

# OHIO DISPROPORTIONATE MINORITY CONTACT ASSESSMENT

*SUBMITTED BY*

*UNIVERSITY OF CINCINNATI CENTER FOR CRIMINAL JUSTICE RESEARCH*

## EXECUTIVE SUMMARY

This report highlights all activities on the Ohio Disproportionate Minority Contact (DMC) Assessment project carried out by the University of Cincinnati Center for Criminal Justice Research (UC-CCJR). Roughly, this covers work that occurred between June 1, 2012, when University of Cincinnati Institutional Review Board approval for the study was secured, and June 30, 2016, when analysis and reporting was completed. These project activities were directed towards meeting the objectives detailed in the proposal submitted by the UC-CCJR in February of 2012 to the Ohio Department of Youth Services (DYS).

As noted in that proposal, the study had two major aims in accordance with the Request for Proposals (RFP). First, data were sought to determine whether there is a problem with disproportionate contact across race/ethnicity groups for various points in police and court decision-making processes. Second, quantitative and qualitative data were collected and analyzed to identify potential explanations for disproportionality. The qualitative data—which draw on the comments and perspectives of those in the field—were utilized to contextualize decision-making in the juvenile justice system and form policy recommendations. This contributed to the second aim of the assessment study. A third study aim, added later, focused on assessment of potential race differences in aspects of the referral and custodial experiences of youth in DYS facilities.

The report is divided into several main sections. Each section includes summary information for the study as a whole, as well as ancillary details on site-level variation or validity checks where relevant. A section containing reports from each of the thirteen counties that were studied is also included. Key “quick reference” page numbers are provided below to ease the location of key information in the report.

1. The background for the Ohio DMC Assessment addresses focal areas as originally stated by the Ohio Department of Youth Services (**pp. 1-11**) and provides an overview of the current state of research on juvenile DMC to offer context for what follows.
2. The description of the study methods (see **pp. 12-37**) provides a sense of the processes undertaken to secure and analyze data to answer important study questions.
3. Summary tables for the analysis of police record data are provided on **pages 40, 43-44**. A discussion of key findings follows on **pages 45 and 46**.

4. An overview of results for the juvenile courts is then presented (**pp. 57, 65, 72-73**).
5. The report then transitions to results of the focus groups with police agencies (n=17), including a broad review of the themes that have come up both within and across sites. Summary information is provided on **pages 91, 112, and 117-120**. This is followed by summary information that emerged from the interviews in juvenile courts (**pp. 123, 132, 135-137**).
6. We then present extensive results for each of the thirteen counties included in the Ohio DMC assessment. This describes individual aspects of the data collection in each site, including the degree of participation among the agencies identified in the original Ohio DYS RFP. This covers a wide range of the report (**pp. 137-592**). Results tables are provided within each County's section. A broad summary table is provided on the last page of each county's report. These sections also include discussions of programs and practices implemented to address DMC from the thirteen counties included in the study.
7. The last results section covers the analysis of data from the DYS facilities. Some of the highlights are provided in tables on **pages 594, 596, 601-602, 611, and 613**. The written summary of results for those analyses is on **pages 614 through 616**.
8. The latter sections of the report provide an overview of some key findings, discussion and reflection, and recommendations for future policy and practice (**pp. 616-649 with a final conclusion on 647-649**). **Pages 634-646** contain recommendations on policy and practice. This includes a Table (**89**) that contains recommendations and program examples from around the U.S. Limitations of the study are discussed on **pages 631-634**.
9. Finally, for interested readers, appendices of data collection tools developed in each area of the research process (starting **on p. 660**).

The rest of this summary presents important highlights from each section of the report.

#### **BACKGROUND FOR THE OHIO DMC ASSESSMENT**

- Disproportionate Minority Contact (DMC) with juvenile and criminal justice systems has been an issue of concern for some time, but there is disagreement about the exact degree and nature of the problem as well as how to best address it.
- The Office of Juvenile Justice and Delinquency Prevention (OJJDP) and DYS have funded various DMC-related projects, including data collection and assessment, interventions, and programming.

- This is a sensible time to look at Ohio’s current status with respect to DMC given general concerns about race and the justice system and specific questions from both local and state stakeholders.
- The project had three general aims that were intended to inform recommendations for future policy and practice:

Assess disproportionate contact for race/ethnicity groups for various points in police and court processes;

Identify potential explanations for DMC when it was identified;

Expand DMC-related research into state-level residential facilities.

