# Disproportionate Minority Contact in Oregon's Juvenile Justice System: Identification and Assessment Report

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## Executive Summary and Key Findings

This report presents findings related to racial and ethnic disparities in the juvenile justice system of Oregon. Although some data related to specific counties is presented, the focus of the report is on the State as a whole. Using data in the Juvenile Justice Information System, the report presents the current (2011) picture of Disproportionate Minority Contact (DMC), as well as using more elaborate JJIS and other data from 2008-2010 to more deeply explore patterns of DMC in the State.

The primary findings, as with examination of previous data, are that the principal areas of DMC are in the referral of African American and Native American youth into the juvenile justice system, as well as in the higher rates of detention for Native youth.

Further investigation of the differences in referrals of African American and Native youth lead to the following disturbing conclusions**:**

- African American youth tend to have more serious allegations when they enter the juvenile justice system and tend to have an earlier age of first referral. Additionally, both African American and Native American youth tend to have had a higher proportion of youth with previous court referrals, a higher proportion of prior referrals for criminal allegations and a higher proportion of prior probation or sentences involving out of home placement.
- When referred to the courts, both groups of youth tend to have higher risk profiles on the Juvenile Crime Prevention scales, especially those related to peers, school, attitudes and values, and family factors. This is particularly true for youth with multiple court referrals.
- Both groups of youth have significantly higher rates of founded child welfare cases. Findings of injury, threat of harm, neglect, and mental injury are higher among these court referred youth.

Turning attention from the referral process to the operations of the juvenile courts revealed some additional concerns. Using extensive statistical controls to remove the influence of the differences at referral, we nevertheless found substantial disparities in the operation of the juvenile justice system:

- Higher odds of Pre-Adjudication Detention for African American youth
- Higher odds of Petitions filed for Native youth
- Lower odds of dismissal for petitioned cases involving Hispanic youth
- Higher odds of transfer to adult court for both African American and Hispanic youth
- Higher odds of placement in Youth Authority custody for Hispanic youth

While many of these issues argue for more scrutiny in decision-making processes and development of additional resources for minority youth, the major fundamental differences in handling of minority youth within the juvenile justice system may best be addressed by tackling the conditions which bring youth into this system. The good news is that referrals into the justice system have been declining over the past decade; it is time to ensure that this good news applies to all of Oregon's youth.

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# 1. Introduction

This report is one of a series examining Disproportionate Minority Contact (DMC) within the juvenile justice system in the State of Oregon. Other reports examine specific issues such as DMC in specific counties and specific aspects of DMC such as the relationship of DMC to *crossover* youth, those juveniles who are involved in both the child welfare system and the juvenile justice system.

This report is explicitly designed to accomplish three objectives. The first is to provide an overview of DMC in Oregon, using the Identification Process recommended by the federal Office of Juvenile Justice and Delinquency Prevention. That overview process uses a measurement technique known as the Relative Rate Index to investigate the disparities that appear within Oregon's juvenile justice system and to identify specific areas for more in-depth analysis. The basic information for the Identification stage is the summary information contained in reports produced from the Oregon Juvenile Justice Information System (JJIS). For this purpose we are using calendar year 2011 summary information. Because we are using summary information, the Identification process does not result in explicit statements about areas in which discrimination may occur; rather it simply identifies areas for more extensive investigation.

The second objective is to explore in more depth three specific areas that are selected as focal points in the State Identification report. This second objective comprises part of the OJJDP "Assessment" process. This involves examining these areas in substantial detail by using individual records from the Oregon Juvenile Justice Information System (JJIS). Information obtained from JJIS included records of referral, detention and placement in closed custody. In addition, matching records from the Department of Human Services provided information on the founded cases of child abuse or neglect for these youth, and the JJIS system also provided records of the Juvenile Crime Prevention assessment scores for many of the youth. Data records on all youth referred to juvenile justice authorities from January 1, 2008, through February 28, 2010, were selected for analysis.

The third objective is to examine DMC in the overall decision-making processes on a statewide basis. This objective is also addressed using the JJIS detailed level data from January 1, 2008, through February 28, 2010. This process gives us a slightly different overview of the operation of the juvenile justice system. Taken together, the three objectives and processes provide us with a good state-level picture of the disparities in the juvenile justice system, many of the explanations for those disparities and point toward actions that may be taken to resolve those disparities. This analysis is at the State level; other reports in this series address similar analysis at the county level in a number of counties designated by the Juvenile Justice Advisory Commission.

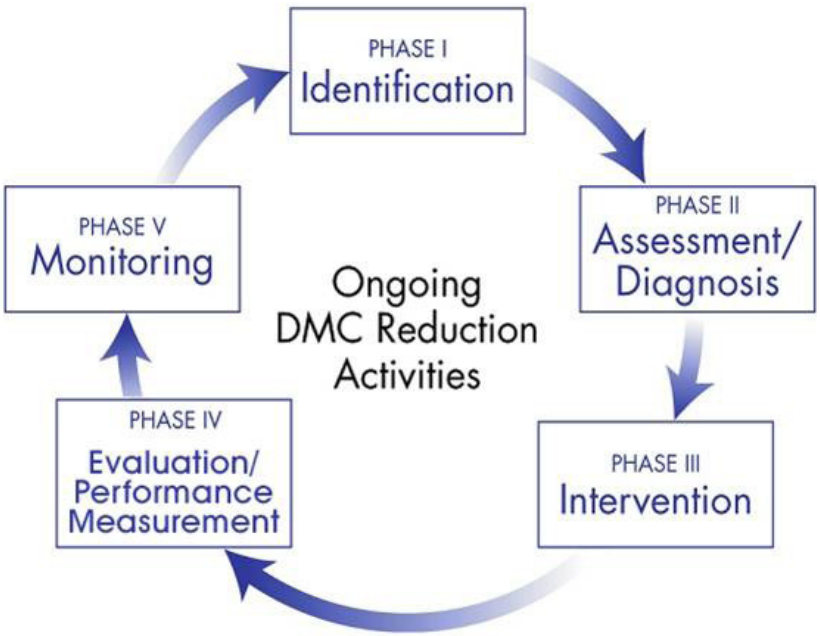
The Oregon Commission on Children and Families (OCCF) is the agency designated to receive Title II Formula Grants funding from the federal Office of Juvenile Justice and Delinquency Prevention (OJJDP). As the recipient of this funding, OCCF is required to remain in compliance with the Core Requirements of the Juvenile Justice and Delinquency Prevention Act (the JJDP Act). One of the Core Requirements

involves addressing the disproportionate representation of minority youth in the juvenile justice system. As part of the DMC Core Requirement, OJJDP requires states to:

- identify whether DMC exists at any of the nine juvenile justice contact points,
- undergo an Assessment to determine the extent of DMC based on statewide data,
- identify targeted jurisdictions with the highest Relative Rate Index (RRI), and
- generate possible explanations and/or to identify the most likely mechanism (or mechanisms) contributing to DMC (Leiber, Richetelli, and Feyerherm 2009).

OJJDP required states to complete their DMC assessments by March 31, 2012 (an extension was granted until May 4, 2012). To receive Title II Formula Grants funding, states must send a comprehensive 3-Year Plan to OJJDP, which must include a plan for complying with the four Core requirements of the JJDP Act. States are required to follow the steps outlined by OJJDP to address DMC. Phase 1 of the OJJDP process is to identify whether DMC exists and, if so, at which contact points in the juvenile justice system that it does exist. DMC exists if the rate of contact with the juvenile justice system of a minority group differs significantly from the rate of contact of the majority group. Phase 2 is to conduct an assessment to determine the mechanisms contributing to DMC at the identified decision points where disproportionality exists. The operational question for an assessment study is, "Why do we find youth from various racial and ethnic groups overrepresented at various contact points in the juvenile justice system?" This report is the effort to address that question at the statewide level. Subsequent reports will address a similar question at the county level for specific counties, as well as examining other questions of concern related to DMC topics.

## OJJDP DMC–Reduction Model



The overall DMC Assessment is guided by the OJJDP DMC–Reduction Model, which states that the purpose of the assessment is to generate probable explanations for DMC observed in the community. Figure 1 is a graphic illustration of the cycle proposed by OJJDP in which targeted areas for investigation are identified (Phase I), leading to more extensive assessment to specify the nature of the issues leading to DMC (Phase II). That understanding of the nature of DMC in a community should lead to specific interventions (phase III). The model suggests that those specific interventions need to be evaluated to determine if they have the desired/expected impact (Phase IV). The experience of a number of jurisdictions suggests that ongoing monitoring (Phase V) is necessary because additional sources of DMC may emerge over time, and even initial successes in phases II and IV may not be maintained, necessitating additional attention to DMC by restarting the cycle.

## Assessment of DMC and Probable Contributing Mechanisms

The *assessment* phase of the DMC–Reduction Model builds on the results of the *identification* process. It seeks to determine *probable explanations* why minority overrepresentation exists, and examine in-depth the factors that may contribute to DMC between white and minority youth at the various decision points in the juvenile justice system. The aim is to determine which mechanisms leading to DMC are supported by assessment data and therefore form the targets for intervention activities. OJJDP has identified the following probable mechanisms that may contribute to DMC, that which can serve as a lens through which to view the Oregon data (adapted from Leiber, Richetelli, and Feyerherm 2009, 2.1–10):

- Differential offending;
- Mobility;
- Indirect effects;
- Differential opportunities for prevention and treatment;
- Justice by geography;
- Legislation, policies, and legal factors;
- Accumulated disadvantage; and
- Differential processing/handling.

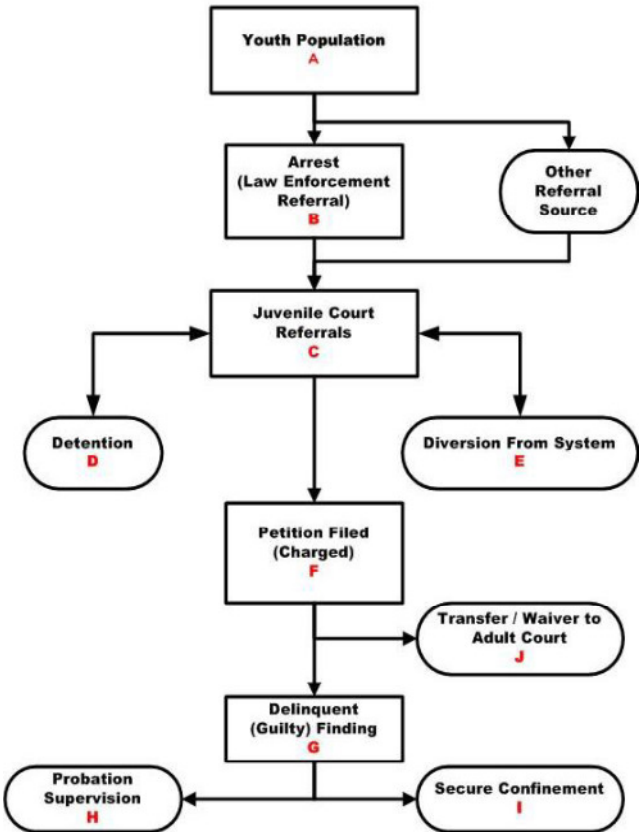
## 2. Phase I – Identification

The identification phase is designed to highlight those areas in the juvenile justice system and those members of minority youth communities which experience DMC. It is intended as a prioritizing stage, in which the multiple areas of the juvenile justice system are examined to determine which ones appear to have the most pressing needs with respect to DMC issues. To understand the Identification stage it is useful to understand the measurement process which is used in the prioritization and the conceptual model of the juvenile justice system which drives the inquiry.

### The Relative Rate Index

The 2002 Juvenile Justice and Delinquency Prevention Act requires states receiving JJDPA funds 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" (otherwise known as DMC).

DMC is measured using the 'Relative Rate Index' or RRI. It has three components: a system map describing the major contact points or stages at which a juvenile may have additional contact or move further into the justice system; a method for computing rates of activity (by race and ethnicity) at each of the stages; and a method (the index) to compare the rates of contact for different demographic groups at each stage.




| Oregon: Base for Calculation of Rates at each Stage of the Juvenile Justice System |
|---|
| • Juveniles arrested—not used due to unavailability of information<br>• Referrals to juvenile court—rate per 1000 population<br>• Juveniles diverted before adjudication—rate per 100 referrals<br>• Juveniles detained—rate per 100 referrals<br>• Juveniles petitioned—rate per 100 referrals<br>• Juveniles found to be delinquent—rate per 100 youth petitioned (charged)<br>• Juveniles placed on probation—rate per 100 youth found delinquent<br>• Juveniles placed in correctional facilities—rate per 100 youth found delinquent<br>• Juveniles transferred to adult court—rate per 100 youth petitioned |

The calculation of the RRI is fairly straightforward:

| Relative Rate Index (RRI) = Minority Rate / White Rate |
|---|

The index ranges (theoretically) from zero to infinity. An index of one would represent statistical equality. An index of 2.00 reflects a volume of contact for minority youth double the volume for white youth, while an index of .50 shows a volume of contact for minority youth half the volume of contact experienced by white youth.

The attached sheets have three sections: the top gives the rates of activity for each group; the middle section gives the RRI values, with the statistically significant values highlighted in red; and the bottom provides the calculated change needed in the number of contacts for minority youth in order to reach statistical parity with the rate of contact experienced by white youth.

The following page presents these summary tables for the State as a whole. In a later section they are provided for three counties that have been the focus of JJAC attention related to DMC issues.

A few notes of explanation related to data sources are appropriate. Most of the federally identified decision points in the Juvenile Justice System are contained in Juvenile Justice Information System, JJIS, which is operated by the Oregon Youth Authority through voluntary collaboration of all 36 Oregon counties. The only piece of information which is not contained within JJIS relates to law enforcement activity. This activity is reported by law enforcement agencies to the Uniform at Crime Reporting program operated by the FBI. That program, however, does not uniformly collect or publicly report information about Hispanic individuals. As a result, the information available regarding law enforcement activity does not fit with the remainder of information available in the State about DMC issues. Moreover, the information on juvenile arrests is only sporadically available, whereas the JJIS information is collected and reported on an annual basis.

The data which is collected within Oregon related to the DMC decision points from referral onward is also entered into a federally sponsored DMC website. That website is used to collect information from all participating states, with a requirement that each state must enter the data representing at least its statewide information and information from a minimum of three jurisdictions (usually counties). That data is then collected and aggregated to examine the range of experiences that minority youth have in the various juvenile justice systems across the country. For the purposes of this report, that information has been used to provide a comparative basis for assessing whether the disparities experienced in some Oregon counties by minority youth are more or less severe than those experienced elsewhere in the country.

The following three tables are used in the RRI analysis. The first table presents the rates of activity in the juvenile justice system in Oregon as a whole, broken out by race and ethnicity. For example, for white youth there are nearly 72 court referrals per 1,000 youth aged 10-17 in the population. For African American youth that figure is nearly 183 referrals per 1,000 youth in the population. Further down the table, looking at placements in secure confinement, there are roughly eight cases in which

white youth are placed in secure custody for every 100 cases in which there is a finding of delinquency. On the other hand, for African American youth, this figure is slightly more than doubled, at 17 placements in secure confinement for every 100 cases found delinquent.

| **Juvenile Justice Rates** | **Oregon Statewide** | 2011 | | | | | |
|---|---|---|---|---|---|---|---|
| | White | African American | Hispanic | Asian | Native American | Other/ Mixed | All Minorities |
| 2. Juvenile Arrests | | | | | | | |
| 3. Refer to Juvenile Court | 71.9 | 182.7 | 69.7 | 23.8 | 108.6 | | 89.4 |
| 4. Cases Diverted | 76.8 | 82.4 | 74.8 | 80.4 | 71.6 | 64.7 | 75.1 |
| 5. Cases Involving Secure Detention | 25.2 | 24.0 | 31.4 | 16.3 | 43.7 | 20.8 | 28.5 |
| 6. Cases Petitioned | 24.0 | 18.4 | 27.6 | 21.2 | 34.7 | 25.3 | 25.4 |
| 7. Cases Resulting in Delinquent Findings | 74.3 | 70.9 | 76.6 | 69.5 | 79.2 | 80.2 | 76.2 |
| 8. Cases resulting in Probation Placement | 66.5 | 68.8 | 72.8 | 59.1 | 68.9 | 68.6 | 70.7 |
| 9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities | 8.2 | 17.3 | 10.7 | 16.7 | 16.0 | 2.8 | 11.3 |
| 10. Cases Transferred to Adult Court | 1.7 | 7.2 | 3.3 | 3.2 | 1.5 | 1.1 | 3.4 |

The comparison of rates is made more formal in the following chart which looks at the Relative Rate Index. For example, compared to the referral rate for white youth, the referral rate for African American youth is 2.54 times higher. The other example used above looked at placement in secure confinement, in which the rate of confinement for African American youth is 2.12 times higher than the rate for white youth. As a general guide to interpretation, a value of 1.00 means the rates are equal. In some instances, particularly diversion and probation, a higher rate may in fact represent movement out of the juvenile justice system, and thus lower levels of DMC. For example, while white youth are diverted from juvenile justice processing at a rate of 76.8 per 100 cases referred to the court, Native American youth are diverted at a lower rate, 71.6. The resulting relative rate index is .93, meaning that the use of diversion is roughly 90% as frequent for native youth.

In examining any of the Relative Rate Index numbers, it is possible that a difference in rates might occur randomly. That possibility is assessed using a test of statistical significance, which measures the probability that a random difference could account for the rate observed. The numbers which are in bold red font are statistically significant – that is the probability that they might occur by random events is less than 1 in 20, typically noted as $p<.05$. Since the possibility of random events dramatically influencing the rates is a function of the number of cases being examined, the larger the number of cases being examined, the smaller the RRI value needs to be in order to be statistically significant.

| **Relative Rate Index Compared with :** | **White** | Oregon Statewide, 2011 | | | | | |
|---|---|---|---|---|---|---|---|
| | White | African American | Hispanic | Asian | Native American | Other/ Mixed | All Minorities |
| 2. Juvenile Arrests | ** | ** | ** | ** | ** | * | ** |
| 3. Refer to Juvenile Court | 1.00 | **2.54** | **0.97** | **0.33** | **1.51** | * | **1.24** |
| 4. Cases Diverted | 1.00 | **1.07** | 0.97 | 1.05 | 0.93 | * | **0.98** |
| 5. Cases Involving Secure Detention | 1.00 | 0.95 | **1.25** | **0.65** | **1.74** | * | **1.13** |
| 6. Cases Petitioned | 1.00 | **0.77** | **1.15** | 0.88 | **1.44** | * | **1.06** |
| 7. Cases Resulting in Delinquent Findings | 1.00 | 0.95 | 1.03 | 0.93 | 1.07 | * | 1.02 |
| 8. Cases resulting in Probation Placement | 1.00 | 1.04 | **1.09** | 0.89 | 1.04 | * | **1.06** |
| 9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities | 1.00 | **2.12** | **1.31** | **2.04** | **1.96** | * | **1.38** |
| 10. Cases Transferred to Adult Court | 1.00 | **4.32** | **1.95** | ** | ** | * | **2.06** |
| **Group meets 1% threshold?** | **Yes** | **Yes** | **Yes** | **Yes** | **Yes** | **No** | |

Key:

| | |
|---|---|
| Statistically significant results: | **Bold font** |
| Results that are not statistically significant | Regular font |
| Group is less than 1% of the youth population | * |
| Insufficient number of cases for analysis | ** |

The last numeric matrix that is part of the Relative Rate Index/Identification process presents a calculation of the number of cases that would need to be changed in order to reach statistical parity. The calculation assumes that the rate of activity for white youth remains unchanged and asks how much change in the number of cases being processed would be needed in the minority group in order to reach the same rate of activity. This number is used to gauge two issues. The first is the volume or magnitude of the number of youth affected by DMC at this particular stage. The second is to gauge the size of intervention that might be needed in order to make a meaningful change in DMC issues. As an example, in the following table we can see that a decrease in referrals of 1349 cases would be needed in order to reach statistical parity for African American youth in terms of referrals into the juvenile justice system in Oregon. That means that we would want to design prevention programs or other forms of intervention that would keep roughly 1300-1400 African American cases out of the Oregon juvenile justice system. If that were to happen, and if the rates of referral remained consistent for white youth, we would see the issue of DMC "disappear" for this group.

