the mechanisms that contribute to disproportionate minority contact in Montana. The results showed that there is very little difference between minority and White juveniles in terms of the types of offenses and juvenile justice system responses to them. The evidence from the logistic regression models show differences in the likelihood of delinquency findings and consent decrees to be the only decision points where there are differences when a race-only model is specified. Differences between minority and White juveniles were more common across the decision points when social factors pertaining to individual and family influences are accounted for in the examination. The findings from focus groups and interviews suggest that there are a number of often overlapping mechanisms that contribute to DMC. Effective responses and interventions will therefore need to be based on a multidimensional approach that includes cooperation between the JJS and other social institutions that influence and are involved in work with juveniles.

In terms of planning for future DMC work in Montana, there is a need to investigate methods that allow for more accurate counts of juveniles within the counties to be made. The four counties examined in this investigation are regional hubs where juveniles, in particular American Indian juveniles, migrate back and forth to and from other communities where they may also reside. The population of minority juveniles in Montana is sufficiently small enough that over-counting and under-counting pose a significant threat to the initial point of contact data where minority overrepresentation at arrest is based on counts of juveniles living in the counties divided by the number of arrests within each racial/ethnic group. This is an issue that merits primary consideration as Montana moves forward with the developing and evaluation of programs and policies to reduce DMC.

It is important to keep in mind that this study provides a baseline examination of the mechanisms that contribute to disproportionate minority contact. The study moves beyond the comparisons of ratios in the relative rate index scores to examine extra legal and social factors. It incorporates a mixed methods design that includes multivariate analysis of many of the factors that have been found to influence disproportionate minority contact in prior studies. The information presented in this report provides a means of comparison to which future examinations of disproportionate minority contact issues in Montana can be compared and the results from future studies evaluated against. The findings provide a gauge by which any changes, modifications, and interventions that are made to the process used to target disproportionate minority contact can be evaluated. The reduction of disproportionate minority contact is a process. In order to have an effective impact

research must become a key piece of a continually evolving investigation. As disproportionate minority contact issues have both short-term and long-term implications, it is imperative that future work continues to identify, assess, and refine the strategies that are developed and used to inform subsequent investigations.

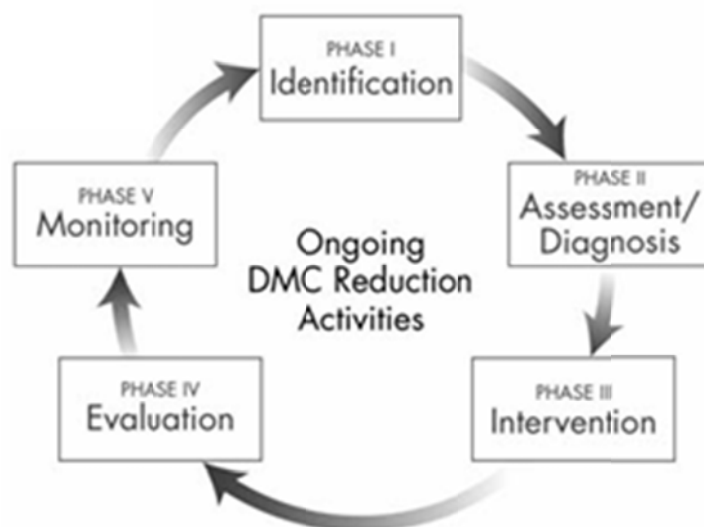
INTRODUCTION

Concerns about the overrepresentation of minority youth in the juvenile justice system (JJS) have long been a topic of interest at the federal level. Initially these investigations focused on disparities pertaining to increased minority likelihood of incarceration. In the late 1980's, changes in federal mandate required that data on disproportionate minority confinement be gathered and reported as part of state planning efforts. In 1992 amendments to the Juvenile Justice and Delinquency Prevention Act of 1974 required state compliance with disproportionate minority confinement as a requisite for participation in the Office of Juvenile Justice and Delinquency Prevention Formula Grants Program.

In 2002, congress modified the previous focus on minority overrepresentation at *confinement* into a multi-point focus on disproportionate minority *contact* (DMC). This change recognized that minority overrepresentation existed beyond detention and confinement and expanded the scope to include nine different decision points within the JJS (For a description of the decision points see DMC Technical Assistance Manual, 4th Edition, section 1, pp.7). It also set forth the requirement for states to develop multipronged intervention strategies to reduce juvenile delinquency and assure the equal treatment of all youth regardless of race or ethnicity.

A key piece in this mandate has been the development of the cycle of DMC reduction activities presented in Figure 1.1 below. Articulated by the Office of Juvenile Justice and Delinquency Prevention (OJJDP) the cycle is broken in to five phases that states are encouraged to follow. The first of these, *identification* focuses on identifying where racial and ethnic disproportionality exists within a state's JJS. A key aspect of the identification phase is to determine whether or not disparities are concentrated in one or spread across multiple decision points as juveniles are processed through the system. The second phase, *assessment*, is oriented toward an investigation of the mechanisms that influence the patterns found in the initial identification phase. It seeks to uncover evidence and to put in to context any findings that show racial or ethnic overrepresentation at different points in the system.

FIGURE 1.1 THE DMC REDUCTION CYCLE (DMC TECHNICAL ASSISTANCE MANUAL, I-4)



The findings from the first two phases are then used to develop and implement an *intervention*, or action plan to address the underlying mechanism identified as contributors to disproportionality. In the fourth phase, an *evaluation* is conducted on the effectiveness of the prescribed phase three intervention plan at reducing racial and ethnic disparities. In the fifth and final phase of the cycle, *monitoring*, changes in DMC and local responses to these changes are observed and recorded. Then a new identification phase begins that focuses on new or existing disparities that persist after the first full cycle of DMC reduction activities.

The objective of the current investigation is heavily concentrated on phase two in this cycle. The examination that follows presents both quantitative and qualitative data in an effort to put in to context the DMC findings that emerged in the initial identification phase. The primary research objectives are based on an examination of the following questions:

1. Are minority juveniles overrepresented in Montana Juvenile Justice Systems?
 - Are disparities concentrated in a single decision point or are they spread out across multiple points?
2. Does race/ethnicity continue to contribute to DMC after social characteristics (e.g. individual and family factors) and criminal histories have been accounted for in the models?
 - Are the findings similar when examined across multiple decisions points (e.g. referral to the county attorney; petitions for adjudication; delinquency findings; confinement in secure placement)?

In order to accomplish these objectives, the information in the report that follows is organized in six sections. The first section provides background on the prior research that has been published in the peer review journals and in technical reports based on DMC studies conducted in other states. An overview of the previous DMC work implemented in Montana and the research design implementation that was followed in the current investigation is also presented.

In section two, findings are presented from the work that was conducted during the DMC identification phase. This information is based on relative risk index (RRI) scores and contains a general overview of the process that is used to calculate the RRI scores. In addition, the state-level RRI trends for 2010 are presented. These are used as a basis for discussing disparities for racial and ethnic minorities across the JJS decision points as outlined in question one above.

Section three is oriented toward setting the stage for understanding the mechanisms that contribute to DMC. In this section, the objectives, purpose, and guidelines for assessing DMC are presented. An examination is conducted of the types of offenses committed by juveniles and the role of offense type in the sample. The decision tree of JJS outcomes is also presented. These items allow an assessment of whether or not racial and ethnic disproportionality can be explained by differing levels of offending and provide the context for understanding the analysis of JJS outcomes that are presented by decision point in section four.

The quantitative findings from the DMC assessment are presented in section four. This begins with a discussion of the demographic characteristics of the juveniles in the sample. The association between the variables in the analysis and the findings from the multivariate logistic regression models of JJS decision-making outcomes are presented.

In section five, the qualitative findings from the DMC assessment are presented. The themes that emerged from the qualitative investigation are outlined and discussed in terms of the context they provide to understand the trends in the quantitative data.

In the summer and fall of 2012, a JJS Stakeholder Survey was administered. The principal investigator worked in conjunction with Mike King who was the project lead on the development, distribution, and analysis of the data from the survey. The results are presented in section six. In the seventh section, conclusions and recommendations based on the information in the previous five sections are presented.

SECTION ONE: BACKGROUND ON DMC AND OVERVIEW OF THE CURRENT STUDY

BACKGROUND

National and statewide studies have consistently found minority youth to be over-represented in the juvenile justice system. These findings have been reported both in peer review journals (Bishop, 2005; Chapman, Desai, Falzer, and Borum, 2006; Hamparian and Leiber, 1997; Hsia, Bridges, and McHale, 2004; Huzinga, Thornberry, Knight, Lovegrove, Loeber, Hill, and Farrington, 2007; Leiber, Brubaker, and Fox, 2009; Leiber and Mack, 2003; Leiber, 2002; Pope and Feyerherm, 1993; Rodriguez, 2010) and technical reports where most state level findings have been reported (Kuker, 2009; Nelson, 2009; Noreus, Hubley, and Rocque, 2009; Orchowsky, Poulin, and Iwama, 2010; Richetelli and Hartstone, 2007; Young, Yancey, Betsinger, and Farrell, 2010 (see also Pope, Lovell, and Hsia, 2002; Kempf-Leonard, 2007 for reviews).

In contrast to the earlier focus on disproportionate minority confinement, the changes outlined above have resulted in studies that have examined multiple decision points across the JJS. The findings show that minority overrepresentation may occur at any point in the system (Pope and Feyerherm, 1993; Bishop, 2005; Hamparian and Leiber, 1997; Leiber and Mack, 2003; Hsia, Bridges, and McHale, 2004). The findings in these studies highlight the importance of investigations that examine outcomes across multiple decision points as disparities tend to be spread across the entire JJS process and not simply at the secure detention and secure confinement stages.

Of particular importance to understanding the role of race in JJS outcomes is the work examining what scholars refer to as the “differential offending hypothesis.” As it pertains to DMC, differential offending is the notion that over-representation can be explained by differing levels in the frequency of offenses, specifically that minority juveniles commit more crime, more serious crime, and have more prior contacts with the police than White juveniles. Any disparities in terms of outcomes would not be attributable to differential treatment within the JJS.

The bulk of evidence that has emerged from this debate has found persisting racial disparities after differences pertaining to legal factors, including frequencies of prior offenses, and social factors have been accounted for. In their meta-analysis of prior state assessment studies, Pope and Leiber (2005) found that race continued to contribute to DMC even after considering legal factors in 32 of the 44 studies that they reviewed. These findings were similar to an earlier review conducted by Pope, Lovell, and Hsia (2002) which based its findings on studies published from 1989 to 1991. Pope and Feyerherm (1993) reached the same conclusion in their summary of research findings examining disparities in juvenile outcomes in the JJS as far back as the 1960’s.

PRIOR DMC WORK IN MONTANA

In 2003, researchers at the Statistical Analysis Center at the Montana Board of Crime Control began reporting data in the form of RRI scores to identify racial and ethnic disparities across JJS decision points. The scores were collected for any racial/ethnic group which comprises at least one-percent of the State’s total juvenile population. In Montana, these groups are African American, American Indian or Alaskan Native, and Hispanic or Latino. The distribution of juveniles by race varies across

Montana's 56 counties. The four counties examined in this analysis have similar racial compositions to the state as a whole. Hill County does not meet the one-percent criterion for African American; while in Cascade, Missoula, and Yellowstone counties the proportion of the juvenile population that are of Asian descent is greater than one-percent.

Initially RRI data showed disparities in Cascade, Hill, Flathead, Missoula, and Yellowstone counties. The evidence showed an increased likelihood for minority contact across at least some of the decision points. However, data collected in subsequent years failed to support DMC across any of the decision points in Flathead County and it was dropped as a pilot site in 2004.

Patterns of DMC have varied both within the decision points of the same county and between the four remaining counties. The most recent data from 2011 continues to show both state level and county level overrepresentation of minority juveniles for at least some of the decision points. Comprehensive reports presenting the trend findings for Cascade, Hill, Missoula, and Yellowstone counties as well as for the State from 2003 to 2011 are available. They are listed in the references section at the end of this document. Readers are encouraged to consult these sources for detailed information on this issue.

THE PRESENT STUDY

The present study seeks to add to the data that has been reported in the DMC identification work referenced above. Specifically, the work that follows presents an examination of the mechanisms not accounted for in the RRI's that contribute to DMC. To date, no research has been done in Montana to investigate the reasons why these patterns exist that include extra-legal and social factors as predictors. This is a serious void. Without the multivariate and contextual data that this study provides, it will be impossible for the State of Montana to assess the reasons for DMC and to develop intervention plans or effective strategies to address it.

The data in the analysis were gathered using a mixed methods design. It includes both quantitative and qualitative examinations. This approach is consistent with recommendation made by researchers who have previously examined DMC in other states (Leiber, 2010; Noreus, Hubley, and Rocque, 2009; Pope, Lovell, and Hsia, 2002). Mixed methods investigations combine the means to evaluate the role of non-racial explanations for DMC (e.g. legal, situation, and social influences) based on statistically reliable findings with in-depth contextual information through focus groups and individual level face-to-face interviews upon which the patterns identified in the quantitative findings can be more comprehensively understood.

The study was built from listings out of the Juvenile Court Assessment and Tracking System (JCATS). JCATS is a statewide reporting system that is used primarily by JJS practitioners in particular probation officers. The system tracks current offense details including time, location, and type of current offense. Furthermore, JCATS provides documentation of court proceedings, including information about referrals, petitions, and dispositional outcomes. In addition to tracking current offense details and proceedings, JCATS provides other detailed information including: basic demographics about the juvenile, family characteristics, school performance, mental health, drug use history, and a chronological reference of previous offenses. The system also provides numerous methods for keeping notes about meetings with the probation officer, court appearances, probation officer contact with parents and teachers, and other relevant case notes.

Identification numbers for cases issued a citation that could result in detention in the four counties between January 1st 2009 and December 31st 2010 produced the initial pool of juveniles to be included in the study (n=7286). This initial pool was constrained to focus only on those cases that were actually placed, at least temporarily, in detention as a result of these citations (n=1552; 21.3% of the total citations). Information regarding the date and length of detention was confirmed in 83.5% (n=1296) of these cases. Data pertaining to the race/ethnicity, current offense, and other variables that are tested in the logistic regression models in section four were documented for 980 (75.6% of the cases in the valid detention pool) of the cases. The models and tests that follow were based on an analysis of these 980 cases.

The primary investigator met with officials from the Office of the Court Administrator and was briefed on the JCATS system. Each member of the research team signed confidentiality agreement letters which outlined appropriate use of the JCATS system. Information pertaining to demographic, social history, and criminal history issues of the detained juveniles were gathered for the analysis. These data were then used to generate multivariate equations to examine the mechanisms that contribute to DMC. A listing of all items drawn from the JCATS system is included in Appendix A.

The qualitative data was gathered through focus groups and face-to-face interviews with JJS practitioners in the cities of Havre, Great Falls, Missoula, and Billings. All four cities are regional hubs of activity for the surrounding area. Each has universities, hospitals, and social service systems that draw in people from other towns both within and beyond the county in which they are located. Of particular importance to the racial/ethnic demography of Montana, each of the cities is also near at least one of Montana's seven American Indian Reservations.

An emphasis in the focus groups was to have a practitioner from each of the stages in the JJS together for dialogue about the mechanisms in the local community that contribute to juvenile delinquency and DMC. Participants were selected from local law enforcement, probation and parole, attorneys, judges, and local community leaders who worked in a professional capacity with youth. Where applicable, administrators from regional detention facilities were also invited to participate. Face-to-face interviews were conducted to examine the "standpoint" perspectives of individual members from each of these groups.

The analysis that follows was conducted to provide a baseline for understanding the role of race and ethnicity in JJS outcomes. Specifically, the quantitative data allows for an examination of the degree to which disparities between minority and White youth persist after demographic, social history, and criminal history background issues have been taken in to account. In order to place these issues in to context quantitative and qualitative data are reported.

A follow-up study in the form of a JJS stakeholder survey was conducted. The survey provided an opportunity to gather information from stakeholders within the four JDAI counties who were not a part of the initial focus groups and interviews discussed above. In addition, it provided an opportunity to engage stakeholders from the other 52 Montana counties.

