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Juvenile Minority Over-Representation In Multnomah County's Department of Community Justice: Calendar Year 2007 Youth Data

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EXECUTIVE SUMMARY

In this report, the issue of juvenile minority over-representation is explored. The analysis focuses on decisions regarding youth that were made: a) *before* youth were referred to the juvenile justice system (beyond the control of DCJ) and b) *after* they were already a part of the DCJ system. The following is a summary of the findings of the report for the various decision points for each racial group. (Figures 1, 2, and 3 in the back of the report are referenced below.)

- **African-American youth** were *more likely* (approximately three times) to be referred to the juvenile justice system for a criminal referral. They were also *more likely* than Whites to be detained after their intake at the facility and *less likely* than Whites to be released. Regarding the disposition of their cases, African-American youth were *less likely* to be assigned to 'Diversion/Informal' when compared to all other groups. For youth who were adjudicated in the juvenile justice system, African-American youth were the more likely to experience a 'Commitment to OYA Youth Correctional Facility' and more likely to have a case 'Court Dismissed' than other racial groups.
- **Hispanic youth** entering the juvenile justice system are beginning to be more evident in the system. They were slightly over-represented in the youth with criminal charges population. 2006 saw an increase the proportion of Hispanic youth brought to detention and subsequently detained as compared to 2005. Further, increased rates of adjudication were also seen.
- **White youth** were the *least likely* to be brought to the detention facility and the *least likely* to be detained after intake as compared to other racial groups. Regarding disposition of their cases, White youth were the least likely of all racial groups to be adjudicated.
- **Asian youth** proportionally entering the system is consistent with 2006 reporting. Although the numbers are small, interesting patterns have emerged. These youth are the *most likely* to be given 'Diversion/Informal' of all racial groups. Of the 22 adjudications for Asian youth, three-quarters were assigned to 'Probation.'
- **Native-American youth** have lower prevalence rates in the Multnomah County juvenile justice system. Given the low number of cases represented in these analyses it is not possible to make valid comparisons of these groups to White, African-American, Asian and Hispanic youth.

Juvenile Minority Over-Representation in Multnomah County's Department of Community Justice: Final Report for 2006

I. PURPOSE

Research at the national level demonstrates that minority youth have been disproportionately referred to and detained in the juvenile justice system (Pope & Snyder, 2003). Multnomah County's Department of Community Justice (DCJ) has a continued interest in exploring this issue within their department. Local research efforts into minority over-representation in DCJ (1997-2005) have confirmed that minority youth have been assigned in disproportionately higher (or lower) numbers to some particular "decision points" in the department. This study continues the exploration of the existence of any over- or under-representation of minorities in the juvenile justice division of DCJ. This report explores decisions regarding youth that were made: a) *before* youth were referred to our system (beyond the control of DCJ) and b) *after* youth were in DCJ (decisions within control of the department.)

Data used in this report regarding a youth's experience in DCJ come from the statewide Juvenile Justice Information System (JJIS) and include all youth who had a criminal referral or a disposition related to a criminal referral in the juvenile justice system while they were under the jurisdiction of Multnomah County in 2007. Only youth who committed either a felony or misdemeanor offense in 2007 are included in the detention analysis (violations and status offenses have been eliminated). Felony or misdemeanor youth with a disposition in 2007 were included in the disposition analysis. Youth whose race/ethnicity was endorsed as unknown or multi-cultural (n=10 for detention analyses; n=7 for disposition analyses) were not included in these analyses.

Population data was downloaded from the Office of Juvenile Justice and Delinquency Prevention's website at <http://www.ojjdp.ncjrs.org/ojstatbb/ezapop>.

II. FINDINGS (See FIGURES 1 – 4 at the end of the report; racial groupings that have 30 or fewer cases will not be included in the narrative description of findings.)

FIGURE 1 – *Unduplicated Youth Referred to Multnomah County DCJ with Criminal Charges Compared to All Multnomah County Youth: 2007*. This figure documents the 2,612 unduplicated youth who were referred for

criminal delinquency charges (felony and misdemeanors only) by race made to DCJ by law enforcement agencies in Multnomah County (e.g., Portland Police Bureau, Multnomah County Sheriff's Office, Oregon State Police).

Based on the 2006 census estimates for Multnomah County youth (age 12-17 years):

- The proportion of African-American youth referred to the criminal justice system was *3 times greater* than the proportion of African-American youth residing in Multnomah County.
- The proportion of Hispanic youth referred to the criminal justice system was 1.14 times greater than the proportion of Hispanic youth residing in Multnomah County.
- The proportion of Asian youth referred to the criminal justice system was half the proportion of Asian youth residing in Multnomah County.
- The proportion of White youth referred to the criminal justice system was about three-quarters of the expected number based on the population of these youth residing in the County.

FIGURE 2 – *Juvenile Criminal Referrals Brought to Multnomah County DCJ's Detention Facility by Race: 2007*– This figure illustrates the decisions by race related to the DCJ detention facility for the 3,626 criminal referrals made in 2007:

- **Brought to Detention (N=694)** - The overall rate is approximately 1 out of every 5 youth (19.1%) stopped by law enforcement officials is physically brought to the detention facility.

African-American youth (22.4%) were brought to the detention facility quite a bit more often than White youth (15.7%). This 6.7 percentage point difference represents the greatest disparity in rates of youth brought to detention amongst all racial groups although the 6.2 percentage point difference between White and Hispanic youth detain rates is a close second.

- **Detained (N=255)** – The overall rate of detainment for youth brought to the detention facility was a little more than 1 out of every 3 youth (36.7%).

