LCLE Disproportionate Minority Contact Assessment Study: Final Report

April 29, 2011

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Executive Summary

The Louisiana Commission on Law Enforcement and Administration of Criminal Justice (LCLE) has undertaken an assessment study of Disproportionate Minority Contact (DMC) focusing on the parishes of Caddo, Calcasieu, East Baton Rouge, Jefferson, Lafayette, Orleans, Ouachita, and Rapides. The study was divided into four phases.

The first phase established the current state of DMC and DMC-related data in the selected parishes. It identified potential alternate sources of data as well as ways to improve DMC data collection. A major recommendation to come from Phase I was the need for a juvenile case management system that could be used in parishes across the state to not only manage juvenile cases, but also to collect data that can be used to study DMC. This phase also identified areas where DMC data were not being collected properly and recommended that a training program be developed to ensure that the parishes across the State are interpreting DMC in the same manner.

The second phase of the study identified areas where research was needed to identify why DMC was occurring. These research topics were developed by stakeholders involved in the day-to-day operations of the juvenile justice system. The research topics identified in this phase and selected for further study are:

- **Topic 1** - Discretion in the Juvenile Justice System
- **Topic 2** - DMC Across Offense Level in Each Decision-Making Stage
- **Topic 3** - Examine Length of Custody on Placement
- **Topic 4** - Understanding School-Based Arrests

The third phase was the collection of data needed for studying and analyzing the selected research topics. Analysis of this data was performed to develop strategies to reduce DMC.

The fourth phase reported the findings of the study and provided a plan for monitoring the strategies listed in the third phase. A monitoring plan is included in this document and describes steps to monitor each mitigation strategy and its expected outcome.

Summary of Results

The results for Topic 1 indicate that the use of objective criteria at each decision point is uncommon. Detention Screening is the only area where an objective tool is commonly used. This indicates the need for a State-wide decision-making policy for each decision point in the juvenile justice system.

The data available for Topic 2 indicate that DMC is highest at arrest. Arrest is the gateway to the juvenile system, so this fact is somewhat alarming and warrants further examination. The available data highlight that there is a great deal of variation in DMC across offense levels, parishes, and decision points.

The results for Topic 3 indicate that the differences in the average length of probation between White and Black youth require further investigation. Given the non-serious nature of non-violent misdemeanors, the length of time that Black youth are held on probation for these offenses is alarming. Data also show that it is critical to account for the circumstances of each case, such as failure to meet probation orders, new charges while on probation, probation officer bias, and parental involvement/recommendation, when attempting to assess DMC in the length of time on probation.

The data available for Topic 4 indicate that DMC in school-based arrests should be an area that is studied further by both school administrators and juvenile justice agencies. Understanding the procedures and criteria used to determine when a child should be arrested versus disciplined at school, examining whether or not school-based arrests account for a significant amount of all juvenile arrests, and identifying the schools that are responsible for the greatest number of school-based arrests are three critical pieces of information that will assist in the development of interventions to reduce DMC in school-based arrests.

Summary of DMC Reduction Strategies

Three strategies were developed during this study to reduce DMC. The strategies are:

- **Strategy 1** - Improving the Capacity to Collect, Analyze and Monitor DMC Data
- **Strategy 2** - Using Objective Decision-Making Criteria at Arrest
- **Strategy 3** - Developing and Implementing Graduated Sanctions

Strategy 1 involves developing a set of standard definitions, measurement strategies, and reporting guidelines to be used on a State-wide basis in the juvenile justice system. In addition, the adoption of a State-wide information system would help ensure that methods used to collect, analyze and report data are consistent. A State-wide information system would ease the burden on the local agencies to provide data regular DMC activities.

Strategy 2 involves developing objective criteria for the Arrest contact point. This study showed that there was a high level of DMC at the Arrest contact point, and research suggests that the high level of discretion available to decision-makers may contribute to DMC. Using objective criteria may assist in reducing bias in the decision-making process.

Strategy 3 involves the development of a graduated sanctions grid to address reducing the number of Black youth sent to secure confinement. Adoption of a graduated sanctions grid would ensure that the least restrictive decisions are being made while promoting accountability and focusing on strengthening the bonds between the offender and the community.

Phase I: Synopsis

GCR & Associates, Inc. (GCR) and its team members have assessed the data available for identification of Disproportionate Minority Contact (DMC) in the juvenile population of the eight pilot parishes of Caddo, Calcasieu, East Baton Rouge, Jefferson, Lafayette, Orleans, Ouachita, and Rapides. Site visits occurred at each parish to discuss the nine DMC decision/contact points that are illustrated in the juvenile justice workflow graphic, *Figure 1*, below. Each parish's data was discussed with a parish representative and reviewed for appropriateness in determination of DMC.

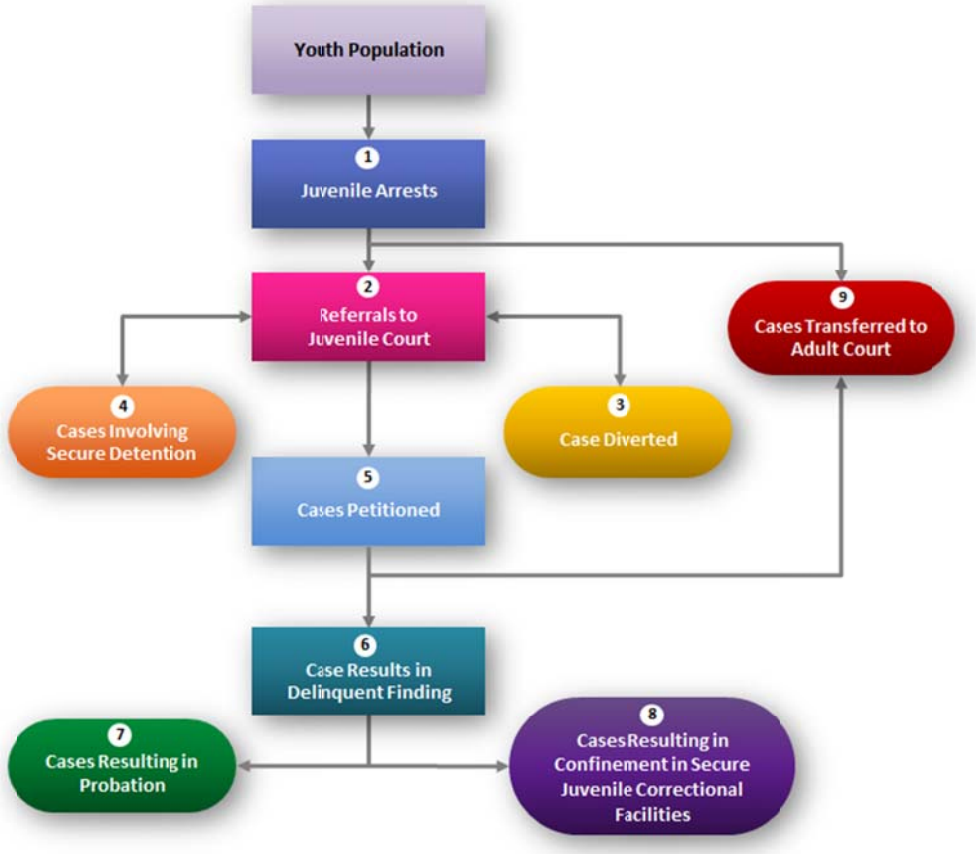

Figure 1: The Nine (9) DMC Decision/Contact Points

Suitability of Existing Data

A review of the Office of Juvenile Justice and Delinquency Prevention's (OJJDP) definition for each decision/contact point was performed with each of the parishes to ensure participants had a current understanding of the OJJDP DMC guidelines. The assessment team then discussed

the parish's data sources and suitability for use in monitoring DMC according to the OJJDP guidelines.

