San Diego County's Juvenile Disproportionate Minority Contact (DMC): Reduction Plan

December 2008

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San Diego County's Juvenile Disproportionate Minority Contact (DMC) Reduction Plan

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Submitted by
San Diego County DMC Committee

On behalf of
County of San Diego
Juvenile Justice Coordinating Council
Juvenile Justice Comprehensive Strategy Task Force

December 2008

The Children's Initiative

SANDAG

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The principle authors of this document are
Sandra L. McBrayer, CEO, The Children's Initiative
Brook Smith, Juvenile Justice Coordinator, The Children's Initiative
Sandy Keaton, Senior Criminal Justice Research Analyst, SANDAG

The Children's Initiative is a non-profit agency that works to improve the well-being of children and youth in San Diego County. The Initiative builds and sustains strategic alliances with all sectors of the community, providing direct operational/organizational support and technical assistance to community based organizations, government institutions, schools and businesses.

San Diego Association of Governments Justice Research Division is an essential source of information for local communities on public safety and public health, crime data, and crime reduction strategies being implemented countywide. The division publishes comprehensive reports, information bulletins, and brief topical papers covering many aspects of the justice system including adult and juvenile arrest data, domestic violence incidents, drug abuse, resident opinion surveys, and regional crime statistics. The Division also offers independent and objective evaluation of specific programs geared to address crime, social, and quality of life issues in the region.

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Forward

Disproportionate minority confinement and contact has been discussed in circles throughout our country and state for too many years to count. While these conversations are happening, more and more youth of color are being arrested, detained, and incarcerated at higher numbers than their white counterparts. In the last ten to twenty years, the United States Department of Justice has continually reported the increasing disproportion of youth of color entering into, escalating within and staying in the juvenile justice system in almost every state in our nation.

With the reauthorization of the Juvenile Justice Delinquency Prevention Act, the Department of Justice has repeatedly stressed and mandated the importance of states and counties to "address" DMC, but there has been limited assistance or clarity in what "addressing" really means or how to do it. States have struggled and some have made little or no movement in addressing DMC, often stating that there is not enough guidance or support from the federal level to move forward.

In 2005, California Corrections Standards Authority (CSA) took the bull by the horns and formed a statewide DMC Committee, hired a full time DMC coordinator and reached out to several county Probation Departments to begin the identification and analysis of DMC at the local level. Guided by lessons learned from three counties that piloted research into this issue, CSA developed a multifaceted approach of direct service, education and support. CSA took an even bolder step in committing a portion of California's Federal Title Two formal grant funds to release a competitive RFP to assist counties in understanding, identifying and analyzing DMC at the local level and to develop a local DMC reduction plan. This innovative commitment and approach is a national model for other states to follow.

While all of this was happening, San Diego was not waiting around. In the late 1990's working in partnership with the County Probation Department, The Children's Initiative began the steps of education and engagement of key stakeholders on DMC. In the early 2000's San Diego formed a DMC committee, secured support and buy-in from elected officials, police chiefs and department leads, identified San Diego Association of Governments (SANDAG) as our lead researcher and secured resources to begin the identification and analysis of DMC. In the ensuing years the DMC Committee and The Children's Initiative worked tirelessly to keep DMC a priority in our county and to expand research and stakeholder education and engagement.

With support from CSA DMC Technical Assistance Project grant on behalf of the DMC Committee, the County Probation Department and SANDAG, The Children's Initiative is pleased to present the San Diego County 2009 DMC Reduction Plan. This plan identifies selected recommendations and specific action steps that will work to reduce DMC in the juvenile system in San Diego County.