African-American youth (45.2%) had the highest detain rate among all groups and Hispanic youth (30.1%) had the lowest detention rate among all groups.

The detained data include 73 youth with BM11 offenses which are by policy a mandatory detain regardless of risk score. When BM11 offenses are removed from this analysis, the disparity between African-American and White youth is comparable to the analysis including BM11 offenses.

When BM11 Offenses are removed from the analysis, the proportion of Hispanic youth drops by almost half (30.1% to 16.8%).

- **Released (N=439)** - White youth (69.4%) were most likely to be released from detention while African-American youth (54.8%) were the least likely to be released.

FIGURE 3 – Highest Level Dispositions for Juvenile Criminal Referrals in Multnomah County DCJ By Race: 2007 – This figure tracks the various dispositions (or 'decision points') by race to which youth can be assigned after being referred to DCJ for a criminal offense. The summary below represents the most severe dispositions that occurred in 2007 for a criminal referral although the criminal referral attached to the disposition could have happened in an earlier year. These analyses do not include BM 11 dispositions.

All Youth

- Approximately 4 out of 5 youth who were referred to the juvenile justice system did not reach the 'Adjudication' stage.
- In terms of total dispositions, the majority were assigned to 'Diversion/Informal' (44.7%) followed by dispositions that were 'Closed/Dismissed' (34.4%).
- Of those criminal referrals that were adjudicated (20.9%), the majority were assigned to 'Probation' (64.1%) as compared to being 'Committed to Youth Correctional Facilities (YCF)' (11.6%) or having their case 'Court Dismissed' (24.3%).

African-American Youth

- African-American youth were most likely to have criminal referrals that were 'Closed/Dismissed' (38.6%) and least likely to be assigned to 'Diversion' (38.6%) than other youth.
- African-American youth with adjudicated criminal referrals were more likely to received a disposition of 'Committed to YCF' (20.3%) and least likely to have disposition 'Court Dismissed' (25.6%)

- The proportion of African-American youth with a disposition of 'Committed to YCF' was three times that of White youth. Further, 67% of all commitment dispositions were for criminal referrals for African American youth compared to only 24% for White youth.

Hispanic Youth

- Hispanic youth were two percentage points within the overall rate for 'Closed/Dismissed', 'Diversion/Informal' and 'Adjudication.'
- For adjudicated youth, Hispanic youth were more likely to be assigned to 'Probation' than other youth.

White Youth

- White youth were more likely to be assigned to 'Diversion' (49.2%) than other groups.
- White youth (9.6%) were three times less likely as African-American youth to have a criminal referral resulting in 'Committed to YCF.'

Asian Youth

- Asian youth were less likely to 'Closed/Dismissed' (24.2%) and more likely to be 'Diversion/Informal' (58.6%) than other youth.
- Of the few post-adjudicated Asian youth (N=22) the majority were assigned to 'Probation' (72.7%).

Figure 4 – DCJ Detain Rate by White/Minority Over Time: 1994 - 2007 – This figure explores the percentage of White youth who were brought to detention and ultimately detained as compared to the percentage of minority youth who were brought to detention and ultimately detained. Differences in detain rates are presented for 1994 – 2007.

- 1999 and 2000 are distinguished with the White and Minority detainees being detained at the same rate of 25% and 22%, respectively.
- 2007 data show a 7% decrease from 2006 in the difference in detain rates between the two groups. The difference in detain rates is 10% for the 2007 cohort.

III. DISCUSSION

Referrals to the Department of Community Justice

A disproportionately high number of African-American youth (three times higher than 'expected' based on the proportion of these youth in the community) were referred to DCJ in 2007 compared to the disproportionately small number of Asian (one-half less) and White (three-quarters less) youth. This resulted in the over-representation of African-American in the juvenile justice system coming in the front door. Thus, Multnomah County DCJ started off the process with juvenile minority over-representation, at least in terms of African-American youth, before any decisions could even be initiated by any juvenile justice staff.

Another method of looking at Disproportionate Minority Confinement (DMC) is to compute the Relative Rate Index (RRI). The RRI is an unbiased estimator that allows for fair and accurate comparisons across time and racial groups relative to a specific occurrence of an event. The table below explores the RRI for all juvenile criminal referrals that were processed through Multnomah County's Juvenile Justice Facility in 2007. The RRI for minority groups is obtained by dividing the minority rate of occurrence by the White rate of the same occurrence. The rate of occurrence is derived by dividing the number of criminal referrals by the population per 1000.

The baseline for the RRI is the occurrence of the event: in this case, referral of a White youth to juvenile justice. This index is a measure of the rate of minority youth referrals as compared to White youth. For example, the rate of criminal referral occurrence for White youth is 49.73 per 1000 youth; the rate of criminal referral occurrence for African-American youth is 261.13 per 1000 youth. Thus, African-American youth are referred at a rate that is 5.3 times higher than White youth. The RRI is yet another indicator of issues of DMC originating prior to a youth's arrival at community justice.

**TABLE I
RELATIVE RATE INDEX FOR CRIMINAL REFERRALS**

	Population	Crim.Referrals	Pop/1000	Rate of Occur	RRI
White	33,837	1,683	33.84	49.73	1.00
Afr. Amer.	4,760	1,243	4.76	261.13	5.25
Hispanic	6,241	517	5.61	92.16	1.85
Asian	3,915	121	3.91	30.95	0.62
Nat. Amer.	530	62	0.53	116.98	.63

Decisions Regarding Youth While in the Juvenile Justice System.