**What Would it Take?** Oregon Statewide, 2011

Assuming all else remained constant, what changes in volume for minority youth required to achieve statistical parity with white youth

| Note: results are only displayed if the corresponding RRI value is statistically significant | African American | Hispanic | Asian | Native American | Other/ Mixed | All Minorities |
|---|---|---|---|---|---|---|
| 2. Juvenile Arrests | | | | | | |
| 3. Refer to Juvenile Court | -1369 | 163 | 904 | -254 | | -1948 |
| 4. Cases Diverted | -126 | | | | | 172 |
| 5. Cases Involving Secure Detention | | -319 | 40 | -139 | | -331 |
| 6. Cases Petitioned | 127 | -181 | | -80 | | -139 |
| 7. Cases Resulting in Delinquent Findings | | | | | | |
| 8. Cases resulting in Probation Placement | | -68 | | | | -81 |
| 9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities | -27 | -27 | -6 | -16 | | -61 |
| 10. Cases Transferred to Adult Court | -23 | -22 | | | | -45 |

*release date: March, 2011*

## Interpretation of the RRI Matrices

In order to identify those areas of highest priority, we have used the OJJDP Criteria for interpreting the RRI matrix:

1. Statistical Significance, for which we used a standard of significance at $p < .01$.
2. Magnitude of the RRI values, with a cutoff at over 1.50 in magnitude or under .667.
3. Volume – the number of youth involved and/or the numeric extent of disproportionate contact. For this we used criteria that the number of cases that need to be changed to reach statistical parity must be at least 100.
4. Comparison with other states/communities: The index value must be at or above the $50^{th}$ percentile, or for diversion and probation decisions, below the $50^{th}$ percentile when compared to all other states providing DMC data.

To summarize the interpretations, the following tracking matrix was used, in which a decision point/ race combination which met the cutoff criteria for each of the following items was designated with an appropriate letter:

| RRI Tracking Matrix, Oregon Statewide, 2011 | | | | | |
|---|---|---|---|---|---|
| Decision stage | Black | Hispanic | Asian | Native | All |
| 2. Arrests | | | | | |
| 3. Refer to Juvenile Court | S M V C | S | S | S M V C | S V C |
| 4. Cases Diverted | S V | | | | S |
| 5. Cases Involving Secure Detention | | S V | S | S M V C | S V |
| 6. Cases Petitioned | S | S V | | S | S V |
| 7. Cases Resulting in Delinquent Findings | | | | | |
| 8. Cases resulting in Probation Placement | | S | | | S |
| 9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities | S M | S | S M C | S M C | S M |
| 10. Cases Transferred to Adult Court | S M C | S M | | | S |

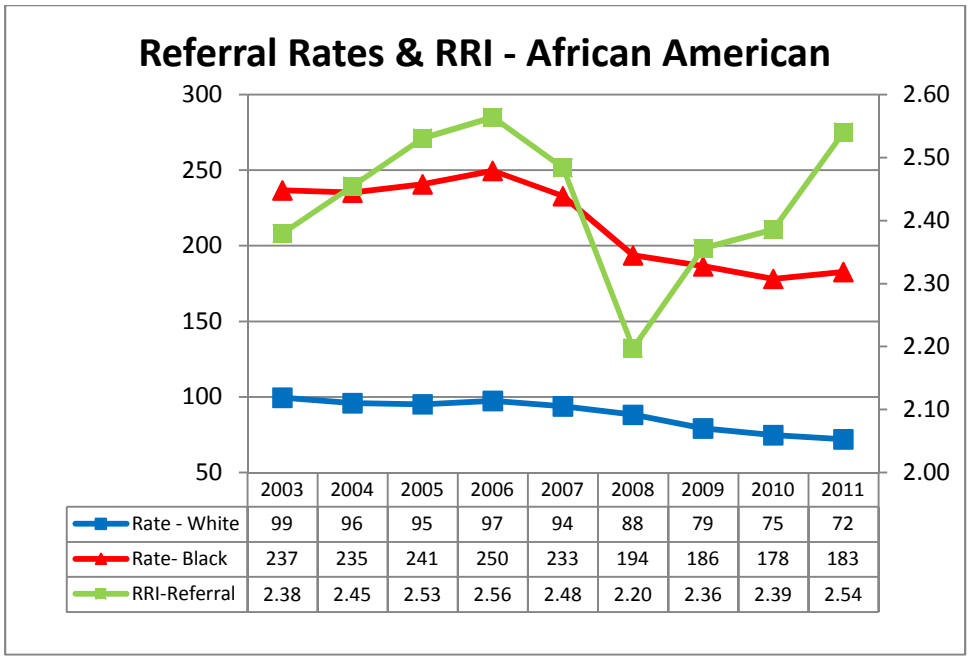
S = Statistically Significant
M = Magnitude = 1.50 or greater
V = Volume needed for equity is 100 or greater
C = RRI is at or greater than 50th percentile

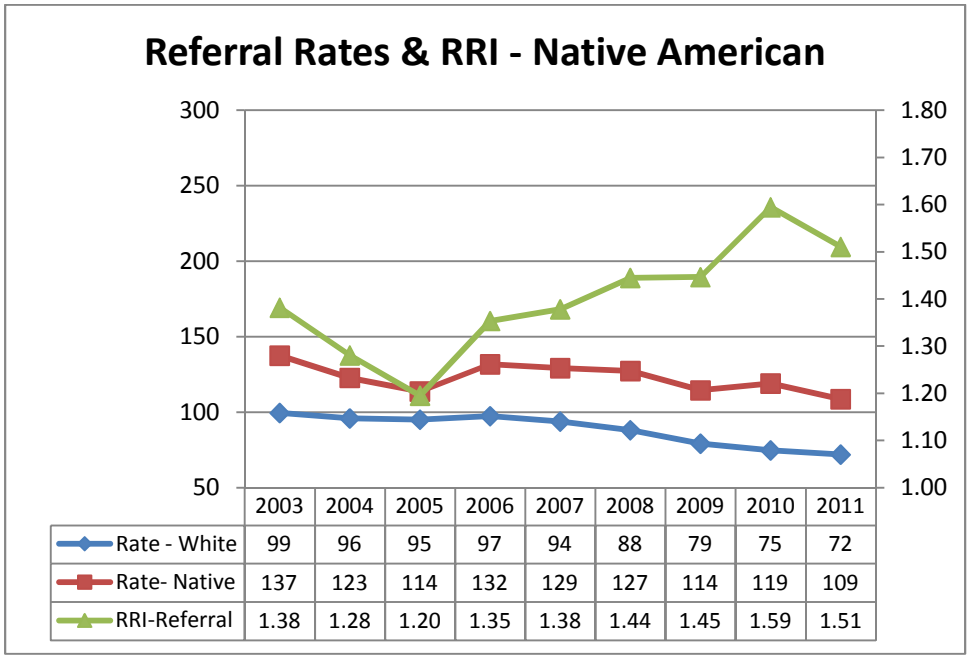
The three highlighted combinations are the areas in which all four criteria identify the decision point/race combination as being of concern. They are therefore identified as highest priority at the State level, although for individual communities, other areas of concern could emerge.

## Trends

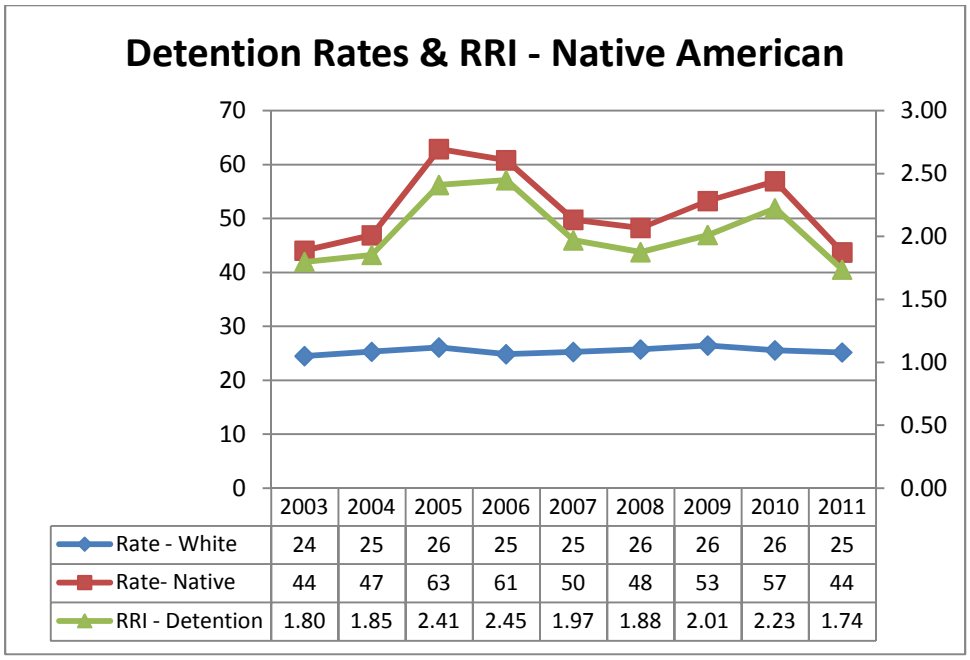
For each of the three priority areas, we examined the patterns of rates and RRI values over the past several years, reflected in the following charts. In each chart, the rate of activity for both white and minority group youth is charted against the scale on the left hand vertical axis. The RRI value is charted on the scale on the right hand vertical axis. This allows us to see what types of changes in the underlying rates of contact lead to the changes in the RRI value over time.

In both of the trend analyses dealing with referral there is the same pattern. Although the general rate of referrals is declining for all groups, that decline is greater proportionally for white youth than for African American or Native American youth.




For detention activities, the pattern with respect to white youth has been a fairly consistent rate of detention. For Native American youth however, the pattern over the past years until 2011 has been for increasing levels of detention. The reversal in 2011 is welcome, but needs to be tracked for several years to see if it is maintained.




| | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 |
|---|---|---|---|---|---|---|---|---|---|
| Rate - White | 24 | 25 | 26 | 25 | 25 | 26 | 26 | 26 | 25 |
| Rate- Native | 44 | 47 | 63 | 61 | 50 | 48 | 53 | 57 | 44 |
| RRI - Detention | 1.80 | 1.85 | 2.41 | 2.45 | 1.97 | 1.88 | 2.01 | 2.23 | 1.74 |

## Identification in Specific Counties

In addition to the statewide information, we also examine DMC patterns in three specific counties: Lane, Marion and Multnomah. These are three major areas of population diversification for the State, and have been supported in DMC efforts by JJAC in the past. For each of these counties, there are two pages of information in the following section. The first are the three RRI matrices, followed by the summary or 'tracking' matrix which shows the use of the OJJDP criteria. We have continued the use of cutoff points as in the State interpretation, with the exception of decreasing the volume cutoff to 50 cases, reflecting the fact that the overall volume in these jurisdictions is much smaller than the State total.

## Lane County

| State Oregon | County: Lane | | | Jan / 2011 | | through Dec / 2011 | | |
|---|---|---|---|---|---|---|---|---|
| **Juvenile Justice Rates** | | | 2011 | | | | | |
| | White | African-American | Hispanic | Asian | PI | Native American | Other/ Mixed | All Minorities |
| 2. Juvenile Arrests | | | | | | | | |
| 3. Refer to Juvenile Court | 74.0 | 163.8 | 44.1 | 24.4 | | 123.7 | | 63.3 |
| 4. Cases Diverted | 84.8 | 67.4 | 71.5 | 104.2 | | 72.2 | | 72.2 |
| 5. Cases Involving Secure Detention | 26.2 | 44.7 | 51.4 | 83.3 | | 51.4 | | 51.1 |
| 6. Cases Petitioned | 19.7 | 28.8 | 33.0 | 29.2 | | 33.3 | | 31.4 |
| 7. Cases Resulting in Delinquent Findings | 57.5 | 60.5 | 66.1 | 57.1 | | 58.3 | | 62.5 |
| 8. Cases resulting in Probation Placement | 73.5 | 95.7 | 87.2 | 100.0 | | 85.7 | | 90.0 |
| 9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities | 11.0 | | 7.7 | | | 7.1 | | 5.0 |
| 10. Cases Transferred to Adult Court | 0.8 | | | | | | | |

| **Relative Rate Index Compared with :** | **White** | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | White | African-American | Hispanic | Asian | PI | Native American | Other/ Mixed | All Minorities |
| 2. Juvenile Arrests | ** | ** | ** | ** | * | ** | * | ** |
| 3. Refer to Juvenile Court | 1.00 | **2.21** | **0.60** | **0.33** | * | **1.67** | * | **0.86** |
| 4. Cases Diverted | 1.00 | **0.80** | 0.84 | ** | * | 0.85 | * | **0.85** |
| 5. Cases Involving Secure Detention | 1.00 | **1.71** | **1.96** | ** | * | **1.96** | * | **1.95** |
| 6. Cases Petitioned | 1.00 | **1.46** | **1.67** | ** | * | **1.69** | * | **1.59** |
| 7. Cases Resulting in Delinquent Findings | 1.00 | 1.05 | 1.15 | ** | * | ** | * | 1.09 |
| 8. Cases resulting in Probation Placement | 1.00 | ** | 1.19 | ** | * | ** | * | 1.22 |
| 9. Cases Resulting in Confinement in Secure | 1.00 | ** | ** | ** | * | ** | * | ** |
| 10. Cases Transferred to Adult Court | ** | ** | ** | ** | * | ** | * | ** |
| **Group meets 1% threshold?** | **Yes** | **Yes** | **Yes** | **Yes** | **No** | **Yes** | **No** | |

| Key: | |
|---|---|
| Statistically significant results: | **Bold font** |
| Results that are not statistically significant | Regular font |
| Group is less than 1% of the youth population | * |
| Insufficient number of cases for analysis | ** |
| Missing data for some element of calculation | --- |

| **What Would it Take?** | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| Assuming all else remained constant, what changes in volume for minority youth required to achieve statistical parity with | | | | | | | | **White** |
| Note: results are only displayed if the corresponding RRI value is statistically significant | White | African-American | Hispanic | Asian | PI | Native American | Other/ Mixed | All Minorities |
| 2. Juvenile Arrests | | | | | | | | |
| 3. Refer to Juvenile Court | | -72 | 121 | 49 | | -29 | | 68 |
| 4. Cases Diverted | | 23 | | | | | | 51 |
| 5. Cases Involving Secure Detention | | -24 | -45 | | | -18 | | -101 |
| 6. Cases Petitioned | | -12 | -24 | | | -10 | | -48 |
| 7. Cases Resulting in Delinquent Findings | | | | | | | | |
| 8. Cases resulting in Probation Placement | | | | | | | | |
| 9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities | | | | | | | | |
| 10. Cases Transferred to Adult Court | | | | | | | | |
| *release date: March, 2011* | | | | | | | | |

| RRI Tracking Matrix, Lane County, 2011 | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Decision stage | Black | | | | | Hispanic | | | | | Asian | | | | | Native | | | | | All | | | | |
| 2. Juvenile Arrests | | | | | | | | | | | | | | | | | | | | | | | | |
| 3. Refer to Juvenile Court | S | M | V | C | | S | | | | | S | | | | | S | M | V | C | | S | | V | C |
| 4. Cases Diverted | S | | V | | | | | | | | | | | | | | | | | | S | | | | |
| 5. Cases Involving Secure Detention | | | | | | S | | V | | | S | | | | | S | M | V | C | | S | | V | | |
| 6. Cases Petitioned | S | | | | | S | | V | | | | | | | | S | | | | | S | | V | | |
| 7. Cases Resulting in Delinquent Findings | | | | | | | | | | | | | | | | | | | | | | | | |
| 8. Cases resulting in Probation Placement | | | | | | S | | | | | | | | | | | | | | | S | | | | |
| 9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities | S | M | | | | S | | | | | S | M | | C | | S | M | | C | | S | M | | | |
| 10. Cases Transferred to Adult Court | S | M | | C | | S | M | | | | | | | | | | | | | | S | | | | |
| S = Statistically Significant | | | | | | | | | | | | | | | | | | | | | | | | |
| M = Magnitude = 1.50 or greater | | | | | | | | | | | | | | | | | | | | | | | | |
| V = Volume needed for equity is 150 or greater | | | | | | | | | | | | | | | | | | | | | | | | |
| C = RRI is at or greater than 50th percentile | | | | | | | | | | | | | | | | | | | | | | | | |

As noted in the highlighted areas, the principle focus areas for DMC reduction in Lane County parallel those areas identified at the statewide level, namely the higher levels of referral for African American and Native American youth, and the higher rate of detention for Native American Youth.