Sandra L. McBrayer, CEO, The Children's Initiative
Chair, California and San Diego DMC Committees

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DMC Committee

Sandra McBrayer
DMC Committee Chair
The Children's Initiative

Judge George Clarke
Superior Court of California

Carol Conner
Superior Court of California

Stephanie Gioia
San Diego County Board of Supervisors – Ron Robert's Office

Chief Mack Jenkins
County of San Diego Probation Department

Sandy Keaton
San Diego Association of Governments

Bruce Klier
County of San Diego Health and Human Services Agency

Michele Linley
County of San Diego District Attorney's Office

Pamela Martinez
County of San Diego Probation Department

Randy Mize
County of San Diego Public Defender's Office

Sean Morrill
San Diego County Office of Education

Darla Newman
County of San Diego Probation Department

Natalie Pearl
County of San Diego Probation Department

Wendy Ratner
County of San Diego Probation Department

Margie de Ruyter
San Diego Workforce Partnership

Martha Sainz
San Diego Police Department

Brook Smith
The Children's Initiative

Donald Stump
North County Lifeline

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Introduction

Although minority youth account for about one-third of the U.S. juvenile population, they comprise two-thirds of the juvenile detention/corrections population. Disproportionate minority contact and confinement has far-reaching consequences not only for these young offenders but for society as a whole.

The 1988 amendments to the Juvenile Justice and Delinquency Prevention (JJDP) Act of 1974 authorized the Office of Juvenile Justice and Delinquency Prevention (OJJDP) to require states participating in the Formula Grants Program to address DMC in their state plans. The 1992 amendments to the Act elevated DMC to a core protection, tying future funding levels to compliance. With the training and technical assistance provided by OJJDP, states are determining the factors that contribute to DMC, designing and implementing strategies to address those factors, evaluating their efforts, and monitoring trends.

To assist local jurisdictions the Office of Juvenile Justice and Delinquency Prevention has provided a comparison calculation tool for examining DMC. This tool, called the Relative Rate Index (RRI), is used as a data driven impetus for policy changes, better service delivery and cost-efficient governmental practices. San Diego has incorporated the RRI into the juvenile justice system as a core evaluation tool to provide monitoring of DMC at multiple decision points.

Background

California

Since assuming responsibility for administering the OJJDP Formula Grants in January 2004, the California Corrections Standards Authority (CSA) began work to determine the extent of minority overrepresentation in the California juvenile justice system. Early on CSA recognized the importance of working on both the state and local level.

In March 2005, the CSA DMC activities were increased through the CSA Board's adoption of recommendations developed by a DMC workgroup made up of subject matter experts. As a result, the CSA established a full-time DMC coordinator position and implemented the Technical Assistance Project, a 14-month collaborative effort between the National Council on Crime and Delinquency and three counties to address DMC. In response to findings from an ongoing assessment by the DMC Technical Assistance Project, CSA staff crafted a proposal for enhancing this initiative through an investment of additional federal dollars and an incremental three-year approach to DMC reduction efforts to be dispersed through a competitive RFP process. In July 2006 CSA released a RFP for the enhanced DMC Technical Assistance Project (TAP), a three-year initiative designed to assist probation departments in understanding and identifying DMC and to provide these agencies with the tools and resources needed to provide leadership in developing and/or strengthening community-based DMC reduction activities. That RFP resulted in the following five counties being awarded: Alameda, Contra Costa, Los Angeles, San Diego and Santa Cruz.

San Diego County

During the late 1990s, members of the community and local government entities working with youth were concerned about the perceived overrepresentation of minority youth in the juvenile justice system. This concern, in addition to the national attention to this issue, spurred local action. The Children's Initiative

