

# Chapter 7: Strategies for Serving Hispanic Youth<sup>1</sup>

*Maria F. Ramiu and Dana Shoenberg\**

## Introduction

Empirical research has demonstrated that youth of color are overrepresented throughout the justice system (Leonard, Pope, and Feyerherm, 1995). The experience of youth of color in the juvenile justice system often differs from that of their white counterparts when objective criteria of offense and offense history are held constant (Poe-Yamagata, and Jones, 2000; Villarruel et al., 2002). Differential treatment of youth of color sometimes manifests as a higher likelihood of incarceration or increased length of incarceration (Poe-Yamagata and Jones, 2000). African American, American Indian, and Hispanic youth are the three populations that are most often identified as having disproportionate contact with the juvenile justice system (Hsia, Bridges, and McHale, 2003). This report focuses on DMC issues related to Hispanic youth.

In most jurisdictions, current approaches to collecting and accessing data are inadequate to measure overrepresentation and disparate treatment of Hispanic youth in the juvenile justice system (Villarruel et al., 2002) and have not consistently tracked the ethnicities of youth of color in their care. Persons of Hispanic or Latino ethnicity can be of any race; some also may choose to identify their race as Hispanic or Latino/a. Systems that recognize only the races but not the ethnicities of youth and their families lack essential information about the number of Hispanic youth they serve, thus creating an “invisible minority” in juvenile justice. For example, when systems ask youth to check on a form whether they are black, white, Hispanic, Asian, or “other,” they may force youth to choose between identifying their race or their ethnicity. This approach leads to undercounting of Hispanic youth who report their race rather than their ethnicity when forced to choose (Villarruel et al., 2002; Holman, 2001). Where Hispanic youth are undercounted because they are reported as white, the true extent of Hispanic overrepresentation cannot accurately be measured (Villarruel et al., 2002).

Furthermore, if the data collection ends with inquiries only about race and ethnicity, juvenile justice decisionmakers have incomplete information about the youth and families they serve. Information regarding the youth’s primary language, English-language proficiency, language spoken in the home, parents’ English-language proficiency, national origin, household composition, and other family characteristics may help support provision of culturally and linguistically competent interventions.

---

\* *About the authors:* Maria F. Ramiu is Staff Attorney, Youth Law Center, San Francisco, California. Dana Shoenberg is Senior Staff Attorney, Center for Children’s Law and Policy, Washington, DC.

Cultural and linguistic competence is essential to create a fair system with meaningful rehabilitative interventions. For example, parental involvement may be hampered when language or cultural communication gaps exist between juvenile justice professionals and the youth's family. Asking youth to translate conversations between their parents and professionals in the juvenile justice system is a recipe for inaccurate translation and misunderstanding, since youth (a) may not be sufficiently proficient in English and therefore may not completely understand the meanings of words these professionals are using, and (b) may be motivated to translate incorrectly. Yet systems with insufficient information about their bilingual staffing needs sometimes lack sufficient culturally and linguistically competent staff and inappropriately rely on youth to translate. In addition, families who come to the United States from countries with autocratic or corrupt legal and law enforcement systems may not understand or trust the juvenile justice system. Culturally and linguistically competent staff are essential to help families access appropriate services and support their children's successful completion of rehabilitation programs. Adequate race, ethnicity, and language proficiency data are important for assessing racial and ethnic disparities and developing, implementing, and monitoring appropriate interventions.

## **Project Overview**

This report summarizes lessons learned from a 2-year cooperative agreement award from the Office of Juvenile Justice and Delinquency Prevention (OJJDP) to the Youth Law Center. This project was originally funded from September 1, 2004, to August 31, 2006, and extended to August 31, 2007. The purpose was: (1) to develop new and accurate data collection methods for Hispanic youth in the juvenile justice system to accurately assess and identify appropriate strategies to reduce Hispanic DMC, and (2) to reduce DMC for Hispanic and other youth at critical decision points in the system. Because most decisions that determine whether individual youth enter and penetrate the juvenile justice system are made at the local level, project staff chose to work at the county level, engaging court personnel, community members, advocates and other stakeholders involved in their juvenile justice systems. The project was structured using a site-based approach through which Hispanic data collection issues and DMC interventions could be tested. The project was designed to bring together key juvenile justice system stakeholders in each county site to collaboratively develop and implement a data informed plan to improve data collection and create interventions to better address the needs of Hispanic youth in each jurisdiction. The site selection process focused on identifying significant or growing Hispanic populations in jurisdictions that did not collect and/or disaggregate accurate data on Hispanic youth at one or more major decision points in the justice system. The juvenile justice system personnel and community leaders of those jurisdictions needed to be committed to improving data collection and reducing overrepresentation and racial disparities affecting youth of color. The objectives of the site work were to develop new data collection methods, use the data collected to identify gaps in services and resources, and develop services and resources to fill them.

Two jurisdictions, Washoe County, Nevada, and Travis County, Texas, participated as project sites for the development of comprehensive data collection methods for Hispanic

youth in the justice system and the reduction of DMC at critical decision points indicated by the data on disproportionality. In Washoe County, the DMC reduction work focused on confinement in secure correctional facilities which function as the State's training schools. In Travis County, work focused on detention of youth for probation violations. The work at each site is described below.

## **Washoe County, Nevada**

Washoe County, Nevada, has a significant and growing Hispanic population. Nevada's Hispanic population tripled from 1990 to 2000. The State has the fifth largest percentage of Hispanics in the United States. In the Nevada public schools, 27 percent of all students in grades 6–12 are children of immigrants. Washoe County is Nevada's second largest metropolitan area, anchored by the city of Reno. Nevada's rapidly growing Hispanic population is reflected in the juvenile justice system. Since 2000, Hispanic youth in the Washoe County juvenile justice system have increased from less than one-quarter to more than one-third of the juvenile detention and secure confinement populations.

In addition to its significant and growing Hispanic population, Washoe County's data indicated racial disparities or minority overrepresentation in several or all contact points in the juvenile justice system. Nevada's DMC data reporting system uses the mixed racial/ethnicity "Hispanic" category when collecting data on Hispanic youth. However, 2003 data for Washoe County revealed low Relative Rate Indices (RRIs) of overrepresentation of Hispanic youth at most stages of the juvenile justice system, except at the disposition to secure confinement stage, where the RRI for Hispanic youth was 5.08.<sup>2</sup> The Hispanic population and DMC data issues made Washoe County an attractive candidate as a potential site.

Washoe County also scored high on the level of commitment to the project's DMC goals. Over the last few years, Washoe County has undertaken several juvenile court reform efforts, including initiatives on detention, mental health, education, and model courts and has committed to considering racial disparities at every stage of the juvenile justice system. Thus, addressing DMC issues, particularly closely related to the growing Hispanic population, was compatible with the County's ongoing reform efforts. The stakeholders were particularly interested in the potential of the project to focus on DMC at the secure disposition stage. The focus on the later processes of the system would supplement other reform work focusing on the earlier processes of the system.

The initial site work began with the project staff meeting with key stakeholders, led by the presiding juvenile court judge, and the director of juvenile justice services. The county formed a small advisory group to guide the project and developed a project workplan consisting of three phases: assessment and research, recommendations development, and implementation.

## Data Collection

During the project's initial assessment process, stakeholders identified data collection issues. They felt that it was important to look beyond categorizing youth by race and ethnicity, as Washoe County used the "mixed race/ethnicity" category for Hispanic youth in accordance with State DMC data reporting requirements. The option of using two questions on race/ethnicity on group surveys raised the issue of whether such a change across data collection systems would increase the accuracy of data on Hispanic youth. The State-legislated DMC reporting system uses a mixed racial/ethnic category for "Hispanic;" a change in race/ethnicity categories would require devoting resources at the State level but would result in little gain for the local DMC work. In Nevada, the legislature is part-time and only meets biannually. An effort to change State law would have diverted resources from and delayed the progress of the local work. Other questions arose regarding the inclusion of other ethnic categories and the utility of having detailed census-level racial and ethnic data. The costs of adding a second question for race/ethnicity outweighed the benefits. Stakeholders decided to proceed with the categories that best reflect system perceptions and self-identification for youth and families. They chose to place the focus on improved data collection across racial/ethnic categories that would provide more useful information to further the DMC work.

Washoe County's available data included automated information capable of producing aggregate data as well as case record information contained in individual files. The automated data included much of the demographic and offense data, but other information regarding risk and protective factors of family, language, culture, and service interventions was contained only in individual case files. Thus, the county chose a case review methodology as the primary component of the project's assessment phase.

A case review was developed, conducted, and analyzed through a joint effort among the Washoe County Department of Juvenile Services staff, a project research consultant, and a professor at the University of Nevada, Reno. The case review was designed to learn more about the characteristics of youth committed to secure confinement and the effect of juvenile justice system interventions before commitment to secure confinement. The case review focused on youth who received suspended commitment dispositions in calendar years 2004 and 2005. The original disposition of almost every youth from Washoe County confined in the State training schools was a suspended commitment to the State training school that was subsequently revoked.

The case review consisted of 110 cases of youth receiving suspended commitment dispositions in calendar year 2004, comparing differences between youth who were confined within 2 years (55 cases) and those who were not (55 cases). The research team conducted an additional review of 24 cases of youth who received a suspended commitment in calendar year 2005 and were confined in the State training school within 1 year of the suspended commitment disposition. The team compared the 2005 cases with a sample of cases of confined youth from the suspended commitment dispositions reviewed from the calendar year 2004 group.

The information collected from the case review included the following:

- Youth demographics (age, race/ethnicity, gender, native-/foreign-born, and non-English language).
- Referral and offense history (number, type, and age at first referral).
- Commitment offense.
- Youth health, education, and employment status (disabilities, mental health and substance abuse histories, school enrollment, attendance, and special education status); social relationships (gang, delinquency involvement, and parenting status); and abuse/neglect history.
- Parent demographics/characteristics (native-/foreign-born status, English proficiency, residence, incarceration history, and socioeconomic status).
- Household composition.
- Court-ordered interventions.

The case review examined the characteristics of and differences between youth with suspended commitment dispositions who did and did not progress to commitment in the State training school to learn more about the characteristics of the youth who were committed to secure confinement. The analysis of the case review provided a number of findings to support the recommendations and interventions in the project's second and third phases.

## Findings

The significant findings regarding youth committed to the State training school include the following:

- Committed youth were significantly more likely to have two parents who did not speak English (58 percent of committed youth compared to 44 percent of noncommitted youth).
- Committed youth were significantly more likely to have fathers who were incarcerated (22 percent of committed youth and none of the noncommitted youth).
- Committed youth also were significantly more likely to have both mental health and substance abuse issues (71 percent of committed youth compared to 56 percent of noncommitted youth).
- Only 4 percent of committed youth were employed, compared to 17 percent of noncommitted youth. There was no statistically significant difference in employment

history (i.e., having a job) between committed and noncommitted youth. No African American youth in the sample had employment histories or were currently employed.

- Committed youth in the suspended commitment disposition were more likely than noncommitted youth to have had orders for individual, family, and substance abuse counseling; mandatory school; and search and seizure for drugs, drug paraphernalia, alcohol, and graffiti.
- Committed youth were less likely than noncommitted youth to have orders for drug court or a diversion program in the suspended commitment disposition.
- Virtually all parents (100 percent of mothers and 93 percent of fathers) of youth in the sample resided in the United States.