SECTION TWO: IDENTIFYING RACIAL AND ETHNIC DISPARITIES IN MONTANA'S JUVENILE JUSTICE SYSTEM

THE RELATIVE RATE INDEX

In order to specify the points of contact where over-representation of minority and ethnic juveniles exist, a relative rate index (RRI) has been created. The RRI is based on outcomes at various stages of case processing within the JJS. This provides a means to compare the outcomes between minority and White juveniles to identify at which point of contact disparities exist and the extent to which they occur. The RRI's are reported by the Statistical Analysis Center at the Montana Board of Crime Control to OJJDP on a yearly basis. For additional information on the RRI's, readers are encouraged to review pages 2 through 5 in Chapter One of the DMC Technical Manual, 4th Edition.

As shown below, the RRI scores are a ratio of the minority rate of activity at each of the decision points divided by the corresponding White rate of activity. The resulting score from this ratio will be 1.00 when the activity levels or rate of contact for minority and White juveniles are the same for a given decision point. As minority rate of activity is the reference category, rate of contact is greater for minority youth whenever the associated RRI score is greater than 1.0; a score greater than 1.0 shows that minority juveniles are over-represented. Any instance in which the RRI score is less than one indicates that the rate of minority contact is lower than it is for White juveniles; a score less than one shows that minority juveniles are under-represented. At the diversion and probation contact points a score less than 1.0 shows that relative to the rate for Whites juveniles, minority juveniles are less likely to be diverted out of the formal system and less likely to be adjudicated delinquent and placed on probation.

$$\text{Relative Rate Index} = \frac{\text{Minority Rate of Activity}}{\text{White Rate of Activity}}$$

There are a number of advantages of the RRI scores. As mentioned above the scores have a direct interpretation. They compare activity levels at different points of contact for White juveniles and any racial group that comprises at least one-percent of the population in the examination. The RRI also indicates the magnitude of difference between groups. This allows for relative comparisons to be made. For example, an RRI of 2.0 for Hispanic juveniles at the detention point of contact suggests that the rate of detention for Hispanics is twice as much as the rate of detention for White juveniles. Additionally, there are tests of significance associated with the RRI scores that allow differences between groups to be evaluated in terms of statistical confidence.

There are also cautions to keep in mind when evaluating RRI scores. The first of these is specific to the initial point of contact at arrest. Here the rates of activity are estimated per 1,000 juveniles in the population. This is not a substantial issue at the state level unless youth are counted in one state and live and are involved in delinquency in another. It is however a much more pronounced concern when the RRI's are reported at the county level in a state like Montana where there is substantial county to county mobility.

A more general concern is that even though the RRI's can identify where disparities exist, they do not provide an explanation for why the disparities are occurring. As a result, RRI scores are an important piece of the identification phase of the DMC reduction activities model outlined in Figure 1.1 above. Assessment of the mechanisms that contribute to DMC however requires multivariate quantitative analyses and qualitative data from focus groups and interviews. These data provide answers to the issue of why disparities exist and are the basis upon which strategies and interventions to combat DMC will ultimately be made.

ARE MINORITY JUVENILES OVERREPRESENTED IN MONTANA?

The state-level RRI scores for 2010 are presented in Table 2.1. These scores provide a means to discuss the process associated with the calculation of the RRI's and to evaluate the interest in whether or not minority youth are overrepresented in Montana's JJS. These are based only on misdemeanor and felony offenses and do not include status offenses (e.g. runaway, truancy) and technical violations. The data show that relative to Whites, cases involving minority juveniles are more likely to result in arrest, secure detention, result in petitions filed to the juvenile court, and result in secure placement in juvenile correction facilities. Minority juveniles are also less likely to be diverted out of the JJS than White juveniles.

TABLE 2.1 RELATIVE RISK INDEX SCORE FOR MONTANA JUVENILES IN 2010

	American Indian	African American	Hispanic/Latino	All Minorities
Juvenile Arrests	1.51*	0.98	0.70*	1.19*
Refer to Juvenile Court	1.00	1.00	1.00	1.00
Cases Diverted	0.89*	0.97	0.83*	0.89*
Cases Involving Secure Detention	1.34*	1.75*	1.41*	1.37*
Cases Petitioned	1.26*	1.02	1.59*	1.27*
Cases Resulting in Delinquent Findings	1.01	**	1.01	1.01
Cases Resulting in Probation Placement	***	***	***	***
Cases Resulting in Confinement in a Secure Placement	1.86*	**	1.25	1.82*
Cases Transferred to Adult Court	1.05	**	**	0.91

* Statistically significant

** Insufficient number of cases

*** Missing data for some element of calculation

An examination of the comparisons between racial/ethnic categories shows that American Indian juveniles are 51% (RRI=1.51) more likely than White juveniles to be arrested, but the arrest rates of African American are lower (RRI=.98) and significantly lower (30%; RRI=.70) for Hispanics compared to Whites. In addition, the rates of cases diverted from secure detention are lower for all minority categories when compared to similar rates for White juveniles.

The most notable disparities are shown for differing rates at which cases involving minority juveniles that result in secure detention, petition to adjudication, and result in secure placement as a result of delinquency findings at adjudication. Relative to White juveniles, the likelihood for secure detention is between 34% (RRI=1.34 for American Indian) and 75% (RRI=1.75 for African American) higher for minority juveniles. Hispanic juveniles are 59% (RRI=1.59) more likely and American Indian juveniles are 26% (RRI=1.26) more likely to have their cases petitioned for adjudication when compared to similar rates for Whites. Perhaps the most striking difference is the

86% (RRI=1.86) increase in the likelihood for cases resulting in secure placement for American Indian juveniles, despite no differences among the groups when compared to rates for White juveniles in the likelihood for cases to result in delinquency findings at adjudication.

These data show that there are disparities between White and minority juveniles. Whether or not minority juveniles are over or under represented and the magnitude of these differences vary both by the decision point and the racial/ethnic group in the comparison. However, what is missing from the information in Table 2.1 is an explanation of why these patterns exist and the mechanisms that contribute to them. This is the topic that is addressed in sections three through five.

POINTS OF CONTACT IN MONTANA'S JUVENILE JUSTICE SYSTEM

Montana law enforcement officers are provided statutory discretion pertaining to the decision to arrest and initially detain a youth (MCA §41-5-322.2). This statute states that “Whenever the peace officer believes, on reasonable grounds that the youth must be detained, the peace officer shall notify the juvenile probation officer immediately and shall, as soon as practicable, provide the juvenile probation officer with a written report of the peace officer's reasons for holding the youth in detention.” The outcome of this statute results in a somewhat different approach with regard to the flow of the points of contact in Figure 2.2.

The figure compares and contrasts the Montana definitions with those presented in the points of contact model by OJJDP. In order to put in to context the quantitative examination, it is important to recognize that the analysis of DMC begins after a youth has been placed in to detention. Missing from the analysis are differences in the likelihood of arrest, initial referral to the juvenile court as the result of a citation, and detention as the result of the receiving of a misdemeanor or felony citation.

As a result the analysis that follows is a case processing examination that begins with decisions made at the initial probable cause hearing after a juvenile has been placed in detention. Disparities focus on differences between cases involving White and minority juveniles in terms of the likelihood that the outcome will include referral, diversion prior to petition, petition, consent decrees, delinquency findings at adjudication, and the use of confinement in secure placement versus a less restrictive alternative such as probation. As there were so few cases that were actually transferred from youth court to district court, the quantitative examination ends at confinement in secure placement.

FIGURE 2.2 OJJDP AND RESEARCHER DECISION POINT DEFINITIONS

Decision Point	OJJDP Definition	Research Definition
Detention	The number of delinquency referrals disposed in the calendar year that had experienced secure detention prior to case disposition.	The number of referrals or citations that resulted in detention.
Referral to County Attorney		The number of referrals or citations that were referred to the county attorney to decide whether or not the juvenile case should be petitioned.
Diversion Prior to Petition		The number of referrals or citations that result in an informal agreement or dismissal of the offense prior to petition.
Petition	The number of delinquency referrals disposed in the calendar year in which a petition was filed with the court requesting either a transfer or an adjudicatory hearing.	The number of referrals or citations that were petitioned by the county attorney seeking formal court action.
Consent Decree		The number of referrals or citations that, prior to adjudication, the court allows diversion of the youth through admission of guilt and acceptance of responsibility for the offense in the petition.
Adjudication	The number of delinquency referrals disposed in the calendar year that were petitioned and the court adjudicated the youth to be a delinquent.	The number of referrals or citations that once petitioned resulted in the juvenile being adjudicated a delinquent youth.
Probation	The number of delinquency referrals disposed in the calendar year that were petitioned and the court adjudicated the youth to be a delinquent and ordered the youth to a period of formal probation.	The number of referrals or citations that resulted in a delinquent youth adjudication and some sanction other than secure placement.
Confinement	The number of delinquency referrals disposed in the calendar year that were petitioned and the court adjudicated the youth to be a delinquent and ordered the youth to a period of secure confinement.	The number of referrals or citations that resulted in a delinquent youth adjudication and confinement in secure placement at the state training schools.
Waiver (bindover)	The number of delinquency referrals disposed in the calendar year that were petitioned and the juvenile court judge waived jurisdiction over the matter and sent the case to criminal.	The number of referrals or citations that were transferred out of Youth Court Services jurisdiction and were handled in District Court.

SECTION THREE: UNDERSTANDING THE MECHANISMS THAT CONTRIBUTE TO DMC

OBJECTIVES AND PURPOSE OF DMC ASSESSMENT

The RRI's in section two are useful in identifying where disparities exist across the JJS decision points however they do not explain why. In this section, the assessment phase of the investigation is discussed. Of particular importance is the presentation of data that examine the issue of differential offending and differential handling that provides a baseline upon which the quantitative and qualitative findings that follow can be built.

This assessment study seeks to uncover the mechanisms that are responsible for the racial and ethnic disparities that were uncovered in the DMC identification phase. In contrast to the RRI scores, the findings are expected to determine which factors are the most salient influences on DMC. Once these have been established, then strategies and/or intervention to reduce DMC can be implemented.

A primary feature of assessment studies is the use of multivariate estimation and prediction models. Multivariate estimation allows researchers to quantify the influence of a predictor variable such as poverty on the likelihood of outcomes across various decision-making points while simultaneously controlling for the effects of other variables in the model. The resulting partial effects reflect the influence of a predictor variable on a particular decision point independent of other variables in the model.

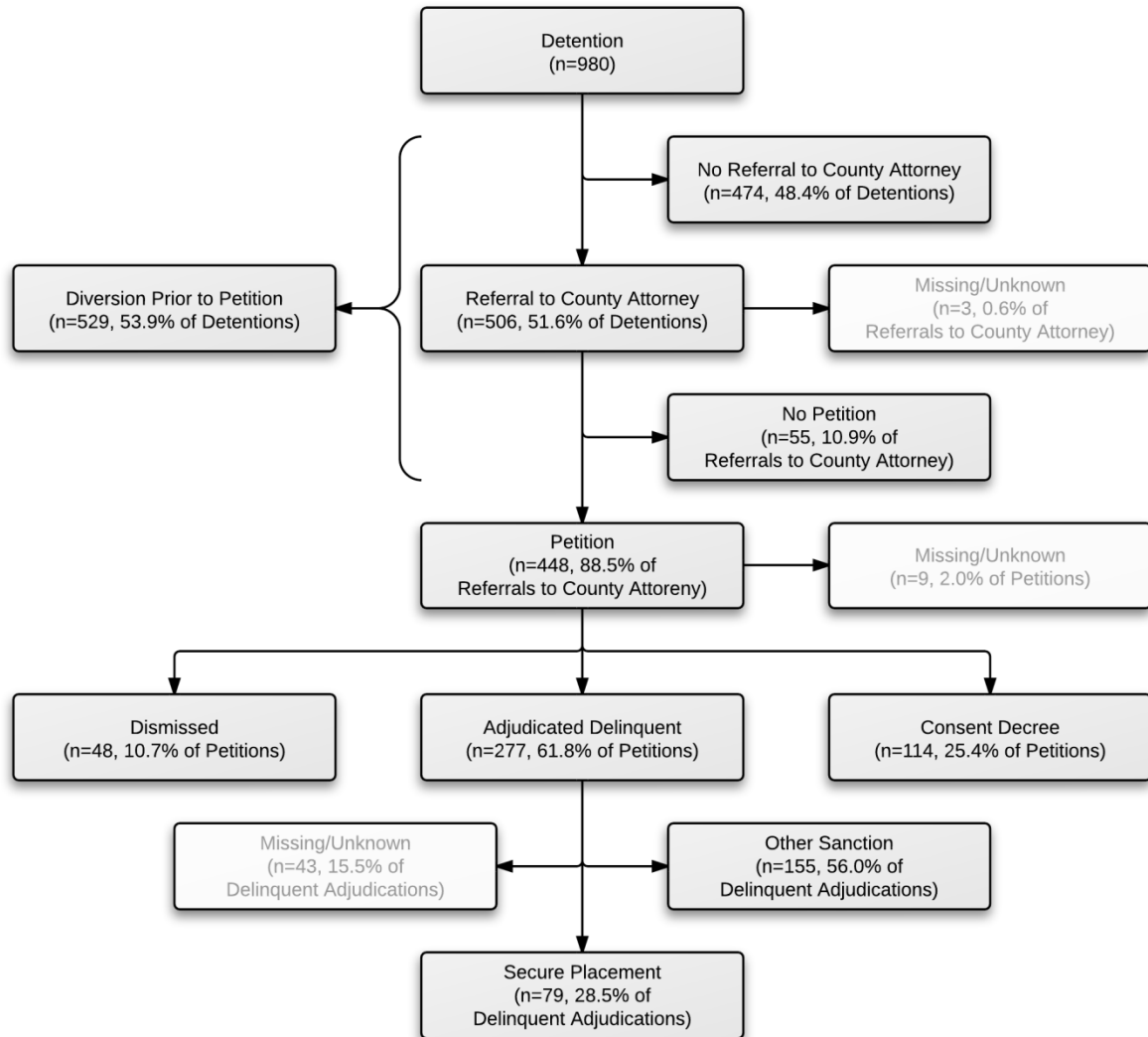
Qualitative studies provide rich contextual data to help determine why certain factors may influence outcomes including DMC. In particular, this approach provides a better understanding of how disparities shown in the RRI's and the multivariate models can be understood as mechanisms that produce DMC. Focus group and interview data provide the local community and JJS practitioner perspective essential to making informed recommendations for interventions and building strategies to combat DMC.

DECISION TREE OF JJS OUTCOMES

As mentioned above, in 2009 and 2010 there were a total of 7286 citations issued to juveniles in Cascade, Hill, Missoula and Yellowstone Counties. There were 1296 cases (17.8%) emerging out of these citations that involved at least temporary placement in detention. Of these, 316 cases were either missing entirely in the JCATS system or lacking information regarding any of the JJS case processing outcomes shown in Figure 3.1. As a result, the analysis begins with the 980 (75.6% of the total detention sample) where the decision regarding referral to the county attorney is known.

A total of 55 cases (5.6%) were missing across the various decision points. There were three cases after the referral stage for which no decision about whether or not a petition was filed could be found. Nine cases were lost after the petition phase as no information could be found regarding the adjudication outcome. An additional 43 cases were missing after the adjudication phase. In these instances, information pertaining to adjudication confirmed that the outcome resulted in delinquency findings but no additional information pertaining to the resulting disposition could be found. These cases are listed along with those cases that were diverted in Figure 3.1.

Figure 3.1 Flow Chart of Case Processing Decision Points



An examination of the processing of these cases across the decision points shows that slightly more than half (51.6%) of the cases involving detained youth result in a referral to the county attorney. The vast majority of these cases (88.5%) result in a petition filed to bring the case forward to an adjudication hearing. About two-thirds (61.8%) of the cases involving petition, also resulted in delinquency findings as the outcome in the adjudication phase. Of the cases for which delinquency findings was the outcome at adjudication, secure placement resulted in less than one-third (28.5%) of the decisions.

In the case processing analysis that follows, DMC will be evaluated based on the likelihood of cases moving forward to the next decision making point. As the data show however, the likelihood of a case processing outcome resulting in confinement in secure placement is rare. Even after accounting for the 55 that are missing across the decision points, these represent only a small fraction of the total outcomes (5.8%).