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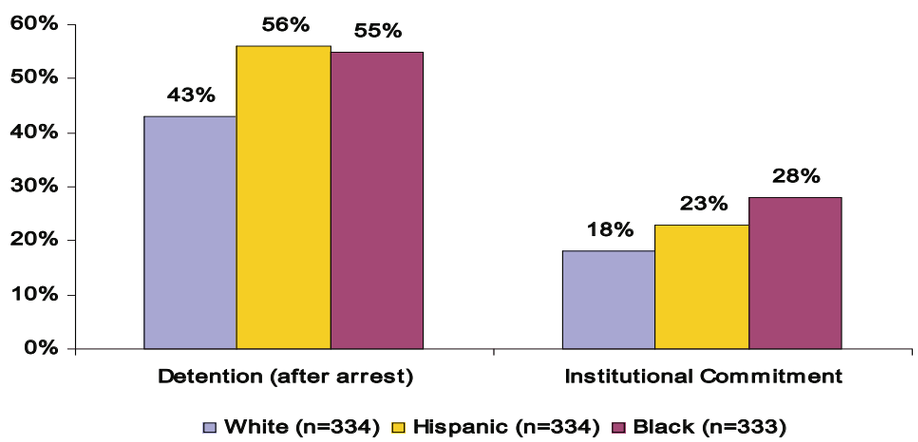
(a local nonprofit child advocacy agency) and the San Diego County Probation Department formed a DMC Committee in early 2000 to examine if and how DMC manifested itself in the County's juvenile justice system. In 2002 The Children's Initiative secured dollars from Union Bank of California and Price Charities to support the DMC Committee and its ongoing efforts. In the following year The Children's Initiative secured funding from the County Probation Department, Sheriff's Department, District Attorney and San Diego Police Department. The Children's Initiative contracted with San Diego Association of Governments (SANDAG) to conduct a DMC Identification Study in our juvenile justice system. The SANDAG Identification Study revealed DMC issues at multiple points in the juvenile justice decision-making process: arrest, detainment into Juvenile Hall, and institutional commitment. Because this initial study was limited to a relatively small number of youth, the DMC Committee elected to conduct a more extensive study with more than 1000 youth in the subsequent year. In 2006 San Diego was then awarded the Enhanced DMC Technical Assistance grant from the Corrections Standards Authority and was able to expand and go further in-depth with this research. In 2008, working in concert with The Children's Initiative, County Probation and SANDAG, the DMC Committee developed specific recommendations and action steps (based on our research and findings) to eliminate and reduce DMC in our juvenile justice system.

San Diego Report highlights include:

- At pre-adjudication detention, Hispanic and Black youth were more likely to be detained at Juvenile Hall than white youth (56% and 55% versus 43% of Whites). Race was found to be one of the predictors of a youth being detained, with Hispanic youth 2.8 times and Black youth 1.8 times more likely to be detained, compared to White youth. Other factors that increased the likelihood of detainment were related to the juvenile and his/her current situation (e.g., family status, mental health, or alcohol and other drug issues) and the seriousness of the current offense.
- Black youth were significantly more likely to receive an institutional commitment than White youth (28% versus 18%). However, race did not increase the likelihood of a youth's receipt of an institutional commitment. Predictors of receiving a commitment included severity of the current offense (i.e., level, type), gang involvement, prior criminal history (i.e., prior commitment, prior detention, number of prior sustained petitions), school performance (i.e., truancy, expulsion), and not living with biological parents. For example, youth who had a sustained petition (equivalent to being guilty in the adult system) for committing a violent offense were twice as likely to receive an institutional commitment.



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What We Learned

Does DMC exist in the San Diego County Juvenile Justice system?

- Yes, DMC does exist. Compared to White youth, Black youth were overrepresented at the point of pre-adjudication (after arrest) detention and institutional commitment, and Hispanic youth were over-represented at pre-adjudication detention.

Does race increase the likelihood of a youth receiving an institutional commitment?

- No, race was not found to be a predictor of a youth's receipt of an institutional commitment.

What factors, legal and non-legal, contribute to the likelihood that a youth will receive an institutional commitment?

- Severity of current offense, prior criminal history, school performance, gang involvement, and family structure were all predictors of receiving an institutional commitment.

Does race directly influence a youth's odds of being detained pre-adjudication (after arrest)?