The following policy questions were the catalyst for this analysis:

- Has the problem of over-representation of minority youth decreased, increased, or remained stable in the past year?
- And if any differences do exist between the races for the various decisions made while under the supervision of DCJ, where do these differences exist?

The Department of Community Justice has established a policy of examining over-representation in excess of a five percentage point difference to determine if internal policies and procedures are contributing to this over-representation. The data analyzed for 2007 suggest that after all youth entered the juvenile justice system; the racial proportionality remained fairly stable across the various decision points of 'Brought to Detention' and 'Paper Referrals" (within five percentage points of the overall decision rates). Differences emerge in terms of the 'Detain' and 'Release' decision points. African-American youth are more likely to be detained and less likely to be released than White youth. African-American youth experience detain rates that are 8.5 percentage points higher than overall detain rates and 14.6 points higher than their White counterparts.

In looking at the racial proportions within other juvenile justice system decision points, African-American youth were least likely to get 'Diversion/Informal' and more likely to have their dispositions

'Closed/Dismissed' as compared to other racial groups. Patterns of adjudication by race were consistent with overall rates of adjudication. African-American youth were twice as likely to have a 'Commitment to YCF' and half as likely to have their disposition 'Court Dismissed' as compared to White youth.

Changes between 2006 and 2007:

Referrals to DCJ

There was a slight decrease of 4.8% in the number of unduplicated youth who were seen by DCJ from 2006 to 2007 (2,743 to 2,612 youth). The total number of juvenile criminal referrals to DCJ decreased by 5%. There was little change in the proportion of unduplicated African-American and White youth referred to DCJ from 2006 to 2007; the corresponding DRI remained relatively unchanged as well.

Detention 'Bring-ins' and 'Detain' Rate

The number of youth as well as the overall percentage of youth 'Brought to Detention' also evidenced a decrease in 2007 as compared to 2006. Notably, the decrease for total number of youth 'Brought to Detention' was 18.8%. With the exception of Hispanic youth, all rates of being 'Brought to Detention' decreased in 2007 as compared to 2006. Hispanic youth rates of 'Brought to Detention' increased 2.6%.

For all youth who were brought to detention, the percentage detained increased from 35.7% in 2006 to 36.7% in 2007, a one percentage point increase. The overall number of youth detained decreased 16.4% from 2006 to 2007. As compared to 2006 rates, African-American as well as White youth rates increased 1.2 percentage points and 5.0 percentage points, respectively.

Key Decision Points

A decrease of 14.2% was seen in the total number of dispositions in 2007 as compared to 2006. The dispositions that were 'Closed/Dismissed' decreased 5.6 percentage points and the percent of dispositions that were diverted remained the same in 2007 as compared to 2006.

The proportion of overall referrals sent to 'Adjudication' increased from 2006 to 2007 (5.6 percentage points). Increases in 'Adjudication' rates were seen across all racial groups. Hispanic youth were adjudicated at a higher rate in 2007 than 2006 with a 9.3% increase. The gap between African-American and White youth was 4 percentage points as compared to 3.3 percentage

points in 2006. Further, African-American youth were 6% more likely to be adjudicated in 2007 as compared to 2006.

Probation rates for adjudicated youth in 2007 decreased 4.7 percentage points as compared to the previous year rate. African American youth in particular had a decrease of 14.5% in rate assigned to probation. This decrease in probation adjudications was accompanied by a decrease in the proportion of dispositions resulting 'Committed to YCF' (2 percentage points). Of note is the increase in 'Court Dismissed' dispositions of 6.7 percentage points. African-American youth represented 25.6% of court dismissals in 2007 as compared to 12% in 2006.

IV. LIMITATIONS

These annual reports utilize youth data from JJIS, a state-wide data warehouse. From these data, DCJ is able to create extracts that allow the analysis of youth numbers and demographics as they move through the juvenile justice system. As in any data system, improvements over time result in more rigorous modeling of the justice system. This report used data that has improved sensitivity and reporting capabilities over previous year's analyses and reporting.

V. CONCLUSIONS

It needs to be emphasized that any differences that are seen in the figures here are merely the beginning to understanding the issue of minority over-representation. This analysis offers a starting point for exploring these issues and one should not necessarily conclude that where there are differences, there is discrimination or prejudice at work in any particular point in the juvenile referral process. There are many other factors to consider before one can arrive at these types of conclusions (e.g., severity of offenses, past criminal history). This analysis is designed to assist the department by casting a light on individual decision points in the juvenile justice system that will assist with more detailed and targeted questions for future investigation.

As is often the case in these kinds of studies, there are successes and challenges. This year evidenced many achievements. The number of youth as well as the total number of criminal referrals decreased from the past year. Further, the total number of disposition as well as the proportion of youth serving probation or committed to YCF also decreased. Conversely, there was a slight increase in percentage of youth being detained and adjudicated. Court dismissed dispositions as an outcome of adjudication increased 3.7%.