DIFFERENTIAL OFFENDING AND DIFFERENTIAL TREATMENT HYPOTHESES

Before the investigation of the mechanisms that contribute to DMC can begin, an examination of the differential activity levels and the JJS outcomes associated with these cases must be performed. The objective of this is two-fold. First, to compare minority and White juvenile cases based on levels of activity and the types of crimes committed resulting in detention. And second, to examine the patterns of response to these offenses across the decision points.

Table 3.1 below shows the distribution of cases by offense type and race/ethnicity. The findings show that the majority of the cases were misdemeanor offenses (76.1%). Of these, offenses against persons were the most frequent (n=360). All felony offenses (16.6%), status offenses (3.9%), and technical violations (3.4%) combined account for the remaining 24% of the cases. Within the felony offense category, cases involving person (8.7%) and property (5.8%) were more common than those involving drugs (2.1%). Although the current offenses may be listed as a status offense as listed above, the actual reason for the detention of the juvenile was the result of failure to abide by court conditions including technical violations of the terms outlined in probation outcomes.

TABLE 3.1 OFFENSES BY RACE/ETHNICITY (N=980)

Offense Category	White	American Indian	African American	Hispanic/Latino	Total
Total Felony Offenses	112 (17.0%)	43 (17.5%)	3 (11.1%)	5 (10.4%)	163 (16.6%)
Drug Offense	17 (2.6%)	3 (1.2%)	0 (0.0%)	1 (2.1%)	21 (2.1%)
Property Offense	44 (6.7%)	11 (4.5%)	1 (3.7%)	1 (2.1%)	57 (5.8%)
Offense Against Person	51 (7.7%)	29 (11.8%)	2 (7.4%)	3 (6.2%)	85 (8.7%)
Total Misdemeanor Offenses	493 (74.8%)	190 (77.2%)	21 (77.8%)	42 (87.5%)	746 (76.1%)
Criminal Contempt	107 (16.2%)	43 (17.5%)	6 (22.2%)	6 (12.5%)	162 (16.5%)
Drug Offense	26 (3.9%)	7 (2.8%)	0 (0.0%)	4 (8.3%)	37 (3.8%)
Property Offense	126 (19.1%)	44 (17.9%)	3 (11.1%)	14 (29.2%)	187 (19.1%)
Offense Against Person	234 (35.5%)	96 (39.0%)	12 (44.4%)	18 (37.5%)	360 (36.7%)
Technical Violations	23 (3.5%)	8 (3.3%)	2 (7.4%)	0 (0.0%)	33 (3.4%)
Status Offenses	31 (4.7%)	5 (2.0%)	1 (3.7%)	1 (2.1%)	38 (3.9%)
Total Offenses	659 (100%)	246 (100%)	27 (100%)	48 (100%)	980 (100%)

Although the frequencies of cases vary, at least in part, due to differing numbers of juveniles in the population pertaining to each of the groups; distributions for types of offenses by race/ethnicity are very similar. This is particularly true when comparisons are based on cases involving White and American Indian juveniles. There is a near equal distribution in the percentage of felony cases within the White (17.0%) and American Indian (17.5%) categories. The percentage of misdemeanor cases for American Indian juveniles is slightly higher (77.2% compared to 74.8%), while the percentage associated with status offenses (2.0%) is notably lower than the level for Whites (4.7%). Similar percentages involving African American (11.1% for felonies and 77.8% for misdemeanors) and Hispanic/Latino juveniles (10.4% for felonies and 87.5% for misdemeanors)

differ from those of White and American Indian juveniles. However, there are far fewer cases for these groups than for American Indian and in particular White juveniles.

This evidence does not support the position that DMC in the sample can largely be explained by differential types of offending by juveniles from different racial/ethnic groups. However, an alternative explanation for DMC remains. In this view, disparities can be explained as a function of differential JJS outcomes in cases involving minority and White juveniles. The evidence to examine the “differential treatment hypothesis” is presented in Table 3.2 below.

The table contains the distribution of cases by race/ethnicity that were/were not forwarded on to the subsequent decision point. A comparison across racial categories in which there was a referral to the county attorney (52.5% and 53.3%) and a petition filed to move the case forward to adjudication (89.0% and 87.0%) show very similar levels for cases involving White and American Indian juveniles. Similar levels for cases involving African American (37.0%) and Hispanic/Latino (39.6%) are notably lower at the referral stage. At the petition stage the levels are lower for cases involving African American (80.0%) and higher for cases involving Hispanic/Latino (94.7%) juveniles.

The most apparent differences appear when the examination focuses on distributions based on the likelihood of delinquency findings at adjudication. Cases involving American Indian juveniles (71.9%) are most likely to be formally adjudicated when compared to similar levels for cases involving White (59.1%), Hispanic/Latino (55.6%), and African American (37.5%) juveniles. Cases involving American Indian (30.5%) juveniles are also more likely than those in cases involving White juveniles (27.5%) to result in confinement in secure placement as a result of a disposition as a result of delinquency findings at adjudication.

TABLE 3.2 DECISION POINTS BY RACE/ETHNICITY (N=980)

Decision Point	White	American Indian	African American	Hispanic/Latino	Total
Referral to County Attorney	659 (100%)	246 (100%)	27 (100%)	48 (100%)	980 (100%)
Yes	346 (52.5%)	131 (53.3%)	10 (37.0%)	19 (39.6%)	506 (51.6%)
No	313 (47.5%)	115 (46.7%)	17 (63.0%)	29 (60.4%)	474 (48.4%)
Petition Filed	346 (100%)	131 (100%)	10 (100%)	19 (100%)	506 (100%)
Yes	308 (89.0%)	114 (87.0%)	8 (80.0%)	18 (94.7%)	448 (88.5%)
No	36 (10.4%)	16 (12.2%)	2 (20.0%)	1 (5.3%)	55 (10.9%)
Missing	2 (0.6%)	1 (0.8%)	0 (0.0%)	0 (0.0%)	3 (0.6%)
Adjudicated Delinquent	308 (100%)	114 (100%)	8 (100%)	18 (100%)	448 (100%)
Yes	182 (59.1%)	82 (71.9%)	3 (37.5%)	10 (55.6%)	277 (61.8%)
No	118 (38.3%)	31 (27.2%)	5 (62.5%)	8 (44.4%)	162 (36.2%)
Missing	8 (2.6%)	1 (0.9%)	0 (0.0%)	0 (0.0%)	9 (2.0%)
Secure Placement	182 (100%)	82 (100%)	3 (100%)	10 (100%)	277 (100%)
Yes	50 (27.5%)	25 (30.5%)	1 (33.3%)	3 (30.0%)	79 (28.5%)
No	98 (53.8%)	50 (61.0%)	2 (66.7%)	5 (50.0%)	155 (56.0%)
Missing	34 (18.7%)	7 (8.5%)	0 (0.0%)	2 (20.0%)	43 (15.5%)

The examination of the decision points shows that there are some differences in the likelihood that cases involving White and minority youth will continue to the next phase of formal processing. As noted in the earlier examination of offense types, the frequency of occurrences is much higher for White juveniles. This is to be expected as White juveniles according to the 2010 census comprise more than 80% of the total juvenile population in the counties where the data were collected.

The magnitude of racial differences in the data presented in Tables 3.1 and 3.2 are consistent with the patterns, but do not provide sufficient evidence to fully account for minority overrepresentation. An alternative explanation is required that moves beyond attributing disparities to either differences in the types of offenses or differences in case processing responses within the JJS. In the next section of the report, attention is turned to the multivariate examination of the factors that contribute to DMC.

SECTION FOUR: THE QUANTITATIVE FINDINGS

The results presented in section three show that there are slight differences in the type of offenses and more notably the processing of cases by the race/ethnicity. However, similar to the concern raised with the relative rate index scores in section two, the patterns outlined in section three shows where differences exist, not why. Doing so requires an examination of the underlying mechanisms that may differentially impact the likelihood for involvement in the JJS.

SAMPLE DESCRIPTION

Prior to the discussion of the logic of the analysis and presentation of the findings, an overview of the characteristics of the sample is in order. The minimum score, maximum score, average score (M), standard deviation (S), frequency (F), and percentage (%) is presented in Table 4.1 below. As shown, average age for the cases in the analysis is 15.33 years old and 67.5% involve males. Cases pertain to juveniles who are most likely to be White (67%) followed by American Indian (25.0%), Hispanic/Latino (4.9%) and African American (2.7%).

Almost half of the cases involve juveniles who reside in families where household income is under \$20,000 per year. Most of the cases (80.6%) pertain to juveniles who are living in a household where one or both of the biological parents are missing and there are between 1 and 2 other children. The majority of cases involve juveniles who: have not dropped out of school (78%), have a prior history of at least one negative drug test (52.7%), have not been diagnosed with a mental health issue (65.8%), and have not committed a felony as the current offense (83.4%).

LOGIC OF THE ANALYSIS

The multivariate estimates that follow allow for the role of social and extra legal factors as well as current offense and prior involvement in the JJS to be considered simultaneously. The models move beyond the simple comparison in the RRI scores, case processing rates, and offense frequencies presented earlier. The multivariate models account for what the OJJDP DMC Handbook refers to as indirect effects. These include things such as family, school, and individual characteristics that have been found to contribute to DMC in the prior studies outlined above.

The coefficients presented in the models that follow are based on odds ratios derived from logistic regression. In this analysis, these are estimated at each of the decision points outlined in section three. The odds ratios represent the increase or decrease in the likelihood of correctly predicting when a case will result in a formal outcome (e.g. referral, petition, delinquency findings, and confinement in secure placement).

TABLE 4.1 DESCRIPTIVE STATISTICS

	Min	Max	M	SD	F	%
Race/Ethnicity						
White					659	67.2
American Indian					246	25.1
African American					27	2.8
Hispanic/Latino					48	4.9
Age	7	19	15.33	1.55		
Gender						
Female					319	32.6
Male					661	67.4
School Dropout						
Yes					215	21.9
No					765	78.1
Mental Health Diagnosis						
Yes					332	33.9
No					646	65.9
Missing					2	0.2
Prior Drug Usage						
Yes					517	52.8
No					170	17.3
Missing					293	29.9
Family Status						
Intact					190	19.4
Non-intact					790	80.6
Number of Children in Home	0	8	2.37	1.4		
Household Income						
Under \$20,000					450	45.9
\$20,000 - \$40,000					379	38.7
Over \$40,000					151	15.4
Number of Previous Offenses	0	57	9.66	8.67		
Felony as Offense in Current Charge						
Yes					163	16.6
No					817	83.4
Not Felony or Misdemeanor as Offense in Current Charge						
Yes					71	7.2
No					909	92.8
Offense Type						
Personal Offense					445	45.4
Property Offense					244	24.9
Drug Offense					58	5.9
Other Offense					233	23.8

The interpretation of the odds ratios matches very closely the discussion of the RRI scores in section two. The degree to which any predictor in the model influences the likelihood of a formal outcome is based on the relative location of the odds ratio score to 1.0. A score of 1.0 indicates that the predictor does not change (increase or decrease) the likelihood of the outcome. As scores

increase from 1.0 so too does the likelihood of the outcome. As the score becomes lower than one, there is a decrease in the likelihood of the outcome.

An example of this is an instance where the odds ratios for petition is 1.65 for cases associated with juveniles who have dropped out of school and .65 for family income. An examination of these based on the discussion above indicates that the likelihood for petition is higher for cases involving school dropouts but lower in cases where the family income levels are higher. In terms of direct interpretation, cases involving juveniles who are school dropouts are 65% (1 plus .65) more likely than cases where the juvenile is still in school to have a petition for an adjudication hearing filed. In contrast, cases involving juveniles who reside in families with higher incomes are 35% (1 minus .65) less likely than those residing in families with lower incomes to have a petition filed.

The results that follow are presented in a series of blocks (Models 1 through 5) and then a full equation (Model 6). The logic behind this is the block approach allows for an examination of race/ethnicity only odds ratios in Model 1 and then compares the changes in them across demographic, individual, family, and offense factors. In the full model all of the variables from the previous blocks are included. This provides for changes in the odds ratios for race/ethnicity to be examined in a more comprehensive manner than in the full equations alone.

PREDICTION AND ESTIMATION MODELS

The odds ratios representing the likelihood for a case involving a detained juvenile moving forward through referral to the county attorney are presented below in Table 4.2. An examination of the coefficients by racial category in Model 1 shows cases involving American Indian juveniles have similar likelihood of being referred (OR=1.028) when compared to cases involving White juveniles. Cases involving African American (OR=0.531) and Hispanic/Latino (OR=0.591) juveniles in contrast are much less likely (46.9%; 40.9%) to result in referral. These patterns are similar in Model 2 which also accounts for age at time of the offense and sex. The findings show cases involving males in the sample are 80% more likely (OR=1.800) than cases involving females to result in referral after the probable cause hearing.

In Models 3, 4 and 5, the blocks for individual, family, and offense factors are included in the estimates. Cases moving forward are 40% (OR= 1.402) more likely for high school dropouts, 23% (OR= 1.233) more likely for juveniles with a mental health history, 30% (OR= 1.304) more likely for those with a history of substance use, and 25% (OR= 1.248) more likely for those living in households with an income of \$40,000 or more per year. Referrals are also more than four times as likely (OR=4.360) when the current offense is a felony, almost four times as likely (OR=3.723) for other non-misdemeanor (status and technical violations) offenses, and more likely for property offenses than those involving persons (OR=0.458), drugs (OR=0.556), or other offenses (OR=0.049).

When all of the items are included in Model 6, the most notable differences pertain to offense issues. These are similar to the patterns found in model 5, however the likelihood for cases involving felony offenses are now almost six times (OR=6.933) more likely than those involving misdemeanors to be referred. Apart from differences in offense issues, cases involving males (79.1%), those pertaining to juveniles with a history of mental health issues (57.5%) and drug issues (56.2%) are more likely to result in referral. In regards to race/ethnicity differences, only cases involving Hispanic/Latino (OR=1.097) have a higher likelihood of referral than those pertaining to White juveniles. However, this is less than a one percent difference. Overall there are

few instances in which the likelihood for referral is higher for cases involving minority juveniles. More common are instances in which the likelihoods are lower for minorities than for cases involving White juveniles.

TABLE 4.2 ODDS RATIOS FOR REFERRAL TO COUNTY ATTORNEY (N=980)

Variables	Model 1	Model 2	Model 3	Model 4	Model 5	Model 6
Race/Ethnicity						
American Indian	1.028	1.056	0.963	1.007	0.842	0.878
African American	0.531	0.551	0.588	0.395*	0.540	0.700
Hispanic/Latino	0.591	0.598	0.713	1.075	0.640	1.097
Demographics						
Age at Time of Offense		1.049				1.085
Sex		1.800**				1.719*
Individual Factors						
School Dropout			1.402			0.943
Mental Health			1.233			1.575
Drug Use			1.304			1.562
Family Factors						
Non-Intact Family				0.851		0.946
Number of Children				1.077		1.076
Family Income				1.248*		1.210
Prior Offenses						
Number of Previous Offenses					1.026*	1.011
Current Offense Type						
Felony Offense					4.360**	6.933**
Other Offense					3.723**	3.158**
Current Offense Seriousness						
Offense Against Person					0.458**	0.427*
Drug Offense					0.556	0.175**
Other Offense					0.049**	0.032**

* p < 0.05 (two-tailed)

** p < 0.01 (two-tailed)

The odd ratios associated with the likelihood of being diverted prior to petition are presented below in Table 4.3. In the analysis, diversion is an outcome that occurs due to court decisions after the initial detention of a juvenile and before the filing of a petition for adjudication. A case is recorded as being diverted if it was dismissed, resulted in probation as the result of a consent adjustment without petition, or was dealt with in some other manner than petition for adjudication. The results across Models 1 through 6 that are attributable to race/ethnicity show few differences for cases involving minority juveniles relative to cases involving White juveniles. These differences are even less pronounced when comparing outcomes for cases involving American Indian juveniles and cases involving White juveniles.

The results in Model 6 show that cases involving juveniles with a history of mental health issues (OR=0.572) are significantly less likely than cases involving juveniles with no history of mental health issues to be diverted prior to adjudication. Diversion is also notably less likely for males (OR=0.636) and cases involving juveniles with a history of drug use (OR=0.693). The most consistent findings in the likelihood for diversion prior to adjudication pertain to issues associated

with the current offense. Relative to cases involving misdemeanor offenses, cases involving felony offenses (OR=0.133) and those involving other non-misdemeanor offenses (OR=0.366) are less likely to be diverted. Cases involving offenses against persons (OR=2.882), drug offenses (OR=5.738), and other offenses (OR=32.291) are more likely to result in diversion when compared with cases involving property offenses. Although the current offenses may be listed as a status offense, juveniles in the “other offenses” categories were detained as the result of failure to abide by court conditions including technical violations of the terms outlined in probation agreements.