The case review also revealed certain significant findings with respect to Hispanic youth in particular:

- Hispanic youth were more likely to not be attending school at the time of the last arrest preceding commitment.
- Hispanic youth whose commitment was initially suspended were more likely than white youth to receive an order for mandatory school attendance.
- Hispanic youth whose commitment was initially suspended were less likely than white youth to be ordered to undertake family or individual counseling.
- Hispanic youth were more likely (25 percent) to have repeated one or more grades.
- Hispanic youth (77 percent) were more likely than white youth (43 percent), African American (33 percent), or Asian youth (33 percent) to be involved with delinquency and/or gangs.
- Hispanic youth were somewhat less likely (66 percent) to have a documented mental health problem than white youth (80 percent).
- A higher percentage of Hispanic youth were born outside the United States (29 percent compared to 5 percent of white youth and no African American or Asian youth).
- Hispanic youth were somewhat more likely to have a translator than were white, African American, or Asian youth.
- Hispanic youth (12.60) and African American and Asian youth (12.44) had a lower average number of referrals than white youth (13.08).

- Hispanic youth (34 percent) were more likely to live with both parents than were white youth (23 percent) or African American youth (0 percent).
- Hispanic youth (9 percent) were more likely to be parents, compared to 3 percent of white youth and 0 percent of African American and Asian youth.

The case review process revealed a number of issues regarding data collection:

- Data on English-language proficiency of youth are not collected. Youth who need translation services in court are tracked in the automated system. Few youth received translation services in court (6 percent of committed youth and 4 percent of noncommitted youth), yet the majority of Hispanic youth had non-English-speaking parents. Translators were only used for youth who did not appear to speak any English. The use of court translators by youth is a very limited proxy for the youth's ability to communicate in English in written and spoken form. School district data indicated that almost 20 percent of students are identified as LEP (limited English proficient) students.<sup>3</sup>
- Data on parent language, immigrant status, family structure, youth health, education, and employment status are not put in the automated data system and thus no aggregate data are available on these elements through juvenile justice services.
- Complete data on youth participation, compliance, and completion rates with ordered services and interventions is not collected.

## Recommendations

### Data Collection

The inability of the case review process to reach certain findings regarding intervention intensity, language proficiency, and intervention outcomes—as well as specific findings regarding education status, gang involvement, family demographics, and parental status—suggested the need for improvements in data collection methods. The following recommendations were made regarding data collection:

- Data on limited English proficient youth and their parents should be better assessed, and language proficiency data should be collected in the automated data system.
- The automated data system should include variables that indicate whether a youth participated, completed, withdrew from, or failed to complete an intervention and at what point in time the youth discontinued participation.
- Data collection methods need to be modified and improved, and certain existing data contained in the individual case files need to be incorporated into the automated data system, specifically, those data elements contained in the case review instrument that are not in the system: the youth's language, school status, parents' languages, household composition, and interventions ordered and completed.

## **Language Access**

Hispanic youth were more likely than other youth to have parents who did not speak English and to report that both parents did not speak English. These findings highlight the importance of language-accessible and culturally appropriate services for Hispanic youth and their families that maximize parents' understanding of the legal process, to support their participation as fully as possible in planning for the youth, and provide families with the services they need. The findings regarding the immigrant and linguistic status of youth and their parents suggested the following needs:

- Improvement in the assessment of language access needs of youth and their families, particularly the Hispanic population.
- Improvement in access to services that meet linguistic needs of youth and their families.

## **Education**

The findings indicated that Hispanic youth might be at an increased risk of poor educational performance. Compared to white, African American, and Asian youth, Hispanic youth were less likely to be enrolled and attending school. Compared to their counterparts, they were also more likely to be enrolled but not attend school or not to be enrolled in any school. In addition, Hispanic youth were more likely to have repeated one or more grades than were white, African American, or Asian youth. One of the most frequently court-ordered interventions for Hispanic youth was mandatory school attendance. These findings suggest that Hispanic youth may be particularly at risk educationally. Project staff recommended development of interventions that would focus on the following:

- Addressing barriers to educational success for Hispanic youth including language proficiency issues, availability of educational advocacy assistance, and lack of academic supports.
- Improving relationships of youth and their parents with the school and probation systems through providing bilingual probation staffing, services, and information to ensure that youth are enrolled in and attend school.

## **Mental Health and Substance Abuse Status**

Committed youth were significantly more likely to have both mental health and substance abuse issues. Additionally, the findings indicated racial/ethnic disparities in mental health status and in ordered interventions that implicated behavioral health issues. Accordingly, the recommendations included the following:

- Further assessment of the racial/ethnic differences with behavioral health issues and the delivery and effectiveness of accessible, culturally appropriate services.

- Coordination of current mental health and substance abuse treatment services for those youth who are dually diagnosed.

### **Delinquency and Gang Involvement**

Hispanic youth were more likely than white, African American, or Asian youth to be involved with delinquency and gangs. This finding suggested the need for ongoing development and implementation of effective interventions regarding negative social relationships.

### **Parenting Status**

Although few youth had children, Hispanic youth were more likely to be parents. The parenting status finding (the small percentage notwithstanding) suggested the need for interventions for Hispanic youth with parenting issues.

### **Interventions**

The intervention implementation phase of the project focused on language access, education, and the additional data collection recommendations as described below.

#### **Language Access**

Washoe County improved data collection methods for Hispanic youth, specifically regarding language proficiency, which is now assessed and included as a component in the collection system. A language proficiency survey (shown in appendix A of this chapter) was initially developed for Washoe County as a preliminary assessment of language proficiency by the education transition coordinator (described in the education interventions below). The survey instrument information was incorporated into the service assessment process at intake.

#### **Education**

Washoe County has established an education transition program for youth exiting the detention center. The county designed the program to ensure the seamless transfer of youth and their educational records from detention to community schools, other detention centers, and community and employment agencies. The ultimate goal of the program was to reduce the number of students who recidivate and are sentenced to State juvenile and adult corrections facilities, and to increase the number of students who are successfully and continuously engaged in school, work, and community activities. The components of the program include the following:

- Establishing a transition coordinator position.
- Developing individualized transition plans.
- Developing and implementing a student education passport.

- Establishing a seamless transfer of educational records and services.
- Increasing interagency cooperation and communication.
- Establishing a youth tracking system.
- Ensuring that the schools identify, assess, and serve limited English proficient (LEP) youth.

To assist youth with the transition to community programs, other education interventions were implemented in the detention center:

- Identifying LEP students.
- Instituting English language development classes for LEP students.
- Providing computer programming modules in the school computer lab.
- Training all detention center school teachers in “sheltered instruction,” an instructional strategy aimed at the language needs of LEP students.

Out-of-custody youth who have not been participants still benefit from the resources developed for the transition program and indirectly benefit from their improved relationships with the schools and community programs. The juvenile services case workers are able to access the resources and improved relationships to help reconnect youth, particularly Hispanic youth, with schools, community programs, and other support systems.

The transition program and other education interventions have not been in operation long enough to assess their effectiveness or impact on disproportionate minority contact with the juvenile justice system. However, the county has reached several preliminary conclusions that Hispanic youth are receiving improved services. The collaboration of the probation department with the school district through the detention school and with its administrative offices has improved educational data collection. By establishing new information-sharing protocols, including allowing the detention school to access the school district’s database, services to Hispanic youth were improved, including access to LEP services in detention and community schools, assistance in school enrollment, and connecting with community services that met their language and cultural needs.

### **Additional Data Collection**

Improvement of data collection on interventions was imperative in tracking the impact of the work of the project and evaluating all juvenile agency services. Data on interventions, participation, and completion rates are now collected in a standard format in the youth’s file. Although the automated system contains basic intervention information, the County

continues to modify the system so it can produce comprehensive data reports that facilitate a thorough evaluation of intervention effectiveness.

### **Continuing Intervention Development**

In addition to the continued work on the interventions already described, the Washoe County site used this work as the basis for ongoing development and implementation to address Hispanic disproportionate minority contact with the juvenile justice system. A symposium on Hispanic youth was held to foster community partnerships to provide new services to address the education, employment, behavioral health, and social services needs identified in the project. Washoe County has also established two gender-specific Evening Reporting Programs as well as a pilot mentoring program for Hispanic boys. The County has modified case management practices as a result of the case review findings. Case managers have a better understanding of some of the differences in the educational, employment, family, behavioral health status and other factors associated with the path to confinement of Hispanic youth in secure facilities, so they can now focus services in those areas.

## **Travis County, Texas**

Travis County, Texas, which includes Austin, the State capital, has a large and established Hispanic population. Of the population of youth ages 10 to 16 (those eligible for the juvenile justice system), 39 percent are Hispanic. Twelve percent of the youth are African American, 45 percent are white, and 4 percent are Asian. A medium-sized county with a significant Hispanic population and a receptive climate for conducting careful analysis, Travis County was an ideal location to address the disproportionate minority contact of Hispanic youth.

Through the leadership of the Travis County Juvenile Probation Department (TCJPD), probation staff and representatives of the judiciary, school police, public defenders, district attorneys, community organizations, and service providers all participated in Travis County's examination of racial and ethnic disparities in the juvenile justice system. These stakeholders shared data, recommended key contacts to be interviewed or included in the project, and participated in fact-gathering interviews. TCJPD staff devoted extensive effort to the project, including data analysis, organizing files for review, arranging and participating in interviews, and planning an intervention strategy.

The RRI analysis revealed that youth of color in Travis County were most overrepresented at the point of referral into the juvenile justice system.<sup>4</sup> Hispanic youth were 3.85 times more likely than white youth to be referred to juvenile court. The analysis also revealed that once Hispanic youth were involved in the juvenile justice system, they generally were not disproportionately represented in later stages, with one notable exception: The rate at which Hispanic youth were securely detained for probation violations was 1.42 times greater than the rate of detentions of white youth.

As is true of urban poverty, rates of referral to the juvenile justice system are probably affected by a complex set of factors. The struggle for decisionmakers in this project, which was funded for only 2 years, was whether to try to address the multiple (often systemic) contributing factors to juvenile court referrals or to choose a more limited project that did not require the engagement of systems outside the juvenile court.

Decisionmakers determined that they were more likely to complete an analysis and implement interventions if the project was focused on disproportionality of detentions for probation violations rather than on referrals to juvenile court. A later phase of DMC reduction work could address disproportionality of referrals to juvenile courts if enough agencies and other stakeholders were interested in coming together to examine the causes and find solutions. Thus, the project focused on examining the differential rates of detention of youth of color for technical violations of probation and on designing appropriate interventions.

## **Data Collection**

The juvenile probation system in Travis County uses a database developed at the State level for probation departments. TCJPD maintains computer records of juveniles and their families by using the Caseworker system provided by the Texas Juvenile Probation Commission (TJPC). This system is designed for county-level recordkeeping and meeting mandatory State reporting requirements.

The race/ethnicity field in the Caseworker system is structured to report race/ethnicity in a manner that conforms to other Texas law enforcement entities, including the Texas Department of Public Safety. It combines two aspects of an individual—race and ethnicity—into a single category; a user can designate the individual as African American, American Indian, Asian-American, Hispanic, white, other, and unknown.

This method is required for reporting to the State government, and TCJPD is required to use this field to report its data to TJPC. To be consistent with its other reports to TJPC, TCJPD uses the race/ethnicity field in Caseworker for all data reporting. TJPC's approach also provides consistency when transferring information between TCJPD and other law enforcement entities, including information concerning transfers of juveniles from one jurisdiction to another.