Generally, the project team determined that there is data in each parish that follows the OJJDP data rules for the nine decision/contact points, however, there are some inconsistencies in how data is counted at each decision/contact point by parish. For example, there are some issues with data not being reported consistently for the "Cases Diverted" decision/contact point. There were also a few other decision/contact points where data was being reported incorrectly by race. An example of this is that some parishes count the number of cases passing through a particular decision/contact point instead of the number of individuals. This mistakenly inflates the count when multiple cases are opened for a single individual at a particular decision/contact point.

Other Data Sources

During Phase I of the assessment study, additional sources of data were identified at the Louisiana Office of Juvenile Justice (OJJ), the Louisiana Supreme Court (LASC), and the Louisiana Commission on Law Enforcement (LCLE). These State-level data sources were reviewed for their suitability for use in DMC identification. Data available from the OJJ identifies counts by race for the following DMC decision/contact points:

- Cases Resulting in Probation (point seven on *Figure 1*).
- Cases Resulting in Confinement in Secure Juvenile Correctional Facilities (point eight on *Figure 1*).

Therefore, data from OJJ is suitable to supplement other data collected for the two decision/contact points listed above for the parishes of Caddo, Ouachita, and Rapides.

The Louisiana Supreme Court compiles counts of juvenile cases and charges from all of the courts in Louisiana. This data is published in the Supreme Court's Annual Report. The data collected does not identify counts by race. Therefore, it is only suitable for checking the total number of cases against parish totals at the "Referrals to Juvenile Court" DMC decision/contact point (point three on *Figure 1*).

The LCLE has data for age, sex, and race of juveniles arrested, known as ASRJ data. This data was reviewed and is suitable to supplement the data parishes provide for the "Juvenile Arrest" DMC decision/contact point (point one on *Figure 1*). Hispanic or Latino race classification is not reported in the ASRJ data, and counts for the Asian and Pacific Islander race classifications are combined into one race category. The ASRJ data was found to be an acceptable quality check against parish

data totals in the "Juvenile Arrest" decision/contact point. Note that since the ASRJ report is voluntary, the data may not be fully representative. Another factor that limits the use of the ASRJ data is that the data are not usually compiled until 18 months after submission.

Where DMC is Occurring

The latest data available from the pilot parishes indicates DMC is occurring at several decision/contact points. Unfortunately, the majority of the decision/contact points either have an insufficient number of cases for analysis or they are missing data for a portion of the Relative Rate Index (RRI) calculation.

Where the data is available to calculate the RRI, the "Juvenile Arrest" decision/contact point contains the most occurrences of DMC in the pilot parishes. Historically, the data reported for the "Juvenile Arrest" decision/contact point has not been of high quality. Research into why DMC appears to be occurring at this decision/contact point should first focus on improving the quality of the data before focusing on why DMC is occurring. The second highest RRI is for the "Cases Involving Secure Detention" decision/contact point.

Recommendations for Improved Data

Most of the pilot parishes are missing data that are critical to identifying the occurrence of DMC at various decision/contact points. A rigorous effort should be made with the parishes to improve the quality of juvenile contact data necessary for DMC determination. Once the quality of the data is improved, a reliable analysis can be performed to determine where DMC is occurring. The following recommendations will substantially improve the quality of the data collected from each parish:

- Develop a data dictionary to be used for training data providers on how to capture and report DMC data. This will help ensure the uniform collection of DMC identification data across the State.
- For smaller parishes with limited resources, develop a centralized juvenile case management system to facilitate collection of necessary data elements.
- For larger parishes with resources and a technology system, fund development of export routines and data quality rules to automate providing the DMC data.
- Work with the district attorney's office to gather data on cases that are diverted and transferred directly to the adult court.

- Work with the arresting agencies to assemble arrest data and provide technology solutions for tracking arrests.
- Work with parishes to set up quality assurance reviews of the data before it is submitted. Develop quality assurance procedures and practices on a State-wide basis for training data providers.
- Work with the parishes to ensure that DMC identification data is reported by case and not by charge.

Phase II: Synopsis

Research Topic Workshop

In Phase II, a one-day workshop was held to develop potential research topics for use in this study. Stakeholders were brought together along with the technical assistance provided by Dr. Francisco Villarruel. Dr. Villarruel made recommendations on best-practices to address DMC based on his review of the Phase I report. The stakeholders were presented with a briefing book and with several recommended research topics. The briefing book contained data collected in Phase I of the project along with other socioeconomic data related to the eight study parishes. This briefing book was used as a resource to aid the stakeholders in developing new research topics.

Recommended Research Topics

The recommended research topics presented at this work shop were:

- **Understanding the Hispanic/Latino Population** – The current census data indicates that the Hispanic/Latino population in Louisiana is growing, but the DMC data collected in Phase I does not indicate a proportional increase in contact with Hispanic/Latino youth. This research topic would attempt to identify contact with Hispanic/Latino youth and determine how that is affecting DMC.
- **Understanding School-Based Arrests** – The national school to prison pipeline starts with school-based arrests. The phenomenon has a staggering number of youths entering the juvenile justice system. This research topic would study how school-based arrests are affecting DMC.
- **DMC Across Offense Level Within Each Decision-Making Stage –** Discretion decreases as offense levels increase, and the level of discretion can affect DMC. This research topic would break the RRI down by offense level to determine if the level of discretion is influencing the rate of DMC.
- **Examining Length of Custody on Placement –** A great deal of research indicates that minorities will be placed in detention or on probation for longer periods of time than non-minorities for the same offenses. This research topic will determine if there is a high level of DMC in the placement of youths in the juvenile justice system.
- **Discretion in the Juvenile Justice System –** The majority of decisions in the juvenile justice system lack clear decision-making criteria. This research topic will study how decision-making criteria affect DMC in the study parishes.

Final Research Topics

During the workshop, many potential research topics were discussed, and the topics were ranked at the workshop's completion. Stakeholders were asked to review the research topics developed and to try and develop other topics. A follow-up conference call was held and the research topics were finalized.

DMC Assessment Topic 1: Discretion in the Juvenile Justice System

Consistent with national data, the overrepresentation of minority youth within the state of Louisiana can be found at almost every step of the juvenile justice system. Available data shows that the Relative Rate Index (RRI) among youth who are arrested ranges from 2.26 to 19.25 across the State. This overrepresentation persists among youth at almost every stage of the juvenile justice system including arrest, pre-adjudication detention, cases formally petitioned, and commitment to secure facilities. Research suggests that one possible explanation for these rates of disproportionality is bias and discrimination by juvenile justice decision makers as minority youth are more likely to be arrested, have their cases handled formally, be placed in pre-adjudication detention, be adjudicated delinquent, and be confined in a secure juvenile facility (Rivaux, 2006). This explanation is supported by research showing that overrepresentation of minority youth in the juvenile justice system is not necessarily related to higher participation rates in criminal activity, as self-report data has failed to reveal significantly different rates of offending either by frequency or variety (U.S. Department of Justice, 1999).