### **OVERVIEW OF THE OHIO DMC ASSESSMENT METHODOLOGY**

- Focused on 13 of 14 counties that were initially identified in the Ohio DYS RFP.
- Collected or obtained record data for juvenile courts (n=13; 2010 and 2011), selected police departments (n=19 agencies across 10 of the counties) and DYS facilities (n=1,514; 2010 through 2014). Completed interviews (n=131 with court personnel) and focus groups (n=17 with 130 officers) from 2012 to 2015.
- Gathered information on as many relevant fields and themes as possible in each agency—with a particular focus on introducing legally-relevant factors and perspectives of system personnel into the assessment and explanation of DMC.

### **POLICE RECORD DATA AND MEASURES**

- The final police record sample consisted of 20,334 youth arrests from 2010 through 2011.
- In addition to a race/ethnicity indicator, most agencies were able to provide sociodemographic information on youth arrestees and basic information on the offense(s) involved (e.g., type, seriousness). A smaller sample of arrest records included more insight on the offense (e.g., location, arrested with co-offenders).
- Basic descriptive and comparative analysis were conducted on these arrest records to identify similarities and differences in their key characteristics across race.

## JUVENILE COURT RECORD DATA AND MEASURES

- The final court sample contained 75,946 cases referred to 13 juvenile courts in 2010 and 2011. The sample included courts of various sizes and caseloads (e.g., Allen, Stark, Cuyahoga, Hamilton, Lucas).
- Based on data availability across sites, measures were constructed for six case outcomes: diversion, detention, dismissal, adjudication, secure placement, and waiver to adult court (bindover).
- In addition to the race/ethnicity indicator (the focal point of study), relevant characteristics of each case (e.g., seriousness, number of charges) and the involved youth (prior offenses, age) were considered to account for plausible influences on decision-making.
- Basic descriptive analysis was conducted to provide context around the key findings related to race and court outcomes.
- Findings relied on evidence from comprehensive statistical models that considered the impact of race alongside generally recognized legally-relevant factors in obtaining estimates of possible DMC. This was followed by supplemental tests to investigate any possible sensitivity in the initial results.
- Patterns of relationships in these multivariate analyses were also used to generate possible explanations for the presence of DMC where it was observed.

## OHIO DYS FACILITIES DATA AND MEASURES

- Ohio DYS provided data on a stratified sample of state residential facility data for 2010 to 2014, which included 1,514 youth. The sample was weighted toward the counties for which court data were available.
- Number of disciplinary infractions, time in seclusion, length of stay, school participation, and treatment receipt were measured as “outcomes” in the DYS facilities data.
- In addition to race, influences, such as baseline court record (e.g., type of committing offense, number of offenses) and sociodemographics (e.g. age, sex), were considered. A subsample of cases had Ohio Youth Assessment System (OYAS) data, which was included in some analyses.

- As with the court data, the relationships between race and key outcomes were studied in the context of other influences that would be expected to be related to aspects of their time in custody (e.g., seriousness of the committing offense).
- Special aspects of the data were considered in the statistical modeling approaches that were used and supplementary analyses conducted as checks on the main results.

#### POLICE FOCUS GROUP DATA AND THEMES

- 17 focus groups and 2 interviews were conducted in law enforcement agencies across 9 counties in Ohio.
- A purposive selection approach, aided by a key contact in each agency, was used to identify and involve officers who had higher rates of contact with youth in their jurisdiction. A total of 130 police officers were included in these sessions.
- To increase participation and engagement, the focus groups and interviews were facilitated by trained police consultants and conducted on-site at each agency.
- Each facilitator used a semi-structured discussion outline with lead questions designed to generate discussion in a particular topic area.
- Recent juvenile crime trends; the strengths and weaknesses of the juvenile justice system; and disproportionate minority contact, including factors that might be linked to DMC, were among the topics of discussion. The protocol also focused on the role of police in the community and identifying departmental policies, procedures, or initiatives relevant to juvenile crime and/or DMC.
- Focus group data were analyzed using a “grounded theory” approach to develop a sense of the themes emerging from the statements of participants. This involved:

Reading transcripts and marking areas where respondents discussed prevalence of and explanations for DMC;

Drawing out and grouping pertinent topics for ease of understanding and summary;

Systematically identifying and reviewing recurring themes;

Finding representative quotes and examples from the transcribed data or interview notes to further illustrate or elaborate on the key themes;

Multiple members of the research team iteratively reviewing the emerging themes to ensure they were supported well, framed as precisely as possible, and appropriately contextualized.