## Marion County

| State Oregon | County: Marion | | | Jan / 2011 | | through Dec / 2011 | | |
|---|---|---|---|---|---|---|---|---|
| **Juvenile Justice Rates** | | | 2011 | | | | | |
| | White | African-American | Hispanic | Asian | PI | Native American | Other/ Mixed | All Minorities |
| 2. Juvenile Arrests | | | | | | | | |
| 3. Refer to Juvenile Court | 88.3 | 197.5 | 81.0 | 46.6 | | 224.4 | | 88.4 |
| 4. Cases Diverted | 76.9 | 82.9 | 76.5 | 67.9 | | 73.2 | | 76.4 |
| 5. Cases Involving Secure Detention | 26.6 | 45.0 | 33.7 | 25.0 | | 18.1 | | 33.0 |
| 6. Cases Petitioned | 21.9 | 23.3 | 29.3 | 37.5 | | 11.0 | | 27.4 |
| 7. Cases Resulting in Delinquent Findings | 89.8 | 90.0 | 87.2 | 61.9 | | 85.7 | | 86.0 |
| 8. Cases resulting in Probation Placement | 63.7 | 66.7 | 70.3 | 61.5 | | 33.3 | | 68.3 |
| 9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities | 11.7 | 14.8 | 14.7 | 30.8 | | 58.3 | | 16.9 |
| 10. Cases Transferred to Adult Court | 1.2 | | 2.2 | 4.8 | | | | 2.1 |

| **Relative Rate Index Compared with :** | **White** | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | White | African-American | Hispanic | Asian | PI | Native American | Other/ Mixed | All Minorities |
| 2. Juvenile Arrests | ** | ** | ** | ** | * | ** | * | ** |
| 3. Refer to Juvenile Court | 1.00 | **2.24** | **0.92** | **0.53** | * | **2.54** | * | 1.00 |
| 4. Cases Diverted | 1.00 | 1.08 | 0.99 | 0.88 | * | 0.95 | * | 0.99 |
| 5. Cases Involving Secure Detention | 1.00 | **1.69** | **1.27** | 0.94 | * | 0.68 | * | **1.24** |
| 6. Cases Petitioned | 1.00 | 1.06 | **1.34** | **1.71** | * | **0.50** | * | **1.25** |
| 7. Cases Resulting in Delinquent Findings | 1.00 | ** | 0.97 | ** | * | ** | * | 0.96 |
| 8. Cases resulting in Probation Placement | 1.00 | ** | 1.10 | ** | * | ** | * | 1.07 |
| 9. Cases Resulting in Confinement in Secure | 1.00 | ** | 1.26 | ** | * | ** | * | **1.45** |
| 10. Cases Transferred to Adult Court | ** | ** | ** | ** | * | ** | * | ** |
| **Group meets 1% threshold?** | **Yes** | **Yes** | **Yes** | **Yes** | **No** | **Yes** | **No** | |

| Key: | |
|---|---|
| Statistically significant results: | **Bold font** |
| Results that are not statistically significant | Regular font |
| Group is less than 1% of the youth population | * |
| Insufficient number of cases for analysis | ** |
| Missing data for some element of calculation | --- |

| **What Would it Take?** | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| Assuming all else remained constant, what changes in volume for minority youth required to achieve statistical parity with | | | | | | | | **White** |
| Note: results are only displayed if the corresponding RRI value is statistically significant | White | African-American | Hispanic | Asian | PI | Native American | Other/ Mixed | All Minorities |
| 2. Juvenile Arrests | | | | | | | | |
| 3. Refer to Juvenile Court | | -71 | 96 | 50 | | -77 | | |
| 4. Cases Diverted | | | | | | | | |
| 5. Cases Involving Secure Detention | | -24 | -76 | | | | | -88 |
| 6. Cases Petitioned | | | -79 | -9 | | 14 | | -76 |
| 7. Cases Resulting in Delinquent Findings | | | | | | | | |
| 8. Cases resulting in Probation Placement | | | | | | | | |
| 9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities | | | | | | | | -17 |
| 10. Cases Transferred to Adult Court | | | | | | | | |
| *release date: March, 2011* | | | | | | | | |

| RRI Tracking Matrix, Marion County, 2011 | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Decision stage | Black | | | | | Hispanic | | | | | Asian | | | | | Native | | | | | All | | | | |
| 2. Juvenile Arrests | | | | | | | | | | | | | | | | | | | | | | | | |
| 3. Refer to Juvenile Court | S | M | V | C | | | | | | | | | | | | S | M | V | C | | | | | |
| 4. Cases Diverted | | | | | | | | | | | | | | | | | | | | | | | | |
| 5. Cases Involving Secure Detention | S | M | | | C | S | | | V | C | | | | | | | | | | | S | | | V | |
| 6. Cases Petitioned | | | | | | S | | | V | C | S | M | | | C | | | | | | S | | | V | |
| 7. Cases Resulting in Delinquent Findings | | | | | | | | | | | | | | | | | | | | | | | | |
| 8. Cases resulting in Probation Placement | | | | | | | | | | | | | | | | | | | | | | | | |
| 9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities | | | | | | | | | | | | | | | | | | | | | S | | | | C |
| 10. Cases Transferred to Adult Court | | | | | | | | | | | | | | | | | | | | | | | | |
| S = Statistically Significant | | | | | | | | | | | | | | | | | | | | | | | | |
| M = Magnitude = 1.50 or greater | | | | | | | | | | | | | | | | | | | | | | | | |
| V = Volume needed for equity is 50 or greater | | | | | | | | | | | | | | | | | | | | | | | | |
| C = RRI is at or greater than 50th percentile | | | | | | | | | | | | | | | | | | | | | | | | |

For Marion County the areas of referral for African American youth and Native American Youth are identified as the principle areas of concern for DMC issues.

## Multnomah County

On the following pages we produce the matrices for Multnomah County. It will be noted in later sections of this report that Multnomah County operates in a somewhat different manner than most other counties in Oregon. A comparison of the rates of contact will begin to establish the ways in which this county functions differently, in part as a function of being the heart of the largest metropolitan area of the State, as well as one of the more diverse population centers in the State.

| State Oregon | County: Multnomah | | | Jan / 2011 | | through Dec / 2011 | | |
|---|---|---|---|---|---|---|---|---|
| **Juvenile Justice Rates** | **Multnomah County, Oregon** | | | | 2011 | | | |
| | White | African-American | Hispanic | Asian | PI | Native American | Other/ Mixed | All Minorities |
| 2. Juvenile Arrests | | | | | | | | |
| 3. Refer to Juvenile Court | 52.2 | 207.2 | 59.0 | 28.2 | | 151.7 | | 92.9 |
| 4. Cases Diverted | 89.6 | 88.7 | 84.7 | | | | | 53.9 |
| 5. Cases Involving Secure Detention | 10.5 | 17.2 | 18.8 | 8.5 | | 7.3 | | 16.6 |
| 6. Cases Petitioned | 8.8 | 11.9 | 15.7 | 12.1 | | 6.4 | | 12.8 |
| 7. Cases Resulting in Delinquent Findings | 62.6 | 63.1 | 58.3 | 60.0 | | 85.7 | | 61.6 |
| 8. Cases resulting in Probation Placement | 70.6 | 66.7 | 87.3 | 58.3 | | 33.3 | | 72.2 |
| 9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities | 29.4 | 33.3 | 12.7 | 41.7 | | 66.7 | | 27.8 |
| 10. Cases Transferred to Adult Court | 9.8 | 16.6 | 13.9 | 10.0 | | 14.3 | | 15.1 |

| **Relative Rate Index Compared with :** | **White** | | **Multnomah County, Oregon** | | | | 2011 | |
|---|---|---|---|---|---|---|---|---|
| | White | African-American | Hispanic | Asian | PI | Native American | Other/ Mixed | All Minorities |
| 2. Juvenile Arrests | ** | ** | ** | ** | * | ** | * | ** |
| 3. Refer to Juvenile Court | 1.00 | **3.97** | **1.13** | **0.54** | * | **2.90** | * | **1.78** |
| 4. Cases Diverted | 1.00 | 0.99 | 0.94 | ** | * | ** | * | **0.60** |
| 5. Cases Involving Secure Detention | 1.00 | **1.65** | **1.80** | 0.81 | * | 0.70 | * | **1.59** |
| 6. Cases Petitioned | 1.00 | **1.34** | **1.78** | 1.37 | * | 0.72 | * | **1.45** |
| 7. Cases Resulting in Delinquent Findings | 1.00 | 1.01 | 0.93 | ** | * | ** | * | 0.98 |
| 8. Cases resulting in Probation Placement | 1.00 | 0.94 | 1.24 | ** | * | ** | * | 1.02 |
| 9. Cases Resulting in Confinement in Secure | 1.00 | 1.14 | **0.43** | ** | * | ** | * | 0.95 |
| 10. Cases Transferred to Adult Court | 1.00 | **1.70** | 1.42 | ** | * | ** | * | **1.54** |
| **Group meets 1% threshold?** | **Yes** | **Yes** | **Yes** | **Yes** | **No** | **Yes** | **No** | |

| Key: | |
|---|---|
| Statistically significant results: | **Bold font** |
| Results that are not statistically significant | Regular font |
| Group is less than 1% of the youth population | * |
| Insufficient number of cases for analysis | ** |
| Missing data for some element of calculation | --- |

| **What Would it Take?** | **Multnomah County, Oregon** | | | | | 2011 | | |
|---|---|---|---|---|---|---|---|---|
| Assuming all else remained constant, what changes in volume for minority youth required to achieve statistical parity with | | | | | | | | **White** |
| Note: results are only displayed if the corresponding RRI value is statistically significant | White | African-American | Hispanic | Asian | PI | Native American | Other/ Mixed | All Minorities |
| 2. Juvenile Arrests | | | | | | | | |
| 3. Refer to Juvenile Court | | -989 | -79 | 141 | | -72 | | -999 |
| 4. Cases Diverted | | | | | | | | 818 |
| 5. Cases Involving Secure Detention | | -90 | -57 | | | | | -140 |
| 6. Cases Petitioned | | -40 | -47 | | | | | -90 |
| 7. Cases Resulting in Delinquent Findings | | | | | | | | |
| 8. Cases resulting in Probation Placement | | | | | | | | |
| 9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities | | | 11 | | | | | |
| 10. Cases Transferred to Adult Court | | -11 | | | | | | -15 |
| *release date: March, 2011* | | | | | | | | |

| RRI Tracking Matrix, Multnomah County Oregon, 2011 | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Decision stage | Black | | | | | Hispanic | | | | | Asian | | | | | Native | | | | | All | | | | |
| 2. Juvenile Arrests | | | | | | | | | | | | | | | | | | | | |
| 3. Refer to Juvenile Court | S | M | V | C | | S | | V | | | S | | | | | S | M | V | C | | S | M | V | C | |
| 4. Cases Diverted | | | | | | | | | | | | | | | | | | | | | S | M | V | C | |
| 5. Cases Involving Secure Detention | S | M | V | C | | S | M | V | C | | | | | | | | | | | | S | M | V | C | |
| 6. Cases Petitioned | S | | | C | | S | M | | C | | | | | | | | | | | | S | | V | C | |
| 7. Cases Resulting in Delinquent Findings | | | | | | | | | | | | | | | | | | | | |
| 8. Cases resulting in Probation Placement | | | | | | | | | | | | | | | | | | | | |
| 9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities | | | | | | | | | | | | | | | | | | | | |
| 10. Cases Transferred to Adult Court | S | M | | | | | | | | | | | | | | | | | | | S | M | | | |
| S = Statistically Significant | | | | | | | | | | | | | | | | | | | | |
| M = Magnitude = 1.50 or greater | | | | | | | | | | | | | | | | | | | | |
| V = Volume needed for equity is 150 or greater | | | | | | | | | | | | | | | | | | | | |
| C = RRI is at or greater than 50th percentile | | | | | | | | | | | | | | | | | | | | |

In what is now a familiar pattern, the Relative Rate Index is higher for referral for African American and Native American youth, similar to Lane and Marion County, as well as the State totals. We also have focal areas identified for detention involving both African American and Hispanic youth. Finally, it is notable that when all minority youth are combined, we not only have issues of referral and detention, but also diversion. What is likely happening here is that the numbers of cases are not sufficient to meet thresholds of significance or volume for each group considered singly, but when combined, the numbers are sufficient.

# 3. Assessment: Examining the Identification Focus Areas

In this section of the Oregon 2012 DMC Assessment the objective is to identify possible mechanisms which lead to DMC in those areas of primary concern which were identified in the 2011 DMC Identification analysis (OCCF, March, 2011). That identification analysis reviewed the experiences of white, African American, Asian, Hispanic and Native American youth across nine decision stages in the juvenile justice system, as specified by the federal Office of Juvenile Justice and Delinquency Prevention (OJJDP). Three areas were specified as the primary focus for further assessment in terms of high DMC rates for Oregon as a whole:

1. Higher referral rates for African American youth
2. Higher referral rates for Native American youth
3. Higher use of detention for Native American youth

The Relative Rate Index analysis which was used in the identification stage to select those three areas of emphasis is designed for the purpose for a first level identification of areas for exploration. The Relative Rate Index process, by its design, cannot provide a multivariate picture of the decision stages which are identified; it can only provide a gross analysis of differences in rates of contact. The purpose for this assessment is to probe deeper into the characteristics for the referrals, the youth and the decisions that need to be made in order to assess the factors which lead to differences in the contact rates at these stages.

## Referrals into the Juvenile Justice System

This analysis is based on referrals into the juvenile justice systems in Oregon from January 2008 through February 28, 2010, a period of 26 months. That data set is part of a larger set of data extracted from the Oregon Juvenile Justice Information System for additional long term analysis. Over the course of the 26 months covered by this analysis, a total of 66,833 events were referred to juvenile justice authorities across the State of Oregon, involving 37,250 unique juveniles. Of those, 3,108 cases involved juveniles whose race or ethnicity was not determined, so these cases have been excluded from this assessment of Disproportionate Minority Contact within Oregon. In terms of assessing Disproportionate Minority Contact, we need first to examine the patterns and frequency of these contacts, and then move to examination of the nature of the allegations and their relative severity. We can then examine the prior legal histories of these juveniles, both in terms of the justice system and in terms of their child welfare histories. Finally, we can contrast youth from different racial and ethnic backgrounds in terms of the pattern of risk and protective factors which they bring to the justice encounter.

### *Prevalence, Incidence and Frequency of Referrals*

We start with the observation that across five racial and ethnic categories (African American, Asian, Hispanic, Native American and white), a total of 35,025 unique youth were referred to the courts for a *prevalence* rate of 89 youth referred per 1,000 in the population (using 2010 population estimates). However, many of these youth were referred multiple times, so the total number of referrals was 63,396, creating an *incidence* rate of 163 referrals per 1,000 youth. On average, the frequency of

referrals for all youth was 1.82 referrals per youth. However it is clear that for each of these numbers, the prevalence, incidence and frequency, the values vary considerably by both groupings of both race/ethnicity and by gender. The following tables display each of these measures across these groups. The federal mandate is to examine *Disproportionate* Minority Contact, which implies a need to examine the rates in comparison to rates of contact for white youth. Therefore, each line not only shows the absolute rate, but also the degree to which the rate is proportionately higher or lower than the white rate.

Table 1. Prevalence Rates (per 1,000 youth)

| | Race | | | | | |
|---|---|---|---|---|---|---|
| Gender | African American | Asian | Hispanic | Native American | White | Total |
| Male | 202.8 | 37.7 | 120.1 | 124.1 | 113.0 | 113.9 |
| relative to white | 1.8 | 0.3 | 1.1 | 1.1 | | |
| Female | 127.6 | 22.0 | 50.3 | 75.0 | 67.0 | 63.7 |
| relative to white | 2.0 | 0.3 | 0.8 | 1.2 | | |
| Total | 166.5 | 29.8 | 86.3 | 100.1 | 90.6 | 89.4 |
| relative to white | 1.9 | 0.3 | 1.0 | 1.1 | | |

In Table 1 we can see that the prevalence of youth who received delinquency referrals is higher for males than females (113.9 versus 63.7), a pattern which is generally repeated within each of the race/ethnicity groups. The prevalence of youth referred to juvenile justice authorities is substantially higher for African American youth than for any other group, followed at a substantial distance by Native youth for both boys and girls. On a per capita basis compared to the number of white youth who have been referred to juvenile justice, African American youth are roughly twice as likely to have been referred, with a prevalence rate for African American boys that is 1.8 times higher than that for white boys, and a rate for African American girls that is two times higher than for white girls.

Two other items are of note in Table 1. First is that the prevalence rate for Asian youth was much lower than for any other group, showing consistently only 30% of the prevalence of white youth, whether we examine boys or girls. Second is that Hispanic youth showed an interesting split. Boys had a higher prevalence level than white boys, while Hispanic girls showed a lower prevalence level than white girls.

Table 2. Average Number of Referrals per Referred Youth

| | Race | | | | | |
|---|---|---|---|---|---|---|
| Gender | African American | Asian | Hispanic | Native American | White | Total |
| Male | 2.4 | 1.7 | 2.0 | 2.2 | 1.8 | 1.9 |
| relative to white | 1.3 | 0.9 | 1.1 | 1.2 | | |
| Female | 2.0 | 1.7 | 1.8 | 1.9 | 1.7 | 1.7 |
| relative to white | 1.1 | 1.0 | 1.0 | 1.1 | | |
| Total | 2.2 | 1.7 | 1.9 | 2.1 | 1.8 | 1.8 |
| relative to white | 1.2 | 0.9 | 1.0 | 1.2 | | |

When youth were referred into the system once during this period, the African American youth had a higher rate of referral. This tendency to have both a higher level of prevalence (likelihood of being referred at least once) and a higher average number of referrals once referred at all combined to produce a higher incidence level (total number of referrals per 1,000 youth over the study period). This is reflected in Table 3.

Table 3. Incidence Rates (per 1,000 youth)

| | Race | | | | | |
|---|---|---|---|---|---|---|
| Gender | African American | Asian | Hispanic | Native American | White | Total |
| Male | 478.8 | 62.9 | 235.2 | 274.4 | 202.4 | 212.1 |
| relative to white | 2.3 | 0.3 | 1.1 | 1.3 | | |
| Female | 253.8 | 37.2 | 89.6 | 144.9 | 113.9 | 110.5 |
| relative to white | 2.3 | 0.3 | 0.8 | 1.3 | | |
| Total | 370.3 | 50.0 | 164.6 | 211.1 | 159.3 | 162.6 |
| relative to white | 2.3 | 0.3 | 1.0 | 1.3 | | |

Here the incidence rates for both African American males and females are more than double the rates for white youth, showing 2.3 times higher levels of referral into the system. Likewise, with Native American youth, the levels for both males and females are 1.3 times higher than the rates for white youth, and for Asian youth the rates are substantially lower, showing at only 30% of the white rates for both girls and boys. For Hispanic youth an interesting phenomenon occurs, in which the incidence rate for males is higher than for white males, but for Hispanic girls the incidence rate is lower than for white girls, balancing out to an overall incidence rate for Hispanic youth that is essentially equivalent to the rate for white youth.

In essence, the JJIS data tells us that compared with white youth, both African American girls and boys have patterns of contact with the justice system that involve both a higher likelihood of referral into the system (prevalence) and a higher number of referrals once contacted, resulting in an overall higher

number of contacts per 1,000 youth in the population (incidence rate). In itself these are alarming differences, but we must explore further to see if there are qualitative differences in the nature of the allegations, and then in the prior legal histories and the risk and protective factors that accompany these youth in their contacts with the justice system.

It is also the case that in examining the qualitative differences between the groups, we can examine two different units of analysis. The first, often termed "unduplicated," is based on the characteristics of the youth who entered the system. In this formulation each youth is counted once. The second formulation, often termed "duplicated," examines the characteristics of each referral. In this instance a youth will occur as many times as they were referred to juvenile court during the study period. In the analyses which follow, these two methods will be labeled as "youth based" and as "incident based."

### *Allegation Level and Severity*

The difference in incidence rates leads us next to explore whether specific allegation types account for the differences in the experiences of different races, particularly African American youth. In Table 4 we examine the percentages of allegations in each major level of allegation type. Federal charges have been combined with felony and a few non-criminal allegation types have been removed from the table. The table includes both Incident-based and youth-based information. The youth-based information was generated by taking the *most serious allegation* for each youth, so although 13% of the incidents were classified as status offenses, many of those youth had other referrals, so that only 2% of the youth had their most serious allegation in the status category.