Bias by decision makers is particularly problematic in the juvenile justice system where there is often more discretion available for how juveniles are processed than is the case for adults. Decision-making within the juvenile justice system is to some extent guided by statutes, administrative guidelines, and operating procedures. However, evidence suggests that because of a lack of clear decision criteria, considerable variability exists. This discretion is well documented across the country and has been observed in all phases of the juvenile justice continuum from arrest to disposition following adjudication (Johnson & Secret, 1995). Police, prosecutors, and juvenile court judges are the key figures in these decisions, but other important personnel such as psychologists, social workers, and probation officers also play an important role (Hoge, 2002). For these officials, decisions are often based on judgments which are typically based on information about a youth, such as history of previous offenses or role in the offense. While it is clear that some level

of discretion is necessary, if the needs of each youth are to be fully met, this indeterminacy in rules also provides room for personal prejudices and biases to operate and may contribute to decisions which are inconsistent with the objectives of the juvenile justice system and may contribute to unfairness.

The majority of decisions made within the juvenile justice system lack clear decision-making criteria and are based on personal judgment and discretion. Therefore, it is necessary to study discretion's impact on rates of disproportionality found within the juvenile justice system.

DMC Assessment Topic 2: DMC across Offense Level within Each Decision-Making Stage

The level of DMC can vary within each decision-making stage based on certain characteristics. One important characteristic is the type of offense. As a result, researchers and DMC experts recommend breaking down the RRI within each stage of the juvenile justice system by offense level. This means that, although the RRI may suggest a low level of DMC at a given stage of the juvenile justice system, breaking down the RRI by offense level may highlight a low level of DMC for certain offense categories and a greater level of DMC for other offense categories within each stage. For certain offenses, typically the more serious offense levels (i.e., violent felony), there is little discretionary power in the decision-making process. Therefore, the race/ethnicity of the youth would not be an important factor in determining the outcome. However, for non-serious offenses (i.e., status offenses, non-violent misdemeanors), discretion in which course of action to take against the youth is common (e.g., refer the child for formal processing or diversion).

A great deal of research indicates that minority youth are treated more harshly than White youth even when charged with the same offense(s) (Burns Institute, 2010). National data suggests that Black youth are *twice as likely* as White youth to be sent to secure facilities and are less likely to receive probation for drug offenses. Latino youth are also more likely to be prosecuted and are one and a half times more likely to be admitted to adult prison for drug-related offenses (NSDUH, 2005).

Data available in Louisiana show that the level of DMC in parishes varies across offense categories. One parish may show a higher occurrence of DMC for felony offenses, when compared to misdemeanor and formal FINS offenses. However, another parish may show that DMC occurred at a higher level when the youth is referred to court for non-serious offenses. These examples highlight the importance of breaking down the RRI a step further to include an assessment of DMC across the most common offense categories within each decision-

making stage. Therefore, an additional research topic recommended is to calculate the RRI across the most common offense categories within each decision-making stage.

DMC Assessment Topic 3: Examining Length of Custody on Placement

In addition to assessing the number of custody placements (i.e., admissions to detention, admissions to secure confinement) for each racial/ethnic group, it is also important to examine variations in the length of placements under juvenile justice system custody across these groups. The length of time a youth is on probation or incarcerated is also an important decision in the juvenile justice system and has the potential to highlight a high level of DMC. In particular, it is important to compare the length of time for a given placement for youth with similar offenses.

A great deal of research suggests that, for the same or similar offense, Black and Hispanic youth are incarcerated for a longer period of time than White youth (CJJ, 2001). For example, the National Council on Crime & Delinquency (2007) reported that African American youth were confined on average for 61 days longer than White youth, and Latino youth were confined 112 days longer than White youth. Available Louisiana data parallel these national data. Based on data provided by the Office of Juvenile Justice, the average days in secure care custody in some parishes is significantly higher for Black youth compared to White youth.

Understanding disparity in the average length of time for juvenile justice placements is also an important element of DMC because it provides information on the treatment of youth while in custody. There are a number of possible reasons why length of stay varies across racial/ethnic groups. One reason may be bias in the sentencing decisions of key juvenile justice personnel, for instance, a judge's sentencing decision or a probation officer's decision to release a child from probation. Another possible reason for longer time in custody for minority groups is treatment bias while in custody such as harsher treatment by a correctional officer or more strict supervision by a probation officer. Finally, the behavior of the youth also influences the length of time on probation or incarcerated. It is possible that minority youth are continuing to misbehave while on probation (e.g., violating probation) or incarcerated (e.g., fighting with other inmates) which extends their time under custody.

Based on national estimates, an assessment of average length of time on each custody placement is also examined when assessing DMC in Louisiana's juvenile justice system.

DMC Assessment Topic 4: Understanding School-Based Arrests

The Relative Rate Index (RRI) data allows juvenile justice leaders to understand the rates of disproportionality found within their community at each decision point. However, this index fails to provide insight as to how these youth are entering the system. Research suggests that youth are entering the juvenile justice system at staggering rates through the school system, a phenomenon often referred to as the school to prison pipeline. The school to prison pipeline refers to the national trend of criminalizing youth within the school system and encompasses the growing use of zero-tolerance discipline, school-based arrests, alternative schools, and secure detention (ACLU, 2008). Children with emotional disturbances and other disabilities, particularly those of color, are even more vulnerable as they are more likely to be suspended, be arrested, and have the lowest graduation rates in the country (Southern Poverty Law Center, 2007).

Examples of this phenomenon can be found within the state of Louisiana. Available data shows that in 2008, 30% of arrests in one parish were school-based. The majority of these arrests occurred for a misdemeanor offense. Additionally, 82% of youth arrested in school were Black. Schools, low on resources, are now turning to the juvenile justice system to handle in-school disciplinary issues. These effects are most harmful to minority youth and contribute to the high rates of DMC found within the juvenile justice community.

This data demonstrates the importance of understanding trends in school-based arrests as a necessary step in understanding why DMC is occurring in juvenile justice system and implementing interventions designed to reduce disparities.

These research topics were developed into a research proposal which was approved by the JJDP Advisory Board.

Phase III: Synopsis

Data Collection

In Phase III of the project, data was collected to support the research topics agreed upon in Phase II. During the data collection phase, many of the issues anticipated from Phase I of the project were confirmed since organizations frequently did not have the requisite data. All available data was collected, and GCR worked with LCLE during this phase to refine data collection methodologies in order to collect the most data possible.