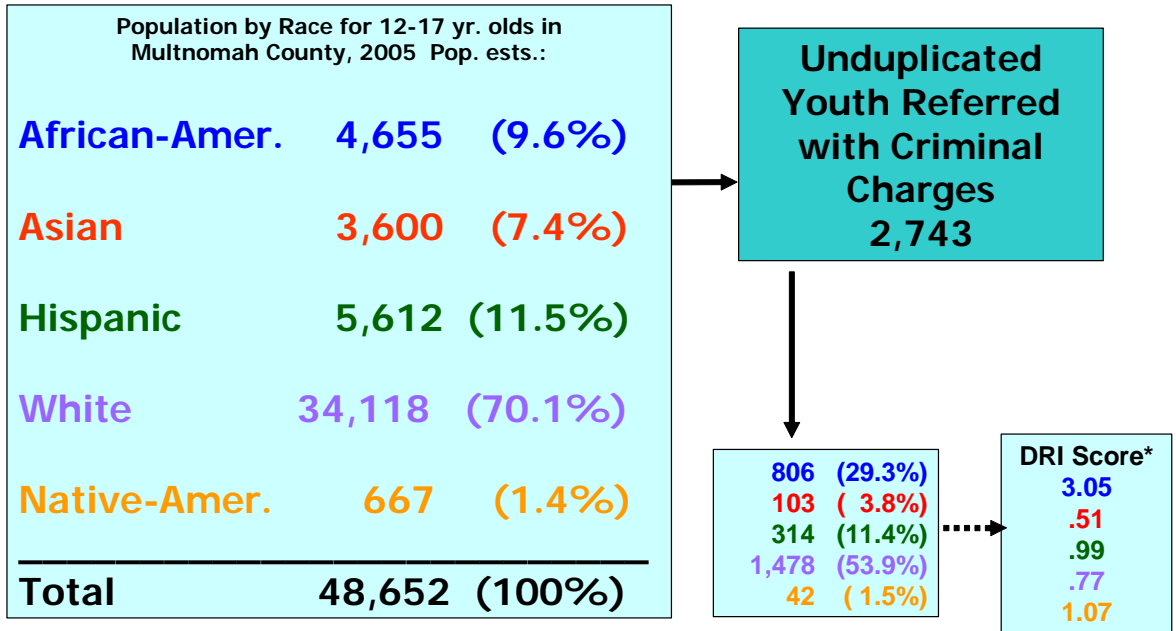
Challenges continue as we grapple with an understanding of the etiology of the over-representation of African-American youth. African-American youth are entering the deeper strata of juvenile justice in disproportionate numbers. These youth continue to be over-represented at the door of juvenile justice and continue to be the most likely to be detained and the least likely to be released of all youth. Further, disproportionality is evidenced by twice as many African-American youth having dispositions resulting in being 'Committed to YCF' (60%) as compared to their White counterparts (30%). A qualitative investigation of the different racial experiences with juvenile justice could facilitate our understanding of these differences. This exploration should include pathways into juvenile justice, services delivered and client outcomes achieved, as well as identifying antecedents to a trajectory out of the system or into a deeper stratum.

The analyses of these data included in this report will continue to inform the department about the population we serve. Further, this report will help to highlight areas of continued research to ensure equitable treatment of all youth in juvenile justice.



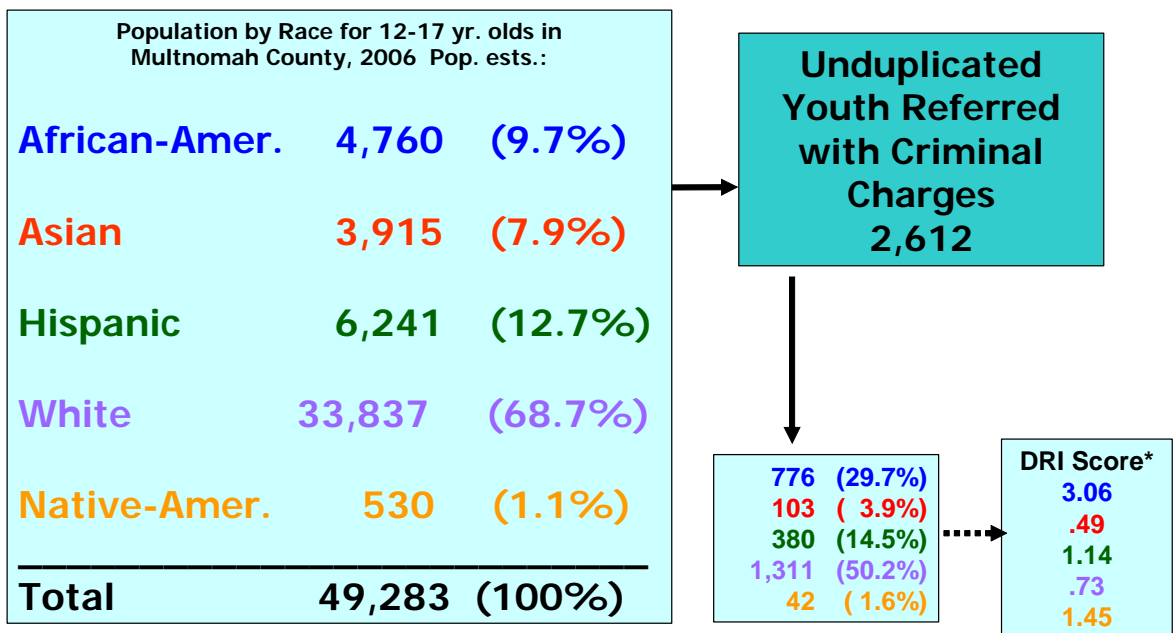
Figure 1 - Unduplicated Youth Referred to Multnomah County's Juvenile Justice System with Criminal Charges Compared to All Youth in Multnomah County

2006



*DRI = Disproportionate Representation Index (Over-rep >1; Under-rep <1)