Table 4. Allegation Levels by Race and Gender

| **Incident Based** | Race and Gender Combinations | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Black Female | Asian Female | Hispanic Female | Native Female | White Female | Black Male | Asian Male | Hispanic Male | Native Male | White Male | Total |
| Felony | 9% | 7% | 7% | 8% | 6% | 21% | 17% | 17% | 18% | 14% | 12% |
| Misdemeanor | 66% | 46% | 51% | 49% | 41% | 56% | 54% | 52% | 47% | 46% | 47% |
| Violation | 7% | 21% | 19% | 23% | 34% | 13% | 22% | 21% | 26% | 31% | 28% |
| Status | 17% | 26% | 23% | 20% | 19% | 11% | 7% | 9% | 9% | 10% | 13% |
| Total Incidents | 1498 | 340 | 3002 | 485 | 15131 | 3020 | 577 | 8396 | 951 | 28383 | 61783 |
| **Youth Based** | | | | | | | | | | | |
| Felony | 14% | 11% | 11% | 12% | 8% | 35% | 24% | 27% | 29% | 21% | 18% |
| Misdemeanor | 74% | 64% | 67% | 66% | 53% | 54% | 57% | 56% | 53% | 51% | 54% |
| Violation | 7% | 21% | 18% | 20% | 35% | 10% | 17% | 15% | 17% | 26% | 25% |
| Status | 5% | 4% | 4% | 3% | 3% | 2% | 1% | 2% | 1% | 1% | 2% |
| Total Youth | 758 | 204 | 1711 | 251 | 8963 | 1274 | 347 | 4379 | 436 | 15962 | 34285 |

Several observations are in order. First, the allegation levels for girls are typically lower than for the boys. Second, the most serious allegation levels, felony charges, are a higher percentage of the charges

placed against African American males than any other group. If we add together the percentages in the felony and misdemeanor levels, representing criminal charges, those constitute 75 percent of the charges against African American girls and 77% of the charges against African American boys, as compared to 47 percent and 60% respectively for white girls and boys. If we look at youth-based information, 88% of black females and 89% of black males had their most serious charge as a criminal charge, compared to 62% and 72% respectively for white females and males. Clearly there is not only a higher incidence rate for referrals against African American youth, but also a higher level of perceived severity in the charges.

Another means of assessing severity is to examine a severity score adopted by the Oregon Juvenile Department Directors Association and applied to all JJIS allegations. That score ranges from 1 for a Status Offense through 19 for Murder. The complete scoring system is in the appendix to many JJIS reports. Table 5 presents the mean (average) and median scores for each race and gender grouping.

Table 5. Mean and Median Severity Score by Race and Gender

| | Incident Based | | Youth Based | |
|---|---|---|---|---|
| Race and Gender | Mean | Median | Mean | Median |
| African American Females | 5.31 | 5.00 | 6.80 | 6.00 |
| Asian Females | 3.84 | 4.00 | 5.35 | 4.00 |
| Hispanic Females | 3.87 | 4.00 | 5.25 | 5.00 |
| Native Females | 3.98 | 4.00 | 5.43 | 5.00 |
| White Females | 3.61 | 2.00 | 4.64 | 4.00 |
| African American Males | 6.10 | 6.00 | 8.04 | 6.00 |
| Asian Males | 5.57 | 5.00 | 6.76 | 6.00 |
| Hispanic Males | 5.03 | 5.00 | 6.70 | .6.00 |
| Native Males | 4.94 | 4.00 | 6.82 | 6.00 |
| White Males | 4.83 | 4.00 | 6.13 | 5.00 |

As a guide to the interpretation of those scores, a score of 4 represents a Class C misdemeanor, usually property in nature, while a score of 6 represents a Class A property misdemeanor. Clearly, whether examining the mean or the median, the highest scores belong to African American males. Likewise, among females, the African American group had the highest average scores.

### *Nature of the Allegation*

One dimension of the nature of the offense is the relative severity, roughly indicated by the legal classification as felony, misdemeanor, violation, etc., or in somewhat more refined levels as a Class A, Class B or Class C felony or misdemeanor. Another dimension of the nature of the allegation is to examine the type of offense, typically looking at allegations classified as offenses against property, person, public order, substance issues or status and dependency issues. In order to explore this area, we looked at the percentage of all referrals for a group that were classified in each of 26 allegation categories used in the generation of published reports from JJIS. In order to make comparisons a bit easier, these 26 categories were arranged in order from the highest percentage for the total set of referrals (theft at 18.6% of all referrals), to the most infrequent referral (homicide related at less than 1/10 of a percent of referrals). The full set of percentages is presented in Table 6 for all race/ethnicity and gender combinations.

**Table 6. Percentage of Referrals for Each Group Occurring in Specific Allegation Types (Incident Based Analysis)**

| | Race / Ethnicity and Gender Groupings | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Females | | | | | | Males | | | | | | |
| Allegation | Black | Asian | Hispanic | Native | White | All | Black | Asian | Hispanic | Native | White | All | Total |
| Theft | 36.9 | 33.0 | 25.2 | 18.8 | 21.1 | 23.0 | 23.0 | 24.3 | 15.8 | 13.6 | 15.8 | 16.4 | 18.6 |
| Alcohol | 4.1 | 12.4 | 11.2 | 15.1 | 19.7 | 17.1 | 5.2 | 9.7 | 11.1 | 14.8 | 13.9 | 12.7 | 14.1 |
| Runaway | 17.3 | 25.7 | 22.5 | 19.2 | 18.5 | 19.2 | 10.7 | 6.9 | 8.8 | 9.3 | 9.5 | 9.4 | 12.6 |
| Assault | 13.7 | 6.5 | 8.1 | 8.5 | 5.4 | 6.5 | 10.9 | 8.7 | 7.8 | 8.6 | 6.8 | 7.4 | 7.1 |
| Criminal Mischief | 2.9 | 0.6 | 3.0 | 3.5 | 3.0 | 3.0 | 5.0 | 7.5 | 11.0 | 8.1 | 7.5 | 8.0 | 6.3 |
| Curfew | 1.2 | 5.6 | 3.9 | 2.3 | 5.1 | 4.6 | 2.9 | 6.6 | 4.0 | 2.8 | 5.1 | 4.7 | 4.6 |
| Substance use | 1.3 | 2.7 | 2.5 | 6.6 | 3.5 | 3.2 | 3.2 | 4.3 | 4.5 | 4.8 | 5.4 | 5.0 | 4.4 |
| Tobacco | 1.0 | 1.5 | 0.8 | 3.3 | 5.5 | 4.4 | 1.8 | 1.6 | 1.3 | 4.3 | 5.2 | 4.1 | 4.2 |
| Marijuana lt 1 oz | 0.9 | 0.9 | 1.3 | 1.4 | 3.0 | 2.5 | 2.2 | 3.0 | 3.3 | 2.6 | 5.3 | 4.5 | 3.9 |
| Harassment | 4.6 | 1.8 | 4.4 | 4.9 | 3.7 | 3.9 | 3.6 | 2.4 | 3.2 | 4.0 | 3.8 | 3.6 | 3.7 |
| Criminal Trespass | 2.8 | 3.2 | 1.9 | 1.9 | 2.3 | 2.3 | 3.6 | 4.7 | 4.4 | 5.3 | 4.5 | 4.4 | 3.7 |
| Disorderly Conduct | 3.7 | 1.2 | 7.1 | 3.7 | 2.0 | 2.9 | 3.4 | 1.9 | 6.9 | 3.7 | 3.1 | 3.9 | 3.5 |
| Criminal - other | 3.8 | 3.2 | 3.4 | 3.7 | 2.9 | 3.1 | 3.8 | 3.5 | 4.0 | 4.0 | 3.1 | 3.4 | 3.3 |
| Burglary | 0.4 | 0.0 | 0.4 | 0.4 | 0.8 | 0.7 | 3.2 | 4.0 | 2.6 | 3.6 | 3.4 | 3.2 | 2.4 |
| Sex offense | 0.5 | 0.3 | 0.2 | 0.2 | 0.4 | 0.4 | 1.8 | 2.1 | 1.8 | 1.8 | 2.2 | 2.1 | 1.5 |
| Weapons | 0.7 | 0.0 | 0.3 | 0.2 | 0.2 | 0.2 | 3.2 | 1.2 | 2.4 | 0.8 | 1.2 | 1.6 | 1.1 |
| Other | 0.7 | 0.3 | 0.6 | 3.7 | 0.4 | 0.5 | 1.6 | 1.4 | 1.5 | 4.2 | 0.7 | 1.0 | 0.9 |
| Motor Vehicle | 0.0 | 0.3 | 1.0 | 0.6 | 0.6 | 0.6 | 0.2 | 0.7 | 1.1 | 0.8 | 1.0 | 0.9 | 0.8 |
| Public Order - Other | 2.0 | 0.0 | 0.3 | 0.6 | 0.3 | 0.4 | 6.5 | 1.0 | 1.4 | 0.7 | 0.3 | 1.0 | 0.8 |
| Arson | 0.1 | 0.3 | 0.5 | 0.0 | 0.4 | 0.3 | 0.4 | 1.7 | 0.7 | 0.6 | 1.0 | 0.9 | 0.7 |
| Robbery | 1.0 | 0.0 | 0.3 | 0.2 | 0.1 | 0.2 | 2.6 | 1.6 | 1.0 | 0.3 | 0.4 | 0.7 | 0.5 |
| Other - Noncriminal | 0.1 | 0.3 | 0.3 | 0.6 | 0.4 | 0.3 | 0.2 | 0.3 | 0.6 | 0.4 | 0.4 | 0.4 | 0.4 |
| Person Crimes--other | 0.1 | 0.0 | 0.3 | 0.2 | 0.2 | 0.2 | 0.2 | 0.3 | 0.3 | 0.6 | 0.3 | 0.3 | 0.3 |
| Property Crimes - other | 0.0 | 0.0 | 0.0 | 0.0 | 0.2 | 0.2 | 0.4 | 0.2 | 0.1 | 0.1 | 0.3 | 0.3 | 0.3 |
| Dependency or Status | 0.2 | 0.3 | 0.4 | 0.4 | 0.2 | 0.2 | 0.1 | 0.2 | 0.2 | 0.0 | 0.2 | 0.2 | 0.2 |
| Homicide related | 0.0 | 0.0 | 0.1 | 0.0 | 0.0 | 0.0 | 0.4 | 0.2 | 0.2 | 0.0 | 0.0 | 0.1 | 0.1 |
| Total | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 | 100 |
| Total Count | 1,497 | 339 | 2,992 | 485 | 15,121 | 20,434 | 3,018 | 576 | 8,378 | 951 | 28,362 | 41,285 | 61,719 |

With the large volume of numbers in Table 6, identifying differences is not easy. Some are readily spotted, for example that the percentage of referrals that are in the theft category is higher for black and Asian males than white males, and is higher for black, Asian and Hispanic females than for white females. But to get an overall picture, we can examine the ratio of the black and Native American to the white percentages. We present these in Table 7, which focuses on black and Native American youth since those were the two groups identified earlier in the State Identification report. Table 7 also highlights two categories of offense types, those (red) in which the minority groups' percentage is more than 150% of the white percentage, and those (green) in which the minority percentage is less than 67% of the white percentage.

Table 7. Ratio of Black and Native Referral Percentages in Offense Categories to White Percentages (Incident Based Analysis)

| Offense Category | Black | | Native American | |
|---|---|---|---|---|
| | Females | Males | Females | Males |
| Theft | 1.75 | 1.45 | 0.89 | 0.86 |
| Alcohol | 0.21 | 0.38 | 0.76 | 1.07 |
| Runaway | 0.93 | 1.13 | 1.03 | 0.98 |
| Assault | 2.51 | 1.61 | 1.55 | 1.27 |
| Criminal Mischief | 0.95 | 0.67 | 1.16 | 1.09 |
| Curfew | 0.23 | 0.58 | 0.44 | 0.56 |
| Substance use | 0.36 | 0.59 | 1.89 | 0.90 |
| Tobacco | 0.18 | 0.35 | 0.60 | 0.84 |
| Marijuana lt 1 oz | 0.29 | 0.41 | 0.49 | 0.50 |
| Harassment | 1.25 | 0.96 | 1.35 | 1.06 |
| Criminal Trespass | 1.23 | 0.82 | 0.82 | 1.18 |
| Disorderly Conduct | 1.85 | 1.13 | 1.83 | 1.21 |
| Criminal - other | 1.29 | 1.21 | 1.26 | 1.28 |
| Burglary | 0.50 | 0.94 | 0.51 | 1.06 |
| Sex offense | 1.39 | 0.84 | 0.54 | 0.82 |
| Weapons | 4.27 | 2.66 | 1.20 | 0.69 |
| Other | 1.55 | 2.39 | 8.63 | 6.31 |
| Motor Vehicle | 0.00 | 0.20 | 0.98 | 0.86 |
| Public Order - Other | 7.97 | 18.61 | 2.46 | 2.11 |
| Arson | 0.19 | 0.36 | 0.00 | 0.63 |
| Robbery | 9.47 | 6.76 | 1.95 | 0.84 |
| Other - Noncriminal | 0.18 | 0.56 | 1.67 | 1.01 |
| Person Crimes-- other | 0.63 | 0.62 | 0.97 | 2.35 |
| Property Crimes - other | 0.00 | 1.04 | 0.00 | 0.30 |
| Dependency or Status | 0.95 | 0.64 | 1.95 | 0.00 |
| Homicide related | 0.00 | 20.67 | 0.00 | 0.00 |

Minority exceeds White by more than 150%

Minority is less than 2/3 of white

Looking at the red highlighted categories, both black males and females show a greater percentage of their referrals in categories of Assault, Weapons offenses, Robbery, and other public order referrals. It is also useful to note that the homicide percentage is dramatically higher for black males than for any other demographic group.

On the 'lower' side, it is interesting to note that such categories as curfew, tobacco violations, possession of less than one ounce of marijuana tend to be a smaller portion of the referrals for both black and native youth. In addition, alcohol violations also tend to be a much smaller percentage of the allegations for black youth.

There are also some mixed patterns that are interesting. For example, for both black and Native females there are a higher portion of referrals in the Disorderly Conduct category. For males the difference between their percentages and the white percentage is much smaller. Finally, for both black and native males the percentage of referrals in the Dependency or Status category is lower than for whites, while for females the percentage is nearly equal for black females and nearly double for native females. All in all, it is very clear that compared to white youth, the nature of the court referrals is substantively different for black youth and somewhat different for Native youth.

### *Prior Referrals*

One set of factors which shows up in nearly all studies of DMC is some variation of differences between minority and white youth with respect to their previous involvement with the justice system. With respect to the JJIS information, we have the opportunity to examine several sets of factors: the number and type of prior court referrals, the outcome of those previous referrals, the age at first contact and age at current contact.

Table 8. Prior Legal History by Race / Ethnicity and Gender, for Cases Referred to Juvenile Justice Departments

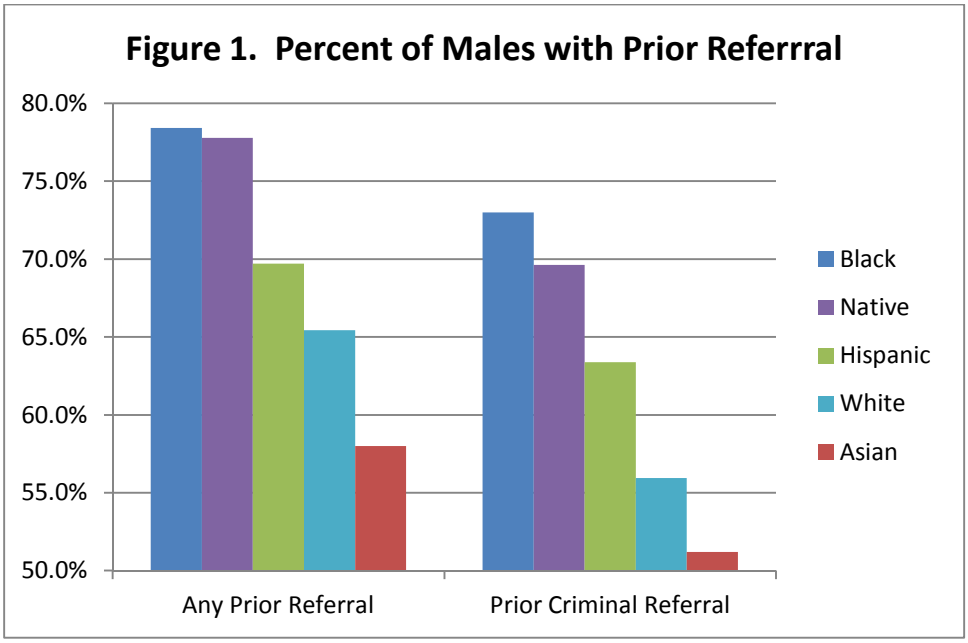
| | Race / Ethnicity and Gender Categories | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Female | | | | | Male | | | | | |
| | Black | Asian | Hispanic | Native | White | Black | Asian | Hispanic | Native | White | Total |
| **Incident Based Analysis** | | | | | | | | | | | |
| Any Prior referrals to Juvenile Court? | 69.6% | 54.1% | 61.5% | 71.8% | 59.5% | 78.4% | 58.0% | 69.7% | 77.8% | 65.4% | 65.2% |
| Mean number of Prior Referrals | 4.7 | 4.2 | 4.0 | 4.2 | 3.9 | 5.8 | 4.3 | 4.4 | 5.1 | 4.2 | 4.3 |
| Previous Criminal Referral? | 63.0% | 37.6% | 46.7% | 56.0% | 42.1% | 73.0% | 51.2% | 63.4% | 69.6% | 55.9% | 54.2% |
| **Youth Based Analysis** | | | | | | | | | | | |
| Any Prior referrals to Juvenile Court? | 54.2% | 35.6% | 45.1% | 57.7% | 44.1% | 62.3% | 38.9% | 53.7% | 63.0% | 50.0% | 49.3% |
| Mean number of Prior Referrals | 3.9 | 3.3 | 3.0 | 3.7 | 3.0 | 4.6 | 3.4 | 3.7 | 4.3 | 3.4 | 3.4 |
| Previous Criminal Referral? | 47.6% | 22.1% | 31.4% | 43.9% | 27.4% | 55.7% | 33.2% | 47.0% | 54.3% | 39.7% | 37.8% |

The first row of data in Table 8 presents the percentage of incidents in each category in which the involved juvenile had at least one prior court referral. Overall, both cases involving black and Native youth have the highest level of prior referrals, among both boys and girls. Among those cases involving youth with at least one prior referral, the second row of data show the mean (average) number of referrals prior to the current instance. As can be noted, overall the average is for these youth to have over 4 (4.3 to be more precise) referrals prior to the current episode. That number exceeds 5.1 for incidents involving Native American males and nearly reaches 6 (5.8) for incidents involving African American males. Finally, we can examine the percentage of youth who had any prior criminal allegation, which removes those youth who have only had allegations such as status, dependency, curfew, and

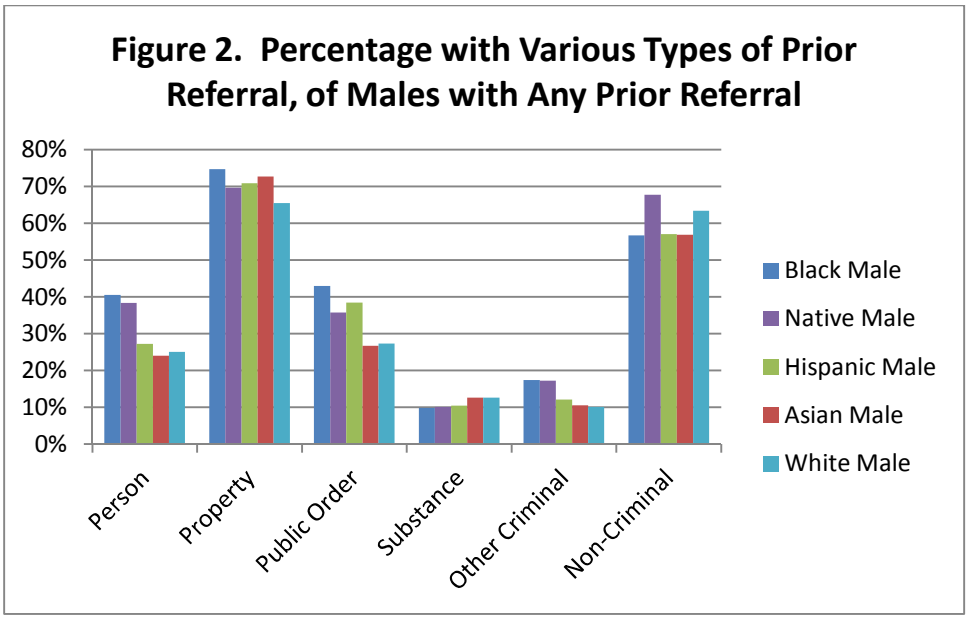
runaway or similar allegations. For girls, the pattern becomes more pronounced with higher levels of previous criminal referral for black and Native girls. For boys, Hispanic males occupy a middle point between black and Native on one end and white and Asian on the other.