TABLE 4.3 ODDS RATIOS FOR DIVERSION PRIOR TO PETITION (N=980)

Variables	Model 1	Model 2	Model 3	Model 4	Model 5	Model 6
Race/Ethnicity						
American Indian	1.014	0.998	0.988	1.053	1.220	0.967
African American	2.096	2.031	1.968	3.027*	2.131	2.120
Hispanic/Latino	1.471	1.458	1.075	0.704	1.384	0.661
Demographics						
Age at Time of Offense		0.955				0.980
Sex		0.569**				0.636
Individual Factors						
School Dropout			0.690*			0.901
Mental Health			0.717*			0.572*
Drug Use			0.776			0.693
Family Factors						
Non-Intact Family				1.442		1.450
Number of Children				0.912		0.875
Family Income				0.839		0.868
Prior Offenses						
Number of Previous Offenses					0.989	1.003
Current Offense Type						
Felony Offense					0.250**	0.133**
Other Offense					0.381**	0.366*
Current Offense Seriousness						
Offense Against Person					2.439**	2.882**
Drug Offense					1.730	5.738**
Other Offense					17.460**	32.291**

* p < 0.05 (two-tailed)

** p < 0.01 (two-tailed)

In Table 4.4 below, the odds ratios examining the likelihood that a case referred to the county attorney will result in a petition for an adjudication hearing are presented. In the race/ethnicity only equation in Model 1 the reported likelihood for petition in cases involving American Indian (OR=0.827) and African American (OR=0.465) juveniles are less likely than those involving White juveniles. The rate for cases involving Hispanic/Latino juveniles (OR=2.090) is more than twice that of Whites. These findings are similar in Model 2 after differences associated with sex, and age at first offense is accounted for. A word of caution is needed as in the three of the next four models estimates for Hispanic/Latino is missing from the model. This is due to the lack of any real variation as 18 of the 19 juveniles in this category who were referred to the county attorney were also petitioned forward to adjudication (See Table 3.2).

The most notable finding across Models 3-5 is the reduced likelihood of moving forward to adjudication for cases involving juveniles from non-intact families. These cases are 73% less likely than those where the families are intact (biological father and mother) to move forward. In addition, the findings show a doubling of the likelihood for moving forward in cases involving juveniles with a history of mental health (OR=2.12) and where the current offense is a felony (OR=2.37). Consistent with the findings for referral, cases involving property offenses are most likely to result in petition for adjudication.

TABLE 4.4 ODDS RATIOS FOR PETITION TO ADJUDICATION (N=503)

Variables	Model 1	Model 2	Model 3	Model 4	Model 5	Model 6
Race/Ethnicity						
American Indian	0.827	0.789	1.192	0.844	0.859	2.306
African American	0.465	0.453	0.49	0.456	0.517	0.568
Hispanic/Latino	2.090	2.054	***	***	1.545	***
Demographics						
Age at Time of Offense		1.044				0.857
Sex		1.214				0.947
Individual Factors						
School Dropout			1.471			1.314
Mental Health			2.120			1.802
Drug Use			1.030			0.953
Family Factors						
Non-Intact Family				0.270*		0.171
Number of Children				1.118		1.485
Family Income				0.920		0.875
Prior Offenses						
Number of Previous Offenses					0.967*	0.960
Current Offense Type						
Felony Offense					2.372	7.300
Other Offense					0.553	1.696
Current Offense Seriousness						
Offense Against Person					0.353**	0.251*
Drug Offense					0.757	0.402
Other Offense					0.363	0.149*

* p < 0.05 (two-tailed)

** p < 0.01 (two-tailed)

*** Estimate Missing from the Model

Cases involving American Indian juveniles are more than twice as likely (OR=2.306) to be petitioned for adjudication than cases for White juveniles. The data previously presented in Table 3.1 shows nearly equal percentages of felony offenses for the juveniles in these groups. In addition, the data show White juveniles to be slightly more likely to have a petition filed. As a result, the increased likelihood for American Indian juveniles reported in Model 6 cannot be explained by differential involvement in felony offenses and the more than 600% increase (OR=7.300) in the likelihood that felony cases will move forward to adjudication. Petition is more likely for cases involving juveniles in intact families (OR=.17) and more likely when the case involves juveniles with mental health issues (OR=1.802).

The findings associated with the likelihood that a case that has been petitioned for adjudication will result in the juvenile admitting to the offense in the form of a consent decree are reported below in Table 4.5. Consent decrees are used after a petition for adjudication has been filed, but prior to judgment. It is a process where the court allows diversion of the youth through admission of guilt and acceptance of responsibility for the offense in the petition. Of the 448 cases that resulted in a petition for adjudication, 114 were classified as being resolved through a consent decree (25.4%).

TABLE 4.5 ODDS RATIOS FOR CONSENT DECREES (N=439)

Variables	Model 1	Model 2	Model 3	Model 4	Model 5	Model 6
Race/Ethnicity						
American Indian	0.520*	0.507*	0.615	0.190**	0.598	0.170*
African American	4.286*	5.562*	4.647	4.928	3.479	4.799
Hispanic/Latino	1.286	1.261	1.086	0.321	1.094	0.401
Demographics						
Age at Time of Offense		1.084				0.901
Sex		0.383**				0.191**
Individual Factors						
School Dropout			0.573			1.572
Mental Health			0.347**			0.620
Drug Use			0.971			0.828
Family Factors						
Non-Intact Family				0.736		0.999
Number of Children				0.849		0.840
Family Income				1.200		0.787
Prior Offenses						
Number of Previous Offenses					0.815**	.809**
Current Offense Type						
Felony Offense					0.830	1.469
Other Offense					0.000	0.000
Current Offense Seriousness						
Offense Against Person					1.440	2.037
Drug Offense					1.052	0.568
Other Offense					1.714	2.017

* p < 0.05 (two-tailed)

** p < 0.01 (two-tailed)

There are differences in the likelihood that a case will be resolved through consent decree when comparing outcomes by race/ethnicity. The results in Model 1 that address only the race/ethnicity of the juvenile show that relative to cases involving White juveniles, cases involving American Indian juveniles are almost 50 percent less likely (OR=0.520) to be resolved through a consent decree. The magnitude of these disparities is most pronounced in Models 4 (OR=0.190) and 6 (OR=0.170) that show the difference in likelihood to be over 80%. In contrast, outcomes for cases involving African American juveniles are far more likely to be resolved by way of a consent decree than cases involving White juveniles. The evidence pertaining to the likelihood for cases involving Hispanic juveniles compared to cases involving White juveniles is mixed.

Aside from the race/ethnicity differences, there are notable differences based on gender. Cases involving males (OR=0.383 in Model 2; OR=0.191 in Model 6) are significantly less likely than cases involving females to be resolved through a consent decree. In Model 6, consent decree outcomes are more likely when the cases involve a juvenile who is a school dropout (OR=1.572), when the case involves a felony offense (OR=1.469) instead of misdemeanor offenses, and in cases that involve an offense against person (OR=2.037) and other offenses (OR=2.017) relative to those involving property offenses. Consent decree outcomes are notably less likely when the cases involve juveniles with a history of mental health issues (OR=0.620), and when the current offense is a drug offense (OR=0.568) compared to cases where the current offense is a property offense.

The odds ratios associated with the likelihood for delinquency findings are presented in Table 4.6 below. One apparent difference in the findings pertaining to race/ethnicity relative to the two previous points (referral and petition) is the increased likelihood (OR=1.720) of delinquency findings for cases involving American Indian juveniles when compared to similar cases involving White juveniles. This difference is most pronounced in Model 4 which also includes family factors. In this equation, when family factors are accounted for, American Indian juvenile are more than twice as likely (OR=2.621) than White juveniles to have cases that result in delinquency findings at adjudication.

The findings across Models 2-5 show the likelihood for delinquency findings vary based on age, gender, individual, family, and offense issues. Specifically, cases involving males (OR=2.007) and those involving juveniles with a previous mental health diagnosis (OR=2.201) are more than twice as likely as those involving females and persons with no history of mental health issues to result in delinquency findings. Delinquency findings in cases involving high school dropouts (OR=1.782) and those involving juveniles who live in non-intact families (OR=2.201) are notably more likely. Interestingly in Model 4, the direction of the odds ratio for family income has changed relative to the same comparisons in the referral and petition analysis. The results show that cases involving juveniles who live in families with higher incomes are 22.5% (OR=0.775) less likely to result in delinquency findings.

Although cases where the current offense is a felony are 38.6% (OR=1.386) more likely to result in delinquency findings than non-felony cases, this is a reduction when compared to the same findings in the referral and petition stages. The increase in the likelihood for current offense “other” is a function of the cases involving technical violations in this category. As in the previous decision points, cases involving property offenses are more likely to result in delinquency findings than those involving persons (OR=0.508), drugs (OR=0.593), or other offenses (OR=0.564).

The results in the final equation show cases involving American Indian juveniles to be more than twice as likely (OR=2.100) to result in delinquency findings. This is similar to the difference for Hispanic juveniles (OR=2.171) but different from the effect found for African American (OR=0.235) which is more than 75% lower than the similar level for cases involving White juveniles. Cases involving males (OR=2.911) and those where the current offense type is something other than a felony or misdemeanor continue to be more likely (OR=2.249) to result in delinquency findings at adjudication. Delinquency findings are also more likely in cases where the juvenile has a history of mental health issues (OR=1.603) and for those involving juveniles who are living in a non-intact family (OR=1.548).

TABLE 4.6 ODDS RATIOS FOR DELINQUENCY FINDINGS (N=439)

Variables	Model 1	Model 2	Model 3	Model 4	Model 5	Model 6
Race/Ethnicity						
American Indian	1.720*	1.919**	1.379	2.621**	1.511	2.100
African American	0.390	0.320	0.317	0.326	0.517	0.235
Hispanic/Latino	0.813	0.833	0.758	2.457	0.904	2.171
Demographics						
Age at Time of Offense		0.910				0.994
Sex		2.007**				2.911**
Individual Factors						
School Dropout			1.782			0.938
Mental Health			2.201			1.603
Drug Use			0.993			0.985
Family Factors						
Non-Intact Family				1.805		1.548
Number of Children				1.210		1.229
Family Income				0.775		0.906
Prior Offenses						
Number of Previous Offenses					1.121**	1.089**
Current Offense Type						
Felony Offense					1.386	0.948
Other Offense					3.254	2.249
Current Offense Seriousness						
Offense Against Person					0.508**	0.565
Drug Offense					0.593	0.652
Other Offense					0.564	0.629

* p < 0.05 (two-tailed)

** p < 0.01 (two-tailed)

The final decision point in the case processing analysis (Table 4.7) involves dispositions that result in confinement in secure placement as the result of delinquency findings at adjudication. There are no notable differences in the findings in Models 1 and 2 regarding race/ethnicity, age at time of offense, and sex. The odds ratio for sex (0.966) is interesting as in the previous decision points the magnitude of the difference was higher and more likely for males. Estimates are missing for African American in Models 4 and 6. This is in part due to the small number of instances (2 out of 3) when cases involving delinquency findings also resulted in confinement in secure placement for African American juveniles.

In Model 3, confinement in secure placement independent of race/ethnicity is more likely for cases involving juveniles who are school dropouts (OR=1.574), have a previous history of mental health issues (OR=1.283), or a previous history of drug use (OR=1.298). The findings in Models 4 and 5 show consistent support for family factors; this is the only equation where all of the odds ratios show increases in the likelihood for confinement in secure placement. Secure placement is most likely in cases that involve juveniles who reside in non-intact families (OR=2.897). Cases involving these youth are almost 200% more likely to result in confinement than those involving juveniles living in intact (both biological mother and father) families.

TABLE 4.7 ODDS RATIOS FOR CONFINEMENT IN SECURE PLACEMENT (N=277)

Variables	Model 1	Model 2	Model 3	Model 4	Model 5	Model 6
Race/Ethnicity						
American Indian	0.980	0.950	1.243	1.278	0.899	1.535
African American	0.980	0.974	2.915	***	1.147	***
Hispanic/Latino	1.176	1.135	2.405	0.908	0.915	1.017
Demographics						
Age at Time of Offense		1.013				1.158
Sex		0.966				0.941
Individual Factors						
School Dropout			1.574			0.773
Mental Health			1.283			1.480
Drug Use			1.298			0.589
Family Factors						
Non-Intact Family				2.897		5.895*
Number of Children				0.925		0.842
Family Income				0.846		0.732
Prior Offenses						
Number of Previous Offenses					1.023	1.036
Current Offense Type						
Felony Offense					1.446	0.971
Other Offense					0.307	0.395
Current Offense Seriousness						
Offense Against Person					0.521*	0.453
Drug Offense					1.455	2.470
Other Offense					2.331	2.109

* p < 0.05 (two-tailed)

** p < 0.01 (two-tailed)

*** Estimate Missing from the Model

The influence of living in a non-intact family is most pronounced in the full equation presented in Model 6. Here the likelihood of confinement in secure placement is almost six times (OR=5.895) greater when compared to cases where the juvenile lives with both the biological father and mother. Cases involving American Indian juveniles are more than 50% (OR=1.535) more likely to result in confinement compared to cases involving White juveniles. Rates are similar to White juveniles for cases involving Hispanic/Latino juveniles (OR=1.107). Cases involving juveniles with a history of mental health issues (OR=1.480), those where there is a history of drug use (OR=2.470) and “other” (OR=2.109) non-felony or misdemeanor offense are also more likely to result in secure placement.

SECTION FIVE: THE QUALITATIVE FINDINGS

The primary objective of the qualitative investigation was to investigate possible explanations for the patterns that emerged in the quantitative findings reported above and to develop contextual understanding of the mechanisms that contribute to minority overrepresentation in the JJS. The data presented below was drawn from transcripts taken from focus groups and face-to-face interviews with the probation officers, attorneys, and judges who are involved with the decisions that are made across the various decisions points as juvenile cases are processed through the JJS.

During the initial research team visits in November 2011, stakeholder focus groups were held in each of the four counties. In these meetings, JDAI coordinators were asked to populate a list of between 8-10 key stakeholders representing the range of decision making points from arrest to secure detention. The purpose of these initial discussions was to discuss possible explanations for DMC in an effort to identify the most salient factors that contribute to disparities in outcomes for minority and non-minority juveniles. Also discussed were issues associated with the things that had been going on in the counties since the State of Montana began collecting RRI data in 2003 and stakeholder suggestions or ideas for things that should be done in the future.

In the follow-up visit in January 2012, interviews were conducted with stakeholders in each of the counties. These interviews were targeted toward persons who had been identified as key stakeholders by the JDAI coordinators, but were unable to attend the initial group discussions. Particular emphasis was also placed on completing interviews with persons who were referred by stakeholders in the focus groups as key contacts. Specific attention was given in the selection of participants to include a balanced number of perspectives from law enforcement, probation and parole, attorneys, judges, and youth detention.

THE JJS STAKEHOLDER SAMPLE

Descriptive information representing the minimum score, maximum score, average score (M), standard deviation (S), frequency (F), and percentage (%) for the 54 participants in the focus groups and interviews are presented below in Table 5.1. As shown, there were more female (53.7%) than male participants. The average age of the participants at the time the data were collected was 47.2. The vast majority (90.7%) of the respondents are White. Most (79.6%) have a four-year degree or higher, the most common of which were Bachelor's Degrees, Juris Doctorates, and Master's Degrees. With the exception of detention, there are at least seven participants from each of the professional occupations across the decision points examined above. These professionals have spent an average of 27 years living in the county in which they are currently working and on average 9.8 years working in their current position. Most (76.9%) had held other positions where working with youth was a part of their job duties. These statistics confirm that the data presented below was drawn from a highly educated, experienced and knowledgeable population of practitioners who live in the counties and have worked with the youth within them long enough to be classified as experts on the topics that were discussed and are presented here.