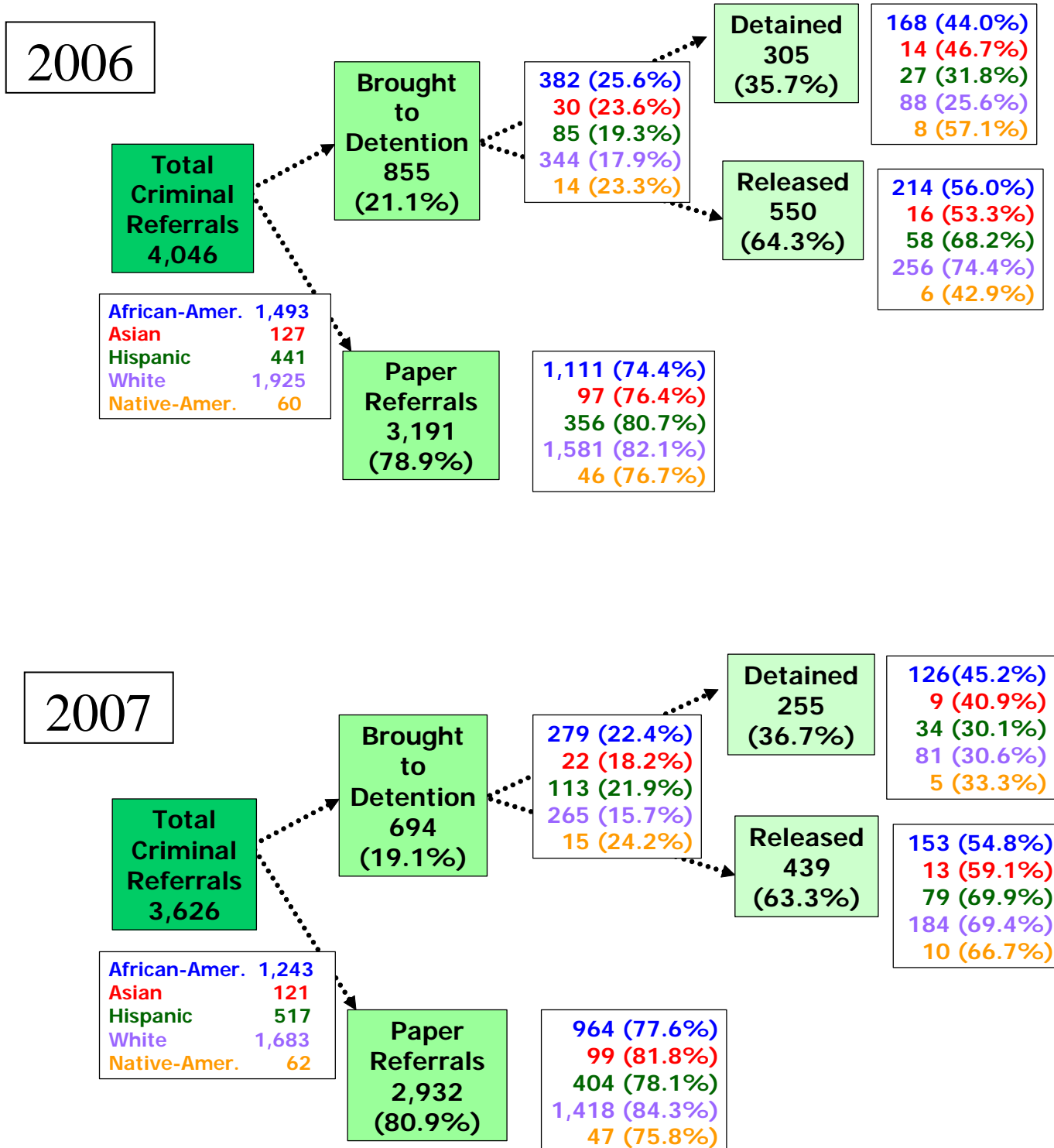
2007



*DRI = Disproportionate Representation Index (Over-rep >1; Under-rep <1)