## JUVENILE COURT INTERVIEW DATA AND THEMES

- Key informant interviews were conducted with personnel from 13 juvenile courts between February 2013 and July 2014. In total, 131 key informant interviews were conducted.
- With the help of a staff liaison at each court, a purposive selection approach was used to select personnel who worked directly with youth or who had knowledge of local efforts to address disproportionate contact in the juvenile justice system. Interviewees included administrative staff (22); detention center staff (14); intake and assessment staff (10); supervision and programming staff (60); and magistrates and judges (25).
- The interviews, which lasted from 30 to 90 minutes, were conducted using a semi-structured outline protocol that allowed for a lead question from the researcher but also provided room for the interviewee to elaborate if they wished.
- The questions touched on several relevant themes, including: key factors in the decision-making process and policies regarding juvenile delinquency; the role of family in the decision-making process; the effects of neighborhood and community factors on crime and delinquency; and the legal and social services available through the court.
- These data were analyzed with the same approach described for the focus groups.

## SUMMARY AND DISCUSSION OF KEY FINDINGS

### FINDINGS: STATE-LEVEL ASSESSMENT

#### Analysis of Police Record Data

- Police record data are inherently “selected” on the outcome as information was not available for contacts that did not lead to arrest. “Contact card” data were requested as part of the study, but the results suggest that agencies generally do not collect or

systematically store that type of information. This, in conjunction with the fact that relatively few case details were available in the records, puts some constraints on how much can be learned about DMC based on these analyses.

- The limited nature of the pooled police data demonstrates the utility in a mixed methods approach. However, the qualitative data obtained from police focus groups and interviews provides insight into the numbers, allowing for some exploration of what findings are consistent or inconsistent across the different information sources.
- Non-White youth made up the majority of juvenile arrests, accounting for 71.8 percent compared to 28.2 percent for White youth within the sample of 20,000 records.
- While the comparison of arrests between White and Non-White youth identified several statistically significant differences, they were typically small to moderate in size. The most serious charge and offense level for which the youth was arrested fell into that category.
- The strongest relationships were found for weapon type, offenders' role in offense, and source of complaint – all of which included much smaller sample sizes than the pooled police data file as a whole – therefore a degree of caution is necessary.
- Information on weapon-involved arrests was available for a small subset of cases (n=6,840). White and Non-White youth were very similar in their prevalence of arrests for weapons offenses (7.4% and 8.0%, respectively). In those cases a weapon was involved, and data were available on weapon-type, Non-White youth were far more likely to be arrested in an offense involving a firearm than White youth (74% to 38%).
- The role played in offenses differs slightly across White and Non-White arrestees. For example, Non-White youth arrests more often involve arguments/disputes whereas incorrigible/status offenses are relatively more frequent for White youth.
- Inconsistent with focus group findings, White youth are more likely to be arrested due to a complaint from their parent/guardian. Many officers observed that they get more calls for service from the parents in minority communities – suggesting either officers' contact with youth stemming from calls from minority parents must be informal in nature (i.e. contact but no arrest), or minority parents do not call as often as officers perceive them to.

- Consistent with previous literature and observations from court personnel, school officials (including SROs) were more likely to be the source of complaint resulting in the arrest of minority youth – this finding provides some contention for focus groups’ recommendations to place officers in schools to both reduce juvenile crime and the formal contact of youth with the juvenile justice system.
- Finally, slightly more Non-White youth were found to be arrested due to police associated complaints. Unfortunately it is difficult to determine if these complaints originate from proactive police contacts or reactive contacts (i.e. calls for service).
- Additional relationships, though significant, were comparatively smaller in size – suggesting that, White and Non-White do not vary substantially from one another on many characteristics of their arrests.

#### Analysis of Juvenile Court Record Data

- Non-White youth accounted for 60 percent of cases in this segment of the sample. According to the 2010 Census, this group accounted for 22 percent of the juvenile population in Ohio. On the surface, this indicates disproportionate minority contact in the cases coming into the juvenile courts during the years for which we have records.
- Youth race had a statistically significant relationship with five of the six court outcomes. Relative to White youth, Non-White youth were more likely to be detained prior to adjudication, have their case dismissed, be placed in a secure facility, and be waived to criminal court. Conversely, Non-White youth were significantly less likely to be adjudicated delinquent compared to White youth. Race was not a significant predictor of diversion. The legally-relevant factors (e.g., number of prior petitions, offense seriousness) appeared to be more closely associated with that outcome.
- The statistical analysis of the integrated measure reflecting the degree of penetration into the juvenile justice process suggests that Non-White youth tend to fare worse in terms of the severity of court decisions. There is a distinction with the dismissal outcome that tends to suggest minority youth are more likely to have their cases dismissed than White youth. A matched pairs analysis of the race group differences for this outcome suggested that the case dismissal effect dropped when scrutinized further, making it difficult to come to a firm conclusion about this relationship. The pattern of relationships at the site-level suggests that some counties had proportionately more cases involving Non-Whites dismissed than Whites. That pattern does not hold in all counties, though. Most agencies did not provide information for the underlying reasons for dismissal, which limits the inferences that can be drawn about those cases.