TABLE 5.1 DMC PARTICIPANT DESCRIPTIVES (N=54)

	Min	Max	M	SD	F	%
Sex						
Male					25	46.3
Female					29	53.7
Age	25	73	47.2	10.8		
Race						
White					49	90.7
American Indian					3	5.6
African American					1	1.9
Hispanic/Latino					1	1.9
Education						
High School					4	7.4
Some College					3	5.6
2 Year Degree					4	7.4
4 Year Degree					16	29.6
Some Graduate Education					1	1.9
Master's Degree					11	20.4
Juris Doctorate					15	27.8
Length of Time in Current County	1	71	27.0	16.8		
Occupation						
Community Member					7	13.0
Police Officer					10	18.5
Probation Officer					17	31.5
Attorney					8	14.8
Judge					7	13.0
Detention Employee					3	5.6
JDAI Coordinator					2	3.7
Length of Time in Current Occupation	0.5	30	9.8	7.9		
Previous Occupations Working with Youth						
Yes					40	76.9
No					12	23.1

THEMES OF THE FACTORS THAT CONTRIBUTE TO DISPARITIES IN JJS

The audio file recordings of the focus groups and interviews were transcribed and uploaded into NVivo 9 which is a qualitative analysis software program. The audio files resulted in hundreds of pages of text transcripts and the use of the NVivo software aided in the organization of the qualitative data into themes that could be analyzed. The themes that are presented below were based on issues that emerged in the initial focus groups with stakeholders and the patterns from the quantitative findings presented above. The information that follows is intended to provide a better understanding of the contextual issues surrounding DMC. In a report such as this, it is simply not feasible to present a full analysis of all of the themes and issues that appear in the transcripts data.

From the onset of the qualitative investigation, it was clear that DMC is a widely debated issue. There is a lot of variation in the degree to which participants were willing to recognize DMC and some were quick to voice their position that it simply was not the case in the counties where they work. Views about DMC are closely linked with perceptions of why juveniles are in the JJS. Some expressed the position that individuals, regardless of race or ethnicity, who are in the system are there because they have “earned that privilege.” Others suggest issues such as poverty, family disruption, trauma, lack of social and health services and other social factors that may affect minorities more acutely contributing to overrepresentation in the JJS.

It was clear in the early stages of the analysis of the qualitative data that practitioners view DMC as a multidimensional issue that involves cultural, social, and economic dimensions. It was commonly stated that these issues were the most proximate source of influence on minority overrepresentation in the JJS. Race and ethnicity were not discussed as being among the primary determinates in the decisions of which juveniles would be dealt with formally. Discussion of the overlapping of these issues and differences in the degree they impact minority juveniles were common. As a result, it was a challenge to separate the passages that follow into discrete categories without losing the context in which the view was expressed.

Cultural issues were common in the data. Many of the participants spoke about the need for a better cultural understanding of issues facing juveniles and more training on how to better address these in the JJS. Most of these also spoke about the difficulty to effectively address cultural issues due to structural and procedural constraints. There were calls for more cultural sensitivity training opportunities and training for practitioners and the need to increase the number of minority professionals working in the JJS.

Discussions of cultural issues are very difficult to disentangle from other issues in the themes below that also emerged in the data. Culture explanations, while largely framed in the context of race/ethnicity were discussed in the same breath with issues such as generational poverty, family disruption, academic failure and trauma which in turn were connected with other issues like substance abuse and mental health issues. As a result, unlike other themes addressed below, there are no direct culture-themed quotes included in the analysis. Although there were many passages that identify cultural issues, extracting these from the overlapping context in which they appear, resulted in a loss of the meaning and context in which they appear.

Issues pertaining to poverty were also commonly given as a means to understand DMC. Similar to cultural issues, it was very difficult to separate these from many of the other themes in the analysis. As shown in the quantitative findings above, the influence of family income was far less consequential than family structure in the logistic regression models. However, it is clear that in terms of assessing disproportionality financial disparities were among the critical issues leading to DMC among juveniles in non-intact homes. As one probation officer stated:

[Juveniles whose] parents are functioning professionals or have jobs, and show up and whatnot. We generally don't detain them, at all. We generally don't charge them. I don't have anything to do with charging but my sense is that there is a lot of... these people are concerned enough about the problem and are going to take their money and resources and get their kid on track. There really isn't any need to detain them and charge them with drug offenses. Because they have the money, resources and planning abilities to get it done.

Poverty discussions often centered on issues pertaining to minority juveniles. There was consistent evidence in the data supporting the increased likelihood of poverty and economic strain facing minority juveniles and their families. As one respondent commented “Like I said I guess it’s not really a minority, but it is a minority issues because it seems to me that we see more minority poverty families than we do white families.” DMC is seen as an indirect outcome of poverty as this type of strain diminishes opportunities and negatively impacts worldviews with regard to prospects for the future. This is seen in the following passage:

With the lack of income from the very get go, there’s... they know there are fewer prospects for them out there. They know that there are harder times, and then they fall into peer pressure and all their other friends and families are in the same boat and they know there is really nothing out there, or so they think. So they just go with what they know. Like I said, that is why there are three generations of the same families in the housing complex. And it really doesn’t have anything to do with race.

Discussions of culture and poverty were closely connected with family issues. Family issues are connected with DMC in a variety of ways. Perhaps the most consequential of these result from the number of youth who are detained and the amount of time that they remain in detention due to the absence or the ability of parents or a primary caregiver to intervene as exemplified in the passage below:

Kids are staying a month, two months, even longer for pretty minimal charges just because no one will take them; they don’t have parents. There’s nowhere to go with them. So, in those cases those kids get detained a lot longer than they should.

There were a number of issues that were provided to understand why parents may not get involved. As one respondent said, “A lot of those factors as far as the parents leaving the kids there for [certain] reasons: no way to get them, have other kids at the house, can’t leave them alone, can’t go up there, [parents] think if they go up there to get that child they are going to jail too.”

The influence of living in a non-intact family emerged as one of the most important and consistent findings in the quantitative analysis. This was a commonly mentioned conditioning mechanism that influences DMC in the qualitative study as well. As one respondent said “I could be wrong, but from dealing with the kids that I deal with, that’s how I see it is broken families equals troubled youth equals arrests and contacts.” This connection was seen as something that was prevalent among juveniles who were in trouble in the JJS. It is an issue that crosses race/ethnicity and often results due to minimal alternatives to delinquency that are largely attributable to financial and resource constraints in these homes as mentioned in the following passage:

If we deal with a kid, regardless of race, and they are raised by a single parent family, low-income, things like that, they really don’t... their future looks grim. They really don’t see anything. So they go out and they get in trouble.

One distinct cultural aspect that emerged in the data was the need to understand the breadth and scope of family ties among Native American juveniles. Many respondents spoke about working with juveniles whose living situations involved staying with “aunties” who were people that were considered as part of the juvenile’s family but may not be biologically related to them. The role of extended families yields a wide network of contacts upon which the juveniles can turn in times of

crises, but as outlined in the quote below also creates an environment with stressors and strains that many non-Native Americans do not face and may not fully understand:

Native American kids in particular—think about the repeated trauma they experience, especially with their culture, their extended families—they really do see themselves as this huge family and they have so many deaths related to drugs and car accidents and stabbings and just today, reading the [paper] there are all these pictures of people who are clearly Native Americans and the kids experience so much loss and they aren't even recovered from one before they experience another. It compounds, and so those kids have a really huge number of barriers to overcome. Poverty leads to some of that trauma. They really have significant barriers to overcome, so to identify one or two, there are just multiple ones they have to overcome.

Another theme that was closely related to poverty and family issues in the data pertains to the increased likelihood of alcohol and drugs abuse among juveniles living in these conditions. Many practitioners took the position that DMC issues were due in large measure to disproportionate substance abuse issues among minority juveniles. The passage below, taken from one of the early focus group discussions highlights this view:

What I perceive to be the relative rates of profound drug and alcohol abuse and profound socioeconomic or impoverished status associated with some of the non-Caucasian families is certainly a factor.

Alcohol and substance abuse issues were commonly presented, like poverty and family disruption, as a generational issue where juveniles in the JJS live in families where adults were also struggling with the same sort of problems. In these instances juveniles and adults were often brought in to the system together as a result of behaviors associated with substance and alcohol abuse. The frequency of these occurrences is outlined in the quote taken from a law enforcement officer who stated:

Alcohol is also a big factor. They don't have a lot of money, and when they don't have a lot of money, they'll do... I mean I don't know how many beer runs we have had together. We probably had 50 beer runs involving [youth], and sometimes it involves adults, adult relatives, parents. And they all participate in this. The last one we had, the kids went in and they distracted them while the adults went and stole the beer. So that's why we had contact with those juveniles. It was the adults who stole the beer while they were trying to make a phone call. This kind of stuff goes on very frequently. The probation officers see it every week.

Alcohol and substance abuse problems were also discussed in the context of coping mechanisms that juveniles use to deal with hopelessness and despair. In some cases, practitioners report seeing law violations emerging from juvenile perception that adults are unwilling to help or do not care about them. This is seen in the following quote taken from a conversation in which the respondent highlighted juvenile's involvement in trouble and drugs as a plea to be noticed by others:

That poor girl was bawling, and you could see in her eyes that she knew that nobody cared. So when they go out and get in trouble and do drugs and this and that, they are just doing it for attention... they just want someone to care.

School issues also emerged as part of the explanation for DMC in the qualitative investigation. In these instances, respondents talked about how juveniles who attended and were involved with school activities were less likely to come in to contact with the JJS simply because they did not have unsupervised free time to find “trouble” to get involved in. Keeping juveniles in school and working with them to avoid dropping out was expressed as a key preventative measure for delinquency. Although the evidence in the quantitative models is mixed, the sentiment presented below is representative of the responses that commonly emerged in discussions of the key factors that influence DMC:

I guess big things are keeping kids in school. This population, a lot of them end up dropping out. If we can help them, if we can continue them in school, that’s a big thing. Continuing to push that envelope with keeping them there. I guess those are kind of the major things.

In many of the conversations, the role of school was closely connected with the alcohol and substance abuse concerns outlined above. Many practitioners described an increase in juvenile contacts with the JJS after school and in the summer months when there are no classes as addressed in the passage below:

Before this facility opened there had been several attempts at a youth center type thing. It’s been obvious to everyone, it’s those after school hours that kids get in trouble, they need a place to be because kids are always saying well there’s nothing else to do [and] that’s why they go out and drink.

Mental health issues were also reported as a mechanism that influences DMC. This theme too overlaps with others in the analysis. The general sentiment is that many juveniles are brought in to the JJS as the result of the lack of access to affordable mental health services outside of the system. As a result, DMC may be more attributable to disparities associated with the increased likelihood of minority youths to reside in families and areas within communities that are economically disadvantaged. As a result, barriers associated with the economic costs associated with mental health services may appear as disparities in admissions to detention where many poor and largely minority juveniles end up. They may spend significant amounts of time in detention either due to no other options for services or waiting for the limited spaces for treatment outside of detention to open up as discussed in the quote below:

Right now, one of the challenges that I am facing is a lack of mental health treatment for kids. That is probably one of the largest challenges that I have to deal with. I have a youth here, in fact, right now that I am trying to find a placement for that is severely fetal alcohol syndrome. And since there is nobody that really specializes in that in the state that can provide any type of treatment or care for those individuals, I’m faced with either keeping them in detention and going through a detention hearing tomorrow morning, and then basically the judge threatening to have them placed somewhere, or they end up staying here for extended periods of time.

Another primary theme that emerged in the form of concerns with issues pertaining to the data used to generate the RRI scores that are used to measure DMC. There were a number of these, one of which was directed at problems that emerge from the self-selection or assignment of race/ethnicity for juveniles at the initial point of contact at arrest. This view is outlined in the quote below:

If they are just taking the kid's word for the fact that he says he is Native American, and you go back to the tribe the tribe says "he is not an enrolled member" but he still identifies with that tribe... It's a [juvenile] that is identifying itself as a minority, and maybe the data is being skewed because of the self-reporting, and it is not verifiable.

Mobility issues were commonly expressed as concerns that may influence race/ethnicity trends in the data, in particular those involving Native American juveniles. The degree of movement back and forth from reservations and the hub-towns adjacent to them were discussed as potential sources of bias that may skew the initial point of contact DMC results in the RRI scores. This view is expressed in the passage below:

A lot of our native kids don't live with parents, but they live with extended family, so they might come down to [the city] and stay for 12 or 13 days, and then they go back up to the reservation for eight or nine days, and then they come back down. So what we find is it is hard for them to really grow roots anywhere. They hop around a lot. I think the reason for that is because a lot of the services they need—medical, dental, anything like that—they will go back up to the reservation for, and then they will come back down here when they are not needing those services any longer. It is a lot of back and forth. They do a lot of traveling.

Closely associated with the concern over mobility bias in the data were concerns over the census estimates of minority juveniles residing in the counties. There were concerns expressed that census data do not accurately represent the actual number of minority juveniles living there. In one instance, estimates based on school enrollment data from the Montana Office of Public Instruction were used and the result was a marked shift in the RRI score. This is an important issue. However, as the following passage highlights, there are also concerns over under-counting in the school enrollment estimates:

That's one of the things I've always struggled with the census data is not capturing those kids. It's not. A town that's three hundred miles from a reservation doesn't even ever have that issue. I don't know the solution because I'm not sure that they'd be enrolled in school... but it's certainly something that needs to be addressed or looked at as part of the data. Most of the people that I have contact with, aren't on any census report anywhere.

There were a number of issues connected with the themes above that either were not measured in the quantitative analysis or occurred less consistently in the qualitative data. These include discussions of gender differences which largely emerged in conversations pertaining to status offenses such as runaways and shoplifting. Lack of cooperation between various dimensions of the JJS (e.g. police, probation, courts) and in particular between the JJS and tribal courts were also present in the data. This information was embedded within many of the much larger cultural issues discussed at the beginning of the presentation of qualitative themes. In many instances, lack of cooperation also emerged with concerns over the perceived erosion and lack of existing resources for alternatives to formal involvement in the JJS system.

SECTION SIX: JUVENILE JUSTICE SYSTEM STAKEHOLDER SURVEY

The data presented in the previous chapter were drawn from focus groups and interviews with stakeholders in Cascade, Hill, Missoula, and Yellowstone counties. These are the four Montana counties that have been involved as pilot sites for the Juvenile Detention Alternatives Initiative (JDAI). JDAI is a national program sponsored by the Annie E. Casey Foundation whose mandate is to reduce the secure confinement of juveniles and work with states and stakeholders to provide alternatives to detention.

In the winter of 2012, discussions began about expanding upon the findings from the focus groups. During the summer of 2012, a JJS stakeholder survey that addressed perceptions of disparities, the potential impact of practitioners to address DMC, agency level commitments to reducing DMC, and barriers preventing successful DMC interventions was designed. The survey was distributed in the fall of 2012 and provided an opportunity to gather information from stakeholders within the four JDAI counties who did not participate in the initial focus groups and interviews discussed above. In addition, it provided an opportunity to engage stakeholders from the other 52 Montana counties.

SURVEY METHODOLOGY

The main sections of the survey address issues pertaining to documenting, explaining, and reducing DMC. In addition, there were sections that asked questions about JDAI and the detention risk assessment instrument that is being used in the JDAI pilot counties. The section asking questions about JDAI provided respondents with a specific set of questions based on their involvement with JDAI. The first of these were questions presented to respondents who were currently working in JDAI counties. The second set was presented to respondents who indicated that they were familiar with JDAI, but were not working in a JDAI county. The third set of questions was presented to respondents who did not work in a JDAI county and had no previous knowledge about the initiative.

Similarly, the section of the survey asking questions about the risk assessment instrument provided different questions based on familiarity of respondents with the instrument. The first set of questions was provided to respondents who indicated that they regularly used the risk assessment instrument as part of their normal work duties. A second set of questions was provided to respondents who indicated that they worked in a county where the risk assessment instrument was in use, but did not use it as part of their job duties. Respondents who had prior knowledge of the risk assessment instrument, but did not work in a county that used it, and those who had no prior knowledge of the risk assessment instrument and did not work in a county where it was used were each provided with specific sets of questions.

The survey was distributed via an internet link through *SelectSurvey*. Contacting respondents required that the researchers obtain a valid email address where the survey could be sent. Contact emails for the participants were provided to the research team by members of the Montana Board of Crime Control. Respondents received an advanced notification from Brooke Marshall, Executive Director at the Montana Board of Crime Control. This message outlined the purpose and importance of the survey and a notice that a follow-up message containing a link to access the survey would be coming in the next few days.