TCJPD welcomed the value of capturing race and ethnicity as separate concepts and, as part of this project, chose to use two user-defined fields in Caseworker to more fully capture both race and ethnicity information for use at the county level. While the county must still report its mixed race and ethnicity data to TJPC, the user-defined fields allow the county to capture more detail for its own use. Now, workers ask the current method is to ask each juvenile for a primary and a secondary racial or ethnic identification, each of which is recorded in the primary and secondary fields. Youth may self-identify as two of the following: African American or black; American Indian; Anglo/white; Arab; Asian; Hispanic; Latino; Middle Eastern; Native Hawaiian or other Pacific Islander; Semitic-speaking of Near East, North Africa, or Arab; other; and unknown. As part of this new approach, TCJPD also identifies the juvenile's primary language. Youth may report

primary language as American Sign Language, Braille, Chinese/Mandarin/Cantonese, English, French, Japanese, Korean, Spanish, Vietnamese, or other.

Although it does not report aggregated data using these fields, TCJPD uses this information extensively for its culturally sensitive work with individual juveniles and their families. County officials have expressed that, ideally, the TJPC system would separate race and ethnicity for reporting purposes, allowing youth to self-identify with as many race and ethnicity categories as they wished. This would require a decision from TJPC and a transition period. Data in the current system would have to be converted, and informational gaps would occur. For example, for those who did not identify themselves as “Hispanic” under the current system, the county would not have ethnicity information, only race information. Furthermore, unless the Texas Department of Public Safety and other law enforcement entities in Texas also transitioned their data systems at the same time, both TJPC and TCJPD would experience data compatibility issues when sharing data across jurisdictions and among other law enforcement entities. These challenges highlight the potential benefits of working at the State level to modify race, ethnicity, and language information collection across systems.

## **Research, Analysis, and Findings on Violation of Probation**

To learn more about youth who violated probation, and why youth of color violated probation and were detained at a higher rate than whites, project participants engaged in both qualitative and quantitative analysis. For qualitative analysis, project staff interviewed TCJPD line workers and managers, judges, public defenders, district attorneys, community-based organizations, and service providers. Staff conducted focus groups with youth in the Intermediate Sanctions Center and with their parents. Researchers conducted separate sessions in English and in Spanish and met with both boys and girls. Structured interviews with stakeholders from the various systems help paint a picture of people’s experiences and insights and allow the opportunity for suggestions.

In addition, two quantitative studies described youth who were detained for probation violations in Travis County. TCJPD conducted an analysis of 901 youth who completed probation in 2005 to understand the characteristics, risk levels, and needs of probation violators. As part of this study, researchers examined 100 case files to determine the types of probation violations that youth committed. In addition, project staff, with the assistance of local graduate students, reviewed files of 87 youth detained in 2005 (representing 150 detentions) to learn about their offending behavior, language capability, length of stay in detention, and other factors.

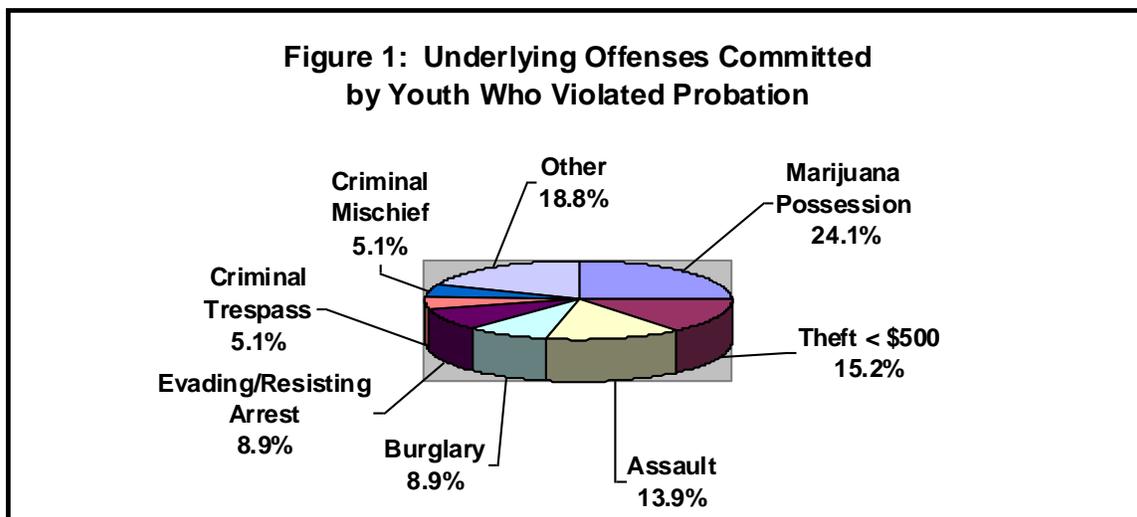
Following are some of the key findings from the case file reviews:<sup>5</sup>

- The top three probation violations were truancy (27 percent), curfew violations (21 percent), and substance use (15 percent). On average, youth committed three different types of violations. Three other categories figured prominently: missed meetings with probation officers, failure to participate in a program, and school suspensions.

- Juveniles under supervision for substance abuse had the highest detention rate for probation violations.
- Compared with supervised youth not detained for probation violations, those detained for probation violations had notably higher rates of substance abuse.
- Youth scored on the risk assessment instrument mostly in the low and medium ranges (45 percent in low range; 53 percent in medium range), with only 2 percent deemed at high risk of recidivating.

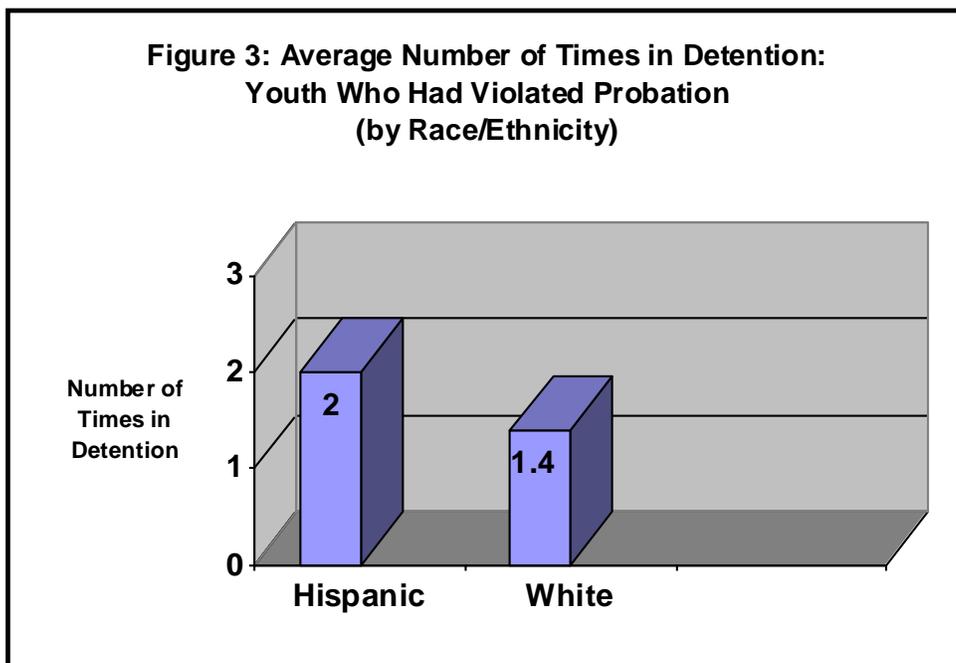
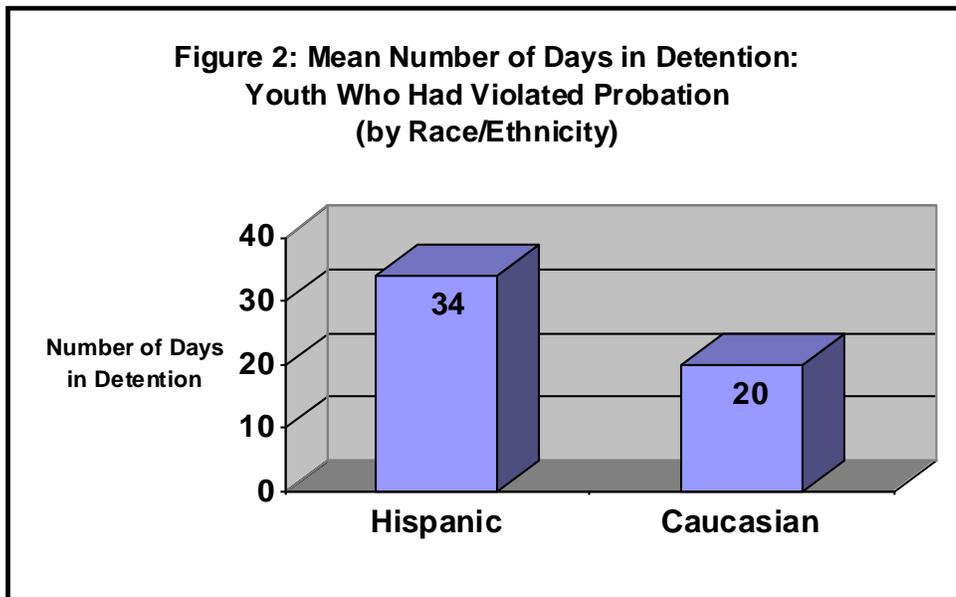
These factors suggested that any program seeking to reduce detentions of youth who commit probation violations would need to address substance use, truancy, curfew violations, and other individual risk factors. Youth detained for probation violations were almost entirely in the low- to medium-risk categories (as measured by the Adoms III risk assessment tool that TCJPD used; see appendix B) suggested that a large proportion of them might be good candidates for a different form of intervention that did not involve secure custody.

Researchers<sup>6</sup> examined the underlying offenses for which youth were on probation. As would be expected for youth being supervised in the community, these youth had not committed dangerous violations that threatened public safety. Figure 1 shows the breakdown for underlying offenses leading to probation.



The following two charts indicate that Hispanic youth spent more days, on average, in detention for probation violations than white youth, but they were also detained more times. Figure 2 illustrates that Hispanic youth detained for probation violations served an average of 34 days total in detention during the sample period, whereas white youth served an average of 20 days. This may be explained by Figure 3, which illustrates that Hispanic youth detained for probation violations were detained an average of 2.0 times, whereas the average for white youth was 1.4 times. These findings suggested that any

project that provided an alternative to detention for probation violators would significantly reduce the number of youth of color detained for probation violations.



Researchers also examined the language capability of youth detained for probation violations and their families. Nine percent of the sample of youth did not speak English as their primary language, and for at least 17 percent of the youth, the family language was not English. These data illustrate the importance of gathering information beyond the

youth's primary language, as communication with family members may require specialized resources, such as bilingual staff, even if youth communicate well in English.

Another significant finding from the qualitative research was the common theme raised by a number of stakeholders: Parents and youth who are new to the juvenile justice system, and especially those new to the United States in general, need help understanding the system and its expectations. Families from countries with corrupt or abusive criminal justice systems approach the experience with distrust, fear, and lack of knowledge about how to help their children succeed during their probation. Several stakeholders thought it would be helpful to offer a program of information, outreach, and support to families (possibly staffed with family members of formerly adjudicated youth), which could help bridge the cultural and information gaps experienced, especially by new immigrant families.

Because researchers were required to conduct individual case file reviews to better understand the bases for probation violations, the county recognized the value of electronically recording the probation violation types and their frequencies. For youth involved in the new Sanction Supervision Program described below, this information is being tracked. In addition, for some probation violators, the county conducts administrative hearings in which a juvenile probation supervisor meets with the probation officer and family to discuss violation problems and to arrange new probation terms. This is another method to prevent secure detention, but it had not been tracked electronically, nor had written records been consistently kept in youths' files. The county is now able to track the use of administrative hearings electronically.