- The effect at the adjudication stage also tends to suggest that Non-White youth are less likely to be adjudicated delinquent than their White peers. Effects of this nature are not unprecedented in previous research and some suggest that there may be a “correction” that enters the process at the point where more formality and facts are introduced.<sup>1</sup> Still, like the anomalous dismissal effect, this relationship seems to diminish when we utilize alternate matching methods that provide a stronger control for alternate influences. This is likely due to cross-site variation in the pattern of relationships (e.g., Non-White youth were comparatively less likely to be adjudicated delinquent in Hamilton County, but comparatively more likely in Cuyahoga County). On balance, this leads to a null or small effect, but it is important to consider the variation across counties.
- In general, once all possible influences were included in the final models, the effect of race decreased in each but was still statistically significant in five of the six case outcome measures. For example, in the initial model for secure confinement, Non-White youth were 82 percent more likely to be placed in a secure facility relative to White youth. This percentage dropped to only 12 percent in the final secure confinement model, a pronounced drop of 70 percentage points. Similarly, in the race-only model, Non-White youth were 24 percent less likely to be diverted compared to White youth, but the effect was reduced and became nonsignificant in the final model that controlled for legally-relevant factors. This suggests that a lot of the variation in outcomes can be explained by characteristics of the referral offense(s) or youth history, but there is a residual race effect in the data.
- Race had a statistically significant and moderate-sized effect on the odds of detention in all three statistical models. This has important implications because studies have found that detention can have a “snowball” effect where decisions made at earlier stages in the process can affect those at later stages.<sup>2</sup> For this reason, detention was included as an explanatory variable in supplementary analyses for adjudication and secure confinement. In those cases, youth who were detained were 87 percent more likely to be adjudicated delinquent and 93 percent more likely to be placed in secure confinement relative to those not detained.
- The OYAS coverage for the cases collected in the main juvenile court sample was somewhat limited. Analysis was conducted with cases with two counties that had reasonable coverage on OYAS measures. That yielded mixed conclusions as the addition of OYAS data seemed to reduce the effects of race in one site and had very little impact in the other. Given the prominence of risk and needs assessment in contemporary

---

<sup>1</sup> See, e.g., Kutateladze, B., Tymas, W., & Crowley, M. (2014). *Race and Prosecution in Manhattan*. New York, NY: Vera Institute of Justice.

<sup>2</sup> See Rodriguez, N. (2010). The cumulative effect of race and ethnicity in juvenile outcomes and why preadjudication detention matters. *Journal of Research in Crime & Delinquency*, 47, 391-413.

juvenile justice and Ohio courts it is worth considering whether and how OYAS is used in different locales as a factor that could reduce some differentials between groups, exist outside of them without much impact, or extend some disadvantages among youth as they move through the system.

- Given the nature of the data and the sensitivity of the relationships tested here, several checks and ancillary analyses were used to further scrutinize the findings from the pooled data set. These included checks on possible interactions between race and other legal influences and effects due to variation among counties. Aside from the exceptions noted above, these analyses confirmed the main findings included in the summary and larger report.

#### Analysis of Police Focus Group Data

- Officers who participated in the focus groups overwhelmingly viewed disproportionate minority contact as a product of the differential offending patterns of minority youth. Despite different job responsibilities (e.g., School Resource Officers vs. Patrol Officers), participants across the various agencies consistently identified familial, socioeconomic, and geographic factors within minority communities as a driving force in delinquency by youth and subsequent contact with police. Inherent in the officers' discussions was their belief that these factors were connected and that they led to more serious and higher levels of offending and, in turn, disproportionate arrests of minority youth.
- The officers' message could be characterized as follows: the convergence of familial, socioeconomic, and geographic factors within the same neighborhood context places minority youth at a disadvantage that persists from their likelihood of involvement in crime to their introduction to and processing in the juvenile justice system.
- Although only a few officers made comments regarding the influence of "differential treatment" practices on DMC, those who did provided significant insight. Specifically, officers pointed to several community, departmental, and individual factors that can impact outcomes for minority youth, such as public expectations of crime control in minority neighborhoods, the presence of implicit biases held by the community, the direction of law enforcement to "hot spot" locations that have greater minority presence, and the possible inclusion of extra-legal factors in officer decision-making (although they also argued that there were departmental checks on this practice).
- Relatedly, some officers observed that law enforcement agencies tend to patrol more heavily and formally enforce more laws in minority communities. The majority of focus group participants recognized the concentration of law enforcement in minority

