

Understanding Racial and Ethnic Disparity – A Snapshot of RED in Texas

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Road Map

Definitions



History of DMC and JJDP



Why this is important



State DMC



County DMC



Findings from studies of Texas



What you can do

Definitions

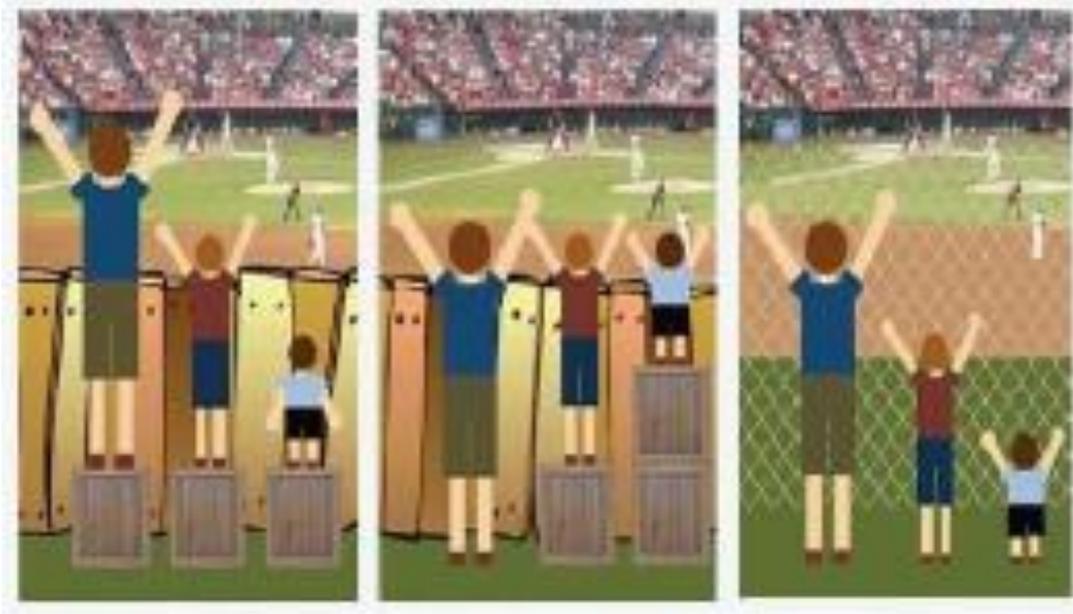
- **Disparity:** state of being unequal
- **Disproportionality:** unequal ratio or relation between the compositions of two populations
- **Disproportionate Minority Contact (DMC) or Racial and Ethnic Disparities (RED):** the disproportionate number of youth, based on race, who come into contact with the juvenile justice system at various contact points
 - E.g. African Americans are twice as likely to be committed to TJJD than Caucasian youth, based on their population in the community

Definitions

- **Equality:** A concept of fairness as uniform distribution, where everyone is treated equally and no less favorably based on race, gender, disability, religion, or sexual orientation
- **Equity:** Recognizing that some groups begin at a disadvantage relative to others, and thus access and resources are distributed in such a way as to level the playing field

“Equity is the process; equality is the outcome.”

Equality vs. Equity



↑
Equality

↑
Equity

↑
Removing
Systemic
Barriers

Definitions

- Relative Rate Index: OJJDP method to measure the over- or under-representation of youth in the juvenile justice system
 - Typically youth of color as compared to Caucasian youth
 - The numerator is the contact point under analysis and the denominator is the contact point immediately preceding the current contact point
 - E.g. Adjudicated Delinquent/Cases petitioned
- Depending on what you are measuring, an RRI of more or less than one could indicate a problem area
 - $RRI < 1.0$ on diversion efforts indicate an issue
 - $RRI > 1.0$ on disposition outcomes indicate an issue
- The overall racial disparity at any decision point is a combination of the disparities introduced previously plus that added by the decision point of immediate interest
 - Some decisions will increase disparity, others neither increase nor decrease disparity ($RRI = 1.0$), while some mitigate the extent to which youth are overrepresented in the system

Juvenile Justice and Delinquency Prevention (JJDP) Act of 1974

- Amended in 1988 in response to evidence that minority youth were disproportionately confined in secure facilities
 - Mandated that OJJDP require all states participating in the Formula Grant Program to address disproportionate minority *confinement* (DMC) in their state plans
- Amendments in 1992 elevated DMC to a core requirement, tying 25% of each state's Formula Grant allocation for that year to compliance