Additionally, even though the county had translated almost all of its juvenile court and probation-related documents into Spanish, project staff identified a few additional documents that needed translation, which the county completed. Although many jurisdictions have been unable to complete accurate translations for all documents available to youth and their families, Travis County staff have accomplished this important aspect of language accessibility.

## **Strategic Intervention**

On the basis of many interviews and the quantitative research, researchers recommended potential interventions to address the disproportionate representation of youth of color in probation violation detentions. TCJPD chose to focus its resources on the creation of additional intensive supervision positions to be used specifically as a strategy to reduce detention of probation violators. Because the department's research indicated that an average of 40 to 50 percent of the county's detention beds were assigned to juveniles committing technical probation violations, creating alternatives to detention was a high priority. The Sanction Supervision Program (SSP; see Figure 4) provides for additional case management to ensure that youth and their families receive help with identifying and accessing services they need.

The choice to have a community-based agency offer more intensive case management substantiates research findings. When youth who had previously violated probation and

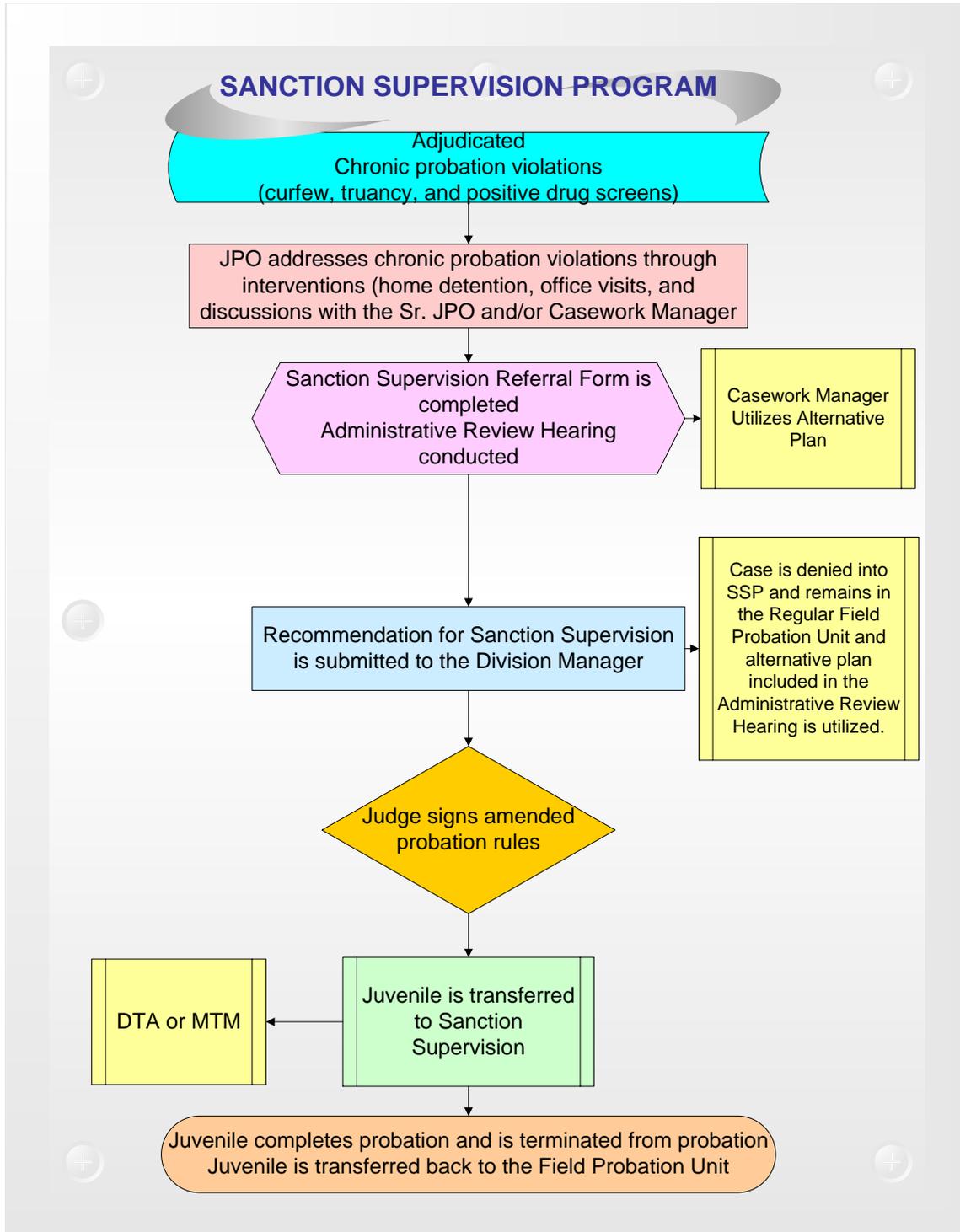
their parents were asked what would have made a difference, both the youth and their parents expressed the need for more attention from their probation officers. The prevalence of youth violations involving substance abuse, truancy, and school suspension in the studies reflected a need for more intensive service provision. The organization chosen to provide case management for the program has a long history of culturally competent service provision to youth involved in the juvenile justice system in Travis County.

Due to these responses, TCJPD received funding for four additional intensive supervision staff positions, which resulted in a reduced caseload of 12–15 youth for each intensive supervision staff member, compared with regular probation caseloads of 26–28 youth when the agency is fully staffed. The program can serve 60 youth and is expected to serve approximately 150 youth annually; youth are supervised at this level for approximately 4 months. At its inception, this program was expected to reduce the average daily population at Travis County’s Gardner-Betts Juvenile Justice Center by nine youth per day.<sup>7</sup> Along with other initiatives the county has implemented, the SSP has contributed to a drop in the average daily population at the detention center from 93 during the first half of fiscal year 2007 to 83 during the first half of fiscal year 2008. These accomplishments have significantly eased population concerns for the detention center.<sup>8</sup>

The county has been careful to ensure the program is used only for those youth who would otherwise be referred to detention for their violations so as not to “widen the net” of youth receiving intensive services beyond those for whom the program is intended. Youth with felony charges represent 64 percent of the program participants, and youth with higher level misdemeanors (A and B) represent 34 percent of program participants. As a group, the youth have had an average of 6.8 referrals to the juvenile justice system before their participation in the program.<sup>9</sup>

Reflecting efforts to serve populations overrepresented in detentions for probation violations, 61 percent of youth in the program are Hispanic, 8.5 percent are white, and 29 percent are African American; Asian and American Indian youth each constitutes 0.7 percent. Program participants range in age from 12 to 17 years, and males represent 73 percent of the group. Forty-seven percent of participants have completed the program successfully.<sup>10</sup> Creating this alternative to detention that mainly serves youth of color is a concrete and measurable achievement for Travis County to address both DMC and overall rates of detention (see Figure 4).

Figure 4



Note: JPO = juvenile probation officer. DTA = directive to apprehend; a warrant for law enforcement to pick up the youth. MTM = motion to modify; asking the court to modify the original disposition (such as extending the length of probation).

## Recommendations for Additional Activity

As Travis County's Sanction Supervision Program unfolds, staff will **track the participants** to learn whether they re-offend. It may be helpful to follow whether the rate of successful completion of the program and recidivism following the program are different for any particular youth profile. Are recent immigrant youth succeeding at the same rate as others? Does home language make a difference in families' experience of the program? Are services that clients need actually available in the community, or are there resource gaps that need to be filled? Are all of the services to which youth are referred effective and culturally competent?

Some information could only be found through time-intensive case file review, which illustrated the potential usefulness of **tracking additional data elements** about the county's clients. The county has already begun to track administrative hearings. While the SSP tracks probation violations of its participants, it might be helpful to collect data on the frequency and type of probation violations for all youth.

In addition, the county may find it helpful to explore new ways to **increase families' understanding of the juvenile justice system** and support parents as they navigate the system and help their children succeed during their probation.

The **disproportionality of minority youth referrals** to the juvenile justice system remains a challenging problem that requires many more active participants to address successfully. Concerns related to disproportionate minority contact with the criminal justice system and negative encounters with the education system in the Travis County/Austin area include the following:

- African American and Hispanic individuals are more likely to be searched by police than whites.<sup>11</sup>
- African American and Hispanic students are more likely to undergo discretionary removal from school than whites.<sup>12</sup>
- African American and Hispanic youth are more likely to appear in juvenile court for nontraffic offenses than whites, and are particularly overrepresented in appearances related to school-related offenses and disorderly conduct/abusive language.<sup>13</sup>
- African American and Hispanic youth fail to appear in municipal court and have warrants issued for their arrest at much higher rates than whites.<sup>14</sup>

Stakeholders could examine referrals from school system police to discover whether school-based discipline issues can be resolved without involving the juvenile court. To address disproportionality in referrals, any initiative would need to take into account the patterns of policing, arrest, diversion, and referral to begin to address the disparities.

## Recommendations for Race and Ethnicity Data Collection

Addressing **data collection at the State level** will be important to ensure the most accurate picture of the juvenile justice system. Although collection of race and ethnicity information does not provide a complete picture of the needs of a juvenile justice population, it is an important starting point to accurately determine the population served. Both counties in this site-based project faced challenges while attempting to improve electronic data collection on race and ethnicity. The constraints of the data system in the Travis County site precluded disaggregated collection of race and ethnicity information at the local level because of the prior existence of a statewide database that the probation department was required to use for data collection.

Other DMC reduction projects, such as the one in Pennsylvania, have made changes at the state level that enabled the state to collect more accurate race and ethnicity data. The Center for Children’s Law and Policy (CCLP; their staff were responsible for the Travis County, Texas, part of this project), along with the National Center for Juvenile Justice (NCJJ), developed guidelines on race and ethnicity data collection for the Commonwealth of Pennsylvania that could easily be adapted for other States’ purposes (*Guidelines for Collection and Recording the Race and Ethnicity of Juveniles in Conjunction with Juvenile Delinquency Disposition Reporting to the Juvenile Court Judges’ Commission* [JCJC], 2006). The JCJC guidelines incorporate the requirements for data collection by all Federal agencies set forth by the U.S. Office of Management and Budget (OMB). The OMB standards are used not only in data collection for the U.S. Census but also to count populations involved in medical research, mortgage lending applications, and other government-related activities. The focus of the JCJC guidelines is as follows:

[To] enhance the accuracy of the demographic information collected by the Federal Government by having categories for data on race and ethnicity that will enable the capture of information about the increasing diversity of our Nation’s population while at the same time respecting each individual’s dignity.

In the approach required by OMB and adopted by the Pennsylvania JCJC, race and ethnicity are two separate questions, and a third optional question allows respondents to describe any other country of origin, ancestry, or tribe with which they wish to report an affiliation. Interviewers are instructed to use self-identification as the primary method for answering the questions; observer identification or reference to written documents is used if the youth, parent, or guardian does not answer the questions. The data system allows the recorder to indicate whether or not the information is based on self-identification.

To prompt self-identification, interviewers are instructed to begin the series of questions by explaining, “I am now going to ask you some questions about how you prefer to describe yourself.” The first question asked is, “Are you Hispanic or Latino?” By not asking, “What is your ethnicity?” the question avoids introducing additional categories or any misunderstanding about the meaning of ethnicity.