neighborhoods and subsequent DMC as a product of data driven policing strategies, but viewed it as a matter of going where their supervisors and the community directed them based on the differential offending patterns described above.

- The notion of differential treatment also came up in response to discussion of situational characteristics of the interaction between youth and the police. Officers from the majority of the participating agencies confirmed that, when the characteristics of the incident allows for officer discretion, the attitude and demeanor of youth do impact officers' decisions. In particular, youth that exhibit negative attitudes were identified as more likely to be handled formally. Still, in cases where this came up in the sessions, officers overwhelmingly observed that youth are equally disrespectful to them regardless of race.
- The officers' broad explanations for DMC were mirrored in the range of recommendations to reduce juvenile crime (and, potentially, DMC). Generally, these recommendations fell outside of law enforcement practices, focusing instead on the capabilities of families, communities, schools, and later stages of the juvenile justice system to both prevent youth involvement in crime and effectively manage the behavior of delinquent youth. Ultimately, officers advocated for a holistic approach, targeting multiple areas in the lives of youth and, therefore, increasing the likelihood of making a positive impact.
- Some participants did also argue, however, that juvenile offending problems and DMC would best be addressed by enhanced sanctions in juvenile courts and the expanded use of detention and secure placement for youth who were repeat or serious offenders.

#### Analysis of Juvenile Court Interview Data

- While some staff reported disproportionate minority contact (DMC) was not a major issue in their courts, the majority of interviewees thought it was a problem—at least to an extent—and suggested that the juvenile justice system, education, family, and neighborhood are contributing factors.
- Court personnel, like police, were reluctant to explicitly discuss the decision-making process and system-related factors as contributors to DMC or saw them as secondary influences. Staff tended to focus more on broader problems that may lead youth to the system, rather court policies and practices. This is consistent with the perception that differential offending is the main cause of DMC, but allows for the possibility that

minority youth are more likely to reach the juvenile justice system due to front-end decisions in communities and schools.

- Some interviewees mentioned that they do not have control over the cases referred to them and that lower tolerance for misbehavior in schools and “hot spots” policing in certain targeted areas generally lead to a higher volume of juvenile court referrals, particularly of minority youth from urban areas.
- Respondents in every site mentioned resource constraints and the lack of prevention and intervention programs as contributing to the overrepresentation of minority youth in the juvenile justice system. Although interviewees did describe some points of the system where disparities might emerge (e.g., detention), responses centered on the need for sustainable programs that address the risks and needs of youth across multiple domains.
- Court staff perceived youth as being more vulnerable for juvenile justice involvement when they came from homes with poor family management, limited supervision, or discord. They also mentioned that this contributed to the overrepresentation of minority youth in the court, but also justified its intervention.
- Some court interviewees did raise the question of differences in perception that might affect the response to minority families and youth. In particular, they mentioned that court decisions are partly predicated on parental involvement, but it can be challenging for some parents—even when well-intentioned—to participate fully due to other competing demands like work, housing, or transportation problems. Some respondents also indicated that minority youth and families may have difficulty fully trusting the system and those working in it, referring to potential “suspicions” about its intentions.
- Court interviewees provided a host of general and specific suggestions on how to reduce juvenile delinquency and deal with DMC issues. Some seemed to have limited direct connection to specific disproportionate minority contact reduction efforts. The recommendations included initiatives of different sizes, scopes and missions; different levels of cost; and varying origins at local, state, federal, or privately-driven levels. Some have ceased to exist while others are ongoing or in planning stages. They also range in terms of levels of past success or basis in evaluation evidence. Summarizing the various programs and initiatives is difficult, but many of them contained notions of collaboration, multi-agency partnerships, evidence-driven decision making and programming, and cultural competence.