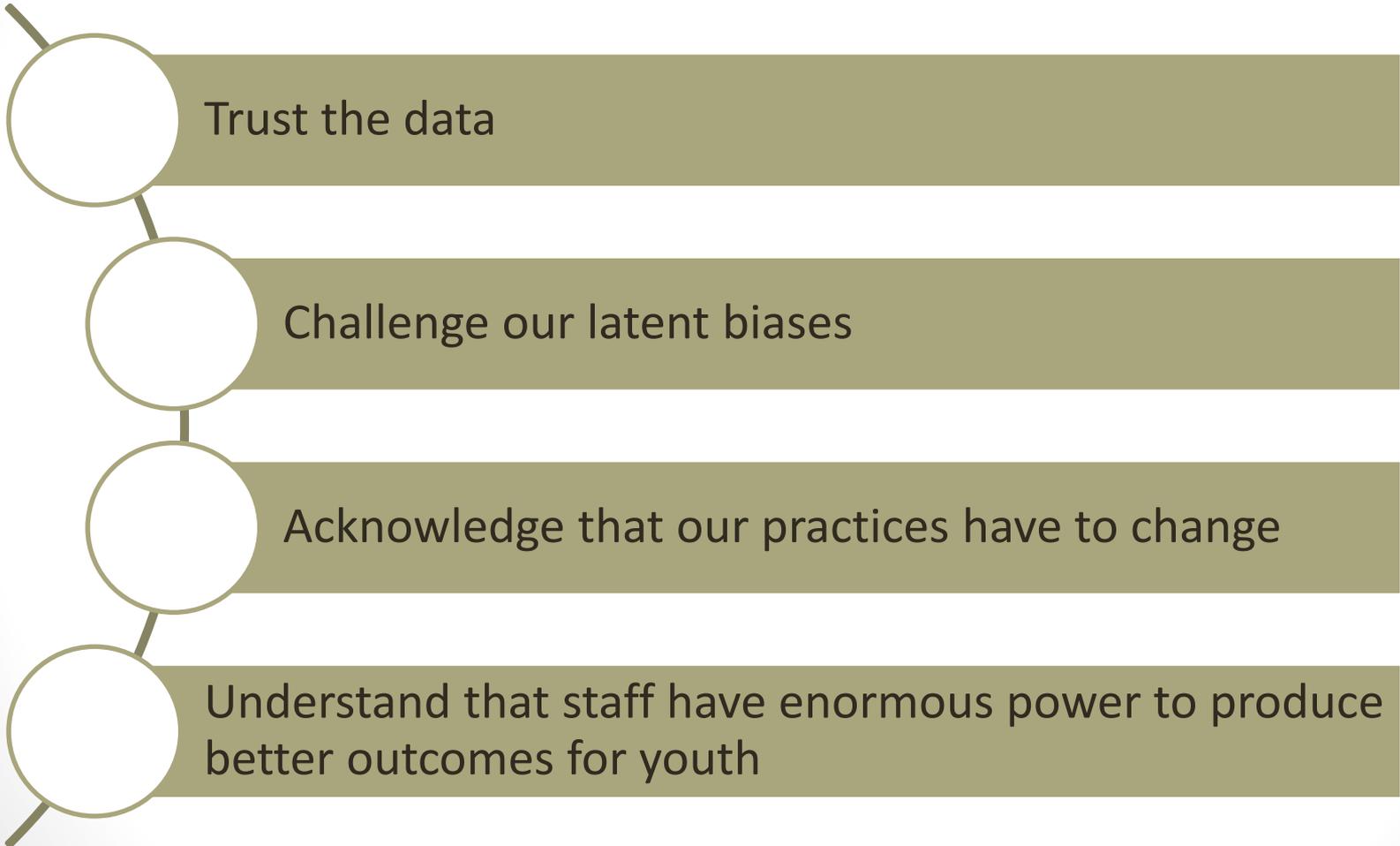
JJDP Act of 1974

- Amendments in 2002 required all states that participate in the Formula Grants Program to address:
 - “Juvenile delinquency prevention efforts and system improvement efforts designed to reduce, without establishing or requiring numerical standards or quotas, the disproportionate number of juvenile members of minority groups who come into contact with the juvenile justice system”
 - Broadened the DMC core requirement from disproportionate minority “*confinement*” to disproportionate minority “*contact*”
 - Requires states to institute multipronged intervention strategies including juvenile delinquency prevention efforts and system improvements to assure equal treatment of all youth

Why does this matter?