Data Analysis

Assessment Topic 1: Discretion in the Juvenile Justice System

The goal of Assessment Topic 1 was to assess the level of discretion at each decision point within the juvenile justice system. Surveys were sent out to representatives in each of the eight parishes inquiring about decision-making practices at each of the decision points. A copy of the survey is presented in Appendix C. The survey results are presented in Table 1.1.[1] The results show that discretion is used quite often in these eight parishes. For example, only one parish (Parish E) reported the use of objective criteria when deciding to make an arrest. The objective criteria used includes the use of the OCS/Child Protection Assessment Tool to ensure the safety of the child. Two parishes reported the use of objective criteria when deciding whether referral to court is necessary. In Parish B, all cases are referred to the court for formal processing. Looking at diversion, Parish G reports the use of "mandatory diversion offenses." That is, in Parish G, some misdemeanor offenses are automatically referred to Families in Need of Services or a diversion program (e.g., fighting, shoplifting, and status offenses). Parishes B and D reported the use of objective criteria to determine if a youth is diverted. In both parishes, the youth must be a first-time, non-violent misdemeanor offender. The MAYSI-2 is also used to determine eligibility in Parish D. In all parishes who responded to the referral to court and diversion questions, the District Attorney is responsible for making these decisions.

Objective criteria are most commonly used to determine if a youth will be sent to detention. Of the seven parishes who responded, six reported the use of objective criteria.[2] Five of these parishes reported the use of a

[1] Only survey responses from representatives of that particular stage of the JJS were considered valid.

[2] Five of these parishes are also Juvenile Detention Alternative Initiative (JDAI) sites. One of the major goals of this initiative is the implementation of a

standardized risk assessment tool which calculates a "risk score" based on the offender's prior history, severity of offense, and any additional mitigation/aggravation factors. In two parishes (Parishes G and H), detention staff are responsible for filling out the screening tool. In the other three parishes (Parishes A, B, and E), local law enforcement completes the screening tool.

None of the survey respondents reported using objective criteria to determine if a petition is filed. Parish F indicated burden of proof as the criteria used to determine adjudication. Constitutionally, this criterion must be met in every parish. None of the survey respondents reported the use of objective criteria to determine the disposition (i.e., probation, secure confinement). However, some parishes reported the use of the SAVRY as part of the pre-disposition recommendation to the judge. In all cases, the judge makes the final disposition decision. Lastly, in terms of transfer to adult court, only Parish B indicated use of objective criteria to determine if a youth should face criminal court charges for an offense. However, when asked to describe the criteria in use, Parish B indicated severity of the charge and the presence of violence against a person. These criteria cannot be considered objective as statute limits the type of offenses that can be considered for juvenile transfer but still offers quite a bit of latitude on transfer decisions.

Taken together, the results of Assessment Topic 1 suggest that the use of objective criteria at each decision point is not common (except for detention) and the use of screening/assessment tools to help guide the decision is even less common. Furthermore, there are no statewide decision-making policies in use at any decision point within the juvenile justice system.

Assessment Topic 2: DMC across Offense Level within Each Decision-Making Stage

The goal of Assessment Topic 2 was to further breakdown the RRI by offense level at each stage of the juvenile justice system. Researchers and DMC experts recommend breaking down the RRI within each stage by offense level as DMC can vary based on certain characteristics, such as type of offense. For certain offenses, typically the more serious offense levels (i.e., violent felony), there is little discretionary power in the decision-making process. Therefore, the race of the youth would not be an important factor in determining the outcome. However, for non-serious offenses (i.e., status offenses, misdemeanors), discretion in which course of action to take against the youth is common (e.g., refer the child for formal processing or diversion).

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detention screening tool. Thus, these results may not be representative of all parishes across the state.

Unfortunately the information provided by the parishes inhibited the examination of the RRI across offense levels because we were unable to obtain the necessary data. As a result, where data were available at a given stage (e.g., probation), but the data to calculate the base rate were unavailable (e.g., adjudication), we examined racial differences in the proportion of cases at each stage in a given offense level.[3] Although these calculations do not provide a standardized method of comparing the rate of occurrence across race and offense type, they do allow for an exploratory assessment of racial differences in the proportion of cases at a given stage and offense level. Below is a summary of the data provided to GCR for Assessment Topic 2.

Arrest

The arrest RRI for each of the five parishes where data were available is well over the value of 1 (i.e., a value of 1 indicates racial equality). Specifically, the arrest RRI ranges from 3.84 - 7.22 (see Tables 2.1-2.5). This indicates that, in 2009, Black youth were 3.8 to 7.2 times more likely to get arrested compared to White youth. However, breaking down the RRI by offense level highlights a great deal of variation in arrest RRI across offense type. In four of the five parishes where data were available, violent felonies (e.g., robbery, aggravated battery, rape) had the highest RRI, ranging from 7.46-18.83. This suggests that in these four parishes, in 2009, Black youth were 7.5 to 18 times more likely to be arrested for violent felonies, compared to White youth. The arrest RRI for violent misdemeanors (e.g., battery, aggravated assault) was higher than non-violent felonies in four of the five parishes where data were provided. Arrest RRIs for violent misdemeanors ranged from 4.37-8.14. Although these values are somewhat lower than the RRI for violent felonies, they remain high. In 2009, Black youth were four to eight times more likely to be arrested for violent misdemeanors than White youth.

[3] The RRI is a means of comparing the rates of juvenile justice contact experienced by different groups of youth. To calculate an arrest rate (or any rate), you need a numerator and a denominator (or base rate). The general rule in creating the rates to be used in an RRI is to select a denominator that captures the decision making stage immediately preceding the stage measured by the numerator or, in other words, the stage that feeds the numerator. Typically an arrest rate for a racial group uses a measure of their arrests in a year as the numerator and a measure of population as the denominator. This is referred to as the "rate of occurrence" for this particular group. By dividing one group's rate for a decision point by another group's rate at the same decision point, the relative rate (or the relative size of one rate to the other) can be calculated (OJJDP, 2009).

Referrals to Juvenile Court

Only one parish was able to provide data on the number of referrals to juvenile court. In Parish B, the RRI was the highest for violent misdemeanors (e.g., battery, assault). However, the RRI value for violent misdemeanors was low compared to the RRI for arrest (referrals to court = 1.24, arrest=4.03). This suggests that, in Parish B, the decision-making process involved in arresting youth is an area in need of further exploration to determine why DMC is occurring at a rate that is nearly four times higher than the rate of referral to court.

Across all offense levels, the RRI for referrals to juvenile court was close to one and did not reveal a great deal of disparity across offense levels. It is important to note that conclusions based on one parish are not valid, and thus, additional information from the other seven parishes included in this study is needed to make any conclusions regarding the importance of breaking down referrals to court by offense level when examining DMC at this stage.

Cases Diverted

Similar to referrals to juvenile court, Parish B was the only parish that provided data on diverted cases. As shown in the data, the RRI for diverted cases in Parish B was below one across all offense levels, suggesting that White youth in Parish B are more likely to be diverted, compared to Black youth. Conclusions based on one parish are not valid, and thus, additional information from the other seven parishes included in this study is needed to make any conclusions regarding the importance of breaking down diverted cases by offense level when examining DMC at this stage.