## FINDINGS: COUNTY-LEVEL ASSESSMENTS

- Variation in degree of participation, data coverage, and level of detail and precision in the measures provided, which could affect some of the results. Specifics of data collection in each county are provided to contextualize the conclusions reached in the assessment for each site.
- Some consistent patterns in findings for key decision point analysis, but also variation in nature and size of disparity. There tended to be disproportionality in Non-White and White youth prevalence in arrest records at nearly all sites for which records were available and the make-up of cases reaching the juvenile justice system seemed to be similarly distributed.
- Four sites did not really show much evidence of DMC once controls for relevant decision-making factors were added: Allen, Butler, Clark, and Trumbull Counties. Others, like Mahoning, Stark, and Summit Counties showed disproportionality at just one decision point in the court process.
- There was some variability in the direction of relationships for between case dismissal and delinquency adjudication across counties. Some places saw greater levels of case dismissal and lesser likelihood of adjudication for Non-White youths. Others had a pattern that continued to be consistent with DMC.
- The most consistent finding involved the detention stage, where the pattern of disproportionality was consistent across the sites—even after controlling for legally-relevant influences on case outcomes. Later stage decisions (secure confinement and bindover) also show patterns of DMC fairly consistently across sites. The size of their relationships with race tended to vary across counties.
- The site-level analysis showed some commonality in focus group and interview responses across the counties and agencies, but there were some important divergences as well. Both groups were similar in pointing out the fact that observed patterns in DMC were attributable to differential offending based on community, family, school, and individual factors. Both groups were less apt to discuss aspects of formal decision-making by police or court actors.
- Both police officers and court officials mentioned factors in police and juvenile justice decision making that might disadvantage minority youth—albeit less frequently than the

differential offending explanations. As an example, police officers discussed enforcement patterns in neighborhoods and schools that might lead them into contact with minority youth more frequently. For their part, a number of court actors discussed the effect of perception of family participation and processing decisions and the barriers faced by some minority youth and parents in that regard.

- Police focus groups and, especially, court interviewees offered some potentially useful ideas on how to respond to DMC problems. Those are detailed in summary across all counties and in each county's individual report but range from general shifts in agency culture to multifaceted partnerships to specific programming or training activities.

#### FINDINGS: DYS FACILITIES ASSESSMENT

- This part of the assessment project is somewhat novel relative to the DMC research (and intervention) to date. Most efforts have been aimed at earlier stages in the juvenile justice process and generally end with the decision to place or not.
- Statistical models were estimated for four key outcome variables extracted from the data provided by Ohio DYS: seclusion time, length of stay, proportion of time absent from education services, and number of disciplinary infractions. Treatment receipt data were analyzed for a subsample of cases that covered the last two years of the study period.
- 65 percent of the cases in the sample of 1,514 DYS cases records included in this assessment were Non-White. Non-White youth accounted for a higher proportion of the cases that came from the 13 main study sites (83%).
- In the multivariate analysis, which is most conclusive with respect to assessing the relationship between race and the outcomes of interest, the only consistent finding was one for race and disciplinary infractions. This was true whether using the main sample and baseline criminal history measures and also in a subsample of cases that had Ohio Youth Assessment System information. Non-White youth in custody had 50 percent more infractions than White youth—even accounting for several other relevant influences.
- Although there were some small race effects in the models for seclusion time, that seems to be driven almost entirely by its relationship to disciplinary infractions, which was quite strong (a correlation of 0.93 on a scale from 0 to 1.0). Similarly, number of disciplinary infractions also has a significant, moderate relationship with the total length of stay in DYS facilities.

- When analyzed comprehensively, there were no observed differences in race for length of stay in custody, educational outcomes, or treatment receipt variables.
- Race distributions in county referrals to DYS were explored as part of the assessment. Similar patterns are generally evident in the site analysis of secure confinement decisions as well. The vast majority of youth in the sample were Non-White (~83%). Larger counties generally refer more youth (which is expected), but proportionally they tend to have a higher relative prevalence of Non-White youth. The analysis also identified some counties that seem to have a closer split in the prevalence of White and Non-White youth being referred to DYS facilities (e.g., Clark and Butler Counties)

## **RECOMMENDATIONS**

### **CONTEXT**

- As described at points in the report, there are certainly some limitations in the scope and nature of the data and analyses should be considered in assessing the findings and key conclusions. Still, efforts were made to look at the data available in system records and consider the perspectives of those who work in the system and, in cases where there were data limitations, analyses were conducted in order to shore up important conclusions to whatever extent possible. It is also important to note that some agencies have made changes subsequent to the data collection process (particularly the official record portion) and those may not be captured here.
- The content of the report—which considers multiple sources of evidence and decision points—highlights the fact that there are disproportionalities in system outcomes across multiple stages that persist after accounting for alternate influences. There are some differential offending patterns at work in the findings from case records and those are highlighted by police and court personnel. The presence and causes of DMC appear to be quite complex and seemingly difficult to deal with in some senses.
- This likely creates a ceiling on whether the justice system can fully address the underlying problems, but this does *not* mean that shifts in thinking or alternative approaches are destined to fail.
- There was some variability in decision points and study sites that might inform priorities related to DMC efforts. This also suggests the need for focused analysis of the problem that considers local contexts and decision-making factors.