The second question, “What is your race?” allows for answers in five categories: American Indian or Alaska Native, Asian, black or African American, Native Hawaiian or other Pacific Islander, and white. For both race and ethnicity questions, coders are encouraged to avoid the *unknown* category unless the youth specifically requests that *unknown* be checked in addition to another race, or the youth is not present and the information is missing from other sources.

The optional third question, “Do you identify primarily with a particular country of origin, ancestry or, if you are Native American, a particular tribe?” allows counties to collect information about populations or subgroups not listed in the first two questions and provides an opportunity for youth and families to self-identify with groups meaningful to them if the county chooses to incorporate this question. Pennsylvania has been adapting its statewide database to accommodate this approach since its inception in October 2006 and has been conducting implementation training across the State.

Although the Pennsylvania work is outside the scope of the project summarized in this report, the Commonwealth’s State-level data collection method serves as a model for jurisdictions seeking a standardized, clearly explained approach to more accurate race and ethnicity data collection.

## **Lessons Learned**

This project’s two main goals were to develop new and accurate data collection methods for Hispanic youth in the juvenile justice system and to reduce DMC for Hispanic youth at critical decision points in the system. At both sites, despite the existence of a Federal model for race and ethnicity data collection, existing data protocols that the probation departments were required to use precluded the disaggregation of race and ethnicity data.

However, this project enhanced data collection in other ways. At both sites, researchers conducted file-based research to better understand the factors that contribute to overrepresentation at the chosen system contact points. The case reviews revealed deficiencies in the systems’ ability to track the youth’s interventions. The case review instruments provide an interim DMC data assessment tool that may be used until automated data systems are modified to track the elements necessary to complete post intervention assessments.

At the Washoe County site, a process for collecting information on the language proficiency of youth and their families was developed. Instead of just asking youth whether they and their parents spoke English, a simple limited English proficiency questionnaire was developed.

This project provided lessons to participants in three main areas. Data collection, an essential component to any effort to reduce racial and ethnic disparities remains an ongoing challenge for many communities across the country. Fashioning interventions that follow from the data requires involvement of traditional and non-traditional community stakeholders to ensure that programs meet the needs of the youth and the

juvenile justice system. Communities committed to reducing racial and ethnic disparities must commit the time and resources to careful analysis and program development. Some lessons from the project are described below.

## **Data Collection**

Several additional lessons were learned, as described below.

- Although reduction in disproportionate minority contact with the juvenile justice system needs to occur at the local level, reforms in data collection may need to occur at the State level before county data systems can be changed. Although counties may appreciate the value of disaggregating race and ethnicity information to better understand the juvenile justice population, they may still be hampered by the limitations of statewide databases they are required to use.
- In States where information sharing between law enforcement agencies is significant, not only must data solutions occur at the State level, but also stakeholders must share information with other agencies so that systems are updated simultaneously and in similar ways.
- Targeting the collection of particularly relevant data elements can yield considerable benefits when developing interventions to reduce disproportionality of minority contact with the juvenile justice system.
- Systems will contain data that better address disproportionality if the tracking is conducted systematically, for example: the language proficiency of parents and youth, the countries where parents and youth were born and reside, the alternatives to incarceration/interventions used in each case, the successful completion of or reason(s) for termination from programs or interventions, the types and frequency of probation violations committed by youth, and their health and education status.
- Case file review is time intensive but can be a helpful tool for learning about municipal, county, and State systems when data from their automated databases cannot answer all of community leaders' questions needed to develop strategies for improvement. A case file review may also provide clues as to how to modify the data fields in an automated data system to more accurately capture the desired data.
- Staff who engage in file reviews should be trained and supervised to ensure consistent methods of data gathering and accurate interpretations of the data. The individual case notes, treatment plans, court pleadings, social studies, and other documents typically found in case files of youth in the juvenile justice system are full of helpful information but are subject to different interpretations. In the initial phases of case file data collection, it is helpful to have more than one researcher review the same file and compare notes for accuracy.

- A combination of quantitative and qualitative information can be especially helpful when trying to understand how different groups experience the juvenile justice system.

## **Interventions to Reduce Racial and Ethnic Disparities**

- Resources from local public agencies may be leveraged to achieve needed reforms.
- When designing a new program, staff, youth, families, and other stakeholders can provide important insights into programming, supervision, and cultural competence needs.
- Community-based agencies are valuable resources for providing culturally competent services to clients close to their homes.
- Juvenile justice agencies should look beyond their traditional community partnerships to identify and fill gaps in services.
- New programs developed by juvenile justice systems to reduce incarceration must establish admission criteria that ensure a reduction in incarcerations rather than widening the net and involving youth who would not otherwise be incarcerated.
- Although jurisdictions may feel they are more successful if they target a decision point with the highest RRIs and greatest number and/or magnitude of contacts for further assessment and intervention, sometimes other factors, such as difficulty getting the cooperation of the necessary stakeholders or overcoming funding barriers, will lead a jurisdiction to choose another decision point to tackle first. After experiencing some success, the jurisdiction may then be ready to tackle the decision points with more significant disparities.

## **Time and Resource Commitments**

- DMC reduction efforts are time and resource intensive and will require a prolonged commitment that transcends one community leader, champion, or administration to sustain. Sufficient time and resources must be devoted to both data collection issues and substantive interventions.
- To support a local DMC effort by achieving a statewide policy change first is time consuming, requires different resources than those needed at the local level, and may require a separate effort to achieve the statewide objectives.
- Reducing the incarceration of youth of color may have other collateral benefits, such as reducing overcrowding in facilities and improving and expanding relationships between youth and community service providers.

## Endnotes

1. This chapter was adapted from the final report, dated November 29, 2007, for OJJDP award 2004-JL-FX-0083, to the Youth Law Center ([www.ylc.org](http://www.ylc.org)), San Francisco, California.
2. Although the RRI for African American youth was 20.09, the low volume of African American youth in this population (7 of 89) meant that the project's DMC focus was on Hispanic youth. Findings related to African American DMC have been omitted.
3. Limited English proficiency (LEP) is an official designation under the federal No Child Left Behind Act (see LEP fact sheet at <http://www.ed.gov/nclb/accountability/schools/factsheet-english.html>). This designation carries certain legal obligations for schools receiving federal education funds and states receive specific federal education funding to serve students with the LEP designation.
4. DMC data for African American youth are not included in this report.
5. These findings are from Watson, J., Rogers, E., and Miller, J., *Unlocking the Keys to Success*, a report by the Travis County Juvenile Probation Department, July 2006, p. 1.
6. Research was supervised and compiled by Francisco A. Villarruel, Ph.D., University Outreach and Engagement Senior Fellow, and Professor of Family and Child Ecology, Michigan State University, with assistance from the Center for Children's Law and Policy, July–August 2006.
7. This information is based on a conversation with Chief Estela Medina and staff of the Travis County Juvenile Probation Department, on November 9, 2006, and with Britt Canary and other staff of the TCJPD, on April 4, 2008.
8. Conversation with Britt Canary and other TCJPD staff, on April 4, 2008.
9. Data provided by TCJPD, April 11–29, 2008.
10. See note 8.
11. African American individuals are more than three times as likely to be searched by the Austin Police Department as whites, and Hispanic individuals are 2.3 times more likely to be searched than whites. African American and Hispanic individuals were less likely than whites to be in possession of contraband when searched (0.8 and 0.9 times, respectively). Search data from the Travis County Sheriff's Department indicate that their officers are 1.5 times more likely to search African Americans or Hispanics than to search whites. (From a report on racial profiling, *Don't Mind If I Take a Look, Do Ya? An Examination of Consent Searches and Contraband Hit Rates at Texas Traffic Stops*, prepared by Dwight Steward, Ph.D., Steward Research Group, and Molly Totman, Texas Criminal Justice Coalition (TCJC), on behalf of the American Civil Liberties Union of

Texas, National Association for the Advancement of Colored People Texas, League of United Latin American Citizens Texas, and TCJC, February 2005.)

12. Austin Independent School District data reveal that, for discretionary removals from school (those not required by law), African American youth represented 31.3 percent of the removals, despite being only 13.3 percent of the school population. Hispanic youth represent 52.3 percent of the discretionary removals although they comprised 54.7 percent of the school population. White youth represent 15.4 percent of the discretionary removals but constituted 29 percent of the school population. (From the Austin Independent School District Report, with all of the data from August 17, 2004, through May 25, 2005.)

13. In Austin Municipal Court, of youth ages 10 to 16 charged with nontraffic cases from August 2004 through July 2005, African American youth represented 20.3 percent, Hispanic youth represented 58.2 percent, and white youth represented 20.4 percent. For offenses that occurred solely on school campuses (disruption of classes, trespass on school grounds, or loitering on school grounds), African American youth represented 31.7 percent of the cases, Hispanic youth represented 61.8 percent of the cases, and white youth represented 6.2 percent of the cases. One of the most starkly disproportionate charges was for disorderly conduct/abusive language: African American youth represented 30.6 percent of the cases, Hispanic youth represented 65.7 percent, and white youth represented 3.7 percent (statistics provided by Judge John Vasquez, *Demographic Profile of Class "C" Misdemeanor Charges Filed in the Austin Municipal Court Between August 2004 and July 2005*).

14. For 2005, the Austin Police Department's Juvenile Accountability and Community Service Office (JACS) processed 224 warrants out of 470 citations of African American youth. For Hispanic youth, officers processed 501 warrants out of 1,428 citations. For white youth, officers processed 80 warrants out of 559 citations (from the Austin Police Department, Juvenile Unit, JACS Office, February 3, 2006).

## References

Holman, B. 2001. *Masking the Divide: How Officially Reported Prison Statistics Distort the Racial and Ethnic Realities of Prison Growth*. Alexandria, VA: National Center on Institutions and Alternatives.

Hsia, H.M., Bridges, G.S., and McHale, R. 2003. *Disproportionate Minority Confinement: Year 2002 Update*. Summary. Washington, DC: U.S Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention. NCJ 201240. <http://www.ncjrs.gov/App/Publications/abstract.aspx?ID=201240>.

Leonard, K.K., Pope, C.E., and Feyerherm, W.H. (Eds.). 1995. *Minorities in Juvenile Justice*. Thousand Oaks, CA: Sage Publications.

Office of Management and Budget Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity, Part II, Notices. *Federal Register*, October 30, 1997, Vol. 62, p. 58781.

Poe-Yamagata, E., and Jones, M.A. 2000. *And Justice for Some*. Washington, DC: Building Blocks for Youth.  
Retrieved March 3, 2008, from Building Blocks for Youth Web site:  
<http://www.buildingblocksforyouth.org/justiceforsome/jfs.html>.

Torbet, P., Hurst, H., Jr., and Soler, M. 2006. *Guidelines for Collecting and Recording the Race and Ethnicity of Juveniles in Conjunction With Juvenile Delinquency Disposition Reporting to the Juvenile Court Judges' Commission*. 2006. Center for Children's Law and Policy and National Center for Juvenile Justice. Retrieved March 3, 2008, from Pennsylvania Juvenile Court Judges' Commission Web site:  
<http://www.jcjc.state.pa.us/jcjc/cwp/view.asp?Q=395139&A=7&jcjcNav=|6178|>.

Villarruel, F.A., Walker, N.E., with Minifee, P., Rivera-Vasquez, O., Peterson, S., and Perry, K. July 2002. *¿Donde Esta La Justicia? A Call to Action on Behalf of Latino and Latina Youth in the U.S. Justice System*. East Lansing, MI: Institute for Children, Youth, and Families, Michigan State University. NCJ 196500.  
<http://www.ncjrs.gov/App/Publications/abstract.aspx?ID=196500>.