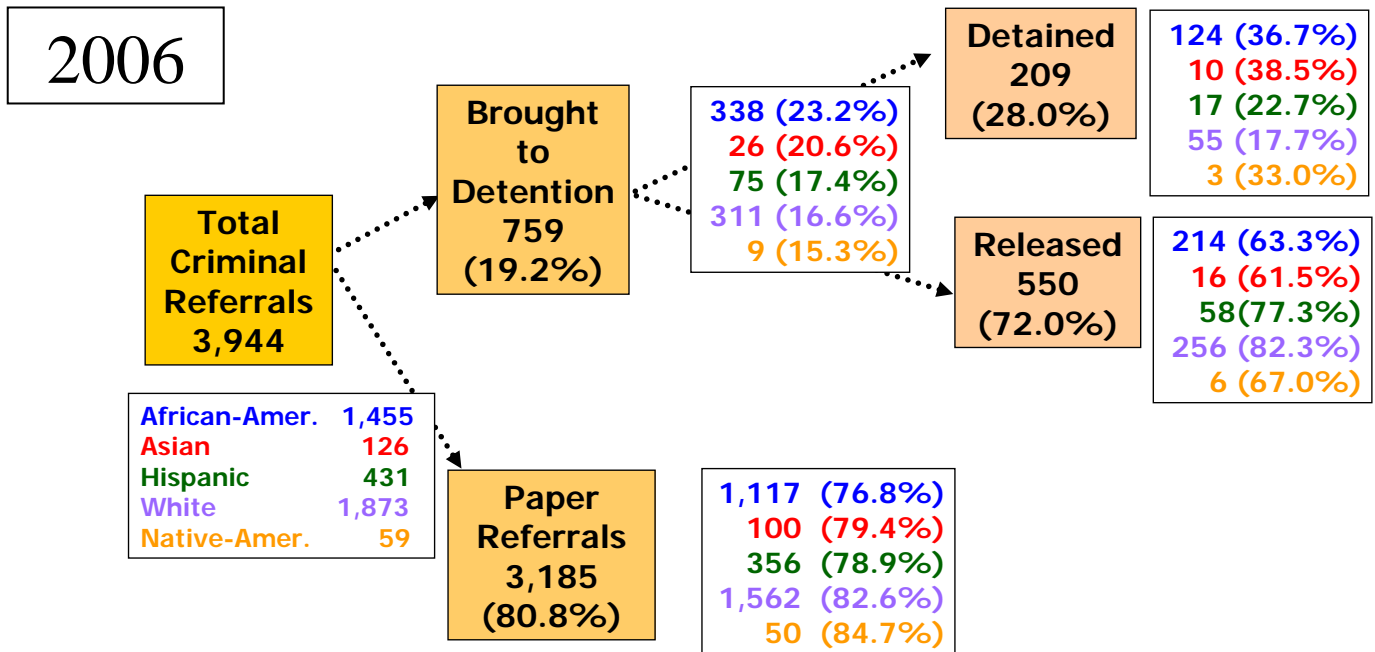


**Figure 2 - All Juvenile Criminal Referrals
(Duplicated) Processed Through Multnomah
County's Detention Facility by Race**

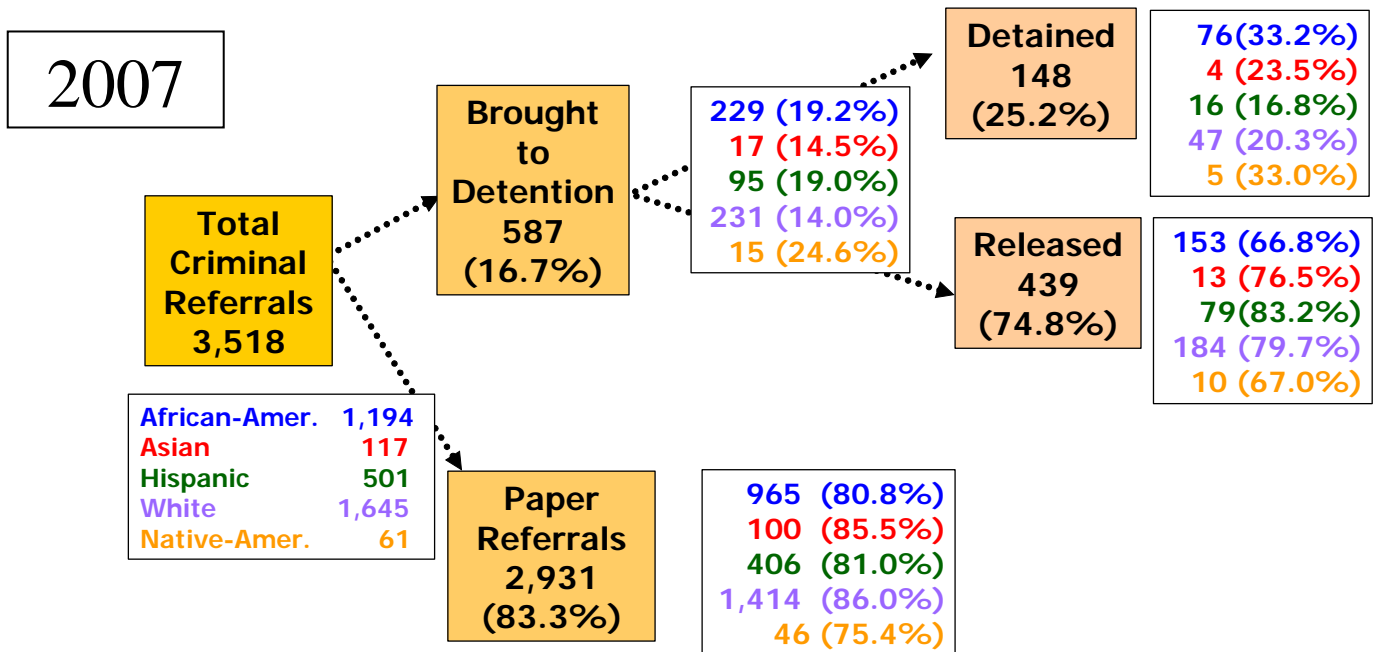




**Figure 2A - All Juvenile Criminal Referrals
(Duplicated) Processed Through Multnomah
County's Detention Facility by Race**