- Yes, race was found to increase the likelihood of a youth being detained. Hispanic youth were 2.8 times and Black youth were 1.8 times more likely to be detained in Juvenile Hall pre-adjudication compared to White youth.

What factors, legal and non-legal, contribute to the likelihood that a youth will be detained pre-adjudication?

- In addition to race, family structure, mental health, substance use, truancy, victim living in the home, seriousness of current offense, gang involvement, weapon use, and prior criminal history were predictors of a youth being detained pre-adjudication.

From this study SANDAG, along with The Children's Initiative and the DMC Committee, developed 11 recommendations to reduce DMC in our juvenile justice system. The DMC Committee solicited input and guidance from a broad array of stakeholder groups including but not limited to: Juvenile Justice Coordinating Council, Comprehensive Strategy Task Force, Commission on Children, Youth and Families, District Attorney, Public Defender, Police Chiefs Association, and other community stakeholder groups. Guided by the input of the stakeholders the Children's Initiative and the DMC Committee developed action steps for each of the 11 recommendations that describe how to successfully implement each recommendation. Exemplifying the strong commitment of the DMC Committee, the committee took the initiative to begin the immediate implementation of the action steps for three of the eleven recommendations in the DMC reduction plan. The activities for these three recommendations are closely monitored by SANDAG, The Children's Initiative, County Probation and the DMC Committee for implementation lessons and for their future potential impact on DMC. In the coming year the DMC Committee will continue to prioritize the recommendations and continue the work to implement more recommendations and their associated action steps.

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RECOMMENDATION

Examine the Detention Intake Process

Standardized assessments are pivotal in implementing probation evidence-based practices. The Detention Center Unit currently uses a screening instrument to determine if a youth will be detained, the outcome of which could impact a youth's further involvement in the system.

Action Steps to Examine the Detention Intake Process:

- Review the screening tool used by the San Diego County Probation Detention Unit
- Examine other County Probation screening instruments
- Review the Detention Unit overrides and related policies
- Solicit feedback from stakeholders regarding screening tool and override policies
- Use this information to revise screening tool and override policies
- Inform judicial stakeholders such as Delinquency Policy Group about changes
- Train staff on new tool and policies
- Provide ongoing evaluation of the use of the new screening tool and override policies
- Revise if necessary

According to data compiled from the 12 most populous counties in California (comprising 75% of the state's population) in 2000: Black youth were 9% of the youth population, 43% of arrests, and 35% of the California Youth Authority (CYA) population. Hispanic Youth were 43% of the youth population, 19% of total youth arrests, and 45% of the CYA population. White Youth were 35% of the total youth population, 25% of total youth arrests, and 15% of CYA commitments. Other Youth of color were 13% of the youth population, 13% of total youth arrests, and 5% of CYA commitments.

(Dept of Finance, Demographic Research Unit, Dept of Justice, and the California Youth Authority 2000)

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A study in California found that compared to White youths, minorities were 2.8 times more likely to be arrested for violent crimes, 6.2 times more likely to be tried in adult court, and 7.9 times more likely to be sentenced to prison once they get to adult court.

(Center on Juvenile and Criminal Justice, Building Blocks for Youth, 2000)

Explore Appropriate Alternatives to Detention

Safe and feasible alternatives to detention, such as home supervision and community-based residential programs, should be utilized to ensure the most appropriate placement for youth.

Action Steps to Explore Appropriate Alternatives to Detention:

- Assess what is currently being used in San Diego County
- Identify national best practices and promising approaches in alternatives to detention
- Examine each best practice for different levels of risk and resiliency factors
- Identify gaps in service, i.e. geographic, gender, etc.
- Recommend policy, new programs, program expansions and changes to JJCC, Task Force, County Probation, etc.

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RECOMMENDATION

Strengthen and Expand the Involvement of Stakeholders in the DMC Process

Work collaboratively with those systems that have the opportunity to prevent and/or intervene in juvenile delinquency, including school districts, County Office of Education, Health and Human Services Agency, and local law enforcement agencies to provide a coordinated and comprehensive system of care to address the multiple needs of youth in San Diego County.