In the second half of Table 8, we examine the same question, this time from a youth-based, rather than incident-based perspective. Graphically, the differences between groups, and the differences between the two measures of prior contact, are illustrated for males in Figure 1.

Interestingly, for all groups of youth, including Asian and white youth, a majority of youth coming into the juvenile court system have had at least one previous contact with that system.

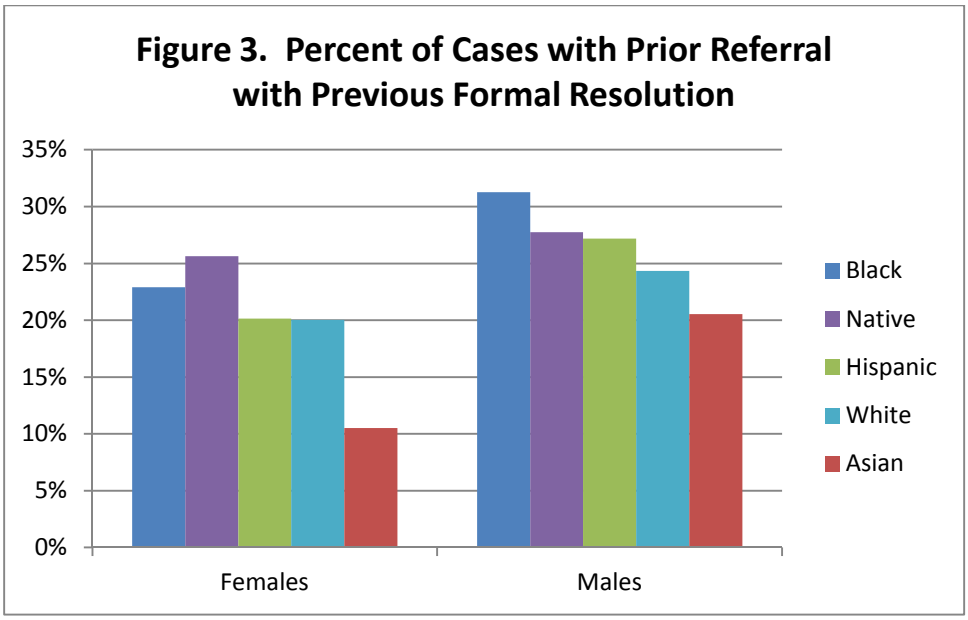



Since a majority of youth have had some form of referral, it makes sense to examine the types of referral to determine if these have any pattern which may presage the manner in which the system is likely to respond to the current referral. In Figure 2 we examine the distribution of these past referrals, limiting the analysis to only those males who had a past referral. The prevalence of person and public order prior referrals is noticeably higher for black youth compared to white males. The same can generally be said for Native American males. Interestingly, the prevalence of prior substance referrals is rather small and is basically uniform across all groups.




### *Prior Sanctions*

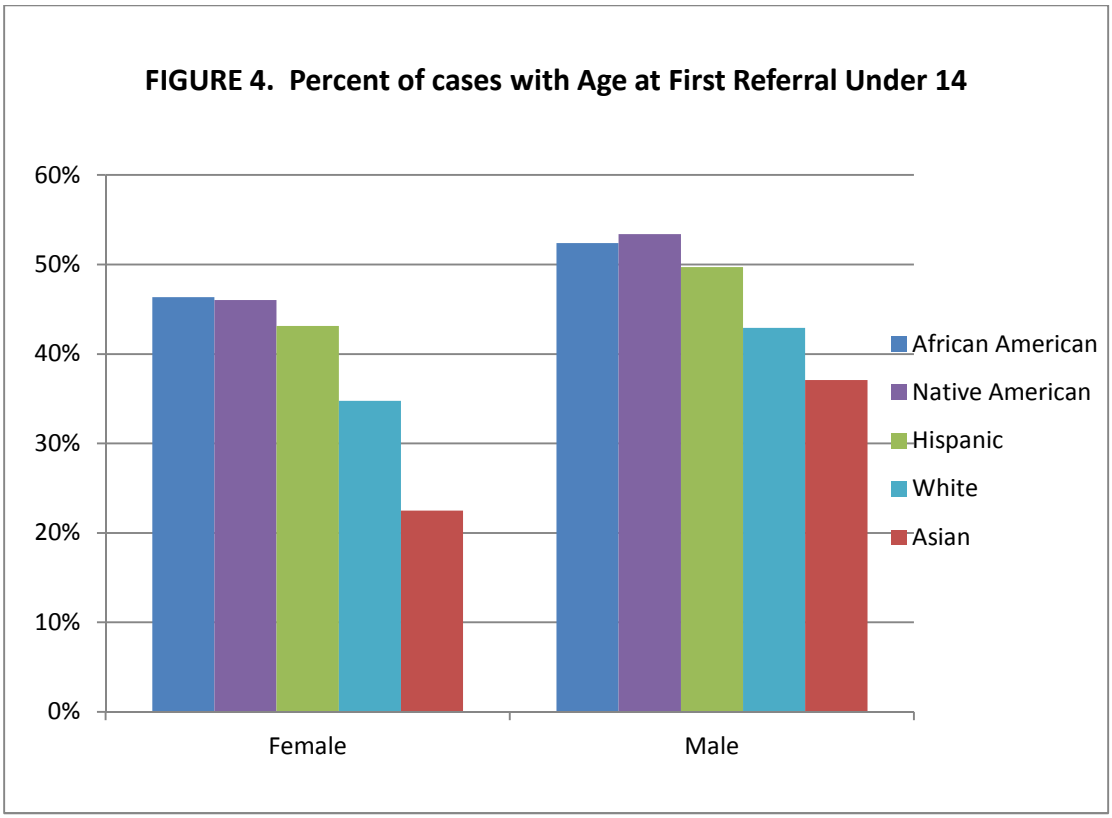
Not only can we track prior referrals through the JJIS system, but it also provides a window into previous action that the courts have taken. There is a range of possible case closing conditions that could be tracked and compared. However, for assessment purposes, we are not attempting to replicate the details of each prior case, but rather to find general patterns that may explain the differences in case handling between African American, Native, and Hispanic youth and the manner in which the juvenile justice system handles white youth. For this purpose, we start with one set of prior cases which were resolved informally through dismissal, a warning process, diversion or other mechanisms which do not involve a petition of delinquency and a formal imposition of conditions. On the other hand, there are those cases which involved the filing of a formal petition of delinquency and were resolved through some formal methods which place conditions on the youth's liberty. These resolutions include probation, transfer of custody to a community organization, transfer of custody to the Oregon Youth Authority, or transfer of the case to the adult court system. Figure 3 provides the percentage of those cases which had a prior referral which were resolved with this second set of formal resolutions.




Several aspects of the resolution of prior cases become apparent in Figure 3. First, the use of formal resolutions was lower among girls than boys. Second, the racial/ethnic differences within the experiences of girls are relatively slight, with the exception of Asian girls who very seldom had formal resolutions to their cases. On the other hand, the experiences of boys show larger distinctions between the past experiences of the various groups. Black males have the highest percentage showing previous formal resolutions, with Native and Hispanic males essentially indistinguishable from each other. While Asian males have the lowest rate of formal resolution, that rate is closer to the rate of other males and is identical to the rates for both white and Hispanic females. Recalling from Table 8 that black males have a higher percentage with prior referrals, and particularly a higher percentage with prior criminal referrals, the combination of that pattern with the pattern of higher use of formal resolutions means that it is much more likely that a black male will either be subject to formal conditions or have been subject to such conditions (primarily probation) when they are referred into court. That increased likelihood of past conditions makes it more likely that the referral of a black male will be considered for handling as a probation violation or considered for other ongoing formal handling. This is a topic which will be revisited in later segments of this report dealing with the use of detention and with the use of formal sanctions to resolve the current referrals.

### *Age at First Referral*

Having established that black youth have a higher number of prior referrals, it also makes sense to examine whether that pattern of referrals begins at an earlier age, which would facilitate accumulating a larger number of prior referrals.




As can be seen in Figure 4, a larger percentage of referrals for both African American and Native American youth involve juveniles who had their first referral under age 14. In each race/ethnicity category, males tended to have a higher percentage of youth with an early starting point (under 14) in their juvenile justice portfolios. These patterns are replicated when we look at the average age of first referral in Table 9. For girls, the average age at first referral for African American and Native girls is nearly six months (.5 year) before the average age for white girls. For boys, the difference is slightly less than half a year, but is still statistically significant. In contrast, when we examine age at the current referral, there are very slight differences between racial /ethnic groups. Girls, however, do tend to be somewhat older than boys both at the time of first referral and at the current referral.

Table 9. Mean Age at First Referral

| | African American | Asian | Hispanic | Native American | White | Total |
|---|---|---|---|---|---|---|
| Females | 13.1 | 14.2 | 13.3 | 13.2 | 13.7 | 13.6 |
| Males | 12.9 | 13.6 | 13.0 | 12.8 | 13.3 | 13.2 |
| Total | 13.0 | 13.8 | 13.1 | 12.9 | 13.4 | 13.3 |

Table 10. Mean Age at Current Referral

| | African American | Asian | Hispanic | Native American | White | Total |
|---|---|---|---|---|---|---|
| Females | 15.2 | 15.6 | 14.9 | 15.1 | 15.2 | 15.2 |
| Males | 15.3 | 15.3 | 15.1 | 15.2 | 15.3 | 15.2 |
| Total | 15.3 | 15.4 | 15.0 | 15.2 | 15.3 | 15.2 |

### *Child Welfare Experiences*

A substantial amount of attention has been focused lately on the phenomena of 'crossover' youth, those youth who appear in the jurisdiction of more than one social service system, usually child welfare and juvenile justice. This issue is of potential relevance in examining DMC within the juvenile justice system, since there is considerable evidence that similar disparities exist within the child welfare system. It appears likely that the disparate contact which is started in the child welfare system continues (and is possibly accentuated) as youth move into the age ranges applicable for juvenile justice jurisdiction. In order to assess the impact of the crossover phenomena, the Oregon Commission on Children and Families arranged for the records of youth with founded cases of child abuse and neglect to be matched with the JJIS records. The result is that we can now determine which youth had a child welfare case, examine some of the aspects of that case and determine whether the crossover phenomena is indeed related to DMC within the juvenile justice system. Table 11 and Figure 5 present this first level of information about the crossover of the two systems.

Table 11. Crossover of Juvenile Justice and Child Welfare Cases

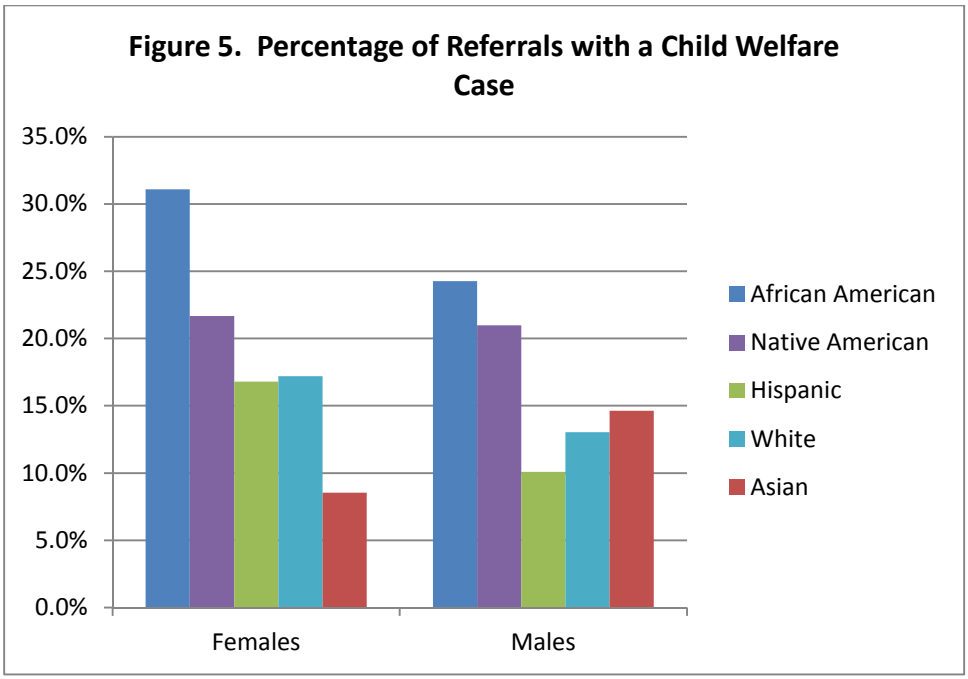
Percentage of Referrals involving Youth with a Child Welfare Case

| Incident Based Analysis | African American | Asian | Hispanic | Native American | White | Total |
|---|---|---|---|---|---|---|
| Females | 31.1% | 8.5% | 16.8% | 21.7% | 17.2% | 18.1% |
| Males | 24.3% | 14.6% | 10.1% | 21.0% | 13.0% | 13.4% |
| Total | 26.5% | 12.4% | 11.8% | 21.2% | 14.5% | 15.0% |

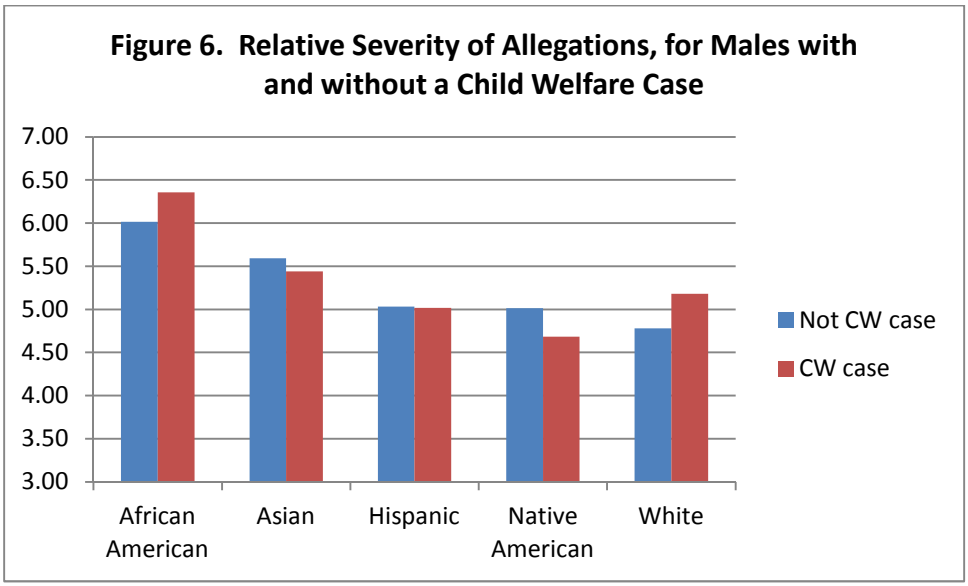
Percentage of Youth with a Child Welfare Case

| Youth Based Analysis | African American | Asian | Hispanic | Native American | White | Total |
|---|---|---|---|---|---|---|
| Females | 23.4.1% | 9.6% | 11.9% | 18.2% | 12.0% | 12.8% |
| Males | 17.7% | 8.0% | 7.1% | 15.1% | 9.5% | 9.6% |
| Total | 19.8% | 8.6% | 8.4% | 16.2% | 10.4% | 10.7% |

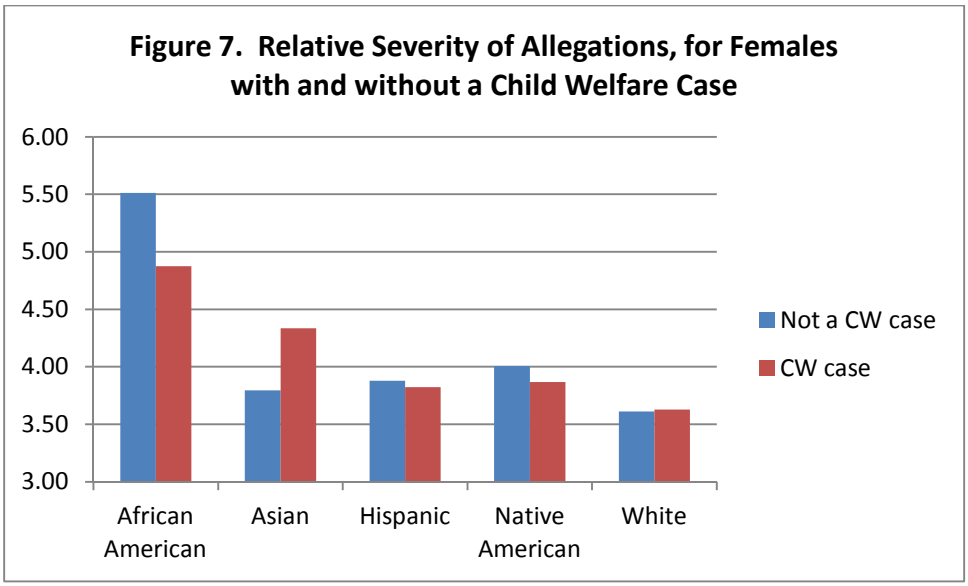
While crossover youth represent just over 10 percent of all the youth referred to the juvenile justice system, they represent 15 percent of the cases referred. The general pattern of accounting for half again as many referrals appears to apply regardless of race and gender. In other words, youth who have a founded child welfare (maltreatment) case and who are referred to the juvenile justice system at all tend to have a higher frequency of repeated referrals in the juvenile justice system. The fact that nearly double the percentage of African American youth coming into the court have a child welfare history (19.8% as compared to 10.4% of white youth) serves to exacerbate the DMC issues for African American youth, and to a lesser extent, for Native American youth.