**NO BM11
DETAINEES**





**Figure 3 - All Juvenile Criminal Referrals
Processed Through Multnomah County's
Juvenile Justice System by Race**

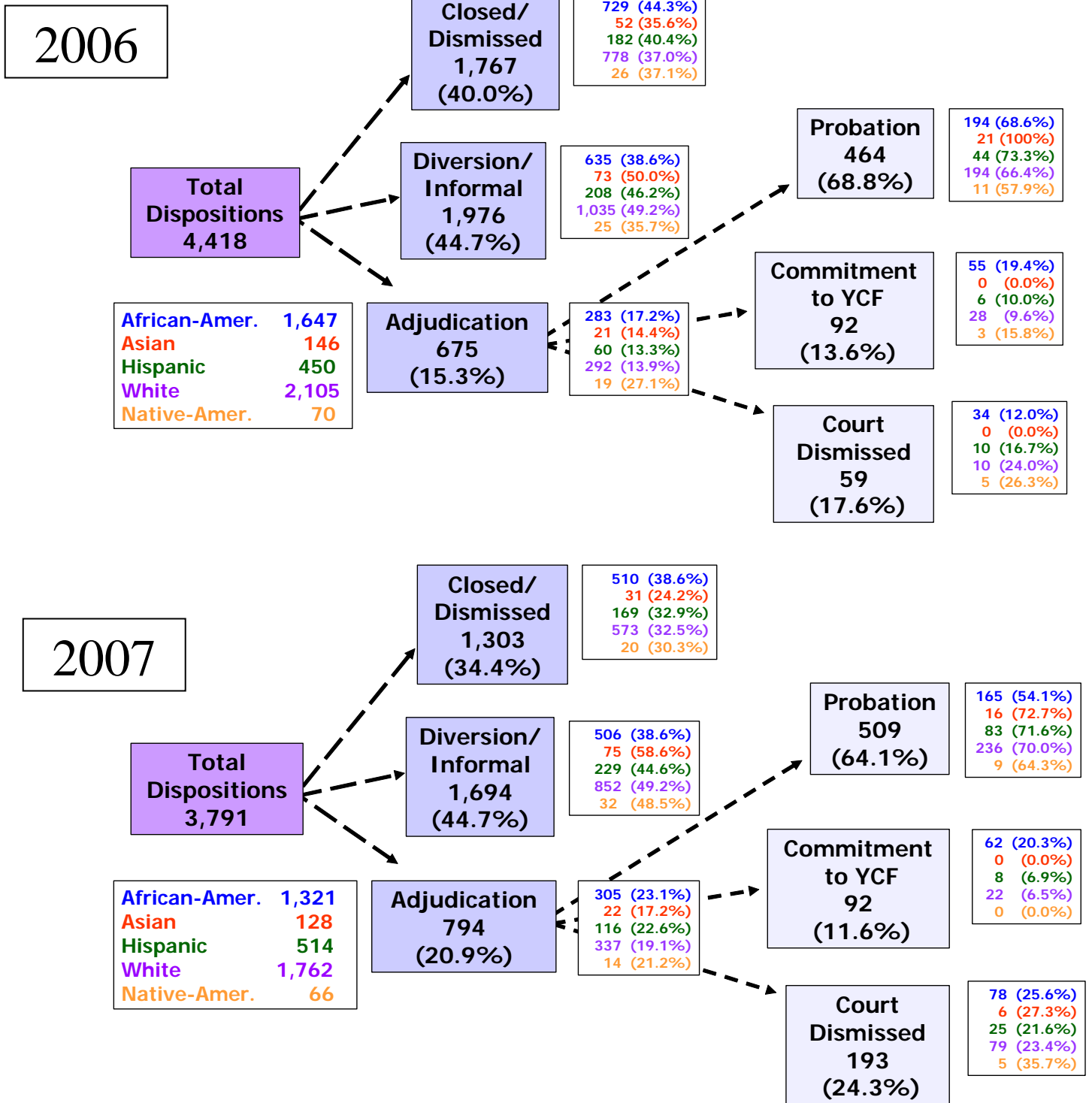
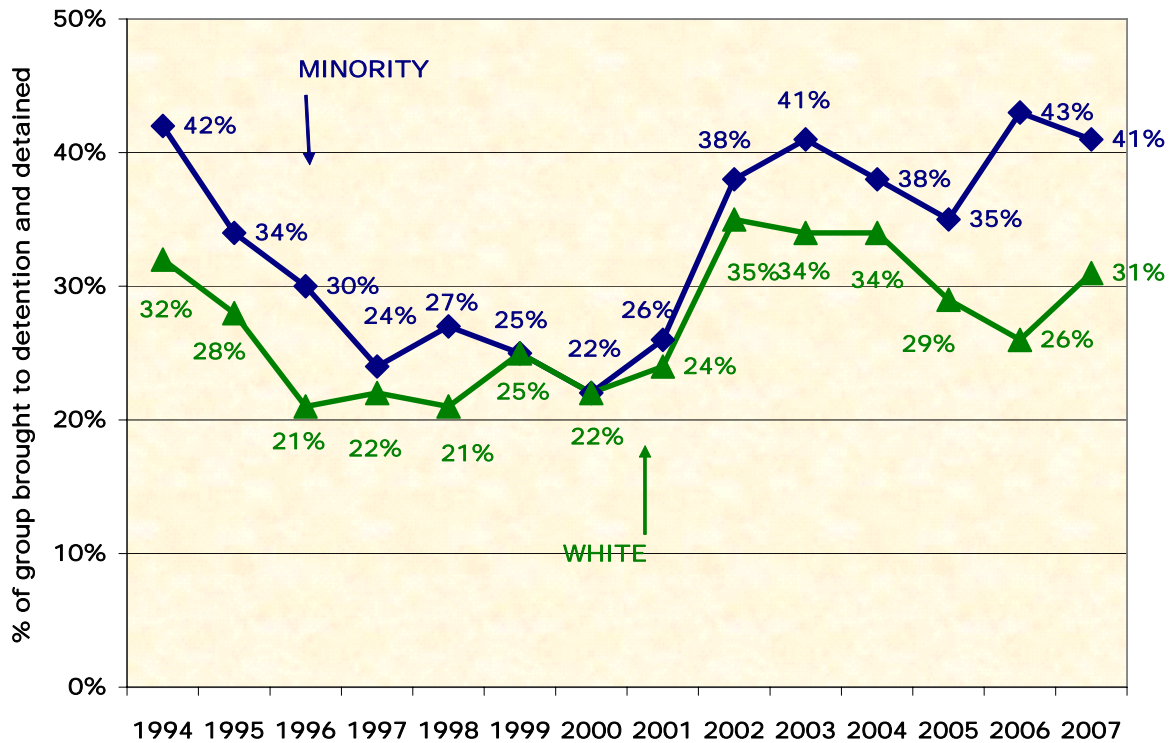