Cases Involving Secure Detention

Parish B was the only parish where the RRI could be calculated. The RRI in Parish B is close to one across all offense levels, suggesting a low degree of disproportionate minority contact at local detention.[4] The percentages reported in Tables 2.8 and 2.9 do not reveal any consistent patterns regarding the proportion of Black youth, compared to White youth, placed in secure detention for a given offense type. Without the number of petitions filed in each parish, we were unable to calculate the RRI in Parishes D, E, and F. The RRI calculations would have allowed for a more standardized assessment of the level of DMC occurring in

[4] It is important to note that this parish uses a detention screening instrument to determine which youth will be admitted to detention. The use of this instrument standardizes the decision-making process and reduces the risk of racial disparity during this stage.

detention admissions across offense levels. Thus, more information is needed from the other seven parishes included in the study.

Cases Petitioned

Parishes A and B were the only two parishes that provided data on petitioned cases. Unfortunately, the RRI for petitions to court in Parish A could not be calculated because the number of referrals to juvenile court was not available. Of the 198 cases petitioned to juvenile court in Parish A in 2009, 72% were Black. A larger proportion of Black youth were petitioned to court for non-violent felonies (31% vs. 43%), however, a larger proportion of White youth were petitioned to court for status offenses (36% vs. 21%). The RRI for petitioned cases in Parish B was close to one across all offense levels. Conclusions based on only two parishes are not valid, and thus, additional information from the other six parishes included in this study is needed to make any conclusions regarding the importance of breaking down petitioned cases by offense level when examining DMC at this stage.

Cases Resulting in Adjudication

Parishes A and B were the only two parishes that provided data on petitioned cases. In both parishes, the RRI for adjudications is close to one. However, in both parishes, the RRI is highest for misdemeanor offenses (Parish A = 2.50, Parish B = 1.13) and violent felonies (Parish A=1.57, Parish B=1.20). This finding suggests that, although the RRI for adjudications remains relatively low across offense levels, there is slight variation in the level of DMC across offenses.

Cases Resulting in Probation

Probation information was available in five parishes included in this study. Of these five parishes, two have local probation departments. In both of these situations (Parish A and Parish B), the RRI is less than or equal to one across all offense levels (based on data provided by the local probation department). For the other three parishes, only OJJ probation is used. The RRI was unable to be calculated in these parishes because the number of adjudications across offense level was not provided. However, based on the proportions reported in Table 2.9, Black youth seem to be more likely to be placed on probation for misdemeanors, compared to White youth. For instance, over two-thirds of Black youth in Parishes D and E were placed on probation for a misdemeanor offense, whereas 28% to 52% of White youth were placed on probation for a misdemeanor. In 2009, a larger proportion of White youth, on the other hand, were placed on probation for a status offense.

Cases Resulting in Secure Confinement

Based on parishes where the RRI for secure care was able to be calculated, secure confinement also seems to be a stage where DMC is occurring with RRIs ranging from 1.46 (Parish B) to 3.37 (Parish A).

Due to the low number of White youth placed in secure confinement in all parishes reported in Tables 2.11 and 2.12 it is difficult to make any valid conclusions about the level of DMC across offense levels. However, the low number of White youth sent to secure confinement, in general, highlights the need to study this stage further. For example, the proportion of secure confinement placements to OJJ in 2009 that were Black ranged from 77% to 99% across the eight parishes involved in the study. However, in 2009, the proportion of the population (aged 10-17) residing in each parish that was Black ranged from 31% to 85% (US Census Bureau, 2010).

Taken together, the results of Topic 2 draw attention to the need for improvements in the availability of juvenile justice data. Across most decision points, the RRI could not be calculated due to the lack of important data. This inability to access crucial juvenile justice information limits the capacity to obtain a detailed understanding of DMC and continually monitor DMC within each parish.

Based on the data that were available, the results suggest that DMC is the highest at arrest. Given that the stage of arrest is considered the gateway to the juvenile justice system, this finding is somewhat alarming and warrants further examination regarding the causes of the high level of racial disparity at this stage of the system. Furthermore, the RRI for arrest varied by offense level with violent misdemeanors having higher RRIs than non-violent felonies. This finding highlights the need to understand variations in the decision to arrest across offense levels.

Third, the information presented above underscores the importance of a more detailed examination of DMC at secure confinement. The breakdown of offense categories did not provide any meaningful comparisons because, in most parishes, the number of White youth placed in secure residential confinement was too low to breakdown into offense categories. Across the eight parishes, a total of 49 White youth were placed in secure confinement, compared to 441 Black youth. Furthermore, in all eight parishes, the proportion of youth placed in secure confinement that was Black was substantially higher than the proportion of the general adolescent population residing in the parish that was Black (see Tables 2.11 and 2.12 for a comparison).

In summary, more detailed information from the parishes included in this study is required to obtain a detailed understanding of DMC across offense levels within each decision point. The data that are available do highlight variations in DMC across offense levels. However, apart from the patterns noted above, there is a great deal of variation in DMC across offense levels, parishes, and decision points.

Assessment Topic 3: Examining Length of Custody on Placement

Assessment Topic 3 focuses on examining disparity in the average length of time for juvenile justice placements including probation, local detention, and secure residential confinement. The information used to carry out this assessment was provided by the Office of Juvenile Justice, Parish A's Clerk of Court, and four local detention centers. We examined differences across race in the length of time on probation, in local detention, and placed in secure residential confinement. The results of this assessment are summarized below.

Probation

Based on the information provided in Table 3.1, the average length of time on probation in 2009 was significantly longer for White youth, compared to Black youth. In the three parishes where valid comparisons can be made, the average length of probation was 12 to 40 days longer for White youth. For felony offenses, the average length of probation was 29 to 77 days longer for White youth compared to Black youth. When broken down by violence level, the largest discrepancy in average days on probation was for violent felonies. Referring to Table 3.2, the average length of probation for violent felonies was 199 days greater in Parish A and 157 days greater in Parish E for White youth compared to Black youth.

No consistent pattern of findings for misdemeanors was revealed in Table 3.1. However, when broken down by violence level, the results suggest that the average time on probation for a non-violent misdemeanor was 60 to 144 days longer for Black youth. Due to the low number of FINS cases placed on probation, meaningful comparisons could not be made across the four parishes. Thus, in 2009, the White youth included in this study remained on probation for a serious, violent offense for a longer period of time while Black youth remained on probation for a non-serious misdemeanor for a longer period of time.

Interestingly, White youth had a higher average length of time on probation for serious, felony offenses and Black youth had a higher average length of time on probation for non-serious, non-violent misdemeanor offenses.

This is an important finding considering that the average length of time on probation for Black youth charged with a non-violent misdemeanor is similar to the average length of time on probation for Black youth charged with a felony. In two of the four parishes (i.e., Parish A and Parish E), the average length of time on probation for a non-violent misdemeanor is greater than the average length of time for a violent felony.