- Racial and ethnic disparities weaken the credibility of a justice system that purports to treat everyone equitably
- Most of the time, disproportionate contact is not malicious
 - But our job is to understand the issue to ensure equal and fair treatment for every youth in the juvenile justice system, regardless of race and ethnicity
- Reduction efforts are best instituted at the local level through data driven decision making, so it is critical for those at the local level to understand the concept
- Being aware of referral rates and RRI allows you to better understand where and what programs are needed most for diversion and intervention services
 - This benefits not only racial and ethnic disparity, but can also reduce overall numbers if implemented correctly

What's data got to do with it?



What's data go to do with it?

- Ultimately, any viable initiative created to understand, reduce, and prevent racial disparity must rely primarily on data
- Perceptions and anecdotes sometimes have validity, but in the field of juvenile justice, they more often do not
- One very effective way to begin addressing racial/ethnic disparity is to collect and analyze data that are disaggregated by race, ethnicity, geography, gender, and the particular alleged offense
 - Armed with this level of data, justice systems can at least begin to gain traction on what has proven to be a very slippery issue

Civil Rights Data Collection

- Section 203(c)(1) of the 1979 *Department of Education Organization Act* conveys to the Assistant Secretary for Civil Rights the authority to “collect or coordinate the collection of data necessary to ensure compliance with civil rights laws within the jurisdiction of the Office for Civil Rights” [20 U.S.C. § 3413(c)(1)]
- The Civil Rights Data Collection (CRDC) is a biennial (*i.e.*, every other school year) survey required by the U.S. Department of Education’s (Department) Office for Civil Rights (OCR) since 1968
- CRDC collects data from a universe of all public local educational agencies (LEA) and schools, including long-term secure juvenile justice facilities, charter schools, alternative schools, and schools serving students with disabilities
- TJJD Education Department collects and uploads the data to OCR biennially. Next upload will be for the 2015-2016 school year

Lodi Unified School District

- U.S. Department of Education's Office for Civil Rights (OCR) examined the practices of the Lodi School District in Lodi, California and found:
 - Despite the appearance of neutrality, the district's discipline policy had disproportionate impact on African American Students such that they were overrepresented at almost every level of discipline to a statistically significant degree between the 2011 to 2015 school years
- The OCR findings prompted a resolution agreement between the OCR and the Lodi School District to address the findings
- The OCR found that African American students:
 - In 2014-15 were five times more likely than white students to receive an out-of-school suspension for willful defiance or disruption.
 - In 2013-14 received almost half of the suspensions for willful defiance or disruption at Bear Creek and McNair High Schools, even though African-American students at those schools made up only 15 percent of the student population.
- OCR also had concerns that Lodi treated African-American students differently and more harshly with respect to imposition of discipline:
 - African-American students were 2.13 times more likely in 2011-12, 2.15 times more likely in 2012-13, 2.05 times more likely in 2013-14, and 3.13 times more likely in 2014-15 than white students to receive a disciplinary referral.
 - In 2014-15, African American students were 3.52 times more likely to be in-school suspended, 4.47 times more likely to be out-of-school suspended, and 4.3 times more likely to be expelled, as compared to white students.

YOUTH IN CUSTODY PRACTICE MODEL (YICPM)

- The Youth in Custody Practice Model (YICPM) initiative was designed to assist state and county juvenile correctional agencies in implementing a comprehensive and effective service delivery approach
- Texas Juvenile Justice Department is one of four organizations selected to participate in this initiative

YOUTH IN CUSTODY PRACTICE MODEL (YICPM)

- The Youth in Custody Practice Model provides agencies with guidance on essential practices in four key areas:
 - Case planning;
 - Facility-based services (e.g., education, behavioral health, behavior management, rehabilitative programming);
 - Transition/reentry; and
 - Community-based services.
- TJJD will look at RED across all these areas

Where is TJJD?

- RED Workgroup has been formed, with cross-divisional members from State Programs, Parole, Research, Education, and Placement
- Data has been reviewed and potential areas have been identified for further analysis
- Tentative action plan was developed
- Action plan submitted to YICPM Consultants for review

Next Steps

- Based on that feedback, the YICPM Core Leadership Team will develop a vision statement that includes:
 - Where do we want to end up at end of the process?
 - What is the vision statement for how we want policy and practice to be?
 - Workgroups, where do you want to end up in policies and procedures?