## Appendix A: Washoe County Juvenile Services Limited English Proficiency Questionnaire

Youth's Name: \_\_\_\_\_ Age: \_\_\_\_\_

1. Do you feel comfortable answering these questions in English? \_\_\_ Yes \_\_\_ No  
If no, you do not have to answer the rest of the questions.
2. What is the language that you first learned to speak?  
\_\_\_ English \_\_\_ Spanish \_\_\_ Other
3. Even though you can speak English, what language do you feel most comfortable speaking?  
\_\_\_ English \_\_\_ Spanish \_\_\_ Other
4. What language do you most use at home when you are speaking to your brothers/sisters or other children at home?  
\_\_\_ English \_\_\_ Spanish \_\_\_ Other
5. What language do you most use at home when you are speaking to your parents?  
\_\_\_ English \_\_\_ Spanish \_\_\_ Other
6. Do your parents speak English? \_\_\_ Yes \_\_\_ No
7. Are they fluent in English or do they need help? \_\_\_ Yes \_\_\_ No
8. What language do you speak when speaking with friends outside the home?  
\_\_\_ English \_\_\_ Spanish \_\_\_ Other
9. When you were attending school, were your classes in English? \_\_\_ Yes \_\_\_ No
10. Did you ever attend any classes to help you learn English?  
(English as a Second Language or ESL classes) \_\_\_ Yes \_\_\_ No
11. Do you think that you need more help to learn English? \_\_\_ Yes \_\_\_ No
12. Even though you can speak English, can you read in English? \_\_\_ Yes \_\_\_ No
13. Do you think you need more help to learn how to read in English? \_\_\_ Yes \_\_\_ No
14. Can you read in your home language? \_\_\_ Yes \_\_\_ No.

## **Appendix B: ADOMS II Risk Assessment Tool**



## ADOMS II

## Risk Assessment

Juvenile Name: [REDACTED]  
PID: [REDACTED]  
TCJPD Assignment: COURT  
Status: ACTIVE  
Probation Officer: CHAVEZ, JOE  
Complaint Number:

Author: Nancy Snyder

Date Completed: 07/02/2007

- |   |  |   |
|---|--|---|
| 1. Number of Prior Referrals(Including current)                               | <input type="radio"/> 1 to 3<br><input type="radio"/> 4<br><input type="radio"/> 5 or More                 | 0 |
| 2. Number of Prior Counts Adjudicated   | <input type="radio"/> 1<br><input type="radio"/> 2<br><input type="radio"/> 3 or More                      | 0 |
| 3. Age at first juvenile referral   | <input type="radio"/> 13 or Younger<br><input type="radio"/> 14 or 15<br><input type="radio"/> 16 or Older | 0 |
| 4. Number of Referrals for Assault  | <input type="radio"/> 0 or 1<br><input type="radio"/> 2 or More  | 0 |
| 5. Number of Referrals for Theft/Car Theft                                    | <input type="radio"/> 0 to 2<br><input type="radio"/> 3 or More  | 0 |
| 6. Number of Referrals for Felony Offenses                                    | <input type="radio"/> 0 to 2<br><input type="radio"/> 3 or More  | 0 |
| 7. Number of Referrals for Burglary/Robbery/Trespass/Damage (Include current) | <input type="radio"/> 0<br><input type="radio"/> 1 to 3<br><input type="radio"/> 4 or More                 | 0 |
| 8. Delinquent Peer Group/Gang Affiliation                                     |  | 0 |

- No Problem
- Delinquent Peer Group
- Gang Affiliation

9. Attending School without disciplinary problems

- No
- Yes

0

10. Known Alcohol or Drug Problems

- None
- Marijuana/Alcohol/Other Drug Problems

0

**TOTAL SCORE**

0

**RISK LEVEL**

Low

1. What is the Most Serious CURRENT Adjudicated Offense? Runaway

Offense Code	Offense Class	Sub Class	Offense Category	Offense Severity
8050	S	0		18

Offense Description

Runaway FC(51.03)

2. What is the Most Serious PRIOR Adjudicated Offense?

Offense Code	Offense Class	Sub Class	Offense Category	Offense Severity
--------------	---------------	-----------	------------------	------------------

Offense Abbreviation

3. Based on Offense Severity questions 1 and 2, the most serious current or prior adjudicated offense category is:

- 1 - CINS
- 2 - Misdemeanor A or B with no use or possession of firearm
- 3 - Misdemeanor with use or possession of firearm or 3rd or 4th degree felony
- 4 - 2nd degree felony
- 5 - 1 degree non-aggravated felony
- 6 - 1st degree aggravated felony
- 7 - Capital Felony

4. Recommended Disposition: Unknown

Discretionary Override:

5. Override Disposition Code:

- Override to More Restrictive Placement
- Override to Less Restrictive Placement
- No Override
- Residential Placement

- No Problem
- Delinquent Peer Group
- Gang Affiliation

9. Attending School without disciplinary problems  No 0  
 Yes

10. Known Alcohol or Drug Problems  None 0  
 Marijuana/Alcohol/Other Drug Problems

**TOTAL SCORE** 0  
**RISK LEVEL** Low

1. What is the Most Serious CURRENT Adjudicated Offense? Runaway

Offense Code	Offense Class	Sub Class	Offense Category	Offense Severity
8050	S	0		18

Offense Description

Runaway FC(51.03)

2. What is the Most Serious PRIOR Adjudicated Offense? 

Offense Code	Offense Class	Sub Class	Offense Category	Offense Severity
--------------	---------------	-----------	------------------	------------------

Offense Abbreviation

3. Based on Offense Severity questions 1 and 2, the most serious current or prior adjudicated offense category is:

- 1 - CINS
- 2 - Misdemeanor A or B with no use or possession of firearm
- 3 - Misdemeanor with use or possession of firearm or 3rd or 4th degree felony
- 4 - 2nd degree felony
- 5 - 1 degree non-aggravated felony
- 6 - 1st degree aggravated felony
- 7 - Capital Felony

4. Recommended Disposition: Unknown

Discretionary Override: 

5. Override Disposition Code:

- Override to More Restrictive Placement
- Override to Less Restrictive Placement
- No Override
- Residential Placement

6. Override Factors:

- |  |  |
|--|--|
| <input type="checkbox"/> (11) No previous attempt to provide intensive supervision in the community. | <input type="checkbox"/> (21) Pattern of violent behavior reflected in the record. |
| <input type="checkbox"/> (13) Family support is present and viable.                                  | <input type="checkbox"/> (22) Use of weapon in current or past offenses.           |
| <input type="checkbox"/> (14) Treatment needs best addressed in a less secure setting.               | <input type="checkbox"/> (23) Sex abuse offense or multiple sex offense in record. |
| <input type="checkbox"/> (16) Mitigating circumstances related to the offense.                       | <input type="checkbox"/> (24) Youth is a high public safety risk.                  |
| <input type="checkbox"/> (17) Child is not a serious public safety risk.                             | <input type="checkbox"/> (26) Inadequate parental/family support or supervision.   |
| <input type="checkbox"/> (18) Other  | <input type="checkbox"/> (27) Other  |

Other Explanation:



Please press button to the left to add an explanation.

7. Discretionary Override Explanation:



Please press button to the left to add an explanation.

8. Judicial Override Disposition Code:

- 1 - Probation 3-6 Months
- 2 - Probation at Home/Cats
- 2 - Probation at Home/Cats or 3 - ISP
- 3 - ISP
- 4 - TYC

# INTAKE/DETENTION HEARING DATA FORM

CHILD \_\_\_\_\_ J# \_\_\_\_\_ PID# \_\_\_\_\_ ATTACH 430 \_\_\_\_\_

WORKER \_\_\_\_\_ ON PROBATION Y / N \_\_\_\_\_ ON CONDITIONS Y / N \_\_\_\_\_

PSI: AGE \_\_\_\_\_ OFFENSE / PROBABLE CAUSE: \_\_\_\_\_

JUVENILE / PARENT INFORMED OF (circle): [ J / P ] Intake process [ J / P ] Detention hearing [ J / P ] Court proceedings

[ J / P ] DPU (meditation, CSR, ETC.) No proceedings / Referred TO: \_\_\_\_\_

NOTIFIED OF DET. HRG (circle): PO, ATTORNEY, CASA, SCHOOL, DPRS, Other: \_\_\_\_\_

Will parent/guardian be present For detention hearing?  Yes  No Why not? \_\_\_\_\_

Do parents/guardians need interpreters (language/sign)?  Yes  No Requested Interpreter?  Yes  No

## Reason for Detention (Family Code 53.02)

- Likely to abscond or be removed from the jurisdiction of court.
- Suitable supervision, care, protection nor being provided by parent, guardian, custodian or other person.
- No parent, guardian, etc, able to return child to court.
- May be dangerous to self or may threaten the safety of the public if released.
- Previously found to be delinquent child or previously convicted of a penal offense punishable by jail/prison and Likely to commit an offense if released.
- Alleged to have engaged in delinquent conduct and to have used, possessed, or exhibited a firearm, As defined by Section 46.01, Penal code, in the commission of the offense.

## Assessments Done (circle):

## Comments:

MAYSI

\_\_\_\_\_

PDQ

\_\_\_\_\_

SUS

\_\_\_\_\_

DETENTION APPROVED BY CASE WORK MANAGER: \_\_\_\_\_

=====

I DECIDED TO RELEASE / DETAIN THIS JUVENILE BECAUSE & OTHER ISSUES: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

IN THE MATTER OF

3  
3  
3  
3

IN THE 98<sup>TH</sup> DISTRICT COURT OF  
TRAVIS COUNTY, TEXAS, SITTING  
AS THE JUVENILE COURT IN SAID  
COUNTY.

DOB:

EXHIBIT A

The court finds that it is in the best interest of the child for the child to be placed outside of his/her home for the following reasons:

Check the appropriate criteria to detain; then indicate which specific reason(s) apply for each. A blank box is included for any specific reasons not listed.

The child is likely to abscond from the jurisdiction of the court.

- The child has a history of running away.
- The parent has threatened to remove the child from the jurisdiction of the court.
- Other: \_\_\_\_\_

Suitable supervision, care, or protection is not being provided by a parent, guardian, custodian, or other person.

- The parent/guardian lacks sufficient parenting skills to provide adequate supervision for this child.
- Due to illness, infirmity, or advanced age of the parent/guardian the child does not receive adequate supervision.
- Adequate clothing, food, or shelter is not being provided for the child.
- The parent's/guardian's confirmed substance abuse puts the child at risk.
- The parent's/guardian's confirmed involvement in criminal activities puts the child at risk.
- Child refuses to accept parental supervision.
- Other: \_\_\_\_\_

The child has no parent, guardian, custodian, or other person able to return him/her to the court when required.

- The parent/guardian can not be located.
- The parent/guardian has no means of transportation to return the child to the court.
- The parent/guardian refuses to abide by the deferred prosecution agreement.
- The parent/guardian refuses to cooperate with the orders of the court.
- Other: \_\_\_\_\_

The child may be dangerous to himself/herself or may threaten the safety of the public if released.

- The child has suicidal ideations or has previously attempted suicide.
- The child has a history of self-mutilation.
- The child has a history of aggression toward others.
- The child used a firearm or other weapon in commission of the alleged offense.
- Other: \_\_\_\_\_

The child has previously been found to be a delinquent child or has previously been convicted of a penal offense punishable by a term in jail or prison and is likely to commit an offense if released.

- The child is currently on probation/parole.
- The child is a known gang member, claims gang affiliation, or associates with gang members.
- The child has indicated he/she has intentions of engaging in further delinquent conduct.