It is clear that a substantially higher proportion of juvenile justice referrals for both African American and Native American youth involve juveniles who have been subject to a founded case of abuse or neglect. How the child welfare experience carries over into the juvenile justice experience is not a simple process. Figure 6 shows the relative severity of allegations among boys, using the OJJDA scale for severity. African American males with a child welfare case have a higher average severity score than those without a child welfare case, as do white males with a child welfare case. On the other hand, for Native American males, the average severity is slightly lower with a child welfare case.



For females, the pattern is presented in Figure 7. Here, African American girls with a child welfare case have fairly substantially lower severity scores, while for white girls there appears to be no difference, and little difference in severity scores for Native American females.




### *Risk and Protective Factors*

One of the unique characteristics of the Oregon juvenile justice system is the statewide emphasis on prevention efforts and the State level support of those efforts through the Juvenile Crime Prevention program. As part of that program, an assessment instrument (known as the JCP assessment) has been developed which is administered to juveniles either in the juvenile justice system or at high risk of entering the system. While that instrument is not administered to all juveniles who receive any referral into the system, it is administered to a significant portion of juveniles referred, and it is connected, through the JJIS system, with their juvenile justice records. Details of the development of the JCP assessment instrument are available elsewhere, as are details of a recent revalidation of the instrument.

The JCP assessment seeks to provide a score for each juvenile in order to measure risk and protective factors in six domains: school; peer relationships; behaviors; family functioning; substance use; and attitudes, values and beliefs. The questions in each area have been summed and the scores standardized for this analysis. The overall average for each dimension is set at zero, and the standard deviation is set to 1.00. **The domains have all been scored so that a higher numerical score reflects a higher risk level on that domain.**

Averages have been calculated separately for males and females and are presented in Figures 8 through 11. The charts for females have been truncated at -.20, which does not completely show the extent to which these youth have even lower risk scores. This truncation affects the group of Asian girls referred to juvenile court, who scored dramatically lower than other groups with respect to any risk factors. The difference between the charts is that Figures 8 and 10 are incident-based; they report the JCP risk scores

for each referral to court. Figures 9 and 11 on the other hand, are youth-based; they report on the risk scores once for each youth referred to court. The contrast between the two sets of charts gives us a good image of the impact of repeat referrals on the composition of court cases. The difference between the two sets of charts also provides a visual demonstration that the impact of high risk scores is to increase the likelihood that the youth will return to the courts for at least one additional referral.

**Figure 8. Risk Profiles for Court Referrals - Males**

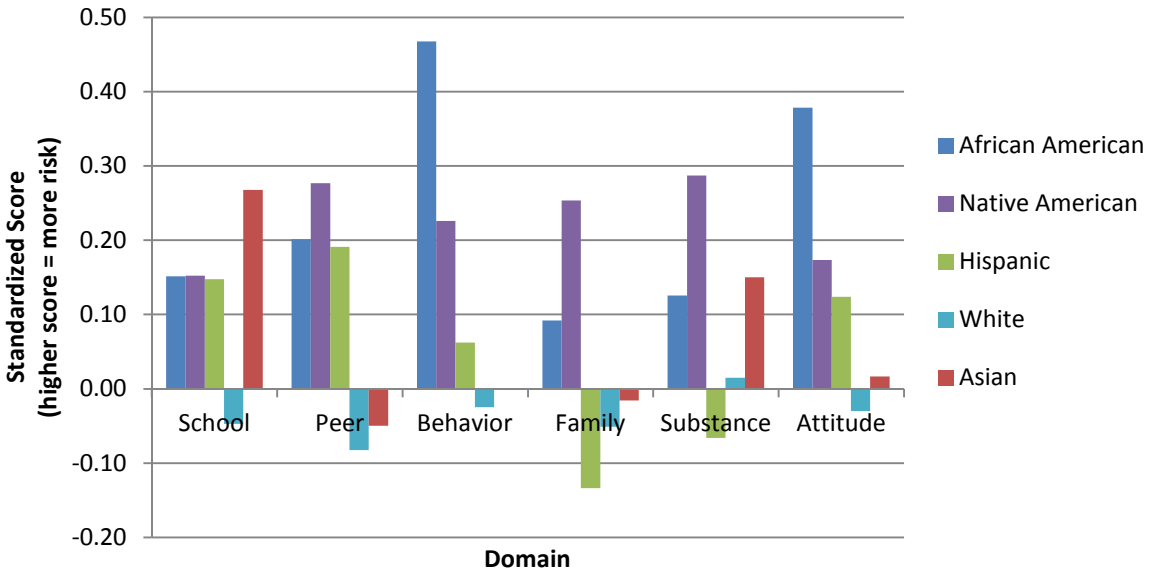
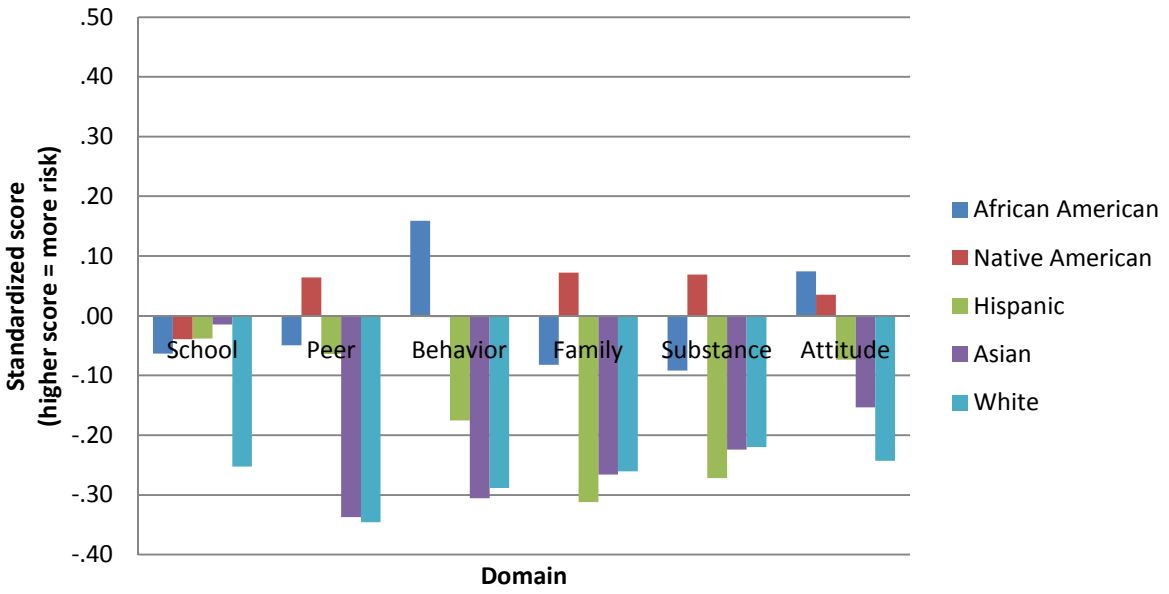
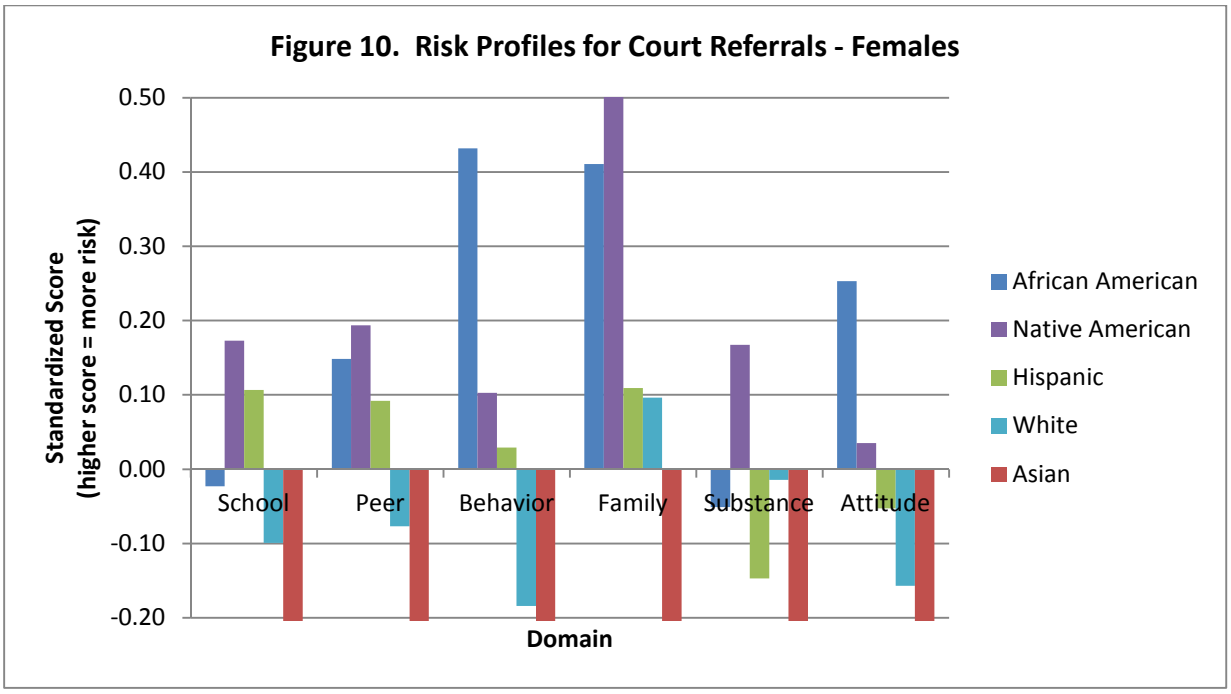
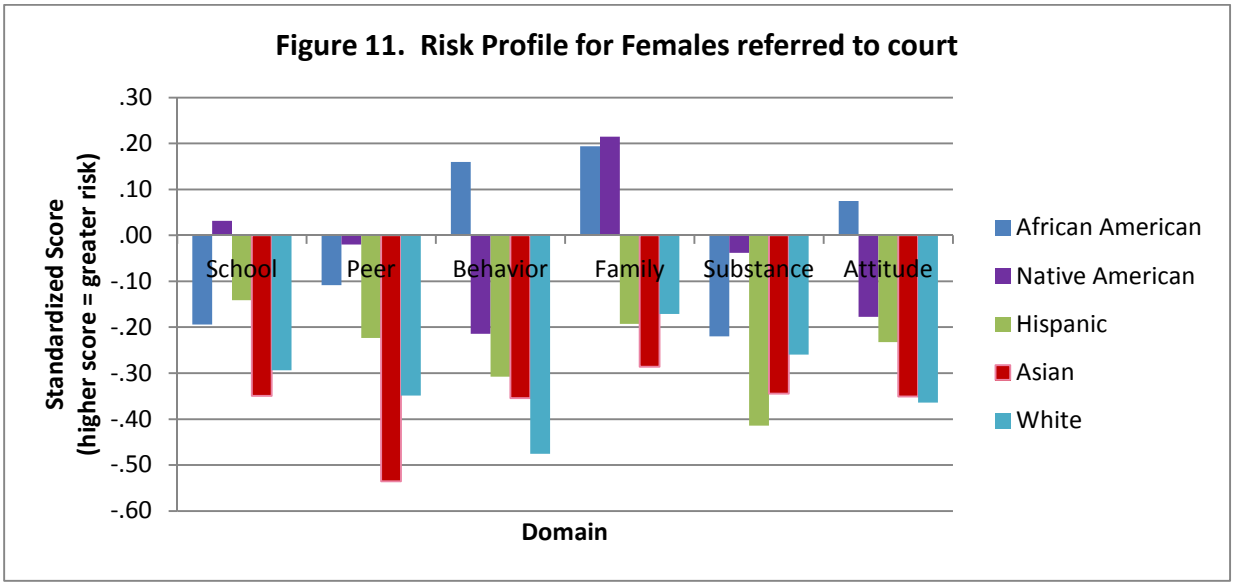



**Figure 9. Risk Profiles for Males Referred to Court**






In examination of Figure 8, it is clear that both African American and Native American youth demonstrate a higher level of risk factors on each of the six domains. African American males (the darker blue column) show particularly high risk levels with respect to behavior and the combination of attitudes, values and beliefs. There are also problematic areas in commitment to school and in peer relationships. Native American males on the other hand (purple column) tend to show higher risk scores on almost all domains.

Turning to females, we find a portrait that is somewhat different. For African American girls, the risk domains of school commitment and substance use are not particularly problematic, but on the other hand the risk domains of behavior, family functioning, and attitude have very pronounced high levels. For Native American girls, the dominant risk factor is family functioning, although this group has higher risk scores than any other group of girls on the dimensions of school commitment, peer relationships and substance exposure. Some of the differences between risk profiles for males and females underscore the need for prevention programs to be attuned to gender-specific issues.

Taken as a whole, the JCP assessment scores indicate that as these juveniles come into the juvenile justice system, there are substantial differences between the various racial and ethnic groups in terms of the profile of factors that place them at high risk for entry into the court and for recidivism. It also underscores the fact that on average, both African American and Native American youth who enter the juvenile justice system do not do so on an even basis with their white counterparts. They come with higher levels of social and background factors which place them at risk in this system.

### *Analysis of Referral Patterns Based on 'Unduplicated' Youth*

As noted earlier, there is a difference between characterizing the youth who are in the juvenile justice system (prevalence) and the characteristics of the allegations that lead to referral (incidence). Over the period studied for this report, a total of 35,025 unique youth were referred to the courts, for a *prevalence* rate of 89 youth referred per 1,000 youth in the population (using 2010 population estimates). However, many of these youth were referred multiple times, so the total number of referrals was 63,396, creating an *incidence* rate of 163 referrals per 1,000 youth. The analysis which has been presented to this point was based on an incidence model, looking at all 63,396 referrals. Since the more serious juvenile offenders may also be expected to come into the courts for a larger number of delinquent referrals, it is important to distinguish between the severity of the allegations involving juveniles from different demographic groups and the severity of the profile of the juveniles who come from those different groups. For example, in examining the Juvenile Crime Prevention Risk and Protective Scores, a youth who came into the courts five times will have an impact on those average scores which is five times larger than the impact of a juvenile who only appeared in court once. In characterizing the issues presented for DMC, both viewpoints on the information need to be assessed.

In order to assess each juvenile only once, we examine the most serious allegation for which the youth was referred to court within the study period. Thus, for the following analysis the allegations will look, on average, somewhat more serious than the previous tables, but will only reflect each youth once.

### Detention Patterns for Native American Youth

As noted earlier, the DMC Identification report prioritized the detention of Native American youth as one of the top three areas of DMC to be assessed for Oregon. In this section of the report, we examine detention activities occurring during the study period from January 1, 2008 through February 28, 2010. During that time there were a total of 10,191 admissions to detention facilities statewide, with a total of 456 involving Native American youth. Table 11 presents calculations similar to those in the Identification report. Clearly the detention of Native American youth is markedly higher than the detention of other groups.

Table 11. Detention Admissions and Overall Detention Rate

| | African American | Asian | Hispanic | Native American | White | Total |
|---|---|---|---|---|---|---|
| Detention Admissions | 879 | 127 | 1,963 | 456 | 6,766 | 10,191 |
| Referrals to Court | 4,575 | 939 | 12,065 | 1,457 | 44,689 | 63,725 |
| Detention rate per 100 referrals | 19.2 | 13.5 | 16.3 | 31.3 | 15.1 | 16.0 |

In order to assess the reasons for this difference in detention usage, it is necessary to investigate the varying types of detention and their relative use. The national attention to detention reform, sparked in large measure by the Juvenile Detention Alternative Initiative (JDAI) of the Annie E. Casey Foundation, has focused national attention on the use of pre-adjudication detention, in which youth are held to insure their presence at subsequent hearings, to prevent flight and to prevent further injury to the public. There are, however, other uses of detention. Chief among those are the imposition of some sanction or punishment by the court, housing a juvenile for transportation to another jurisdiction or facility, holding a juvenile subject to an outstanding warrant, and holding a juvenile in response to a violation of conditions of probation, parole or other conditional release.

Table 12 subdivides the detention admissions into these categories and calculates the rate of each type per 100 juvenile court referrals, following the method used in Table 11. Clearly the most frequent use of detention for all groups, and particularly for Native youth, is for handling of violations. The second most frequent rationale for detention among Native youth is the imposition of a sanction or sentence. It is also worth noting that the category of 'housing' is substantially higher for Native youth than for most youth in Oregon. During the study period a total of 38 youth were admitted to detention with the specific reason provided as "Tribal Housing." All 38 were admitted to either the Northeast Oregon Regional Youth Center or to NORCOR.

Table 12. Rates of Specific Forms of Detention per 100 court referrals

| | African American | Asian | Hispanic | Native American | White | Total |
|---|---|---|---|---|---|---|
| Pretrial | 5.7 | 4.0 | 4.5 | 4.9 | 3.6 | 3.9 |
| Sanction | 3.3 | 2.9 | 3.0 | 6.1 | 2.4 | 2.7 |
| Housing | 1.2 | 0.7 | 0.7 | 3.0 | 0.4 | 0.6 |
| Violation | 5.0 | 3.8 | 6.0 | 13.6 | 6.9 | 6.7 |
| Warrant | 4.0 | 2.0 | 2.0 | 3.8 | 1.8 | 2.1 |

Given the information in Table 12, any effort to address the high rate of detention admission among Native youth will need to focus less on the pre-adjudication use of detention and more on the areas of housing, sanction and violation. Given the concentrated location of Native youth in Oregon in specific areas, it may make sense to examine the facilities to which these youth are admitted and which facilities appear to be heavily used for housing, sanction and violation purposes. Table 13 provides that information for those facilities which admitted ten or more Native youth during the study period. The areas which seem to be somewhat abnormal include the number of admissions for both sanctions and violations to the Klamath facility, the number of housing admissions in NORCOR, and the number of admissions for violations in Douglas, Linn/Benton, Yamhill, and Lincoln Counties. Indeed, as a general comment across all racial and ethnic groups, an examination of criteria and procedures for use of detention in cases of violation of conditions may be warranted.