In California, Black youth with felony arrests are 4.4 times more likely than White youth with felony arrests to be sentenced to the CYA.

(Center on Juvenile and Criminal Justice, Building Blocks for Youth, 2000)

Action Steps to Strengthen and Expand the Involvement of Stakeholders in the DMC Reduction Process:

- Review current membership on the DMC Committee
- Identify gaps in areas of representation
- Identify new representatives in respected areas
- Solicit identified members
- Train and provide relevant information to new members

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RECOMMENDATION

Address the Pathways to Delinquency and Enhance Prevention Services

One of the most pervasive, difficult, and intractable problems in juvenile justice is the racial and ethnic disparities faced by youth of color in the justice system.

(Center on Juvenile and Criminal Justice, Building Blocks for Youth, 2007)

Focus attention on those factors that are more likely associated with Black and Hispanic youth and that place them at higher risk for either detainment and/or institutional commitment (e.g., truancy, gang involved). Areas to be examined include early assessment-based mental health screenings and availability of and access to substance abuse treatment, post-release linkages to educational and community services, and policies disproportionately affecting Black and Hispanic youth (e.g., zero tolerance).

Action Steps to Address the Pathways to Delinquency:

- Identify national best practices and promising approaches for early prevention and delinquency
- Assess what programs currently are offered in San Diego
- Identify gaps in service, i.e. geographic, gender, etc.
- Match best practices with gap analysis to develop recommendations
- Make program and policy recommendations to JJCC, Task Force and justice stakeholders

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RECOMMENDATION

Adhere to Recommended Probation Caseload Ratio Standards

To potentially reduce the number of youth overall, and Black and Hispanic youth in particular, who are committed to institutions, it is important to increase the success of youth on probation. Adhering to a standard probation officer/client ratio is recommended to ensure the level of supervision is commensurate with the identified issues and needs of the youth. (e.g., risk level, special treatment needs, and geographic location).

Action Steps to Identify Strategies to Adhere to Recommended Probation Caseload Ratio Standards:

- Identify national recommended risk based caseload ratios
- Examine current caseload ratios in San Diego
- Use validated San Diego Regional Resiliency Checkup (SDRRC) categories to assist in the realignment of cases to move toward nationally recommended caseload ratio standards
- Recommend policy direction concerning caseload ratio

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While public attention has tended to focus on the disproportionate number of minorities in confinement, minority over-representation is often a product of actions that occur at earlier points in the juvenile justice system, such as the decision to make the initial arrest, the decision to hold a youth in detention pending investigation, the decision to refer a case to juvenile court, the prosecutor's decision to petition a case, and the judicial decision and subsequent sanction.

(Center on Juvenile and Criminal Justice, Building Blocks for Youth, 2007)

Improve Family Access to the Juvenile Justice System

Assist families and youth in navigating the juvenile justice system to help them be better informed and prepared to address court and Probation requirements. Suggested improvements include assistance in understanding court documents, assistance with transportation and/or regionalizing court locations, offering families more time to meet with their attorney, and assigning them an advocate to help steer them through the system.

Action Steps to Improve Family Access to the Juvenile Justice System:

- Assess current family access at all levels of the justice system though interviews and surveys with families and youth
- Identify national best practices and promising programs at each communication point
- Make recommendations to JJCC, Task Force and other justice stakeholders

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Ensure Cultural Competency

Develop and strengthen training on cultural awareness and norms for all levels of the juvenile justice system. Training should be based on nationally recognized curriculum and able to address both individual and structural biases.