Information for parents when a juvenile is referred to intake.

Note: Sec. 61.101. DEFINITION. In this subchapter, "parent" includes the guardian or custodian of a child.

Sec. 61.102. RIGHT TO BE INFORMED OF PROCEEDING. (a) The parent of a child referred to a juvenile court is entitled as soon as practicable after the referral to be informed by staff designated by the juvenile board, based on the information accompanying the referral to the juvenile court, of:

- (1) the date and time of the offense;
- (2) the date and time the child was taken into custody;
- (3) the name of the offense and its penal category;
- (4) the type of weapon, if any, that was used;
- (5) the type of property taken or damaged and the extent of damage, if any;
- (6) the physical injuries, if any, to the victim of the offense;
- (7) whether there is reason to believe that the offense was gang-related;
- (8) whether there is reason to believe that the offense was related to consumption of alcohol or use of an illegal controlled substance;
- (9) if the child was taken into custody with adults or other juveniles, the names of those persons;
- (10) the aspects of the juvenile court process that apply to the child;
- (11) if the child is in detention, the visitation policy of the detention facility that applies to the child;
- (12) the child's right to be represented by an attorney and the local standards and procedures for determining whether the parent qualifies for appointment of counsel to represent the child; and
- (13) the methods by which the parent can assist the child with the legal process.

(b) If the child was released on field release citation, or from the law enforcement station by the police, by intake, or by the judge or associate judge at the initial detention hearing, the information required by Subsection (a) may be communicated to the parent in person, by telephone, or in writing.

(c) If the child is not released before or at the initial detention hearing, the information required by Subsection (a) shall be communicated in person to the parent unless that is not feasible, in which event it may be communicated by telephone or in writing.

(d) Information disclosed to a parent under Subsection (a) is not admissible in a judicial proceeding under this title as substantive evidence or as evidence to impeach the testimony of a witness for the state.

Intake Probation Officer

Date and time

Name of parent informed

**Appendix C: NCJJ Guidelines for Collecting and  
Recording the Race and Ethnicity of Juveniles in  
Conjunction With Juvenile Delinquency Disposition  
Reporting to the Juvenile Court Judges' Commission**

...NDING THE RACE AND ETHNICITY OF  
...AND ETHNICITY OF JUVENILES IN CO  
...VENILES IN CONJUNCTION WITH JU  
...N WITH JUVENILE DELINQUENCY DIS  
...UENCY DISPOSITION REPORTING TO  
...ORTING TO THE JUVENILE COURT JU  
...LE COURT JUDGES' COMMISSION GU  
...DGES' COMMISSION **GUIDELINES** FO  
...ON GUIDELINES **FOR COLLECTING** AN  
...OR COLLECTING **AND RECORDING** TH  
...RDING **THE RACE AND ETHNICITY** OF  
...AND ETHNICITY **OF JUVENILES IN** CO  
...VENILES IN **CONJUNCTION WITH** JU  
...N WITH **JUVENILE DELINQUENCY** DIS  
...UENCY **DISPOSITION REPORTING** TO  
...ORTING **TO THE JUVENILE COURT** JU  
...LE COURT **JUDGES' COMMISSION** GU  
...DGES' COMMISSION GUIDELINES FO  
...ON GUIDELINES FOR COLLECTING AN  
...OR COLLECTING AND RECORDING TH  
...RDING THE RACE AND ETHNICITY OF  
...AND ETHNICITY OF JUVENILES IN CO  
...VENILES IN CONJUNCTION WITH JU  
...N WITH JUVENILE DELINQUENCY DIS  
...UENCY DISPOSITION REPORTING TO





PREPARED FOR PENNSYLVANIA'S JUVENILE COURT JUDGES' COMMISSION

by

**Patricia Torbet, Hunter Hurst, Jr.**, National Center for Juvenile Justice  
**Mark Soler**, Center for Children's Law and Policy

October 2006

© National Center for Juvenile Justice

The preparation of this booklet was supported by John D. and Catherine T. MacArthur Foundation grants awarded to NCJJ and to CCLP

Anyone may use the content of this publication as is for educational purposes as often and for as many people as wished. All we ask is that you identify the material as being the property of NCJJ. If you want to use this publication for commercial purposes in print, electronic, or any other medium, you need our permission. If you want to alter the content or form for any purposes, educational or not, you will also need to request our permission.

# INSTRUCTIONS AND GUIDELINES FOR COLLECTING AND RECORDING RACE AND ETHNICITY

This booklet provides instruction and guidance to local juvenile courts and probation departments on racial coding of juveniles involved in Pennsylvania's juvenile justice system in conjunction with reporting juvenile delinquency dispositions to the Juvenile Court Judges' Commission.<sup>1</sup> There are compelling reasons for accurate coding, not the least of which is to ensure the fundamental fairness principle outlined in the mission of Pennsylvania's juvenile justice system. The mission states "...all of the services designed and implemented to achieve this mission and all hearings and decisions under the Juvenile Act—indeed all aspects of the juvenile justice system—*must be provided in a fair and unbiased manner.*"<sup>2</sup> Both the U.S. and Pennsylvania constitutions guarantee rights and privileges to all citizens, regardless of race, color, creed, gender or national origin.

## BACKGROUND

The Federal Juvenile Justice and Delinquency Prevention Act requires states to assess the extent of Disproportionate Minority Contact (DMC) of youth of color at all stages of the juvenile justice system and to take steps to address any disproportionality (or overrepresentation).<sup>3</sup> Pennsylvania is at the forefront nationally for its ability to track these indicators for youth at various stages of the juvenile justice system. The Juvenile Court Judges' Commission and its Center for Juvenile Justice Training and Research are to be commended for steps taken to improve the reporting of race and ethnicity in the juvenile court disposition data.

However, several obstacles existed in the spring of 2006 when JCJC and CJJT&R sought specific guidance from the National Center for Juvenile Justice and the Center for Children's Law and Policy to address them. It was decided that the goal—to enhance the accuracy of the racial data collected by juvenile courts in Pennsylvania consistent with Federal policy—could be achieved by resolving outstanding issues related to compliance with Federal standards. This could be accomplished by making changes to variables and codes for juvenile court disposition reporting, providing instructions to local juvenile court and probation department staff who are responsible for collecting and reporting the data, and providing guidance on analyzing and using racial data to monitor practice and sharing the information with other stakeholders.

## Why it isn't easy

For many people, their identification with a particular race or ethnic group is a deeply personal and sensitive issue. For government officials, statisticians, and others concerned about it, race classification is a substantively complex issue. It is also an imprecise cultural construct that changes over time. For example, the Census 2000 questionnaire offered 15 choices for coding a respondent's race even though the 1997 Federal standards, promulgated by the White House Office of Budget and Management (OMB), set the minimum race categories at five.

CENSUS 2000 RACE CATEGORIES	FEDERAL MINIMUM RACE CATEGORIES
White	American Indian or Alaska Native
Black, African Am., or Negro	Asian
American Indian or Alaska Native, print tribe	Black or African American
Asian Indian	Native Hawaiian or Other Pacific Islander
Japanese	White
Native Hawaiian	
Chinese	
Korean	
Guamanian or Chamorro	
Filipino	
Vietnamese	
Samoan	
Other Pacific Islander	
Other Asian, print	
Some other race, print	

To add to the confusion, OMB placed special emphasis on identifying the Hispanic or Latino population group. Unlike "African American," which is a race, "Hispanic/Latino" is an ethnicity, not a race. Accordingly, Federal guidelines recommend asking two separate and distinct questions and the order in which they should be asked, the first asking respondents to indicate their Hispanic or Latino ethnicity and the second asking for respondents' race. (See the sidebar for more information on the Federal standards.)

Currently, the Federal government is only interested in distinguishing one "ethnic" group (or "origin," as it is sometimes labeled). This has created some confusion in states that added a separate variable, typically labeled "ethnicity," because just one ethnicity is of interest.<sup>4</sup> Particularly problematic for local data collectors is what questions to ask of youth in order to accomplish accurate racial coding.

## *Why it's important to describe a juvenile's race and ethnicity accurately*

Even if the mechanics of asking questions and coding are resolved, why is accurate recording of a juvenile's race important to local juvenile courts and probation departments? What's the point beyond statewide reporting or some distant compliance report to the Federal government? In the aggregate, there are several. Juvenile court and probation administrators need to:

- Know “who” the system is serving
- Know “what” services or resources are needed to respond to the youth and families the system is serving, such as the need for cultural competency training for juvenile court staff, culturally appropriate programs and services for youth and their families, translators and interpreters, Spanish-language documents and materials, and bi-lingual and bi-cultural staff
- Monitor and examine “how” the system responds to youth of color
- Share this information with stakeholders and in annual reports to the community.

The payoff for administrators following this guide is the ability to report information consistent with Federal policy while preserving the flexibility to describe local ethnic diversity of juveniles referred to the juvenile justice system.

### *Monitoring DMC in Pennsylvania*

Since 1989 the DMC Subcommittee of Pennsylvania's Juvenile Justice and Delinquency Prevention Committee has used arrest, juvenile court, and detention admissions data compiled by NCJJ to monitor statewide trends in the handling of youth involved at various stages of the juvenile justice system, identify emerging problems at certain stages for some groups, and target finite resources for system reform. The data have also been used to track the extent to which members of minority groups are beneficiaries of alternative processing options such as diversion from court or home detention.

Local juvenile justice stakeholders with access to these indicators at the county level can begin to “look for the story behind the numbers” and develop strategies to assure nondiscriminatory decision-making across population groups and identify areas that may need more in-depth examination. With guidance from the DMC Subcommittee, the Center for Children's Law and Policy, under Pennsylvania's partnership with the MacArthur Foundation's Models for Change initiative, is working in three Pennsylvania counties to help facilitate an examination of racial data at the county and neighborhood levels and to plan system improvements

intended to reduce disparities.<sup>5</sup> JCJC's ability to report DMC data statewide was one of several reasons the MacArthur Foundation selected Pennsylvania as the first Models for Change state.

## OBSTACLES RESOLVED

At a meeting convened by JCJC with representatives from NCJJ and CCLP, consensus was reached that resolved outstanding issues related to compliance with Federal standards and subsequently resulted in changes to the variables and codes for juvenile court disposition reporting.<sup>6</sup>

The collection and recording of racial data will be handled with three questions or variables, with the first two limited to fixed responses:

1. Hispanic/Latino? (Yes, No)
2. Race (5 categories)
  - American Indian or Alaska Native
  - Asian
  - Black or African-American
  - Native Hawaiian or Other Pacific Islander
  - White
3. National Origin, Ancestry or Tribal Affiliation (any population group or subgroups not included in the first two questions)

First and foremost, it is hoped that these changes will make it easier for local staff to code racial data thereby reducing the instances of unknown or missing data and improving accuracy and consistency of the racial data collected by juvenile courts statewide. The question format, fixed order of the questions, and fixed coding structure for the first two questions comply with Federal standards. The optional third question provides flexibility to counties that wish to accommodate local preferences for capturing a world of different affiliations with other population groups not included in the first two variables, while ensuring that the Federal government's standards for minimum race categories are met first.

JCJC asked NCJJ and CCLP to develop coding instructions and guidelines reflective of these changes. It is hoped that this advice reflects the reality of situations coders face when they are sitting across the desk from a youth or making decisions based on a paper review rather than an in-person interview.