Baseline Population

NEW ADMISSIONS BY FISCAL YEAR

RACE	FISCAL YEAR							
	2009	2010	2011	2012	2013	2014	2015	Total
ASIAN	0	1	2	3	1	0	0	7
	0	0.09	0.21	0.35	0.12	0	0	0.10
AMERICAN INDIAN/ALASKA NATIVE	2	2	1	2	1	2	0	10
	0.14	0.19	0.1	0.23	0.12	0.26	0	0.15
BLACK OR AFRICAN AMERICAN	517	363	300	278	288	273	272	2291
	34.91	34.38	31.25	32.33	35.21	34.91	33.66	33.87
HISPANIC	660	468	463	416	375	351	369	3102
	44.56	44.32	48.23	48.37	45.84	44.88	45.67	45.85
OTHER/NATIVE HAWAIIAN/OTHER PACIFIC ISLANDER	9	4	8	3	2	4	1	31
	0.61	0.38	0.83	0.35	0.24	0.51	0.12	0.46
WHITE	293	218	186	158	151	152	166	1324
	19.78	20.64	19.38	18.37	18.46	19.44	20.54	19.57
Total	1481	1056	960	860	818	782	808	6765

Potential areas for further analysis

	RACE								All	
	BLACK		HISPANIC		OTHER		WHITE			
	#	%	#	%	#	%	#	%	#	%
GED OR HS DIPLOMA W/IN 90DAYS OF RELEASE	469	36.2	843	43.4	26	72.2	549	69.1	1887	46.4

Potential areas for further analysis

SECURITY REFERRALS - UNIQUE YOUTH REFERRED		
RACE	#	%
HISPANIC	1420	43.13
BLACK	1221	37.09
WHITE	634	19.26
OTHER	11	0.33
AMERICAN INDIAN	5	0.15
ASIAN	1	0.03

SECURITY REFERRALS - TOTAL		
RACE	#	%
BLACK	63312	44.84
HISPANIC	54285	38.45
WHITE	22953	16.26
OTHER	414	0.29
AMERICAN INDIAN	118	0.08
ASIAN	99	0.07

Potential areas for further analysis

PHOENIX ADMISSIONS – UNIQUE YOUTH		
RACE	#	%
BLACK	61	57.01
HISPANIC	37	34.58
WHITE	8	7.48
OTHER	1	0.93

CSU ADMISSIONS – UNIQUE YOUTH		
RACE	#	%
BLACK	15	31.91
HISPANIC	12	25.53
WHITE	18	38.3
OTHER	1	2.13
AMERICAN INDIAN	1	2.13

County RED

- Governor's Office requests yearly numbers for 8 contact points by County
 - Referrals
 - Diverted pre-court
 - Detentions
 - Petitions
 - Delinquent Adjudications
 - Probation Adjudications
 - Secure County Confinement
 - Adult Certifications

County RED

- HHSC Center for Elimination of Disproportionality and Disparities
 - Created by Senate Bill 501 of the 2011 Texas Legislature and designated as Texas State Office of Minority Health
- Mission is to partner with health and human services agencies, external stakeholders, other systems, and communities to identify and eliminate disproportionality and disparities affecting
- Requested data to explore outcomes for two separate programs:
 - Equity and Inclusion
 - Office of Border Affairs

County-level RED Contact Points

State of Texas CY14

	Rate of Occurrence-White Youth	Rate of Occurrence-Black Youth	Relative Rate Index
Population at risk (ages 10- 17)	916,900	324,993	
Referrals to Juvenile Court	16.77	53.66	3.20
Cases Diverted*	58.13	46.32	0.80
Secure Detention	52.62	58.99	1.12
Cases Petitioned	31.40	36.42	1.16
Adjudicated Delinquent	71.71	76.70	1.07
Court Informal*	30.34	25.85	0.85
Probation*	95.06	93.16	0.98
Secure Placement (county)	17.22	17.31	1.01
TJJD Commitment	6.52	10.75	1.65
Adult Certification	1.68	3.28	1.95

- Comparing Caucasian youth with African American Youth
 - Referral rates are per 1,000 youth; all other rates are per 100 youth
- Fields marked with an asterisk indicate contact points in which an RRI of less than one are an issue (e.g. diversion)
- Note that the categories with the largest differences between African American and Caucasian youth are referrals and adult certification
 - African American youth are over 3 times as likely to be referred and nearly twice as likely to be certified

County-level RED Contact Points

State of Texas CY14

	Rate of Occurrence-White Youth	Rate of Occurrence-Hispanic Youth	Relative Rate Index
Population at risk (ages 10- 17)	916,900	1,495,891	
Referrals to Juvenile Court	16.77	24.62	1.47
Cases Diverted*	58.13	54.04	0.93
Secure Detention	52.62	54.47	1.04
Cases Petitioned	31.40	33.25	1.06
Adjudicated Delinquent	71.71	76.46	1.07
Court Informal*	30.34	27.25	0.90
Probation*	95.06	95.35	1.00
Secure Placement (county)	17.22	17.73	1.03
TJJD Commitment	6.52	7.16	1.10
Adult Certification	1.68	2.37	1.41