Detention

Based on information provided in Table 3.3, the average length of time in local detention was slightly longer for Black youth, compared to White youth. When broken down by offense level, the average time in detention for a felony was 5 to 20 days longer for Black youth, compared to White youth. Across all parishes that provided data, the largest discrepancy in the average length of time in detention is for violent felonies (see Table 3.4). For example, the average number of days in detention for a violent felony is 17 to 36 days longer for Black youth compared to White youth whereas the average length of time in detention for a non-violent felony is 5 to 8 days greater for Black youth compared to White youth. No clear pattern of differences in the average length of time in detention for misdemeanor, FINS, and non-criminal (e.g., violation of probation, contempt of court) offenses were observed. The average number of days in detention for a misdemeanor is somewhat similar for Black and White youth across the parishes. In Parishes B and D, White youth averaged 2 to 6 days longer than Black youth for non-criminal offenses.

Secure Care

Similar to the results of Topic 2, the low number of White youth placed in secure confinement limits any valid conclusions from these analyses. Overall, the average number of days in secure confinement in 2009 was higher for Black youth. The difference in the average number of days in secure residential confinement ranged from 1 day to 251 days longer for Black youth compared to White youth.

In summary, the differences in the average length of probation require further investigation. Most importantly, given the non-serious nature of non-violent misdemeanors, the length of time that Black youth are held on probation for these offenses is alarming. There are several reasons why youth are placed on probation longer, including failure to meet probation orders, new charges while on probation, probation officer bias, and parental involvement/recommendation. It is critical to account for these circumstances when attempting to assess DMC in the length of time on probation. This information could provide insight into why 1) Black youth, compared to White youth, are held on probation for a longer period of time for non-serious offenses that pose little risk to community safety and 2) Black youth are held on probation for a similar length of time for non-serious misdemeanors and felony offenses.

Similar to the results of Topic 2, the inability to compare the length of time in secure residential confinement provides further support for the need to study racial differences in secure custody placement. In most parishes, the number of White youth placed in secure residential confinement was too low to break down into offense categories. Across

all of the parishes included in this study, there were 285 secure confinement placements in 2009 with valid data (i.e., included a release date and an identifiable offense level). Of these placements, 252 were Black youth and 33 were White youth. In the 8 rows in Table 3.5 where valid comparisons were possible (i.e., more than 1 White youth), the average length of time was greater for Black youth in 7 of the rows. Thus, understanding the overwhelming racial differences in secure residential confinement should become a top priority for Louisiana's juvenile justice system. The data that are available, however, highlight a great deal of variation in DMC across offense levels, decision points, and between parishes.

Assessment Topic 4: Understanding School-Based Arrests

The goal of Assessment Topic 4 was to examine school based arrests and school disciplinary practices to determine if the decision to arrest a child at school is objective and to assess the level of disproportionality in school-based arrests. Understanding trends in school-based arrests has been considered a necessary step in understanding why DMC is occurring in the juvenile justice system, particularly at arrest, and implementing interventions designed to reduce disparities.

Unfortunately, information on the procedures that are taken to determine if a child is arrested at school was unable to be collected. Furthermore, as can be seen in Table 4.1, only three parishes provided information on school-based arrests. As reported in Table 4.2, the most common offenses are non-violent misdemeanor offenses. Additionally, in each of the parishes that provided school-based arrest data, the proportion of Black youth arrested for these most common offenses was higher than the overall proportion of school arrests that involved Black youth. Based on these preliminary data, it seems that DMC in school-based arrests may be an area that deserves attention by both school administrators and juvenile justice agencies. More information is needed from other parishes to make any solid conclusions regarding the "school to prison pipeline" in Louisiana. Additionally, understanding the procedures/criteria used to determine when a child should be arrested versus disciplined at school, examining whether or not school-based arrests account for a significant amount of all juvenile arrests, and identifying the schools that are responsible for the greatest number of school-based arrests are three critical pieces of information that will assist in the development of interventions to reduce DMC in school-based arrests.

Phase IV: Discussion of Results

Three general conclusions can be drawn from these results. First, there is a need to improve the capacity to collect and report juvenile justice data in these parishes. For example, the data required to perform the originally proposed calculations in Topic 2 and Topic 3 is information that should be collected on a routine basis. This information includes race, current offense(s), decision made at each stage (e.g., adjudication, disposition), and length of time in custody. Additionally, information regarding arrests occurring at school should also be routinely collected and periodically discussed with school administrators, law enforcement officials, parents, and community members.

Ideally, all juvenile justice agencies should be able to access the information required to carry out all four of the originally proposed assessment topics on a regular basis. This type of data could be utilized for a range of different purposes including monitoring DMC, tracking the decision-making process across offense types, examining the school to prison pipeline, securing external funding to support reform efforts, and comparing each jurisdiction's data to state and national trends.

For example, OJJDP points out that calculating the RRI is the first step in exploring DMC (OJJDP, 2009). The next step is to examine, in more detail, areas where the RRI is high. Breaking down the RRI by offense type and/or examining disproportionality in school-based arrests are two different techniques that are commonly used to further explore DMC. Without this information readily available, juvenile justice agencies are not equipped to carry out a detailed DMC monitoring system.

Furthermore, this information can also be used to inform the decision-making process at each stage of the system by tracking the flow of youth at each stage and offense type to ensure that the least restrictive decisions are being made at each stage. Finally, this information can be used to secure external funding through local, state, and national agencies who are interested in supporting efforts to reduce DMC in the juvenile justice system. As shown by the results of this study, the lack of available juvenile justice data inhibited a detailed understanding of racial disparity in the juvenile justice system. Taking steps to improve access to juvenile justice data will greatly increase each jurisdiction's capacity to continually monitor and develop interventions to reduce DMC.

Secondly, for parishes where data were available, arrest is a decision point that is in need of DMC reduction strategies. The results of Topic 2 indicated that the RRI for arrest was highest in all parishes with available data. Furthermore, the RRI for arrest varied by offense level with violent misdemeanors having higher RRIs than non-violent

felonies. This finding highlights the need to understand variations in the decision to arrest across offense levels. This finding is similar to the results of Topic 4. The data provided by three parishes suggests that the majority of school-based arrests are for non-violent misdemeanors and that the level of DMC is greater for these school-based, non-violent misdemeanor offenses compared to the total number of school-based arrests. It is important to examine the level of seriousness of these misdemeanor offenses. Do they pose a serious threat to public safety? Should these youth be arrested or disciplined by the school?

One possible explanation for the high arrest RRI is that a policy for using objective criteria for making the decision to arrest a child is not in place. The survey responses used in Topic 1 supports this claim. Without such objectivity, the decision to arrest may be based on a number of circumstantial factors such as parental concern/availability, the offenders' attitude, or victims' request. Implementing objective criteria across the entire parish, inclusive of all police departments, would be one solution to reduce disparity across certain offense types, particularly the less serious offense types where discretion is more evident in the decision-making process.

Third, the results of this study highlight the importance of a more detailed examination of DMC at secure confinement. The data presented in Topics 2 and 3 did not provide any meaningful comparisons because, in most parishes, the number of White youth placed in secure residential confinement was too low to breakdown into offense categories. However, this limitation is a critical piece of information regarding DMC. Indeed, the overall number of Black youth, compared to White youth, placed in secure residential confinement is overwhelming high. Across the eight parishes, a total of 49 White youth were placed in secure confinement in 2009, compared to 441 Black youth. Furthermore, where valid comparisons could be made, the average length of time in secure confinement was greater for Black youth compared to White youth.