# RACIAL CODING INSTRUCTIONS

## *Information Sources:*

There are three possible information sources for capturing racial data:

1. *self-identification* on the basis of an interview with the youth/parent/guardian,
2. *observer-identification* when the youth/parent/guardian fails to answer the question and the observer infers the answer, and
3. *some other source* on the basis of a report, face sheet or complaint filed with the court. Self-identification is the preferred source of information for collecting racial data. The guidelines in the next section provide advice for coding racial data depending on the source of the information.

*What changed?* Coders are asked to indicate whether answers to the Hispanic/Latino and race questions were self-reported by the juvenile/parent/guardian, recording “yes” (Y) for self identification or “no” (N) for identification by the observer or some other source.

## *Question Order, Format and Acceptable Answers:*

*Order of Questions:* Ask the questions in the order specified:

1. Hispanic/Latino question
2. Race question
3. Optional, open-ended, question about identification with other population groups not listed in the first two questions.

FYI: The first two questions force a rubric to accommodate current Federal policy on racial coding. The third question is open-ended and can accommodate any self-identity. The ordering helps to reduce confusion introduced by the multi-question format.

*Prompt to Self-identify:* Begin the series of questions with a prompt: “I am now going to ask you some questions about how you prefer to describe yourself.” This prompt links the questions and encourages the juvenile to self-identify.

*First question:* Are you Hispanic or Latino?”

Acceptable answers:  Yes, Hispanic or Latino  
 No, Not Hispanic or Latino  
 Unknown (limited use)

*What changed?* The ordering of the questions now puts the “ethnicity” question before the race question. The variable label of “Ethnicity” has been eliminated in favor of the label: Hispanic/Latino? The question, “What is your ethnicity?” has been replaced with the new question, “Are you Hispanic/Latino?”

The biggest change, however, is that the new question/variable will have fixed “yes” or “no” answers. Previously, counties were permitted to add other ethnicities in this field, which were then recoded into Hispanic or Non Hispanic. The coding of other ethnicities will be accommodated by an optional third question. Identification with any of the other subgroups Federal policy characterizes as Hispanic or Latino (e.g., Cuban), can also be accommodated in the third question. “Unknown” should be limited to situations in which the youth is not seen and the information is not provided by the referral source.

FYI: The label “Hispanic or Latino” takes into consideration regional differences in the usage of the terms, supposedly between the eastern and western United States. “Spanish” was added to the label by Census 2000, but is not required by Federal policy.

*Second question:* “What is your race?” At this point in the questioning, hand youth a printed/laminated card with the 5 race categories. This will assist them in answering the question since reading the list out loud to them would be very confusing. Prompt the youth by asking, “Please tell me which race you consider yourself to be. You may select more than one.”

Acceptable answers:

- American Indian or Alaska Native
- Asian
- Black or African-American
- Native Hawaiian or Other Pacific Islander
- White
- Unknown (limited use)

*What changed?* The previous reporting of racial data permitted the coding of “other” race. This category has been eliminated and is not an acceptable answer. Identities outside the five minimum race categories will be accommodated in the next question.

The biggest change, however, is the application of a new rule. Because many youth are multiracial, youth may identify with more than one race. The prompt for them to choose more than one race will facilitate the application of this new rule. The

interviewer should follow the “mark any that apply” rule based upon the youth’s self-identification of multiple races or by the observer’s identification. The use of “Unknown” should be limited to situations in which the youth is not seen and the information is not provided by the referral source, or in situations in which a youth specifically requests that “unknown” be checked in addition to another race.<sup>7</sup>

*Third question: (Optional)* “Do you identify primarily with a particular country of origin, ancestry or, if you are Native American, a particular tribe?”

*What changed?* A new question with the variable label “National Origin, Ancestry or Tribal Affiliation” has been added. Previously, counties were permitted to record other origins or ethnicities in the “Ethnicity” variable. Counties now have the option of asking a separate question that collects information on population subgroups not listed in the first two questions. Counties can configure their own code list. Youth may choose from a listing of county-specified selections or write-in response on a data collection form.

## RACIAL CODING GUIDELINES

- 1. Self-identification is the preferred method for collecting racial data, best accomplished by an in-person interview with the youth. In reality, however, racial data are often based upon an intake officer’s review of a report submitted by the referral source, especially in cases involving minor offenses.** The point at which delinquency disposition data collection begins is at referral to intake based on a complaint received from an arresting or other justice officer, school official, or child welfare agency. Intake decision makers have a variety of options for resolving minor complaints, including warn and dismiss, referral to another agency, or hold in abeyance and data collection stops there.

Although the preferred intake practice—even in minor cases—entails some investigation into the facts behind the complaint, time is limited, of course, and so are resources. The reality is that in minor cases, intake decisions are often made on the basis of a review of an arrest report or complaint rather than an interview with the youth.

In situations when it is not feasible to interview the youth in person and the intake officer makes a decision based upon a review of the complaint, the officer should code Hispanic/Latino origin and race based upon what was reported by

the referral source. The question that asks whether the answer was self-reported should be answered “no.” If the referral source did not provide racial information, the intake officer/coder may use the “unknown” category for either question. If the case is accepted for any kind of service by the court, every attempt should be made to correct errors in racial coding that may have occurred when the record was created. JCJC has quality assurance reports that return to the counties for correction any petitioned cases with the unknown codes selected.

- 2. Interviewers should rely on the youth’s self-identification when coding racial data. However, in situations when the youth fails to respond to either of the first two questions, the interviewer should infer Hispanic/Latino origin and race.** This decision was reached because the goal for the coding activity is to be able to document as accurately as possible the racial characteristics of youth involved in the juvenile justice system. Not answering the questions erodes the reliability of the measure when it is used to describe race and limits its utility for research into the overrepresentation of minority groups in the juvenile justice system. The risk of miscoding an individual juvenile is overshadowed by the desire to describe, monitor and report this information in the aggregate.
- 3. If the youth does not answer the *Hispanic/Latino* question, the interviewer may repeat the question and response options. If the youth still fails to respond to the question, the interviewer must infer a response (based upon observation or information provided by another source).** In instances where the interviewer infers a response, the question asking the coder whether the answer was self-reported by the juvenile/parent/guardian should be marked “no” (N).
- 4. If the youth has difficulty answering the race question, interviewers should encourage the youth to select a response that falls within one of the 5 race categories.** Interviewers may experience difficulty with youth who identify as Hispanic or Latino in the first question, but who are unable to answer the subsequent question regarding their race. In these instances, the interviewer should simply repeat the 5 race categories. Interviewers should not ask prompting questions such as *“In addition to being Hispanic, can you describe yourself as [repeat race categories]?”* or *“Hispanic or Latino is generally considered an ethnicity rather than a race. Hispanic or Latino persons can be of any race.”* Such questions have been found to be offensive to some people and ineffective. If the question is confusing to youth or they refuse to answer the question, apply the next guideline.

FYI: This problem was well documented in the testing of the 2-question format in the 2000 Census where many respondents who answered “yes” to the Hispanic/Latino question did not respond to the race question or indicated “other race.”

5. **If the youth is unable or unwilling to select a race category, the interviewer must infer the youth’s race (based upon observation or information provided by another source).** In instances where the interviewer infers a response, the question asking the coder whether the answer was self-reported by the juvenile/parent/guardian should be marked “no” (N).
6. **If the youth does not respond to the third question, interviewers should not infer an answer.**

### *Categories and Definitions*

*(source: Federal Register Vol. 62, No. 210, Thursday, October 30, 1997.)*

- **Hispanic or Latino:** A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.
- **American Indian or Alaska Native:** A person having origins in any of the original peoples of North and South America (including Central America), and who maintains tribal affiliation or community attachment.
- **Asian:** A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.
- **Black or African American:** A person having origins in any of the black racial groups of Africa. Terms such as “Haitian” or “Negro” can be used in addition to “Black or African American.”
- **Native Hawaiian or Other Pacific Islander:** A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.
- **White:** A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.

## *Federal Standards for the Classification of Racial Data*

The background of the 1997 revisions to the Federal OMB standards and the principles that governed the review process provide an important backdrop to the instructions and guidelines presented in this booklet.

Background: For more than 20 years, the standards provided a common language to promote uniformity and comparability for data on race and ethnicity for the specified population groups. They were developed in cooperation with Federal agencies to provide consistent data on race and ethnicity throughout the Federal Government. Development of the data standards stemmed in large measure from new responsibilities to enforce civil rights laws. Data were needed to monitor equal access in housing, education, employment, and other areas, for populations that historically had experienced discrimination and differential treatment because of their race or ethnicity. The standards are used not only in the decennial census (which provides the data for the “denominator” for many measures), but also in household surveys, on administrative forms (e.g., school registration and mortgage lending applications), and in medical and other research. The categories represent a social-political construct designed for collecting data on the race and ethnicity of broad population groups in this country, and are not anthropologically or scientifically based.

Some of the more relevant principles that governed the review process include:

1. The racial and ethnic categories should not be interpreted as being primarily biological or genetic in reference. Race and ethnicity may be thought of in terms of social and cultural characteristics as well as ancestry.
2. Respect for individual dignity should guide the processes and methods for collecting data; ideally respondent self-identification should be facilitated to the greatest extent possible, recognizing that in some data collection systems observer identification is more practical.
3. To the extent practicable, the concepts and terminology should reflect clear and generally understood definitions that can achieve broad public acceptance....
4. The categories should be comprehensive in coverage and produce compatible, nonduplicative, exchangeable data across Federal agencies.
5. Foremost consideration should be given to data aggregations by race and ethnicity that are useful for statistical analysis and program administration and assessment....
6. The standards should be developed to meet, at a minimum, Federal legislative and programmatic requirements. Consideration should also be given to needs at the State and local government levels....as well as to general societal needs for these data.

7. The categories should set forth a minimum standard; additional categories should be permitted provided they can be aggregated to the standard categories. The number of standard categories should be kept to a manageable size, determined by statistical concerns and data needs.

The principle objective of the review was “to enhance the accuracy of the demographic information collected by the Federal Government by having categories for data on race and ethnicity that will enable the capture of information about the increasing diversity of our Nation’s population while at the same time respecting each individual’s dignity.”

*Source: Federal Register (Thursday October 30, 1997 (page 58781) Part II Office of Management and Budget Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity; Notices).*

<sup>1</sup> PLEASE NOTE: “Racial coding” and “racial data” are used interchangeably throughout this booklet to refer to the set of questions aimed at distinguishing a juvenile’s Hispanic/Latino origin, race, and identification with any other population group or subgroups.

<sup>2</sup> See “Juvenile Justice in Pennsylvania: Mission-Driven, Performance-Based, Outcome-Focused” available from JCJC at <http://www.jcjc.state.pa.us/jcjc/lib/jcjc/barj/monograph.pdf>.

<sup>3</sup> The original amendment referred to Disproportionate Minority Confinement but the mandate was subsequently expanded to any Contact from arrest through confinement.

<sup>4</sup> Beginning with the 1997 data, JCJC required probation departments to disaggregate data on race and “ethnicity” of youth.

<sup>5</sup> For more information about the DMC Subcommittee and its collaboration with Models for Change, please see the Juvenile Justice and Delinquency Prevention Committee’s 2006 Plan Update

<sup>6</sup> See Background Brief for April 25, 2006 Meeting to Address Issues Surrounding Application of Federal Minimum Race Categories to Juvenile Court Data, Hurst, Jr. H. and Torbet, P. NCJJ.

<sup>7</sup> For example, a youth may prefer to indicate “unknown” in conjunction with the selection of another race when the race of the biological parent is not known.



# ModelsforChange

Systems Reform in Juvenile Justice