- Although there were exceptions, on balance, the interviews and focus group participants did not point to many specific aspects of the juvenile justice process that drove DMC patterns. They did, however, offer a number of insights that provide a feel for what might be done in future efforts to address these issues.

## RECOMMENDATIONS

- With this as background, there are several points that might be considered by Ohio DYS and other state and local stakeholders. This may involve incentivizing or providing support to facilitate initiatives in local agencies, but some may require more direct action. Those recommendations and rationales for them are offered below:
  1. It is important to find ways to engage those in the field in discussions about this topic, however challenging they might be. Clearly, the explanations of DMC based on differential offending have some validity, but they are generally not constructive in developing means of addressing disproportionate minority contact among juveniles. Furthermore, the results suggest that DMC remains after controlling for factors that capture differential offending explanations.
  2. A number of interviewees suggested the need for collaborative efforts among those who work with youth. The evidence about the sources of DMC problems compiled here and elsewhere certainly supports that. The scope and complexity of the problem suggest that constructive dialogue, focused analysis of the problem in local area, prioritization of targets for change, and implementation of strategies will likely fall to multiple agencies or stakeholders simultaneously. Importantly, to facilitate success in implementation and achieve desired outcomes, any initiatives that are taken should be clear about their underlying logic in terms of whether they are generally directed at affecting all justice-involved youth or intended to specifically address DMC. This seems prudent in light of the scope and multifaceted nature of the problem and limited effects of some efforts carried out to date.
  3. Relatedly, this collaborative approach is particularly important in considering DMC and policing where officers are omnipresent in certain communities due to calls for service and/or “hot spots” policing or targeted enforcement of particular charges that may have legislated-mandates attached to dispositions (e.g., firearm possession). The responses of officers in the focus groups suggest that they perceive distrust on the part of the communities that they police and objective analysis of some content from the focus groups suggest that the residents of those neighborhoods would likely disagree with at least some characterization of the

sources of DMC problems. This creates a challenging dynamic for implementing strategies aimed at reducing juvenile delinquency and DMC. Still, the evidence here and elsewhere suggests that it would benefit both police agencies and local communities to do so.

4. Like a lot of other research, a number of aspects of the numbers and the narrative responses from people in the courts in this DMC assessment point to the importance of pre-adjudication detention as an early decision that matters in and of itself but which may also have an impact on later outcomes (e.g., secure confinement). Seriousness of charge and past record considerations must certainly be factored in these decisions, but agencies should look for alternative placements when the home or family environment is the most salient factor in these decisions.
5. There are race differences in the “deeper-end” outcomes (e.g., secure placement, bindover) that hold after alternate influences are incorporated. These outcomes may be more record-driven and hold less possibility of discretion (e.g., gun specs) than other decision points. Also general reform in the use of secure confinement have affected the absolute number of minority youth in custody. Still, these decision points should be given greater consideration at the local and state level to identify and intervene with any factors that may be producing disparities.
6. Ideally, this would be coupled with attempts to try to understand and be responsive to some of the challenges that are faced (often disproportionately) by the parents and families of minority youth. Juvenile court should definitely place a premium on family involvement based on what we know about effective intervention to prevent recidivism and promote positive development. Still, this should be coupled with some flexibility and attempts to break down barriers in cases where they may disadvantage youth in the justice process.
7. As alluded to above, the findings from the analysis of DYS facilities are among the first of their kind and therefore offer less of a “record” to look at in generating ideas for future policy and practice. The differences that were observed are likely driven in part by the pattern of referrals that come into facilities. At the same time, some differences between groups remained when controlling for factors that might predict how a youth would do in the facility. The disciplinary infractions outcome, which also was related to seclusion time and length of stay, was the only outcome that showed a degree of disproportionality. Although it has recently eliminated use of seclusion time for disciplinary reasons, Ohio DYS should examine the specific

nature of infractions and related policies and processes to consider whether or how they might affect different groups of youth. This seems to also have implications for youths' seclusion time, which has become a matter of broad policy interest in recent years due to its possible long-term developmental impacts on youth in custody.