The initial notification email was sent out on the 17th of September. This was followed by a first contact message from the research team that included brief instructions and a link to the survey.

Following the first contact email from the research team, a total of three follow-up reminders were sent. These follow-up messages thanked respondents who had completed the survey and reminded those who had not started the importance of their responses. Additionally, the follow-ups reminded respondents who had started but not finished to complete the survey at their earliest convenience. Access to the survey was closed on the evening of October 26th.

TABLE 6.1 DMC STAKEHOLDER OCCUPATIONS AND CONTACT WITH JUVENILES

	Min	Max	M	SD	F	%
Occupation						
Defense Attorney					11	4.6
Detention Administrator					6	2.5
Detention Officer					1	0.4
Judge					49	20.7
Parole Administrator					1	0.4
Parole Officer					12	5.1
Police Administrator					30	12.7
Police Officer					3	1.3
Probation Administrator					14	5.9
Probation Officer					65	27.4
Prosecuting Attorney					38	16.0
Other					7	3.0
Time in Current Position	0	38	10.1	7.9		
Time Working with Juveniles	0	45	16.8	10.0		
Contact with Juveniles						
Daily					108	46.6
Weekly					65	28.0
Bi-monthly					12	5.2
Monthly					24	10.3
A couple of times a year					16	6.9
Annually					2	0.9
Never					5	2.2
Contact with At-risk Juveniles						
Daily					82	35.0
Weekly					74	31.6
Bi-monthly					13	5.6
Monthly					27	11.5
A couple of times a year					23	9.8
Annually					1	0.4
Never					14	6.0

The list used to identify potential respondents for the survey was based on a series of smaller lists that included email contact information for JJS practitioners across the State. The types of positions that were included within these lists are shown in the beginning of Table 6.1 above. Probation officers, judges, attorneys, and police administrators comprised the largest number of respondents providing data on the survey. Those listed in the “other” category are respondents whose work involves juveniles in the JJS but are in some other position than those listed.

Information was gathered from groups representing the various points of contact and persons involved in working with juveniles as they are processed through the JJS. In some cases, these lists included all persons within the counties who worked within the various positions. For instance, the list of probation officers included email addresses for all probation supervisors and the probation officers that worked for them. In other cases the lists contained only the names of supervisors. In these instances, instructions within the emails asked that administrators forward the message on to employees under their supervision whose job responsibilities involved work with juveniles. An example of this is the list of law enforcement personnel, which contained only email addresses for county sheriffs and municipal police chiefs.

As a group, the respondents had spent an average of 10.1 years working in their current position and approximately 17 years working with juveniles. Nearly three-fourths of the respondents had at least weekly contact with the juveniles as a part of their work related duties. Two-thirds reported that their work also included at least weekly contact with juveniles who were at risk of becoming involved in the JJS. A small percentage of the respondents had limited contact (a couple of times per year or less) with juveniles and juveniles who were at risk of becoming involved in the JJS.

TABLE 6.2 JJS STAKEHOLDER SURVEY PARTICIPANT DESCRIPTIVES

	Min	Max	M	SD	F	%
Sex						
Male					67	51.9
Female					52	40.3
Chose Not to Answer					10	7.8
Age	27	90	48.8	11.2		
Race						
White					116	90.6
American Indian					5	0.8
African American					1	1.6
Hispanic/Latino					2	3.9
Other					4	3.1
Education						
High School					3	2.3
Some College					14	10.9
2 Year Degree					3	2.3
4 Year Degree					43	33.3
Some Graduate Education					9	7.0
Master's Degree					18	14.0
Juris Doctorate					36	27.9
Other Professional Degree					1	0.8
Doctoral Degree					2	1.6

Following the recommendation of Dillman, Smyth, and Christian (2009) the questions asking respondents to report the demographic information presented above in Table 6.2 were located at the end of the survey instrument. Whereas the data in Table 6.1 are based on the 237 respondents who answered the first series of questions in the survey, the demographic data is only based on the 129 respondents who completed the full survey. The data based on those who finished the survey

show that respondents were slightly more likely to be male than female, the vast majority were White, and most had completed at least a four-year degree.

Calculations of response rates to the survey are very problematic to determine. The initial lists contained in excess of 500 names and emails. In some cases, these addresses were inactive or no longer valid; in others, the research team was contacted by the respondent and learned that they did not work with juveniles as a part of their normal work responsibilities. An examination of the findings based only on the 129 respondents who submitted fully completed surveys was done and compared with the full sample of 237 respondents. There were few differences in terms of the average scores. In the tables that follow, averages are based on the number of valid responses for each question, which vary across each of the questions in the survey. As a result, comparisons made based on the actual numbers for specific answers to individual questions may be misleading.

FINDINGS

PERCEPTIONS OF DISPARITIES AND SENSE OF URGENCY TO ADDRESS DMC

The first set of questions asked survey respondents to provide information about racial and ethnic disparities and the sense of urgency in their communities to address DMC issues. Respondents were asked to provide information on the initial point of contact at arrest, advancement through formal court proceedings, and placement in secure confinement. Specifically, respondents were asked to provide information for African American, Hispanic, and Native American juveniles, the three racial/ethnic groups that meet the one-percent criterion establish for reporting guidelines by OJJDP.

TABLE 6.3 PERCEPTIONS OF DISPARITY IN JJS AND SENSE OF URGENCY

	Disparities				Sense of Urgency			
	Min	Max	M	SD	Min	Max	M	SD
Arrest								
African American	1	5	2.2	1.1	1	5	2.6	1.1
Hispanic	1	5	2.2	1.0	1	5	2.7	1.1
Native American	1	5	2.4	1.2	1	5	2.6	1.1
Advancement Through Formal Court Proceedings								
African American	1	5	2.0	1.0	1	5	2.6	1.0
Hispanic	1	5	2.0	0.9	1	5	2.6	1.0
Native American	1	5	2.1	1.1	1	5	2.6	1.0
Placement in Secure Confinement								
African American	1	5	2.1	1.0	1	5	2.5	1.0
Hispanic	1	5	2.1	1.0	1	5	2.5	1.0
Native American	1	5	2.3	1.1	1	5	2.6	1.0

The data in Table 6.3 above are based on two questions. The first question asked respondents to rate whether or not disparities for each racial/ethnic group exist. The response categories ranged from 1=strongly disagree to 5=strongly agree. The findings show average scores to be somewhat higher at arrest than they are for advancement through formal court proceedings and secure placement in Pine Hills or Riverside. At each of the decision points, the average scores are highest

for Native American juveniles. There are no differences in the average ratings for African American and Hispanic juveniles.

The averages (M=2.1-2.4) suggest that respondents were most inclined to disagree that there were disparities in the JJS. It is important to remember that the evidence based on the RRI scores, discussed in section two above, showed disparities across some decision points in only four of the fifty-six counties. Thus, these low average scores are consistent with the RRI evidence that has been gathered across the State since 2003.

The patterns under the sense of urgency heading in Table 6.3 are based on a question that used the same response categories as the disparities question. Respondents were asked to provide ratings based on the extent to which they agree or disagree that there is a sense of urgency among local practitioners about the need to reduce racial/ethnic disparities. Relative to the average disparity ratings, the average sense of urgency scores are higher (M=2.5-2.7). Similar to the patterns for disparities, there are few differences between racial/ethnic groups. The scores are higher for Native American youth in the placement in secure confinement category (M=2.6). However, there are no racial/ethnic differences in the ratings for advancement through formal court proceedings (M=2.6). The average sense of urgency rating is slightly higher for Hispanic juveniles (M=2.7) at arrest, than it is for African American or Native American juveniles (M=2.6).

Upon completion of the questions presented in Table 6.3, respondents were asked two follow-up questions. The first asked them to provide ratings about the degree to which racial and ethnic disparities are a serious problem in the Montana JJS. More than half reported disagreeing or strongly disagreeing that racial and ethnic disparities are a serious problem. About one-third responded in the neutral category. The remaining responses were mostly concentrated in the “agree” category. Less than two percent of respondents reported strongly agreeing that racial and ethnic disparities are a serious problem in Montana’s JJS.

The other question asked for ratings about the need to develop and implement intervention strategies to reduce racial and ethnic disparities. Just more than one-third of respondents reported disagreeing or strongly disagreeing. Over one-third selected the neutral category. Finally, almost one-quarter reported agreeing and a small number of respondents strongly agreed that there is a need for intervention strategies aimed at reducing DMC.

When asked to think about all of the juveniles in their jurisdictions, regardless of race/ethnicity where they worked, most respondents gave neutral ratings about whether there were too many or too few juveniles being arrested, advancing through formal court proceedings, or being committed for placement in Pine Hills or Riverside. There were more respondents who reported “too few” or “much too few” youth across the decision points than those reporting “too many” or “way to many”.

AWARENESS AND POTENTIAL IMPACT OF LOCAL PRACTICIONERS

The scores under the “awareness” heading in Table 6.4 are based on responses to a question that asked respondents to rate the extent to which most practitioners in the jurisdiction where they work are aware of racial and ethnic disparities. The response categories ranged from 1=“very low awareness” to 5=“very high awareness”. The averages suggest only minor differences in the ratings across the ten groups. Defense attorneys and probation officers received the highest average ratings (M=3.3). Police administrators received the lowest average ratings (M=3.1).

TABLE 6.4 DMC AWARENESS AND POTENTIAL IMPACT OF LOCAL PRACTITIONERS

	Awareness				Sense of Urgency			
	Min	Max	M	SD	Min	Max	M	SD
Defense Attorney	1	5	3.3	0.7	1	5	3.4	0.9
Detention Administrator	1	5	3.2	0.7	1	5	3.4	0.9
Detention Officer	1	5	3.2	0.7	1	5	**	**
Judge	1	5	3.2	0.8	1	5	3.9	0.9
Parole Administrator	1	5	3.2	0.7	1	5	3.7	0.8
Parole Officer	1	5	3.2	0.7	1	5	3.7	0.8
Police Administrator	1	5	3.1	0.7	1	5	3.8	0.8
Police Officer	1	5	3.2	0.7	1	5	4.0	0.8
Probation Officer	1	5	3.3	0.7	1	5	3.8	0.8
Prosecuting Attorney	1	5	3.2	0.8	1	5	3.7	0.9

** Data are Missing

More than one-third of respondents rated awareness among probation officers as high or very high; defense attorneys also received many ratings that were high or very high. Police administrators and detention officers received the highest number of neutral scores. The number of low awareness and very low awareness ratings were lowest for detention administrators and highest for prosecuting attorneys and police officers.

Respondents were also asked to rate each of the positions in Table 6.4 in terms of the potential impact those practitioners can have on reducing racial and ethnic disparities. The response categories ranged from 1="very insignificant" to 5="very significant". The average ratings for potential impact are uniformly higher when compared to the average awareness rating scores.

Police officers received the highest average potential impact score (M=4.0). This score indicates that most respondents perceive police officers as having the potential to make a significant impact on reducing racial and ethnic disparities. Judges, police administrators, parole officers, probation officers, and prosecuting attorneys each received average scores above 3.5.

Almost three quarters of respondents rated the potential impact of police officers on reducing racial and ethnic disparities as significant or very significant. Defense attorneys and police administrators are the only other positions where close to two-thirds of the respondents rated them as having significant or very significant potential to reduce DMC. The number of respondents selecting insignificant and very insignificant impact ratings is uniformly low, regardless of the position. This is an interesting finding as most practitioners disagreed that racial and ethnic disparities are a serious problem, yet report that all of the positions in the analysis can have a significant impact on reducing them.

COMMITMENT OF LOCAL AGENCIES TO REDUCING DMC

The findings in Table 6.5 below are based on responses to a question that asked survey respondents to indicate the extent to which local *agencies* in their jurisdictions are committed to reducing racial and ethnic disparities. The response categories ranged from 1="very low

commitment” to 5=“very high commitment”. The only instance where the average score did not meet or exceed three is the score for local politicians (M=2.9). Commitment of legislators (M=3.0) to reduce DMC was also notably lower than the remaining agencies.

TABLE 6.5 COMMITMENT OF LOCAL AGENCIES TO REDUCING DMC

	Min	Max	M	SD
Defense Attorney’s Office	1	5	3.3	0.9
Law Enforcement	1	5	3.3	0.9
Legislators	1	5	3.0	0.8
Local Judges	1	5	3.5	0.9
Local Politicians	1	5	2.9	0.8
Local Schools	1	5	3.3	0.8
Non-Profits	1	5	3.4	0.9
Parole	1	3	3.3	0.7
Probation	1	5	3.5	0.8
Prosecuting Attorney’s Office	1	5	3.3	0.9
Social Services	1	5	3.4	0.8

Local judges and probation were rated as having the highest average level of commitment (M=3.5). These agencies are followed closely by social services and non-profits (M=3.4). The remaining agencies including schools, law enforcement, prosecuting and defense attorneys and parole received somewhat lower ratings (M=3.3). The pattern of responses suggests that there is not a lot of variation in the average level of commitment ratings. This is particularly true when the comparison is constrained to agencies outside of local politicians and legislators.

It is important to note that each respondent was asked to rate all of the agencies in Table 6.5. Probation officers and local judges account for nearly half of all the respondents who submitted survey data. In contrast, there were no local politicians or legislators who were invited to complete the survey. This may account for some of the relative differences between the agencies reported above.

MECHANISMS THAT CONTRIBUTE TO DMC

The findings in Table 6.6 below are based on responses to a question that asked survey respondents to indicate the significance of each item in contributing to racial and ethnic disparities in their jurisdiction. The response categories ranged from 1=“very insignificant” to 5=“very significant”. The list of mechanisms contributing to DMC included three of the most likely factors to be mentioned in the qualitative investigation in section four. Generational poverty, family support and stability, and school and school related problems, along with items pertaining to differential offending rates and differential responses to these by the police, probation officers, and judges that were discussed in section three. Legislation, policies, and legal factors and lack of staff knowledge and training are also included.

The data show family support and stability (M=3.9) as the most significant mechanism contributing to DMC. Generational poverty/disadvantage (M=3.7) and school and school related problems (M=3.6) were also rated as more significant than the remaining mechanisms in Table 6.6.

Differences in offending rates was the only other mechanisms to receive an average rating over three (M=3.1). Legislation, policies, or legal factors and lack of staff knowledge/training were rated somewhat lower (M=2.8). Mechanisms associated with differential treatment of minorities were the lowest rated mechanisms; with differences in treatment by probation (M=2.5), and judges (M=2.6) being rated lower than differences in treatment by the police (M=2.7).

TABLE 6.6 MECHANISMS THAT CONTRIBUTE TO DMC

	Min	Max	M	SD
Differences in Offending Rates	1	5	3.1	0.9
Differences in treatment of minorities by judges	1	5	2.6	0.8
Differences in treatment of minorities by police	1	5	2.7	0.9
Differences in treatment of minorities by probation	1	5	2.5	0.9
Family support and stability	1	5	3.9	1.0
Generational Poverty/Disadvantage	1	5	3.7	0.9
Lack of staff knowledge/training	1	5	2.8	0.9
Legislation, policies, or legal factors	1	5	2.8	0.9
School and school-related problems	1	5	3.6	0.9

The pattern of responses shows that there is a clear grouping of the mechanisms that are most and least likely to be rated as contributing to DMC. Those representing social mechanisms (family, poverty/disadvantage, school issues) were rated very similarly and higher than the other mechanisms in the analysis. The group representing differential treatment of minorities by the police, probation, and judges received the lowest ratings. The rating patterns suggest that practitioners are more likely to view social mechanism as the most consequential mechanisms that contribute to DMC.