Action Steps to Ensure Cultural Competency:

- Identify local practices and policies within the juvenile justice system that currently affect or influence cultural competency
- Identify gaps or areas needed for improvement
- Identify trainers who are qualified in recognized need areas
- Make recommendations to the JJCC, Task Force and other justice stakeholders

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RECOMMENDATION

Improve Communication Between Juvenile Justice Partners

Strengthen practices to enhance communication among juvenile justice professionals; encourage a collaborative philosophical direction from the judiciary; identify guidelines regarding institutional commitments and create a venue for ongoing dialogue to facilitate a clear understanding of each entity's decision-making process.

Action Steps to Improve Communication Between Juvenile Justice Partners:

- Identify current means of communication among stakeholders including CCYF, Delinquency Policy Group, JJCC and Task Force.
- Seek input and improvements on issues and ideas of communication from stakeholders
- Seek input from justice partners on policy or system recommendations to improve communication

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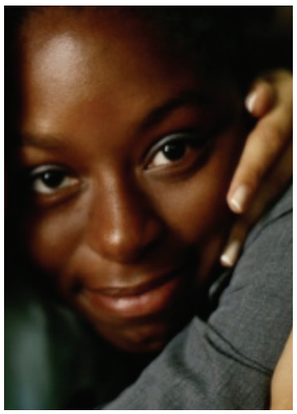
RECOMMENDATION

Examine the Application of the San Diego Regional Resiliency Checkup



Strengthen the application of standardized assessment (i.e., SDRRC) through the systemic review of its implementation, interpretation, and utilization by probation officers and community-based organizations in guiding the development and monitoring of case plans.

Action Steps to Examine the Application of the San Diego Regional Resiliency Checkup (SDRRC) as a Probation decision making tool:

- Complete an evidence based validated study of the SDRRC
- Examine and evaluate the application and training of SDRRC
- Assess current training
- Modify training if necessary
- Implement ongoing monitoring of the training and application

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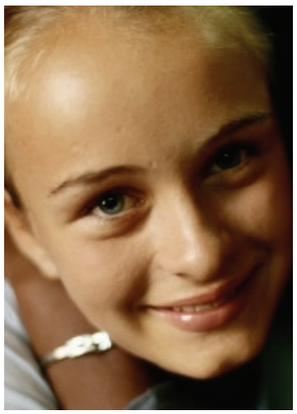

Identify What Works

Research the successes and failures of other jurisdictions to inform and guide San Diego County's efforts in reducing DMC.

Action Steps to Identify What Works:

- Conduct state and national scan of programs and best practices that reduce DMC
- Create a user-friendly, automated tool to access information on programs and best practices
- Present findings to the DMC committee and stakeholders

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RECOMMENDATION

Institute Ongoing Monitoring and Evaluation of DMC Efforts

An important phase in the DMC reduction process is monitoring DMC interventions to help improve the DMC reduction plan. In addition, regular use of the Relative Rate Index will provide consistent monitoring of the status of DMC.

Action Steps to Institute Ongoing Monitoring and Evaluation of DMC Efforts.

- Create an automated system internal to Probation to biannually monitor DMC through the Application of the Relative Rate Index (RRI)
- Report findings to the DMC Committee and other key justice stakeholders
- Produce annual assessment and identify potential areas to further investigate

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Time Line for Implementing DMC Reduction Plan

ACTIVITY	TIMEFRAME
Meet with DMC Committee to prioritize recommendations	January 2009
Work with Probation to identify necessary resources, staff needs and policy changes for implementation of recommendations	January – April 2009
Begin implementation of selected recommendations	January – April 2009
Develop necessary scope of work to implement action steps related to prioritized recommendations	January – February 2009
Identify and enter into MOU's with appropriate community-based agencies and trainers for implementing selected recommendations	January – April 2009
Presentation by Probation of quarterly RRI updates to DMC Committee	January, April, July, October, December 2009
Create evaluation design and data collection instruments to evaluate and monitor implemented activities	February 2009
Oversight and monitoring of DMC reduction efforts	Ongoing
Conduct evaluation of reduction of activities	March – October 2009
Analyze SDRRC	April – September 2009

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