- Comparing Caucasian youth with Hispanic youth
 - Referral rates are per 1,000 youth; all other rates are per 100 youth
- Fields marked with an asterisk indicate contact points in which an RRI of less than one are an issue (e.g. diversion)
- Note that the categories with the largest differences between Hispanic and Caucasian youth are referrals and adult certification
 - Hispanic youth are nearly 50% more likely to be referred and just over 40% more likely to be certified

Findings from the 2005 Study of Texas Juvenile Justice System

- The predictors of initial contact with the justice system differ from the factors that predict advancement through the justice system
- Initial contact factors include personal attributes such as:
 - Behavior at school
 - Sex
 - Academic success
 - Economic status
 - Disability status
- The most influential factors contributing to advancement through the justice system include:
 - Severity or nature of the offense
 - “Urbanicity” of the community where juvenile is processed

Findings from the 2005 Study of Texas Juvenile Justice System

- Initial contact with the justice system predominantly occurs because youth:
 - Have a discipline history at school
 - Are male
 - Are not excelling academically
 - Are economically disadvantaged
 - Have an emotional or learning disability
- The above factors increased likelihood of referral by 8.7 to 23.4 %
 - In contrast, race alone only increased likelihood of referral by 2.7 to 4.3%
- What does this mean?
 - Interventions focused narrowly on eliminating racial bias will do little to reduce disproportionality

Findings from the 2005 Study of Texas Juvenile Justice System

- Race has a cumulative impact over multiple stages of processing
 - Hispanic juveniles have a significantly higher probability of progressing through all four stages of case processing
 - Progression from school to TJJD referral
 - Progression from referral to prosecutor review of the case
 - Progression from prosecutor review to filing of formal charge
 - In charged cases, progression to one of four potential outcomes (dismissal, deferred, prosecution, commitment)
 - African American juveniles have a higher probability of progressing through two stages including initial contact and prosecutorial review
 - If the youth also have the characteristics identified in the previous slide, the effect grows even larger
- What does this mean for a group of 100,000 “average” males?
 - If equal in all ways except race: 40 Hispanic youth, 33 African American youth, and 29 Caucasian youth are projected to progress to the stage of prosecutorial action
 - If this group also has a common discipline history and are economically disadvantaged: 213 Hispanic youth, 185 African American youth, and 157 Caucasian youth are projected to reach the stage of prosecutorial action

Findings from the 2005 Study of Texas Juvenile Justice System

- Much of the disproportionality associated with African American youth in the justice system is accounted for by factors other than race
 - History of delinquency, male, academically at-risk, economically disadvantaged, or mentally/emotionally disabled
 - Keep in mind the causality loop
- Conversely, Hispanic youth are somewhat more likely to progress through the justice system without possessing any of these risk factors
- What does this mean?
 - Although not disproportionately represented in the justice system, Hispanic youth are somewhat more likely than their African American peers to progress from one stage to the next without possessing any of the mentioned risk factors
 - Stronger evidence of disparity exists for Hispanic youth than African American youth, for whom disproportionality is greatest

Where to Start

- Let your goals guide you
- Think about what you hope to achieve through this process:
 - What is your organization's stance on RED?
 - Why is it important?
 - What do you hope to achieving by filling the gaps you identify?

Where to Start

- Identification and Monitoring phase
 - Collecting and examining data on the various contact points listed previously
 - This provides a quantitative answer to the question of whether there are system differences based on race and ethnicity at specific points along the juvenile justice continuum
 - Narrows the field for an assessment phase, which works to identify possible mechanisms that create differences in the juvenile justice system
 - This leads to the intervention stage, which is where we work to reduce the RED identified in the Identification and Monitoring phase

What can you do?

- Start simple: begin by looking at your referral rates by race
 - This is a contact point more under your control as it is one of the first points along the juvenile justice continuum
 - Use your county population for the denominator if arrest numbers are not available
- Obtain and analyze data to determine if there is statistical basis for any of the other possible contributors to RED
 - E.g. law enforcement behavior, school behavior, department behavior
 - DO NOT collect data to confirm your opinion, use the data to explore all possible options... the results may surprise you
- Refer to the OJJDP DMC Technical Assistance Manual for additional guidance on how to analyze and interpret results

What can you do?

- If your analysis determines racial or ethnic disparities within your own department:
 - Focus on the decision points under your department's control
 - Identify gaps in data collection, training, policy and procedures, and performance evaluations that possibly contribute to the disparity
 - Research approaches or programs proven to be equitable practices for youth (LOGIC MODELS)
 - Set targets (MONITOR AND CONTROL)

Plan Do Check Act



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QUESTIONS