EFFECTIVENESS OF INTERVENTION AND REDUCTION STRATEGIES TO REDUCE DMC

TABLE 6.7 EFFECTIVENESS OF INTERVENTION AND REDUCTION STRATEGIES TO REDUCE DMC

	Min	Max	M	SD
Administrative, Policy, and Procedural Changes	1	5	3.3	0.8
Advocacy	1	5	3.4	0.8
Alternatives to Secure Detention	1	5	3.3	0.9
Cultural Competency Training	1	5	3.4	0.9
Direct Services/Early Interventions	2	5	3.8	0.8
Diversion Programs	1	5	3.5	0.9
Legislative Reforms	1	5	3.0	0.9
Structured Decision-Making Tools	1	5	3.3	0.9
Training and Technical Assistance	1	5	3.4	0.8

The data in Table 6.7 above are based on a question that asked survey respondents to indicate the effectiveness of DMC intervention and reduction strategies. The response categories ranged from 1="poor" to 5="excellent". With the exception of legislative reforms (M=3.0) all of the reduction strategies were rated above average. Direct services in the form of early intervention (M=3.8), was

rated the highest of the nine strategies. Diversion programs were also rated relatively high (M=3.5). Advocacy, cultural competency training, and training and technical assistance (M=3.4) were ranked slightly higher than the remaining three categories.

Most respondents rated direct services as above average or excellent. Less than two-percent of respondents rated direct services below average. This was the only form of intervention or reduction strategy that did not receive a single poor rating. Diversion programs were also highly rated. Legislative programs were the most likely of those examined to be rated as below average or poor strategies for reducing DMC.

BARRIERS TO SUCCESSFUL DMC INTERVENTIONS

The next section of the survey further examined the effectiveness of DMC intervention and reduction strategies. The initial question in this section asked respondents to select the point of contact within the JJS that creates the most challenging barriers to reducing racial and ethnic disparities or implementing strategies to reduce disparities. The response categories included initial point of contact with law enforcement, formal court proceedings, probation, secure placement in Pine Hills or Riverside, and other. The other category was open-ended to provide respondents with an opportunity to specify something other than the choices that were provided.

About two-thirds of respondents selected initial contact with law enforcement as the point of contact presenting the most challenging barriers for reducing racial and ethnic disparities or implementing strategies to reduce them. Secure placement, formal court proceedings, and probation were far less likely to be selected. A number of respondents selected the “other” category. An examination of these responses showed that the vast majority of these were social factors such as family issues, economic disparities, and issues associated with substance abuse.

TABLE 6.8 BARRIERS TO SUCCESSFUL DMC INTERVENTIONS

	Min	Max	M	SD
Lack of Adequate Funding	1	5	3.4	0.9
Lack of Knowledge about Racial and Ethnic Disparities	1	5	3.2	1.0
Limited Buy-In from Administration/Management	1	5	3.1	0.9
Limited Buy-In from Staff/Rank and File	1	5	3.1	0.9
Limited Public Outreach	1	5	3.2	0.9
Limited Technical Assistance	1	5	3.1	0.8
Not Enough Time at Your Level of Interaction	1	5	3.1	0.8
Poor Coordination and Planning	1	5	3.1	0.9

Respondents were also asked to rate how significant the barriers listed in Table 6.8 above are in limiting the successful reduction of racial and ethnic disparities in the jurisdictions where they work. The response categories ranged from 1=“very insignificant” to 5=“very significant”. Each of the eight items received average rating scores above the midpoint in the response category. This suggests that many of these barriers might hinder counties in their attempts to address DMC.

There were no differences in the average scores for five of the eight categories. In each of these cases, the average rating score was just above the midpoint of the response category (M=3.1). Lack of knowledge about racial and ethnic disparities and limited public outreach (M=3.2) were rated slightly higher than many other issues such as limited buy-in, limited public outreach, and issues associated with lack of time and poor coordination and planning. Lack of adequate funding to support DMC interventions (M=3.4) was the barrier that was rated as being the most consequential threat to successful DMC interventions.

BARRIERS TO THE SUCCESSFUL IMPLEMENTATION OF JDAI PROGRAMS

As mentioned above, the survey was constructed so that the section asking questions about JDAI provided different follow-up questions to respondents based on their level of involvement in the initiative. In each of these sections, however, there was a question about successful implementation of JDAI. In the section where respondents indicated that they were working in a JDAI county the question asked about barriers limiting the success of JDAI. In the other two instances, the question asked respondents to rate how consequential the barriers listed in Table 6.9 below would be to successful implementation of JDAI in their jurisdiction. The response categories ranged from 1="very insignificant" to 5="very significant".

More than half of the respondents who selected that they live in a county that is currently involved in JDAI reported that the program has been effective or very effective. Ratings of JDAI as ineffective or very ineffective were less common. More than two-thirds reported that JDAI was known or very well known among other JJS practitioners in the counties where they work. Those reporting that JDAI was unknown among other practitioners were less common.

TABLE 6.9 BARRIERS TO SUCCESSFUL IMPLEMENTATION OF JDAI PROGRAMS

	Practitioners in JDAI Counties		Practitioners with Knowledge of JDAI but Not In JDAI County		Practitioners with No Prior Knowledge of JDAI		Total	
	Mean	SD	Mean	SD	Mean	SD	Mean	SD
Lack of Adequate Funding	3.21	0.91	3.94	1.09	4.21	0.79	3.84	1.00
Lack of Knowledge about Racial and Ethnic Disparities	3.21	0.91	3.94	1.09	4.21	0.79	3.84	1.00
Limited Buy-In from Administration/Management	3.18	1.04	3.51	1.12	3.76	0.90	3.53	1.02
Limited Buy-In from Staff/Rank and File	3.32	0.93	3.30	1.15	3.56	0.87	3.42	0.97
Limited Public Outreach	3.13	0.84	3.53	0.97	3.78	0.82	3.52	0.90
Limited Technical Assistance	3.05	0.70	3.38	0.94	3.67	0.87	3.42	0.87
Not Enough Time at Your Level of Interaction	2.89	0.76	3.17	0.95	3.84	0.74	3.40	0.90
Poor Coordination and Planning	2.84	0.79	3.38	0.98	3.60	0.84	3.32	0.91

Respondents who were working in non-JDAI counties were most likely to report hearing about the program through involvement in conferences. Hearing about JDAI from a colleague in a JDAI county

was the next most commonly reported method of hearing about the program. Almost half of these respondents reported that they would be interested or very interested in implementing JDAI programs in their jurisdictions. Those indicating that they would be uninterested or very uninterested were less common. About one-third selected being neutral regarding the implementation of JDAI programs. Respondents who had not heard about JDAI before taking the survey were somewhat less likely to report being interested in implementing JDAI programs when compared to those who had previous knowledge about JDAI.

The patterns of average rating scores showed an increase in the importance of the barriers as the respondents' familiarity with JDAI decreases. The average scores are lowest for practitioners who indicated that they live in a county that is currently part of JDAI. In almost every instance, the average scores are higher among respondents who indicated that they have knowledge of JDAI, but are not living in a county that is currently involved in JDAI. The scores are highest among practitioners with no prior knowledge of JDAI.

These differences are important as they suggest that respondents who are less familiar with JDAI are more likely to report barriers that might significantly impact the successful implementation of the program. This finding makes practical sense—those who are less familiar with the program and how it works are more likely to perceive more barriers to success. It also highlights the importance of knowledge about and awareness of JDAI as key factors in determining county responses to the state-level implementation of JDAI.

There are a number of interesting findings in the magnitude of scores and how the patterns of these vary across the three groups. In any instance where the average score exceeds 4.0, it reflects the perception that the issue associated with the score is a significant barrier. Lack of adequate funding (M=4.21) and lack of knowledge about racial and ethnic disparities (M=4.21) were viewed as significant barriers among practitioners with no prior knowledge of JDAI. Knowledge about racial and ethnic disparities along with lack of adequate funding were the most consequential factors among practitioners with knowledge of JDAI but not working in a JDAI jurisdiction (M=3.94). Finally, among practitioners in JDAI jurisdictions, limited buy in from staff/rank and file was rated as the most significant barrier (M=3.32). It is notable that the importance of limited buy in from staff/rank and file differs between practitioners in JDAI counties who rate it at the top of the list and the other two groups where it is rated much lower relative to other barriers.

BARRIERS TO THE SUCCESSFUL IMPLEMENTATION OF THE RISK ASSESSMENT INSTRUMENT

A key component in the JDAI mission is the development and use of risk assessment instruments. These tools are seen as producing objective information that can be used to make secure placement decisions of juveniles. The averages reported below in Table 6.10 are separated by respondents' level of familiarity with the pre-adjudicatory risk assessment tool that have been used in some Montana counties to assist with decision making regarding the detention of juveniles. In each of these sections there was a question about successful implementation of the risk assessment instrument. The response categories ranged from 1="very insignificant" to 5="very significant".

There are differences in the patterns based on how familiar respondents are with the risk assessment instrument. Respondents who regularly use the risk assessment instrument rated barriers to its successful implementation as relatively low when compared to the other three

groups. Ratings for the impact of barriers increased among respondent who were less familiar or had no prior knowledge of the risk assessment instrument.

TABLE 6.10 BARRIERS TO SUCCESSFUL IMPLEMENTATION OF RISK ASSESSMENT INSTRUMENT (RAI)

	Practitioners Who Regularly Use the RAI		Practitioners in County that Uses RAI, but don't use themselves		Practitioners with Prior Knowledge of RAI, but not used in their county		Practitioners with No Prior Knowledge of RAI		Total	
	Mean	SD	Mean	SD	Mean	SD	Mean	SD	Mean	SD
Lack of Adequate Funding	2.67	1.02	3.43	0.93	3.54	1.06	4.04	0.82	3.48	1.08
Lack of Knowledge about Racial and Ethnic Disparities	2.67	1.02	3.43	0.93	3.54	1.06	4.04	0.82	3.48	1.08
Limited Buy-In from Administration/Management	2.55	0.90	3.33	1.02	3.59	1.14	3.84	0.96	3.37	1.11
Limited Buy-In from Staff/Rank and File	2.70	0.92	3.45	0.89	3.41	1.26	3.68	0.91	3.33	1.05
Limited Public Outreach	2.73	0.80	3.10	0.83	3.27	0.94	3.48	0.92	3.18	0.92
Limited Technical Assistance	2.76	0.97	3.24	0.77	3.19	0.87	3.65	0.86	3.27	0.94
Not Enough Time at Your Level of Interaction	2.73	0.98	3.24	0.89	3.27	0.98	3.80	0.83	3.33	1.00
Poor Coordination and Planning	2.73	0.88	3.10	0.83	3.43	0.93	3.63	0.91	3.27	0.96

There are interesting differences in the relative importance that is given to the barriers when comparing responses from practitioners who regularly use the risk assessment tool and those who do not. The first of these are differences in the importance of lack of adequate funding. Among practitioners who use the risk assessment instrument, it is the second lowest priority barrier (M=2.67) next to limited buy-in from administration/management (M=2.55). For those who do not use the risk assessment, lack of adequate funding ranks among the most consequential barriers. The importance that is attributed to limited technical assistance among practitioners who use the risk assessment instrument compared to those in the other groups is also notable. It is the top rated barrier among those who use the risk assessment instrument (M=2.76) but ranks among the lowest barriers for successful implementation among those who do not use it.

These are important findings as they suggest that the perceptions of barriers vary among practitioners who use the risk assessment tool and those who do not. As the use of the risk assessment tool is an important component of JDAI, the findings suggest that training about the risk assessment instrument, especially the costs associated with implementing it, are merited. In future plans to take JDAI to a state-level scale, education about the implementation and use of the risk assessment instrument will be important to adoption and practitioner buy-in.

IMPLICATIONS OF THE SURVEY RESULTS

The JJS practitioner survey produced a number of important findings that have serious implications for state-wide efforts to address DMC and implement JDAI. These include perceptions of racial and

ethnic disparities and the mechanisms that influence them, the potential impact of the police and other JJS practitioners, and the barriers that pose a risk to the successful implementation of JDAI and DMC reduction strategies. These findings and their implications are discussed below.

Social factors were identified as the most consequential mechanisms contributing to DMC. Ratings for social factors were much higher compared to ratings for differential offending by minority juveniles and differential treatment of minority juveniles. This is consistent with the findings in previous sections of this report. The results also suggest that the most successful strategies for reducing DMC will be those that address issues pertaining to the family lives of juveniles. School issues are also important considerations and strategies will need to address structural level issues associated with generational poverty and disadvantage.

Disagreements with the position that racial and ethnic disparities are a serious problem in the JJS were common in the survey responses. The data show differences in the rating scores from respondents working in JDAI jurisdictions who report higher average levels of disparities, sense of urgency to address them, and impact of local agencies to do so when compared to respondent from non-JDAI jurisdictions. The magnitude of these differences in most cases was most pronounced between respondents in JDAI counties when compared to those who had not heard of the program prior to taking the survey. Differences were less pronounced when comparing ratings from respondents in JDAI counties and those who reported knowing about JDAI, but not working in a JDAI county. Differences were also less pronounced in questions that specifically address issues associated with Native American juveniles compared to those asking about African American and Hispanic youth. Future work will need to examine whether these are a function of community level differences and the degree to which involvement of JDAI is associated with differences in the perceptions of DMC and JJS responses to it.

The importance of the role that is attributed to the police is also important. Findings show that most respondents believe the police can have a significant impact on reducing racial and ethnic disparities. However, the data also show perceptions of initial contact with law enforcement as the point of contact within the JJS that represents the most challenging barrier for reducing DMC or implementing DMC reduction strategies. It is clear that law enforcement has a prominent role in this work. As the role of law enforcement is often external to the majority of work that is done in the JJS after arrest and initial detention, there is a need to work toward strategies that are informed by and incorporate law enforcement professionals.

Ratings of the effectiveness of legislative involvement in addressing DMC were uniformly low. Legislation, policies, or legal factors were ranked in the middle of mechanisms that contribute to DMC. Other questions that asked for ratings about the commitment of legislators to reduce DMC and develop successful intervention strategies were lower than for other agencies included in the survey. As legislative involvement and investment is an important component of future work in this area, additional attention to the factors that influence these perceptions is merited.

Barriers for successful DMC interventions, the successful implementation of JDAI, and the successful implementation of the risk assessment tool were associated with respondents' level of familiarity with JDAI. Ratings show that respondents who are less familiar with JDAI are more likely to identify potential barriers. The importance of the lack of adequate funding was rated as the most consequential threat to successful DMC interventions, especially among respondents with no prior knowledge of JDAI. Knowledge about racial and ethnic disparities was the highest rated barrier based on ratings from respondents in jurisdictions that were aware of but not participating

in JDAI. Buy-in from staff/rank and file and limited technical assistance were the most likely barriers among respondents in JDAI counties. Each of these issues are important considerations in future work that seeks to implement DMC reduction strategies and/or implement JDAI and the risk assessment instrument in other counties.

These findings add to those in the previous sections of this report. They provide additional information that can be used as efforts to take programs like JDAI and the risk assessment instrument to state-level scale. The importance of providing practitioners with usable information about JDAI cannot be overstated. As there is no evidence to support DMC in the vast majority of counties in Montana, the need to provide information about the multiple dimensions and goals of JDAI as a means to address juvenile issues is of particular importance.

SECTION SEVEN: DISCUSSION AND RECOMMENDATIONS

The objective of the analysis was to assess the mechanisms that contribute to DMC that are not accounted for by the RRI scores. Prior to this investigation, research investigating these mechanisms in Montana did not include extra-legal and social factors as predictors. Consistent with recommendations from prior DMC studies, the investigation used a mixed methods design that included both quantitative and qualitative dimensions.

SUMMARY OF FINDINGS

The quantitative and qualitative findings presented in the previous two sections provide consistent evidence for the general conclusion that there are multiple, often overlapping, mechanisms that influence and contribute to DMC in Montana. A summary of the evidence from the quantitative findings in Section Four shows that race and ethnicity differences continue to be present in the multivariate models, in particular at the delinquency findings and confinement in secure detention points. However, the magnitude and consistency with which these appeared were less consequential and less common than those based on extra-legal and social factors. Issues pertaining to race/ethnicity are present in the qualitative data. These are embedded within discussions of the increased likelihood of minority juveniles to face challenges associated with such issues as generational poverty, family disruption, trauma, substance abuse, and lack of effective treatment options.

CAUTIONS AND CONCERNS

Before moving on to the recommendations from the findings presented above, there are a number of caution or limitations that merit attention. The first of these is associated with case processing as the focus in the examination of DMC. The findings are based on cases where juveniles were cited for law violations whose outcome included the possibility of detention. As a result, it did not address critical issues at the arrest and diversion prior to initial detention points of contact. Since the advent of the self-report data method, researchers have consistently found vast differences in the amount of delinquency reported by juveniles and the amount that comes to the attention of the police and JJS professionals that result in official data like that used in the quantitative analysis here.