The disproportionately high number of Black youth being placed in an out of home setting (i.e., secure residential confinement) in Louisiana is also a critical problem and requires the implementation of strategies to reduce disparity at this decision point. Research suggests that juvenile offenders placed in secure confinement have a difficult time reintegrating themselves back into the community (Austin, Johnson, & Weitzer, 2005). As a result, youth placed in secure confinement are at an increased risk for poor school performance and school dropout, difficulties with securing employment, and a poor family environment. Research also indicates that youth who are confined in secure residential facilities are substantially more likely to re-offend compared to youth placed on community-based sanctions (i.e., probation). As a result, a major goal of the juvenile justice system is to rely on the least restrictive

alternative. The least restrictive alternative means that each juvenile offender is to be committed to a disposition that provides the least restriction to the juvenile and his/her family. Without a large enough number of White youth sent to secure confinement to make any valid conclusions about DMC across offense level, additional resources are required to investigate whether or not the least restrictive alternative is being used in circumstances where secure residential confinement is the chosen disposition and whether or not these decision-making processes are being used consistently across race.

Based on these three general findings, the next section outlines three DMC mitigation strategies.

Recommended Mitigation Strategies

The first mitigation strategy involves improving the availability of DMC data statewide. This step is a key component to DMC reduction and monitoring. The second mitigation strategy recommended is the development of objective criteria for arresting a juvenile that can be used consistently across the state. The adoption of objective criteria for making an arrest would help reduce the DMC across all juvenile arrests including school-based arrests. The third mitigation strategy is the use of graduated sanctions. The implementation of graduated sanctions in each jurisdiction would help target the disproportionately high number of Black youth sent to secure confinement across the state and lead to a more structured decision-making process.

Mitigation Strategy #1: Improving the Capacity to Collect, Analyze, and Monitor DMC Data

A major barrier to accomplishing the goals of this study was a lack of available data across the eight parishes. As shown in the results section above, the large amount of information that was unavailable inhibited a complete analysis of DMC across each of the assessment topics. As a result, improving the capacity to collect and monitor DMC data is the first, and most important, mitigation strategy recommended.

According to the Office of Juvenile Justice Delinquency and Prevention (OJJDP, 2009), "data are essential to determine if minority youth come into contact at disproportionate rates with the juvenile justice system, at which decision points, to what extent, and for which racial or ethnic groups" (pg. 2). Without the use of valid and reliable data, local juvenile justice agencies are unable to effectively engage in OJJDP's "DMC Reduction Activities Cycle." This cycle involves Identification, Assessment and Diagnosis, Intervention, Evaluation, and Monitoring. The identification stage involves calculating the RRI at each decision

point. The assessment stage involves using data to dig deeper into the causes of DMC. Evaluation entails the use of data to track the effectiveness of the DMC interventions and monitoring requires data to track the level of DMC over time.

Assessment/Diagnosis was the goal of the current study. The four assessment topics outlined above served as a starting point to assess and diagnose exactly where and why DMC is occurring across the eight parishes. However, the lack of available data prohibited a detailed assessment. This inability to analyze DMC data in each of the eight parishes is a significant finding of this study, because it underscores the importance of DMC data collection and highlights the difficulty of understanding DMC without valid data.

An effective strategy for improving DMC data collection is the adoption of a set of standard definitions, measurement strategies, and reporting guidelines that can be used statewide. Standardized data collection procedures would enhance the quality of DMC data that are available statewide, allow for valid comparisons of DMC across parishes as well as over certain time periods, and provide a baseline for ongoing monitoring of DMC at the local level. Standardized data collection procedures would also ensure that the appropriate level of detail regarding DMC is collected in every jurisdiction, while at the same time, improve the validity of the data collected.

We recommend that these data collection guidelines include the Relative Rate Index (RRI), as well as additional data elements that would allow for a more detailed understanding of DMC. This information should include offense information, race *and* ethnicity, length of time in custody (when applicable), geographic location and referral source (when applicable). One option for a standardized procedure for DMC data collection is the adoption of the data collection template developed by the W. Haywood Burns Institute (BI) (www.burnsinstitute.org). This template includes a recommended set of data elements to measure DMC at each of the decision points (i.e., BI-Level 1 expanded version). The BI method includes annual and quarterly measures of disparities by race, ethnicity, gender, geography, referral source, and offense severity (CCLP, 2009). This method also includes the collection of data on the use of alternatives to detention and detention overrides.

Another option for a standardized procedure for DMC data collection is the adoption of a statewide information system that allows easy access to data and advanced reporting capabilities. The use of a statewide system ensures consistency in the way juvenile justice data is collected, analyzed, and reported. For example, an information system with advanced reporting functionality would be able to quickly develop a report summarizing the information that was needed to analyze Assessment Topics 2 through 4 of the current study. One example of a possible

information system is the Integrated Juvenile Justice Information System (IJJIS) that is currently operated by the Louisiana Supreme Court. The benefits of this system include a detailed case management system available for each of the decision points, data sharing among juvenile justice agencies, advanced reporting functions, and access to client-level data that can be downloaded for more advanced analyses. This system is currently in use in a small number of juvenile justice agencies around the state. The statewide adoption of IJJIS, or another information system with similar data collection and reporting capabilities, would lead to a vast improvement in the availability of DMC data and facilitate further assessment and diagnosis of DMC at each particular decision point across the state.

Improving the quality of available DMC data is the first step in reducing disproportionate minority contact in Louisiana's juvenile justice system. As evidenced by the findings of this study, until access to valid and reliable juvenile justice data can be achieved in each of the local jurisdictions, an in-depth diagnosis of the causes of DMC at each decision point cannot be achieved. Without such diagnosis, local jurisdictions will not have crucial information needed to implement targeted DMC interventions and will be unable to evaluate the effectiveness of DMC reduction techniques.

Mitigation Strategy #2: The Use of Objective Decision-Making Criteria at Arrest

The survey conducted as part of Assessment Topic 1 sought to understand the prevalence of objective criteria among the participating parishes. With the exception of the detention stage, the use of objective criteria when decisions are made about youth is not common. Research suggests that the level of discretion available to decision-makers is one factor that may contribute to DMC in the juvenile justice system. Given the high levels of DMC revealed at arrest and school-based arrests, the development of objective criteria at arrest is the second mitigation strategy recommended.

Assessment of risk is a critical and essential component of the juvenile justice process. Conclusions about the level of risk of young offenders form the basis of many of the decisions made in the juvenile justice system (Lodewijks et al., 2008), particularly arrest. Such conclusions made through unstructured assessment are typically based on personal judgments which contribute to a lack of consistency and biases (Grove et al., 2000; Hoge, 2002). In the absence of clear decision criteria, considerable variability often exists. Objective criteria are able to reduce racial, ethnic, and gender disparities and biases by increasing the consistency of the decision-making process (Schwalbe et al., 2006). That is, objective criteria forces a structured decision-making process

based legal matters, such as the facts of the case and prior contact with the youth.

Of the seven parishes for which valid survey responses were obtained only one parish reported use of objective criteria when making an arrest. Targeting DMC at arrests is critical for several reasons. First, the results of this study reveal high levels of DMC at arrest, particularly for non-serious offenses. Secondly, arrest is typically the first point of entry into the juvenile justice system. As a result, the decision-making practices at this stage may be an important contributing factor to DMC found in subsequent stages. Thus, DMC at arrest has the potential to filter down to each subsequent stage.