Table 13. Detention Facilities Admitting 10 or more Native Youth

| | Purpose for Detention | | | | | |
|---|---|---|---|---|---|---|
| Facility | Pretrial | Sanction | Housing or Transport | Violation | Warrant | Total |
| Klamath Detention | 14 | 51 | 0 | 55 | 9 | 129 |
| NORCOR | 5 | 2 | 33 | 10 | 4 | 54 |
| Multnomah County | 3 | 4 | 2 | 14 | 16 | 39 |
| Douglas County Detention | 8 | 5 | 1 | 22 | 1 | 37 |
| Lincoln County Detention | 7 | 7 | 0 | 15 | 1 | 30 |
| Lane County Detention | 3 | 3 | 1 | 11 | 9 | 27 |
| Coos County Juvenile | 4 | 3 | 0 | 15 | 2 | 24 |
| Linn / Benton Detention | 3 | 0 | 0 | 16 | 4 | 23 |
| Northeast Oregon Regional | 4 | 5 | 8 | 5 | 1 | 23 |
| Yamhill Detention | 1 | 5 | 0 | 14 | 2 | 22 |
| Jackson County Detention | 6 | 0 | 1 | 7 | 1 | 15 |
| Josephine County | 2 | 0 | 1 | 8 | 0 | 11 |
| Marion County Detention | 2 | 4 | 1 | 1 | 2 | 10 |
| Total (across all facilities) | 71 | 89 | 48 | 198 | 55 | 461 |

## Conclusions Regarding Prioritized Areas from the Identification Study

Initial analysis of statewide JJIS, Child Welfare (crossover), and JCP data leads to the following preliminary findings with respect to each of these areas:

### *Higher referral rates for African American youth*

a. Compared with white youth, African American youth have higher proportions of their referrals for criminal allegations, particularly in categories of Theft, Robbery, Weapons violations, Assault, Homicide, and public order violations.
b. African American youth tend to have an earlier age of first referral and tend to have had a higher proportion of youth with previous court referrals, a higher proportion of prior referrals for criminal allegations and a higher proportion of prior probation or sentences involving out of home placement.
c. African American youth referred to the court tend to have higher risk profiles on the JCP scales, especially those related to peers, school, attitudes and values, and family factors. This is particularly true for youth with multiple court referrals.
d. African American youth referred to the court have significantly higher rates of founded child welfare issues (more than 1 in four), as compared with less than one in seven of the white youth. Findings of injury, threat of harm, neglect, and mental injury are all higher among African American youth referred into court.
e. Observations: Although we do not have an indicator of gang involvement, the referral histories of these youth are consistent with concerns about gang patterns. There are also substantial concerns about crossover youth, family issues, peer, school and attitudinal issues that are likely to have generated the higher referral rates for this group of youth.

### *Higher referral rates for Native American youth*

a. Compared with white youth, Native American youth have essentially the same profile of referral allegations.
b. Like African American youth, Native American youth tend to have an earlier age of first referral and tend to have had a higher proportion of youth with previous court referrals, a higher proportion of prior referrals for criminal allegations and a higher proportion of prior probation or sentences involving out of home placement.
c. Native American youth referred to the court tend to have higher risk profiles than white youth on the JCP scales, especially those related to peers, school, substance use, and family factors. The examination of risk factors among Native youth shows a uniformly high level of risk scores for boys, with a similar pattern for girls, with the exception of moderate scores on attitudes, values and beliefs.
d. Native American youth referred to the court have significantly higher rates of founded child welfare issues (more than one in five), as compared with less than one in seven of the white youth. Findings which describe these youth as victims of injury, threat of

harm, neglect, and mental injury are all higher among Native American youth referred into court.

e. Observations: While the Native American profile tends to emphasize the need for prevention services and attention to crossover youth issues, it does not reflect the assault, weapons or other criminal indicators of higher levels of gang involvement. It appears to require more general (and culturally specific) prevention efforts.

### *Higher use of Detention for Native American Youth*

a. Closer examination of the detention process finds that approximately 25% of detention episodes occur shortly after referral (within one week); the remainder are initiated as probation violations, sanctions (sentences from the court) or as housing for other jurisdictions (often awaiting transportation to other jurisdictions). Significant reductions in the use of detention are more likely to be accomplished in these latter areas than in the pre-adjudication use of detention.
b. Over half of the detention episodes involving Native American youth are concentrated in Klamath, NORCOR, Multnomah County and Douglas County facilities. An additional three facilities appear to have relatively high levels of use for violations of probation or other conditions.
c. Observations: Addressing DMC among Native youth in detention means targeting the post-adjudication housing processes resulting in placement in four facilities. This is different than the usual detention reform initiatives which are popular nationwide.

# 4. Assessment: Decision Patterns in the Disposition of Juvenile Referrals

In addition to examining the areas prioritized in the Identification study, we an opportunity to examine the processing of juveniles through the juvenile court systems in Oregon. By having individualized data to track the history and handling of over 60,000 individual referrals, we can examine ways in which youth are processed, in a fashion which was not feasible using the methodology of the Identification study. For example, we can examine the impact of prior history, the impact of allegation type, the impact of age and gender, the impact of experience in the child welfare system, and the impact of the JCP risk dimensions. None of those examinations could be conducted within the methodology of the Identification study.

In order to explore the relationship of race/ethnicity to the disposition outcomes, we need to start with a discussion of the structure of dispositions within the State. The JJIS data and Steering Committee has examined all disposition options used within the State and created a classification of dispositions which is shown in Figure 12.

Based on that classification and the tracking of pre-adjudication detention, there are five sets of decisions which can be tracked which describe the pathways that youth follow through the juvenile justice:

- Was the juvenile held in pre-adjudication detention?
- Was the case handled through a formal petition of delinquency, or was it resolved without filing a petition?
  - If the case was resolved without a petition, was the case reviewed and closed, or was it handled with a formal diversion program?
  - If a petition was filed, did it result in a dismissal, handling with an alternative process such as a plea bargain, adjudication as a delinquent or in the case being handled in adult court?
    - If a juvenile was adjudicated as a delinquent, what sanction was imposed? Options range from a formal program, probation, placement with the youth authority for community placement and placement with the youth authority for placement in a secure correctional facility. Two other options involving transfer of custody to a non-youth authority agency were seldom used (91 cases) and have been merged with probation in the analysis process.

Figure 12. JJIS Disposition Code Classifications

| | | |
|---|---|---|
| Not Petitioned | **Review and Close** | No Jurisdiction |
| | | Referred to Another Agency |
| | | Review & Close |
| | | Warning |
| | | Divert & Close |
| | | Intake Office Contact & Close |
| | | Rejected by DA/Juvenile Department |
| | | Alternative Process |
| | **Authorized Diversion Programs or Other Informal Disposition** | Diversion Supervision |
| | | Diversion – Youth Court |
| | | Diversion – Traffic/Municipal Court |
| | | Informal Sanction(s)/ Supervision |
| | | Formal Accountability Agreement |
| Petitioned | **Dismissed** | Dismissed |
| | **Alternative Process** | Plea Bargain or Alternative Process |
| | **Adjudicated Delinquent** | Formal Sanction |
| | | Probation |
| | | Commit/Custody to Other Agency (Non-Youth Authority) |
| | | Probation and Commit/Custody to Other Agency (Non-Youth Authority) |
| | | Probation and Youth Authority Commitment for Community Placement |
| | | Youth Authority Commitment for Youth Correctional Facility Placement |
| | **Adult Court** | Waived/Transfer |
| | | Adult Sentence |

## Control Variables

In order to understand the mechanisms through which race and ethnicity might influence each of these questions, we identified the following sets of 'control' variables:

**Current Offense:** severity score, nature of the offense, and whether it involved sex offenses, weapons.

**Prior record:** number of prior referrals, number of prior criminal referrals, types of prior offense (e.g. person, property, substance, public order), and prior formal sanctions (e.g. probation, OYA placement).

**Demographic characteristics**: gender, age at current referral, age at first referral

**Crossover status**: whether there is a founded child welfare case.

**Risk and Protective factors**: scores from the Juvenile Crime Prevention (JCP) inventory, including indications of risk in domains of school commitment, peer relationships, behavior, family functioning, substance use, and attitudes, values and beliefs consistent with delinquent conduct. These were scores as standardized variables, normed to the set of youth referred to juvenile court. Youth without a JCP inventory were set equal to zero, showing neither high nor low risk attributes. This treatment was needed in order to account for nearly 1/3 of the youth who did not have JCP scores.

**Jurisdictional factor:** As we analyzed the data, it became clear that the juvenile justice system in Multnomah County operates in a context and in a manner which is different from most other systems across the state. The profile of offense types differs, the available options for the use of the courts differs, and the use of options such as diversion, transfer to adult court and formal sanction programs is much different in Multnomah County than other jurisdictions. From the vantage point of explaining DMC issues statewide, this is important since 65% of the cases involving African American youth originated in Multnomah County, as well as 33% of the cases involving Asian youth. Thus, in terms of explaining the statewide distribution of outcomes, especially for cases involving either African American or Asian youth, it becomes important to adjust for the jurisdictional differences. In the analyses that follow, the jurisdictional variable is coded as a '1' for Cases originating in Multnomah County and a '0' for cases from other counties.

The logic of using these control variables is the same in each instance. First we obtain a measure of the impact that race and ethnicity have on each of the decision variables. For that we use a metric termed the "Odds Ratio" which measures the impact of race, compared with the outcomes seen with white youth. We will then use a form of logistic regression to adjust for the effects of each control variable. After that adjustment we again examine the impact of race and ethnicity on the decision outcome. If the odds ratio has declined substantially, then we know that the control variable helps to explain the way in which race and ethnicity have an impact on the decision outcome. On the other hand, if the odds ratio has increased, we know that the control variable has 'dampened' or masked the effects of race and that the real race differences are probably greater than those which appeared in the identification analysis.

## Pre-Adjudication Detention

As noted earlier in the section related to detention for Native American youth, Oregon uses detention for a variety of purposes, including for short term sanctions for probation violation, short term punishment after a finding of delinquency, housing of youth awaiting transportation to other jurisdictions, and similar functions. One of the major areas of controversy and reform efforts in recent decades in the juvenile justice field nationally has been the use of detention for cases awaiting trial. This form of detention has been the object of great attention from the Annie E. Casey Foundation through its Juvenile Detention Alternatives Initiative (JDAI) , in which Multnomah County has taken a leading role as

an early adopter and ongoing model site. One of the concerns expressed in JDAI materials has been racial disparity in use of pre-adjudication detention.

Table 14 shows the percentage of cases involving youth of each race and ethnicity grouping that were held in pre-adjudication detention. The overall percentage in the State is relatively low, at 3.4%, but there are considerable variations by race and ethnicity. For example, for cases involving African American youth, the use of detention is 4.7%, nearly half again as high as that for white youth at 3.1%.

**Table 14. Youth was Held in Pre-Adjudication Detention by Race**

| Youth was Held in Pre-Adjudication Detention | Race | | | | | |
|---|---|---|---|---|---|---|
| | African American | Asian | Hispanic | Native American | White | Total |
| No | 4361 | 907 | 11604 | 1394 | 43319 | 61585 |
| | 95.3% | 96.6% | 96.2% | 95.7% | 96.9% | 96.6% |
| Yes | 214 | 32 | 461 | 63 | 1370 | 2140 |
| | 4.7% | 3.4% | 3.8% | 4.3% | 3.1% | 3.4% |
| Odds | 0.049 | 0.035 | 0.040 | 0.045 | 0.032 | 0.035 |
| Odds Ratio | 1.55 | 1.12 | 1.26 | 1.43 | | |
| Total | 4575 | 939 | 12065 | 1457 | 44689 | 63725 |
| | 100.0% | 100.0% | 100.0% | 100.0% | 100.0% | 100.0% |

Table 14 also serves as a means of introducing the measure of impact, the odds ratio. The calculation is relatively straightforward. First we calculate the odds of an event. For cases involving an African American youth, 214 cases involved detention, while 4,361 did not. The odds of detention are defined as the number of detention events divided by the number of non-detention events. That calculation gives us the odds of detention as .049. Likewise, the odds of detention for a case involving a white youth are .032 (1,370 / 43,319). The odds ratio is the ratio of each groups' odds to a base group. In the instance of DMC, we use the odds for the white group as the base. In this instance, the ratio of the two odds is 1.55 (the real odds are calculated to greater precision than the two digits displayed in the table, so this result is more accurate than dividing the numbers as displayed). For those who are accustomed to using the Relative Rate Index for assessing Disproportionate Minority Contact, the odds ratio is very similar, both in calculation and interpretation. The differences in the calculations make it possible to use the Odds Ratio in a series of multivariate tests, which are not feasible with the RRI.

Our next step is to introduce the control variables noted above. The specific procedure used was logistic regression with sequential models. The control variables were introduced in the sequence listed above and after introducing each set of control variables we can calculate the odds ratio statistics for each race and ethnicity grouping. These results are summarized in Table 15. It is critical to realize that these results are cumulative; that is, the results for examination of Prior Justice History include adjustments for the Current Offense. The astute observer will notice that the odds ratios displayed in the multivariate tables in the row labeled 'none' are not always the same as the odds ratios calculated in the cross tabulations. The reason for the discrepancy is that with the introduction of control variables we have some cases in which one or more variables is missing. These cases are excluded from the calculation of the odds ratios in the multivariate analysis, meaning that the multivariate analysis and the

cross tabulations are based on slightly different sets of cases and therefore may give slightly different results in the odds ratio calculations.

Table 15 Multivariate Analysis Results for Pre-Adjudication Detention, by Race and Ethnicity

| | Odds Ratio Compared to White Youth * | | | |
|---|---|---|---|---|
| Control Variables (cumulative effects) | African American | Asian | Hispanic | Native American |
| None | 1.55 | 1.12 | 1.26 | 1.43 |
| Current Offense | 0.93 | 0.89 | 0.97 | 1.34 |
| Prior Justice History | 0.83 | 0.98 | 0.93 | 1.20 |
| Demographic Variables | 0.83 | 0.96 | 0.92 | 1.20 |
| Child Welfare Experience | 0.82 | 0.96 | 0.93 | 1.20 |
| Risk Factors | 0.80 | 0.97 | 0.96 | 1.15 |
| Jurisdictional Factor | 1.35 | 1.20 | 0.98 | 1.16 |

* Red Font indicates statistically significant differences (p<.05)

What is notable is that the jurisdictional factor plays a heavy role in establishing a racial disparity, even when the other items, especially current offense, explain (reduce) the degree of disparity. Multnomah County has an overall lower use of detention than most counties in the State. Once the adjustment is made for that overall lower use, the differences in use of detention for African American youth become pronounced. The issue is not that disparities exist or not in either jurisdiction. In separate analysis, the odds ratio within Multnomah County, after controlling for all other factors, was 1.37, while in the rest of the State it was 1.33. Clearly the different operating models in the jurisdictions tend to mask the disparity that occurs in the use of pre-adjudication detention.

The other conclusion that may be reached from Table 15 is that the nature of the current offense is the primary driver of the use of detention, followed by the nature of previous justice system contact. From earlier sections we know that the allegation profiles differ by race and ethnicity, so It is not surprising that introducing those control variables tends to reduce the odds ratio for each group.

### Filing a Petition

The vast majority of juvenile court referrals in Oregon are handled without filing a formal petition alleging that the juvenile is delinquent. Overall, this alternative accounts for nearly 3 out of four cases (72.4%) handled during the study period. Interestingly, from a DMC perspective, as shown in Table 16, the rates at which petitions were filed are lower from cases involving African American youth. On the other hand, cases involving both Hispanic youth and Native American youth were handled by a formal petition more frequently than were cases involving white juveniles. Asian youth, like African American youth, saw their cases filed less frequently. All of the differences in Table 16 are statistically significant, meaning that the differences are greater than would be expected if simply based on random/chance events.

**Table 16. Case was Petitioned, Tabulated by Race and Ethnicity**

| Case was Petitioned | Race | | | | | |
|---|---|---|---|---|---|---|
| | African American | Asian | Hispanic | Native American | White | Total |
| No | 3490 | 760 | 8389 | 845 | 32601 | 46085 |
| | 76.3% | 80.9% | 69.6% | 58.0% | 73.0% | 72.4% |
| Yes | 1083 | 179 | 3669 | 612 | 12049 | 17592 |
| | 23.7% | 19.1% | 30.4% | 42.0% | 27.0% | 27.6% |
| Odds | 0.310 | 0.236 | 0.437 | 0.724 | 0.370 | 0.382 |
| Odds Ratio | 0.84 | 0.64 | 1.18 | 1.96 | | |
| Total | 4573 | 939 | 12058 | 1457 | 44650 | 63677 |
| | 100.0% | 100.0% | 100.0% | 100.0% | 100.0% | 100.0% |

Again, our next step is to introduce control variables to try to create a set of 'similarly situated' cases in which to compare the effects of race and ethnicity as if other factors have been equalized. One additional factor was added to this analysis, which is whether the case involved pre-adjudication (pre-trial) detention. This was added as a last 'control' variable in the analysis.

Table 17 Multivariate Analysis Results for Filing a Petition, by Race and Ethnicity

| | Odds Ratio Compared to White Youth * | | | |
|---|---|---|---|---|
| Control Variables (cumulative effects) | African American | Asian | Hispanic | Native American |
| none | 0.82 | 0.64 | 1.24 | 1.93 |
| Current Offense | 0.67 | 0.58 | 1.14 | 2.00 |
| Prior Justice History | 0.47 | 0.63 | 1.05 | 1.66 |
| Demographic Variables | 0.47 | 0.61 | 1.05 | 1.69 |
| Child Welfare Experience | 0.47 | 0.61 | 1.04 | 1.70 |
| Risk Factors | 0.45 | 0.61 | 1.01 | 1.61 |
| Jurisdictional Factor | 0.88 | 0.78 | 1.04 | 1.66 |
| Pre-Trial Detention | 0.86 | 0.76 | 1.04 | 1.65 |

* Red Font indicates statistically significant value (p<.05)

The introduction of the control factors has a curious impact on the odds ratios for African American youth. The interpretation of the control factors starting with current offense through Risk Factors is that similarly situated African American youth would be much less likely than their white counterparts to have a formal petition of delinquency filed in their cases. It appears that the impact of current offense and past history was to mask the effects of race, since the odds ratio moves away from 1.00 (equality) as these factors are controlled. It also appears that much of this difference may be attributed to jurisdictional differences. Overall, Multnomah County filed petitions in 16% of the cases referred to the system, as opposed to a filing rate of just under 30% for the rest of the State.

With respect to other minority groups, the introduction of the control variables has a more expected impact. The differences for Asian youth became smaller (closer to 1.00). The differences between Hispanic youth and white youth decreased to the point that the odds ratio is no longer statistically significant. The group most affected by DMC issues with respect to the use of petitions was Native American youth, whose odds of having a formal petitions filed were 1.65 times higher than white youth, even after controlling for this host of factors.

## Options for Closing Non-Petitioned Cases

When a formal petition of delinquency is not filed in a case, there are two means of resolving or closing the case. The first is a 'review and close' process which means that a court staff member has reviewed the materials, may have talked over the case with the juvenile or their family, or may have issued a warning letter, but resolves the case without any long term obligations (either punishment or treatment services) for the juvenile. This is the option used in the majority (60%) of the non-petitioned cases. In the other 40%, the case receives a diversion referral or some other informal disposition. It may be argued that the purpose of this diversion or other informal action is to provide services that may assist the juvenile in staying out of the court system in the future. There is substantial difference between racial and ethnic groups in the raw statewide odds of these options, as shown in Table 18.

**Table 18. Disposition Options for Cases not Petitioned, Tabulated by Race**

| Disposition Options for Cases not Petitioned | Race | | | | | |
|---|---|---|---|---|---|---|
| | African American | Asian | Hispanic | Native American | White | Total |
| Review and Close | 2746 | 488 | 4865 | 564 | 19246 | 27909 |
| | 78.7% | 64.2% | 58.0% | 66.7% | 59.0% | 60.6% |
| Diversion or other Informal Disposition | 744 | 272 | 3524 | 281 | 13355 | 18176 |
| | 21.3% | 35.8% | 42.0% | 33.3% | 41.0% | 39.4% |
| Odds | 0.271 | 0.557 | 0.724 | 0.498 | 0.694 | 0.651 |
| Odds Ratio | 0.39 | 0.80 | 1.04 | 0.72 | | |
| Total | 3490 | 760 | 8389 | 845 | 32601 | 46085 |
| | 100.0% | 100.0% | 100.0% | 100.0% | 100.0% | 100.0% |

Once we introduce the full set of control variables, these apparent differences dissipate, as shown in Table 19. The introduction of controls for the current offense and the past justice system history bring the odds ratios for Native Americans close enough to 1.00 that they are no longer significant, but do not appreciably change the impact of being either African American or Asian on the odds of receiving diversion as opposed to the 'review and close' alternatives. However, when we introduce the jurisdictional variable, the odds ratios for both African American and Asian youth move past 1.00, although both are statistically insignificant; the odds ratio for Native Americans remains essentially 1.00 but the value for Hispanic cases increases to a significant value, albeit a small value above 1.00. In other words, after controlling for case characteristics, history and jurisdiction, there are relatively few race or ethnic differences in the use of diversion as opposed to the 'review and close' option.