A second concern is the scope of the quantitative investigation was limited by the parameters of information that could be extracted from the JCATS system. Therefore, other social or extra-legal factors unaccounted for in the system or missing data may have produced, or failed to produce evidence that is consequential to a comprehensive understanding of the mechanisms that contribute to DMC.

Third, the qualitative study does not include information on key issues from the perspectives of juveniles and their parents. The information in this investigation was derived from focus groups and interviews with professionals within the JJS and key community members who work with juveniles. The specific concern is whether or not the information about the role of race/ethnicity that emerged in the analysis would be similar or different than it would have been if the study also included focus groups and interview with JJS involved juveniles and their parents.

RECOMMENDATIONS

With these cautions in mind, there are a number of recommendations that have emerged out of this work. They are grouped below in four categories. The first of these are process recommendations aimed at increasing the ability to address DMC through system improvements. The second group offers recommendations for improving issues associated with the data collected to evaluate DMC. The third group of recommendations is oriented toward administrators who are charged with leading DMC organizations and investigations. These recommendations are intended to help administrators engage stakeholders and legislators to help implement and support programmatic reform needed to further DMC reduction activities and goals. The final group of recommendations is directed toward research issues that will need to be addressed in future DMC studies.

PROCESS RECOMMENDATIONS

- There is a need to further examine the findings showing overrepresentation of Native American juveniles as it relates to case processing that result at the consent decree, delinquency findings at adjudication and confinement in secure placement decision points.
 - Specific attention should be given to the implications associated with the impact of the family variables in these models.
 - Additional attention should be given to understanding the factors that contribute to the decreased likelihood of cases involving American Indian juveniles that are resolved by consent decrees.
- Priority needs to be given to meeting with local stakeholders to discuss the RRI scores and their implications for the JJS and local community.
 - There was marked variation across the county visits in regard to how aware practitioners were of the RRI scores, how they are calculated, what the scores indicate, and the implications associated with the scores.
- Investigate the finding in the qualitative analysis showing few diversion options available at the initial point of contact with the police and work to increase alternatives to detention.
 - Detention reform movements like JDAI are committed to keeping as many juveniles out of detention as public safety threats will allow. At present, juveniles lose days and the system incurs costs associated with the practice of detaining youth until the probable cause hearing only to determine they should be released.
- Consider the importance associated with the development of trained intake officers and reporting centers where juveniles at the point of arrest can be taken and an evaluation of whether or not they need to be placed in detention can be made.
 - This will allow for the risk assessment instrument to be administered to juveniles before they have been placed in detention and will provide an opportunity to more fully assess whether the JJS or some other social service provider offers the best course of action moving forward.
- Evaluate existing programs that serve as alternatives to formal outcomes in the JJS.
 - These should include an examination of the goals and objectives of the programs, the degree to which they are meeting the goals and objectives, and an assessment of the degree to which the goals and objectives target the reduction of DMC.
- Develop a listing of state and local DMC prevention and systems improvement strategies.

- In order to effectively reduce DMC and increase alternative to detention requires planning that outlines specific goals and identifies the resources and mechanisms that will be needed to achieve them.
- Work to increase the coordination and cooperation of the various systems that provide services to juveniles.
 - The quantitative and qualitative findings highlight the importance of awareness of the role of mental health issues for court involved youth and the need for coordination between the JJS and mental health systems.
- Address the absence of minority practitioners currently working in the JJS.
 - As the demographic information above shows, there are very few minority practitioners in the qualitative analysis. This may be, in part, due to the way that participants were selected but very likely shows that there are few non-White professionals working in the counties.
 - Attention should be given to address the lack of minority practitioners and strategies developed to encourage qualified minorities to apply for job openings when they appear; barriers that may prevent or make more difficult minority recruitment must be identified and assessed.
- Reserve formal outcomes in the JJS for those juveniles determined to pose a significant public safety threat or likely to cause self harm and cannot be dealt with more effectively in a non-formal or other social service capacity.
 - Continue to develop meaningful risk assessment tools and provide access to them across the spectrum of decision points in the JJS.
 - Increase the number of counties who are using risk assessment tools and provide training on how the tools should be used and scored.

DATA RECOMMENDATIONS

- There is a need to investigate concerns that were raised about the use of census data as the base to estimate the initial point of contact at arrest in the RRI scores.
 - Ensure that local stakeholders have access to school enrollment and census data and provide estimates for the RRI scores that use bases from both sources to see whether and to what degree there are changes in the DMC trends.
- Improve the consistency and reliability with which case processing outcomes across the various JJS decision points are reported and can be monitored in the JCATS data.
 - This is an issue that is most closely associated with missing information in the system from the local level.
 - 55 cases had to be eliminated from the case processing analysis because a final outcome could not be found or determined.
- Address the discrepancies regarding the dates and days that juveniles spend in detention.
 - There were complications in the analysis due to inconsistencies in the dates and number of days in the detention roster data, the JCATS placement data, and probation officer case notes.
- Integrate the JCATS system with systems like “Full Court” that monitor adult activities.
 - In the study there were a number of juveniles who had turned 18 after January 1st 2009.

- Discussions need to take place and plans put in to action to increase the comprehensiveness and consistency with which information is entered and how it is archived in the JCATS system.
 - Reorganization that eases the interface with practitioners and minimizes the amount of overlap and duplication of information in the current system is needed.
- Make data accuracy and comprehensiveness a priority.
 - Research, policy, and effective program evaluations are dependent upon access to comprehensive, accurate, and reliable data.
 - Data issues are complicating the degree to which Montana can fully participate in and take advantage of programs like JDAI that are evidence based and evidence driven.

ADMINISTRATIVE RECOMMENDATIONS

- Work to communicate and demonstrate State support for DMC reduction activities while emphasizing that importance of the work occurring at the local level.
 - In order to be successful work will need to be done to continue to foster cooperative partnerships between State agents and local stakeholders.
 - Locate and provide funds to stakeholders to support DMC reduction activities that emerge out of local level planning.
 - Ensure that part of the support is a willingness by stakeholders to evaluate program effectiveness.
- Provide training and technical assistance to stakeholders.
 - Invest resources in to developing and making available opportunities for stakeholders to participate in cultural competency training.
 - Develop and implement systematic curriculums around the tools and programs that are developed to reduce DMC and the use of confinement in secure placement.
- Engage legislators to get involved and work toward legislative reforms that address DMC.
 - Identify issues in the Montana Youth Court Act that are inconsistent with DMC reduction and the JDAI detention reform mission.
 - Develop partnerships with other juvenile services providers such as schools and treatment providers to strengthen the voice for reform.
- Examine the composition, function, and performance of the statewide DMC and JDAI Boards.
 - Proactively plan and look for ways to increase the buy-in and awareness of DMC reduction and detention reforms.
 - Populate the limited positions on these boards with committed stakeholders who are invested in the DMC reduction and JDAI detention reform missions.
 - Work to increase the number of counties that are participating in the JDAI and provide them with resources to identify and address deficiencies in alternatives to detention.
 - Consider the benefit of partnering with the Burns Institute to continue to fund program development, implementation, and evaluation.
- Continue to develop partnerships and work in cooperation with Tribal governments and agencies.

- Investigate the benefit of having Tribal liaisons at the county and reservation levels who can work together to address issues associated with juveniles who migrate back and forth between communities.
- Lead by example in taking appropriate measures to ensure comprehensive and accurate State-Level data.
 - Encourage and provide opportunities for stakeholders to have an active voice in this process.
- Continue to approach DMC reduction as a process.
 - Foster research and development of DMC reduction and detention reform strategies that are ongoing, evidence-based, and provide solutions to address dynamic problems from both a short-term action and long-term planning perspective.

RESEARCH RECOMMENDATIONS

- Develop an integrated DMC resource that fully incorporates the previous RRI and DMC work that has been done in Montana along with the information in this report.
 - This will be a valuable resource that will aid in the development of a comprehensive state-wide plan and forum where the results of issues and progress are reported.
- Gather and/or collect data from local law enforcement agencies across the State.
 - This information was not included in the analysis as data archived at the national level focus on only a few serious person and property offenses, do not account for informal outcomes, and often do not match data at the local level.
 - Inquiries in to the degree that local agencies are willing to share juvenile contact data, how comprehensive information pertaining to the extra-legal and social factors in the quantitative models above are collected, and whether or not the data pertaining to informal outcomes such as “counsel and release” are collected are important considerations.
- Begin working on the phase three interventions
 - Identify and implement the most promising intervention strategies to address the overlapping mechanisms found to influence DMC in this investigation.
 - Implement these with the vision that evaluation will be based on evidence-based assessments; planning designs should include what data will be needed and how it will be gathered, analyzed, and evaluated.
- Examine issues in the data collected that were beyond the scope or work that was reported here.
 - Investigate the role that technical violations and non-compliance with court mandates have on confinement in secure placement.
 - Examine the role of structural factors on case processing and the likelihood for confinement in secure placement.

CONCLUSION

The findings in this assessment provided answers to critical questions regarding the mechanisms that contribute to DMC in Montana. The results showed that there is very little difference between minority and White juveniles in terms of the types of offenses and JJS responses to them. The evidence from the logistic regression models show differences in the likelihood of consent decrees and delinquency findings to be the only decision points where there are differences when a race-

only model is specified. Differences between minority and White juveniles were more common across the decision points when social factors pertaining to individual and family influences are accounted for in the examination. The findings from focus groups and interviews suggest that there are a number of often overlapping mechanisms that contribute to DMC. Effective responses and interventions will therefore need to be based on a multidimensional approach that includes cooperation between the JJS and other social institutions that influence and are involved in work with juveniles.

In terms of planning for future DMC work in Montana, there is a need to investigate methods that allow for more accurate counts of juveniles within the counties to be made. The four counties examined in this investigation are regional hubs where juveniles, in particular American Indian juveniles, migrate back and forth to and from other communities where they may also reside. The population of minority juveniles in Montana is sufficiently small enough that over-counting and under-counting pose a significant threat to the initial point of contact data where minority overrepresentation at arrest is based on counts of juveniles living in the counties divided by the number of arrests within each racial/ethnic group. This is an issue that merits primary consideration as Montana moves forward with the developing and evaluation of programs and policies to reduce DMC.

It is important to keep in mind that this study provides a baseline examination of the mechanisms that contribute to DMC. The study moves beyond the comparisons of ratios in the RRI scores to examine extra legal and social factors. It incorporates a mixed methods design that includes multivariate analysis of many of the factors that have been found to influence DMC in prior studies. The information presented in this report provides a means of comparison to which future examinations of DMC issues in Montana can be compared and the results from future studies evaluated against. The findings provide a gauge where any changes, modifications, and interventions that are made to the process used to target DMC can be evaluated. The reduction of DMC is a process and in order to have an effective impact research must become a key piece of a continually adapting investigation. As DMC issues have both short term and long term implications, it is imperative that future work continue to identify, assess, and refine the strategies that are developed and used to inform subsequent investigations.

REFERENCES

- Bishop, Donna M. 2005. "The Role of Race and Ethnicity in Juvenile Justice Processing." In David F. Hawkins and Kimberly Kempf-Leonard (Eds.), *Our Children, their Children: Confronting Racial and Ethnic Differences in American Juvenile Justice* (pp.23-28). Chicago: University of Chicago Press.
- Chapman, John, Rani Desai, Paul Falzer and Randy Borum. 2006. "Violence Risk and Race in a Sample of Youth in Juvenile Detention: The Potential to Reduce Disproportionate Minority Confinement." 4:2 170-184.
- Dillman, Don A., Jolene D. Smyth, and Leah Melani Christian. 2009. *Internet, Mail and Mixed Mode Surveys: The Tailored Design Method, 3rd Edition*. John Wiley: Hoboken, NJ.
- Hampton, Donna. and Michael J. Leiber. 1997. "Disproportionate Confinement of Minority Youth in Secure Facilities 1996 Nation Report." Prepared for the Office of Juvenile Justice and Delinquency Prevention State Relations and Assistance Division. Washington, DC.
- Hsia, Heidi M., George Bridges, and Rosalie McHale. 2004. "Disproportionate Minority Confinement: 2002 Update." Office of Juvenile Justice and Delinquency Prevention. Washington, DC.
- Huzinga, David, Terrence R. Thornberry, Kelly E. Knight, Peter J. Lovegrove, Rolf Loeber, Karl Hill, and David P. Farrington. 2007. "Disproportionate Minority Contact in the Juvenile Justice System: A Study of Differential Minority Arrest/Referral to Court in Three Cities." Prepared for the Office of Juvenile Justice and Delinquency Prevention. Washington, DC.
- Kemp-Leonard, Kimberly. 2007. "Minority Youths and Juvenile Justice: Disproportionate Minority Contact After Nearly 20 Years of Reform Efforts." *Youth Violence and Juvenile Justice*. 5(1):71-87.
- Leiber, Michael J. 2010. *Conducting Reliable Disproportionate Minority Contact Studies*. U.S Department of Justice, Office of Juvenile Justice and Delinquency Prevention, Webinar.
- Leiber, Michael J. and Kristin Y. Mack. 2003. "The Individual and Joint Effects of Race, Gender, and Family Status on Juvenile Justice Decision-Making." *Journal of Research in Crime and Delinquency*. 40(1):34-70.
- Leiber, Michael J. 2002. "Disproportionate Minority Confinement (DMC) of Youth: An Analysis of State and Federal Efforts to Address the Issue." *Crime & Delinquency*, 48 (1):3-45.

- Leiber, Michael J., Sarah Jane Brubaker, and Kristan C. Fox. 2009. "A Closer Look at the Individual and Joint Effects of Gender and Race on Juvenile Justice Decision Making" *Feminist Criminology*. 4(4):333–358.
- Nelson, Randy B. 2007. "Disproportionate Minority Contact (DMC): An Examination of Prevention, Diversion, Intervention, Residential and Aftercare Services." Prepared by 21st Century Research and Evaluations, Inc. Tallahassee, FL.
- Noreus, Becky, Teresa Hubley, and Michael Rocque. 2009. *Disproportionate Minority Contact in Maine: DMC Assessment and Identification*. University of Southern Maine, Muskie School of Public Service. Portland, ME.
- Orchowsky, Stan, Mary E. Poulin, and Janice Iwama. 2010. "A Review of the Status of Disproportionate Minority Contact (DMC) Efforts in Iowa and Virginia." Prepared by Justice Research and Statistics Association. Washington, DC.
- Pope, Carl E. and Michael J. Leiber. 2005. "Disproportionate Minority Confinement/Contact (DMC): The Federal Initiative." In David F. Hawkins and Kimberly Kempf-Leonard (Eds.), *Our Children, their Children: Confronting Racial and Ethnic Differences in American Juvenile Justice* (pp.23-28). Chicago: University of Chicago Press.
- Pope, Carl E., Rick Lovell, and Heidi M. Hsia. 2002. *Disproportionate Minority Confinement: A Review of the Research Literature From 1989 Through 2001*. U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention. Washington, DC: U.S. Government Printing Office.
- Pope, Carl. and William. Feyerherm. 1993. *Minorities and the Juvenile Justice System: Research Summary*. Office of Juvenile Justice and Delinquency Prevention, U. S. Department of Justice.
- Richetelli, Dorinda M. and Eliot C. Hartstone. 2007. "An Assessment of Disproportionate Minority Contact in Rhode Island's Juvenile Justice System." A Report prepared by Spectrum associates Market Research Incorporated for the Rhode Island Juvenile Justice Commission.
- Rodriguez, Nancy. 2010. "The Cumulative Effect of Race and Ethnicity in Juvenile Court Outcomes and Why Pre-adjudication Detention Matters." *Journal of Research in Crime and Delinquency*. 47:3 391-413.
- State of Montana. 2009. Montana Board of Crime Control, Statewide Planning Agency, *Montana Three-Year Plan to Address Disproportionate Minority Contact 2009-2011*. Helena, MT.
- U.S. Department of Justice. 2009. Office of Juvenile Justice and Delinquency Prevention. *Disproportionate Minority Contact Technical Assistance Manual*, Fourth Edition. Washington, DC: U.S. Government Printing Office.

Young, Douglas, Christina Yancey, Sara Betsinger, and Jill Farrell. 2010. "Disproportionate Minority Contact in the Maryland Juvenile Justice System." Institute for Governmental Service and Research, University of Maryland, College Park, MD.