## CONCLUSION

Comparative research across the U.S. and internationally indicates that disproportionate contact with juvenile justice among racial and ethnic minorities is not unique. Both this study and that body of research suggest that, however complex the problem, the stakes are equally high for addressing it due to the long-term developmental implications for the youth involved, the perceived legitimacy of police and juvenile justice agencies, and the relationships between communities (often heavily minority) and government. While limited in certain ways, through multifaceted data collection and analysis spanning multiple stages of the juvenile justice system, this study provides an assessment of DMC in Ohio in the first half of this decade. In turn, it offers some information to guide general and specific initiatives that might be taken in order that police and juvenile justice agencies contribute as much as possible to reducing the problem in the future. This final section recounts some of the reports' major findings before reflecting on their implications and then concluding with summary recommendations.

## KEY FINDINGS

- Disproportionate minority contact was identified in the majority of sites at the point of arrest and court petition.
- Police records sometimes showed differences in the nature of arrests by race groups (e.g., seriousness of offenses, firearm involvement), but those findings varied by agency and county.
- There was a consistent, moderate-sized relationship between race and pre-adjudication detention when controlling for legally-relevant decision-making factors. In turn, detention was associated with adjudication and secure confinement outcomes.
- The overall findings for case dismissal and adjudication did not reflect a DMC pattern, but relationships varied across the counties included in the assessment.
- Non-White youth tended to have a greater likelihood of secure confinement and bindover to adult court when controlling for legally-relevant factors. These effects were consistent across the study sites where a relationship was found.

- Police officers overwhelmingly viewed DMC as a product of the differential offending patterns of minority youth based on individual, family, and community factors. Despite different individual job responsibilities (e.g., School Resource Officers vs. Patrol Officers) and variation in the agencies (size, population level and density), responses across the various agencies were fairly consistent.
- Only a few officers made comments regarding possible differential treatment of minority youth. Those who did often mentioned public expectations of crime control, the presence of implicit biases in the community, and the direction of law enforcement to “hot spot” locations that coincidentally have greater minority presence.
- Some interviewees reported DMC was not a major issue in their courts, but the majority thought it was a problem—at least to an extent. Like police, they suggested that it was mostly driven by external factors. Some respondents discussed the idea of cultural competence or mentioned how case outcomes might be affected by differentially by system processes.
- Police focus groups and court interviewees offered potentially useful ideas on how to respond to DMC problems.
- In the DYS facility data, the only consistent relationship was one for race and disciplinary infractions. Non-White youth had significantly more infractions than White youth—even accounting for several other relevant influences. This in turn had some relationship to other experiences like seclusion time.

## IMPLICATIONS

- There were some limitations based on the degree of participation among the agencies originally identified in the Ohio DYS RFP. There was also a good deal of variability in the scope and nature of the data that were provided (or available).
- DMC was present in nearly all counties for which data were obtained—at least in terms of the initial race make-up of arrests and court referrals.
- There was some variability in terms of its presence at different points in the process, but there tended to be more consistency in that finding at arrest, detention, secure confinement, and bindover stages.
- Disparities generally shrunk after controlling for legally-relevant factors, but were still present and at-least moderately-sized.

- Some decisions made at earlier stages of the process had an impact on youth experiences in the system later on.
- Reasons for disparities come from several sources—both outside and within the system. System factors include available resources and alternatives as well as managerial and front-line decision making-patterns that can interact with case factors to disadvantage minority youth and families.

## RECOMMENDATIONS

- Foster collaborative relationships among communities (including minority youth), police, schools, and juvenile courts.
- Identify the ways in which targeted enforcement strategies and mandated dispositions disproportionately affect minority groups and consider alternatives.
- Consider particular offense types, referral sources, and decision points that drive DMC trends and develop and utilize alternatives to formal processing where possible.
- Increase cultural awareness and consciousness of potential stereotypes in decision-making among police, court, and correctional personnel. Engage in broad training efforts, but embed those elements in relevant aspects of organizational philosophy and practice as well.
- Seek out and incentivize counties and cities with leaders and line staff that are willing to engage in comprehensive efforts to address DMC patterns as demonstration sites. Engage in focused goal-setting, implementation, and refinement as needed. Maintain standards for effectiveness in identifying alternative programs to address DMC.