Figure 4 – DCJ Detain Rate by White/Minority Over Time: 1994 - 2006



APPENDIX

VII. HOW TO READ THE FIGURES

FIGURE 1 – Youth (Unduplicated) Referred to Multnomah County DCJ with Criminal Charges Compared to All Multnomah County Youth: 2005

Strategy: The DRI Scores to the right of the racial breakdowns by decision shows whether the percentage for a race in the box was over-represented or under-represented in comparison to their percentage in the general population.

Rationale: If the DRI (Disproportionate Representation Index) number in the box at the left-hand bottom corner is greater than 1.0, the race was **over-represented** at this decision point. If the number is less than 1.0, the race was **under-represented** at this decision. This is the rate of over-representation (or under-representation) of referrals to Multnomah County Department of Community Justice for each racial category (over which DCJ has very little, if any, control).

Example: The proportion of African-American youths in Multnomah County in 2006 was 9.6% of the total population of youth age 12-17 years. As you can see, 29% of the (unduplicated) youth referred to DCJ were comprised of African-Americans. If you

divide 29% by 9.6%, you get the disproportionate representation index or DRI. This measure can be interpreted as: African-Americans were a little over 3 times more likely to be referred to the juvenile justice system than what one would expect *based on their proportion in the community*.

FIGURE 2 –*Juvenile Criminal Referrals Brought to Multnomah County DCJ's Detention Facility by Race: 2006.*

Rationale: In Figure 2, there were 855 criminal referrals that were 'Brought to Detention' or 21.1% of the 4,046 "Total Criminal Referrals" at DCJ in 2005. One would therefore expect that this same percentage (21.1%) would be brought to detention for each racial group.

Example: For African-Americans (**BLUE numbers**), 25.6% of African-Americans (332 of 1,493 African-American referrals) were brought to detention, as compared to the rate for all races of 21.1% (1,046 of 4,046 referrals). In other words, there is a difference of 3 percentage points between the proportion of African-Americans who were brought to detention and the percentage of all referrals that were brought to detention. African-Americans are therefore over-represented at this decision point by 4.5 percentage points. You can also compare rates across the racial groups. E.g., the African-American rate here (25.6%) is 7.7 percentage points more than the rate for White youth (17.9%). This method for comparison of racial group proportions by decision point should be used for all the numbers presented in Figures 2 and 3.

FIGURE 3 – *Highest Level Dispositions for Juvenile Criminal Referrals (Unique) in Multnomah County DCJ by Race: 2005*

Strategy: Compare the percentage in each 'decision box' to the percentages for each of the races in the box to the right of it using the same method as in Figure 2.

VIII. DATA DEFINITIONS

The "decision boxes" shown in the Figure 3 were developed using these codes and strategies:

1. Disposition Coding.

'Diversion/Informal' includes following codes:

- Diversion
- Referred to another agency
- Divert and Close
- Formal Accountability Agreement
- Informal Supervision

Sanction(s) - Informal
Referred to County of Residence
Referred to State of Residence
Transfer to Another Jurisdiction
Warning - letter or phone
Intake Office Contact and Close
Diversion – Youth Court

'Adjudication' includes following codes:

Commit to DHS
Probation/Commit to OYA-Comm. Plcmt
Probation/Commit to DHS
Commit to OYA-YCF
Sanction - Detention
Dismiss W/O Prejudice
Dismissed W/Prejudice
OYA Commitment Terminated/Probation Continued
Probation/Custody to Other
Probation
Probation/Commit to OYA-Comm. Plcmt/Susp. Commit-YCF
Probation/Susp. Commit to OYA - YCF

'Closed/Dismissed' includes following codes:

Civil Agreement/Judgment
DA No Complaint/Declined
Dismiss-Plea w/Civil Agreement
DA No Complaint/Insufficient Evidence
Dismiss-Plea Bargain
Dealt with through another charge
Handled as a Probation Violation
Handled as a Parole Violation
Intake-office contact & closed
Dismiss-Other
No Jurisdiction
Plea Bargain
DA/Rejected
Unable to locate
Victim Unwilling
Warrant Recall
Out of State
Jurisdiction vacated set aside
Jurisdiction only established

FOR ADJUDICATED YOUTH:

'Probation' includes:

- Commit to DHS
- Formal Sanction
- OYA Commitment Terminated/Probation Continued
- Probation
- Probation/Commit to DHS
- Probation/Commit to OYA-Comm. Plcmt
- Probation/Commit to OYA-Comm. Plcmt/Susp. Commit-YCF
- Probation/Custody to Other
- Probation/Susp. Commit to OYA - YCF

'Commitment to Youth Correctional Facilities' includes following codes:

- Commit to OYA-YCF

'Court dismissed' includes following codes:

- Dismissed W/O Prejudice
- Dismissed W/Prejudice

2. Multiple dispositions. If a referral had multiple dispositions, only the one that ranks the highest was used:

Commitment to YCF	1
Probation	2
Court Dismiss	3
Diversion/Informal	4
Closed/Dismiss	5