Table 19 Multivariate Analysis Results for Diversion, by Race and Ethnicity

| Control Variables (cumulative effects) | Odds Ratio Compared to White Youth * African American | Asian | Hispanic | Native American |
|---|---|---|---|---|
| none | 0.39 | 0.83 | 1.03 | 0.72 |
| Current Offense | 0.32 | 0.73 | 0.97 | 0.74 |
| Prior Justice History | 0.39 | 0.71 | 1.00 | 0.87 |
| Demographic Variables | 0.40 | 0.70 | 1.01 | 0.90 |
| Child Welfare Experience | 0.41 | 0.70 | 1.00 | 0.91 |
| Risk Factors | 0.44 | 0.74 | 1.02 | 0.96 |
| Jurisdictional Factor | 1.07 | 1.11 | 1.10 | 1.01 |

* Red Font indicates statistically significant value (p<.05)

## Dispositions for Petitioned Cases

Next we turn to the methods of handling those cases in which a petition of delinquency is filed. The four major outcomes for such cases are that the case may be dismissed; an alternative process such as a plea bargain may be used to close the case; the juvenile may be 'found guilty' or adjudicated to be a delinquent; or the case may be transferred to adult court for handling outside of the juvenile justice system. Overall, nearly three out of four cases in which a petition is filed are resolved with a delinquency finding. However, as noted in Table 20, there are some substantive differences in the modes of handling these cases for different racial and ethnic groups.

**Table 20. Disposition Options for Petitioned Cases by Race and Ethnicity**

| Disposition Options for Petitioned Cases | Race | | | | | |
|---|---|---|---|---|---|---|
| | African American | Asian | Hispanic | Native American | White | Total |
| Dismissed | 111 | 13 | 235 | 42 | 986 | 1387 |
| | 10.2% | 7.3% | 6.4% | 6.9% | 8.2% | 7.9% |
| Alternative Process | 139 | 24 | 525 | 117 | 1659 | 2464 |
| | 12.8% | 13.4% | 14.3% | 19.1% | 13.8% | 14.0% |
| Adjudicated Delinquent | 724 | 126 | 2702 | 443 | 9070 | 13065 |
| | 66.9% | 70.4% | 73.6% | 72.4% | 75.3% | 74.3% |
| Adult Court | 109 | 16 | 207 | 10 | 334 | 676 |
| | 10.1% | 8.9% | 5.6% | 1.6% | 2.8% | 3.8% |
| Total | 1083 | 179 | 3669 | 612 | 12049 | 17592 |
| | 100.0% | 100.0% | 100.0% | 100.0% | 100.0% | 100.0% |

It is interesting to note that the highest rate of dismissal (10.2%) is experienced in cases involving African American youth, and the highest rate of transfer to adult court is also found in the same group of cases. This may be an extension of the finding, discussed much earlier in this report – that the allegations against African American youth are simultaneously among the least serious and most serious sets of

offenses in the juvenile justice system. In order to assess the impact of offense severity, prior history and the other control variables, we use a form of logistic regression know as 'multinomial logistic regression.' The results are displayed in Table 21. This analysis differs somewhat from the earlier multivariate analysis in two important ways. First, in order to calculate the odds ratios we need to have one decision category used as the reference or base set. In this instance, we calculate the odds of dismissal, alternative handling and transfer to adult court compared with the base of a delinquency finding. Second, rather than provide a series of analyses of sets of control variables, we simultaneously examine the unique effects of all of the control variables. In order to simplify the table even further, we eliminated variables which did not have a significant impact on any of the three outcome options. This provides us with a view of the impact of each variable on the selection of disposition modes. As a reminder, if the odds ratio is at 1.00, the variable makes no difference in the odds of that disposition mode compared to the delinquency finding. If the odds ratio is less that 1.00, the variable decreases the odds of that outcome, while if the odds ratio is above 1.00 the variable increases the odds of that outcome. For example, the severity index for looking at the current offense has very little impact on the odds of dismissal. In terms of the odds of an alternative process, as the severity of the offense increases, the odds of a plea bargain decrease somewhat, while in terms of transfer to adult court, as the severity of the offense increases, the odds of that transfer increase (the odds ratio is significantly higher than 1.00). This pattern is even more pronounced with respect to indications of a weapon being used in the offense, or if the allegation included a sex offense. Perhaps the two strongest effects represented in the table show that allegations related to public order and substance use have nearly no likelihood of being handled in adult court, with odds ratios approaching zero. The odds ratios attached to person referral need to be considered in the context of the weapons and sex offense components having been 'controlled'. As a result of the multivariate controls, we can say that those person offenses which did not involve weapons and are sex offenses have a low likelihood of being handled in adult court. As we move further through the table, the impact of prior history is relatively small and primarily on the option of a plea bargain or similar alternative disposition. Age is strongly related to the odds of handling in adult court, which makes sense since such handling should only be a legal option for older juveniles.

Crossover youth status (child welfare case) is unrelated to disposition outcomes when all other factors are controlled. This probably means that the influence of child welfare status is expressed through other variables such as the type of offense, age at first referral and family functioning assessments. The Juvenile Crime Prevention Risk Assessments related to school commitment and attitudes, values and beliefs are not directly related to any of the dispositional outcomes, but the remaining risk items are related, especially to the odds of a dismissal. Higher risk factors in terms of peer relationships lead to somewhat lower odds of both dismissal and alternative dispositions, which higher risk levels in terms of family functioning actually appear to increase the odds of a dismissal. Higher risks in terms of reported substance use reduce the likelihood of dismissal but have no significant impact on either alternative dispositions or transfer to adult court. The jurisdictional differences in the disposition outcomes are striking for both dismissal and transfer to adult court. After adjusting for the nature of the allegations, the prior history and risk factors, the odds of dismissal in Multnomah County are roughly 1.6 times higher than the odds of dismissal elsewhere in the state. Likewise, the odds of transfer to adult court

are over 2.5 times higher in Multnomah County than elsewhere. Those differences in jurisdictional practices with respect to adult transfer help to explain the results shown in Table 20, in which the adult transfer rate is higher for both African American and Asian youth, with both groups having a higher proportion of their Statewide cases filed in Multnomah County. Finally, as might be expected, those cases which involved pretrial detention were less likely to have cases dismissed or have some alternative disposition.

With respect to testing DMC impacts, Table 21 shows that after adjusting for all other factors, including jurisdictional differences, African American youth have roughly double the odds of having a case transferred to adult court. Hispanic youth are less likely to have a case dismissed and are more likely to have a case transferred to adult court, and Native American youth are significantly more likely to have cases result in some alternative disposition such as a plea bargain. It should also be noted that since both Asian and Native American youth have fewer cases that involve a petition being filed, the differences in their odds ratios need to be higher in order to be statistically significant.

Table 21 Multivariate Results for Disposition of Petitioned Cases

| Control Variable | Dismissed Odds Ratio * | Alternative Process Odds Ratio * | Adult Court Odds Ratio * |
|---|---|---|---|
| Severity Index | .998 | **.896** | **1.533** |
| Weapons Offense Indicated | **.517** | **.521** | **2.955** |
| Sex Offense Indicated | .891 | .928 | **2.752** |
| Person Referral | **1.949** | **1.588** | **.036** |
| Property Referral | **1.260** | **1.749** | **.052** |
| Public Order Referral | **2.055** | **1.773** | **.013** |
| Substance Referral | **1.399** | **1.752** | **.004** |
| Criminal - Other Referral | 1.216 | .916 | **.220** |
| Prior Criminal Referrals | 1.075 | **1.346** | 1.199 |
| Prior Referrals | 1.008 | **1.052** | 1.003 |
| Prior Non-Criminal Referral | .972 | **.867** | .895 |
| Any Prior Referral | .955 | .986 | **.440** |
| Prior Formal Disposition | **.875** | **1.181** | 1.089 |
| Age at Referral | 1.018 | **.901** | **2.627** |
| Age at First Referral | .999 | **1.068** | 1.043 |
| Child Welfare Case | 1.027 | .916 | .900 |
| Risk: Peer Relationships | **.914** | **.906** | 1.053 |
| Risk: Family Functioning | **1.122** | .958 | 1.032 |
| Risk: Substance Use | **.855** | 1.056 | .914 |
| Jurisdictional Differences | **1.624** | .926 | **2.687** |
| Pretrial Detention | **.686** | **.589** | 1.248 |
| African American | 1.019 | 1.140 | **2.064** |
| Asian | .847 | 1.069 | 1.333 |
| Hispanic | **.767** | 1.044 | **1.844** |
| Native American | .849 | **1.382** | .572 |

* Odds ratios are compared to the odds of a Delinquent Finding

Coefficients in **Bold Red Font** are statistically significant (p<.05)

## Dispositions for Cases Adjudicated as Delinquent

For those cases that are found to be delinquent, four major categories of options are available. These include: 1) a formal sanction, which might include participation in a specific program, a requirement such as restitution or community service, but not include general conditions of probation supervision; 2) probation, which might include specific provisions, but also carries a general set of terms and supervision expectations; 3) placement in the custody of the Oregon Youth Authority for the purposes of a community based program; and 4) placement in the custody of the Oregon Youth Authority for the purpose of secure confinement. Other options which are used very rarely involve transfer to another agency for service, often in concert with probation services. Those few other options have been combined in this analysis with probation.

Table 22 shows that the majority of cases found delinquent result in probation placements. Indeed, probation is a greater likelihood for all minority groups than it is for white youth. On the other hand, cases involving white youth have higher rate of specific formal sanctions (31%) than any other group, more than double the rate of formal sanctions compared to both African American and Native American youth. Placement with the Youth Authority for community-based programming is a relatively less frequent option than others, and slightly more likely for minority youth except for Asian youth. In terms of placement in secure confinement with the Youth Authority, compared with cases involving white youth (5.4%), the rate is roughly doubled for Hispanic and Asian youth (both at 10.4%). Compared with cases involving white youth, the rate for African American youth is nearly tripled at 15.1%.

**Table 22. Disposition Options for Delinquent Cases by Race and Ethnicity**

| Disposition Options for Delinquent Cases | Race | | | | | |
|---|---|---|---|---|---|---|
| | African American | Asian | Hispanic | Native American | White | Total |
| Formal Sanction | 107 | 29 | 521 | 62 | 2839 | 3558 |
| | 14.8% | 23.0% | 19.3% | 14.0% | 31.3% | 27.2% |
| Probation | 450 | 79 | 1710 | 323 | 5261 | 7823 |
| | 62.2% | 62.7% | 63.3% | 72.9% | 58.0% | 59.9% |
| OYA - Community | 58 | 5 | 192 | 33 | 480 | 768 |
| | 8.0% | 4.0% | 7.1% | 7.4% | 5.3% | 5.9% |
| OYA - Facility | 109 | 13 | 279 | 25 | 490 | 916 |
| | 15.1% | 10.3% | 10.3% | 5.6% | 5.4% | 7.0% |
| Total | 724 | 126 | 2702 | 443 | 9070 | 13065 |
| | 100.0% | 100.0% | 100.0% | 100.0% | 100.0% | 100.0% |

Those differences in Table 22, however, are likely to be the product of differences in type of offense, prior history, risk factors, and jurisdictional differences. In order to compare minority and white youth as if they were similarly situated, we need to adjust for these other factors, which produce Table 23. As before, in the construction of Table 21, we need to select a comparison or base option. All of the odds ratios in Table 23 are in comparison to the odds of receiving a probation sentence.

The picture painted in Table 23 with respect to the characteristics of the current offense is straightforward and conforms to expectations. The cases adjudicated delinquent that are higher in terms of severity scores, involving weapons or sex offenses, and referrals for criminal offenses such as property or person crimes, have higher odds of a disposition involving OYA, a community placement or a secure facility placement for more serious offenses.

Table 23 Multivariate Results for Disposition of Delinquent Cases

| Control Variable | Formal Sanction Odds Ratio * | OYA - Community Odds Ratio * | OYA - Facility Odds Ratio * |
|---|---|---|---|
| Severity Index | **.853** | **1.160** | **1.255** |
| Weapons Offense Indicated | .795 | **1.874** | **2.253** |
| Sex Offense Indicated | .448 | **3.815** | **5.319** |
| Person Referral | **.129** | **2.725** | **4.492** |
| Property Referral | **.126** | **3.237** | **6.601** |
| Public Order Referral | **.067** | **2.607** | **5.776** |
| Substance Referral | **.336** | **2.497** | **4.513** |
| Criminal - Other Referral | **.037** | **3.600** | **8.437** |
| Prior Criminal Referrals | **.742** | .896 | 1.058 |
| Prior Referrals | **.967** | **1.082** | **1.131** |
| Prior Person Referral | .949 | **1.285** | 1.165 |
| Prior Property Referral | 1.006 | **1.430** | **1.696** |
| Prior Public Order Referral | **.734** | 1.032 | .954 |
| Prior Substance Referral | **1.285** | 1.086 | **.766** |
| Prior Criminal-Other Referral | **.753** | 1.092 | 1.149 |
| Prior Non Criminal Referral | **1.352** | 1.042 | 1.154 |
| Any Prior Referral | 1.105 | **1.849** | .930 |
| Prior Formal Disposition | **.873** | **1.893** | **1.980** |
| gender | .946 | .926 | **1.331** |
| Age at Referral | **1.432** | **.802** | .963 |
| Age at First Referral | **.953** | **1.102** | **1.061** |
| Child Welfare Case | **.825** | 1.039 | 1.193 |
| Risk: School Commitment | 1.032 | **1.158** | **1.387** |
| Risk: Peer Relationships | **.763** | 1.108 | .944 |
| Risk: Behavior | **1.091** | **1.228** | **1.786** |
| Risk: Family Functioning | **.923** | **1.195** | 1.008 |
| Risk: Substance Use | 1.024 | **1.107** | 1.099 |
| Risk: Attitudes, Values & Beliefs | 1.010 | **1.123** | **1.376** |
| Jurisdictional Differences | 1.256 | **.152** | 1.220 |
| African American | 1.084 | **1.672** | 1.051 |
| Asian | 1.171 | .717 | 1.339 |
| Hispanic | **.772** | 1.192 | **1.711** |
| Native American | **.329** | 1.162 | .988 |

* Odds ratios are compared to the odds of a Probation Disposition

Coefficients in **Bold Red Font** are statistically significant (p<.05)

Other interesting aspects of Table 23 include the impact of a prior substance referral, which increases the odds of some non-probation formal sanction (probably a treatment program) and the impact of

other non-criminal prior referrals, which also increase the odds of a formal sanction, as opposed to more extensive probation conditions or OYA placement. Prior formal sanctions increase the odds of an OYA institutional placement, as might be expected. Age seems to have a primary impact by increasing the odds that older youth will have a formal sanction rather than probation. The impact of child welfare cases is small, but tends to decrease the odds of a case receiving a specific formal sanction rather than more general probation. With respect to the JCP Risk Assessment scores, higher risk levels associated with school issues increase the odds of a youth being placed in institutional settings, as does a higher score on the attitudes, values and beliefs scale. The JCP behavior risk dimension is also associated with increased placements in OYA, in both community and institutional settings. With respect to jurisdictional differences, the odds of either formal sanction or institutional placement are not significantly different for Multnomah County than other parts of the state, but the odds of using a Youth Authority community placement are dramatically lower than elsewhere in the state, which is not explainable in terms of the characteristics of the offenses, prior history or risk factors.

Turning to the direct DMC concerns, after adjusting for jurisdictional differences, offense profiles, etc., African American youth are more likely to use an OYA community program, but there is no statistically significant difference in the likelihood of placement in an OYA facility, nor in the likelihood of a formal sanction. Cases involving Asian American youth show no significant differences from white youth in the odds of any of the placements. On the other hand, cases involving Hispanic youth are less likely than white youth to receive a formal sanction and more likely to be placed in Youth Authority facilities. Native American youth are far less likely to have cases that result in a formal sanction, but otherwise not significantly different from white youth.

In general, the primary DMC-related concern for adjudicated delinquent youth has been the placement in situations of confinement. From this perspective, the analysis in Table 23 demonstrates that, with the exception of cases involving Hispanic youth, most of the differences in incarceration experiences can be explained as the result of differences in the nature of the current offense, prior legal history (especially prior formal dispositions), and elevated risks in the school, behavior, and attitudinal domains. Since each of those reflects a reasonable basis for sentencing, the conclusion is that efforts to address DMC at the sentencing level actually need to address racial and ethnic differences in these components earlier in the justice system rather than focusing on changes at the disposition stage.

### Summary

The examination of multivariate analyses leads to the conclusion that many of the apparent disparities in the decision processes within the juvenile justice system are the result of differences in what have been treated as 'control' variables. In other words, differences in the offense profiles, the previous legal history, the risk factors measured in the Juvenile Crime Prevention program, exposure to child welfare issues, and jurisdictional differences all contribute to apparent disparities experienced by minority youth.

Table 24 summarizes the statistically significant odds ratios related to minority groups across the decisions examined in this section. In order to see patterns, non significant odds ratios have been removed.

Table 24. Summary of Multivariate Analyses - Significant Odds Ratios

| | Race and Ethnicity Group | | | |
|---|---|---|---|---|
| Decision Stage | African American | Asian | Hispanic | Native American |
| Pre-Adjudication Detention | 1.35 | | | |
| Petition Filed | 0.89 | 0.76 | | 1.65 |
| Diversion Program for non petitioned cases | | | 1.10 | |
| Dismissed | | | 0.77 | |
| Alternative Process | | | | 1.38 |
| Adult Court | 2.06 | | 1.84 | |
| Formal Sanction | | | 0.77 | 0.33 |
| OYA - Community | 1.67 | | | |
| OYA - Institutional | | | 1.71 | |

From the vantage point of DMC concerns, the major concerns are for those stages that increase the degree of penetration of a youth into the justice system, which are those which increase the degree and intensity of contact with the system. From that perspective, the following stages and groups remain as areas of disparity that cannot be fully explained by the combinations of current offense characteristic, past legal history, elevated risk domains or jurisdictional differences:

- Higher odds of Pre-Adjudication Detention for African American youth
- Higher odds of Petitions filed for Native youth
- Lower odds of dismissal for petitioned cases involving Hispanic youth
- Higher odds of transfer to adult court for both African American and Hispanic youth
- Higher odds of placement in Youth Authority custody for institutional placement for Hispanic youth

Even in these instances, the odds ratios after adjusting for other factors are lower than the odds ratios before other factors are taken into account. That means that efforts to change the mix of referral offenses, to slow down the accumulation of prior records, and to address elevated risk profiles will all have a positive impact on DMC concerns.

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