Currently, law enforcement in several jurisdictions may choose to arrest a youth or counsel and release him back into the community. While the practice of counsel and release limits unnecessary arrests of youth and saves valuable resources, there typically are no clear guidelines or objective criteria which dictate which youth should be formally arrested and which are eligible for counsel and release, allowing subjective factors to influence decision making. Establishing a decision tree or instituting firm policies which outline factors that make a youth eligible for counsel and release will limit the subjectivity that is so prevalent at this decision point.

The adoption of objective criteria for arresting a youth will also help reduce disproportionality in school-based arrests. The results of Assessment Topic 4 highlight two important findings regarding the decision to make an arrest at school: 1) youth are being arrested at school for non-serious offenses (i.e., non-violent misdemeanors), and 2) DMC in school-based arrests is high in the three parishes providing data. Thus, the adoption of objective criteria for making an arrest should apply to all arrests, whether they occur at school or not. Such a policy would help reduce arrests for non-serious behaviors that should be treated within the school system. Therefore, we recommend requiring school administrators to exhaust all school disciplinary practices prior to getting law enforcement involved, particularly when violence is not a factor. Such "exhaustion procedures" should be one component of the objective criteria.

It important to note that the information provided by the parishes also highlights the need for objective criteria at additional decision points. In general, the results of Assessment Topic 1 indicate that the use of objective criteria at each of the decision points (except detention) is uncommon. However, the results of Assessment Topic 2 and 4 underscore the importance of adopting objective criteria at the point of arrest, given the high arrest RRIs across the parishes as well as the disproportionate number of Black youth being arrested at school.

Mitigation Strategy #3: The Development and Implementation of Graduated Sanctions

In addition to the secure confinement data collected in the eight parishes involved in the current study, recent data released from the Office of Juvenile Justice(OJJ) indicates that, as of March 2011, 77% of youth in secure confinement in LA are Black (OJJ, 2011). Thus, the disproportionately high number of Black youth being sent to secure custody is alarming and requires the development and implementation of strategies to mitigate DMC at the deep-end of Louisiana's juvenile justice system.

One possible strategy to reduce the number of Black youth sent to secure confinement is the adoption of a graduated sanctions grid. Over the past decade, graduated sanctions have become an increasingly common framework for organizing system interventions for juvenile offenders. This framework first received widespread attention due to its inclusion as a key component of the *Comprehensive Strategy for Serious, Violent and Chronic Juvenile Offenders* (Wilson and Howell, 1993). More recently, it has served as the foundation for the federal government's Juvenile Accountability Incentive Block Grant (JAIBG) Initiative (National Center for Juvenile and Family Court Judges, 2003). As defined in the JJDP Act of 2002, graduated sanctions are:

> "an accountability-based graduated series of sanctions (including incentives, treatment, and services) applicable to juveniles within the juvenile justice system to hold such juveniles accountable for their actions and to protect communities from the effects of juvenile delinquency by providing appropriate sanctions for every act for which a juvenile is adjudicated delinquent, by inducing their law-abiding behavior, and by preventing their subsequent involvement with the juvenile justice system."

Graduated sanctions are a multi-tiered continuum of interventions that help the juvenile justice system carefully match sanction and treatment responses to each youth's offense severity, level of risk, and service needs. They refer to the range of dispositional options that are available to juvenile justice decision-makers, including intake staff, district attorneys, probation officers, and juvenile court judges. Wilson and Howell (1993) recommend that a model graduated sanctions system combines treatment and rehabilitation with reasonable, fair, and appropriate sanctions. Thus, the goal of graduated sanctions is to offer a continuum of care consisting of diverse programs. Based on their recommendations, a continuum should include (at a minimum):

- immediate sanctions within the community for first-time, non-violent offenders;

- intermediate sanctions within the community for more serious offenders;
- secure care programs for the most violent offenders; and
- aftercare programs that provide high levels of social control and community-based treatment services.

Juvenile offenders should move along the continuum through a well-structured system of phases that addresses both their needs and the safety of the community. Sanctions should be escalated in response to repeat offending or misbehavior. At each level, offenders should be subject to more restrictive sanctions if they continue in their delinquent activities (Wilson & Howell, 1993).

Graduated sanctions promote accountability, while at the same time, focus on strengthening rather than severing the damaged bonds between the offender and the community. Thus, the concept of graduated sanctions is based on the principle of the least restrictive alternative. As mentioned above, this principle means that each juvenile offender is ordered to a disposition that provides the least restriction to the juvenile and his/her family. The adoption of a graduated sanctions grid would ensure that the least restrictive decisions are being made for every youth that comes into contact with the juvenile justice system. Thus, the decision-making process would become more objective and ensure that secure confinement is being used in only the most severe cases, when community-based sanctions are not an option or have not proven successful in reducing the behavior of the youth.

The implementation of a graduated sanctions grid is considered an effective strategy to reduce DMC (Armour & Hammond, 2009; Krisberg, 1998). The use of a locally standardized graduated sanctions grid used in every juvenile case can lead to a more fair and equitable decision-making process by standardizing the dispositional options available to juvenile justice decision-makers. Over time, the use of a graduated sanctions grid may help to reduce the number of Black youth being sent to secure confinement in Louisiana. Thus, the third mitigation strategy recommended for reducing DMC at the deep end of the juvenile justice system (i.e., secure confinement) is the development and implementation of a graduated sanctions grid to guide the decision-making process. For a complete guide to the implementation of graduated sanctions, please see http://www.ncjfcj.org.

Monitoring Plan

The monitoring plan in this section was developed to provide goals, action steps, and expected outcomes to monitor the effectiveness of the recommended mitigation strategies. Monitoring mitigation strategies is important since it provides a way to track if the mitigation strategy is having the desired effects in reducing DMC.

Goal	Action Step	Outcome/Product
Mitigation Strategy #1: Improved DMC Data Collection		
1a. Conduct an assessment of the data collection capabilities in each jurisdiction across the state.	Collect information describing each jurisdiction's capacity to collect DMC data at each of the decision points. The information collected will describe: a. The current case management system/platform used to collect data at each of the decision points. b. The ability to access the data for reporting purposes. c. The reporting functionality of the systems currently in place. d. A description of exactly what is collected and available for reporting at each decision point. e. A description of the decision points where data are not available or not accessible and the reasons why.	A report comparing the different data collection methods/case management systems used across the state.
1b. Based on the findings of the above assessment, the DMC committee will develop a standardized method of collecting DMC data statewide.	Based on the findings of the assessment above, the DMC committee will determine the most feasible method for improving DMC data collection. Options for standardizing DMC data collection include: a. A standard list of definitions, measurement strategies, and reporting format that can be adopted by any/all case management/data collection systems. b. A statewide juvenile justice database (e.g., IJJIS or another platform). c. A common template that data can be easily entered on a regular basis (e.g., BI-Level One template).	A standardized method for DMC data collection developed and finalized by the end of 2011.
1c. Guidelines for standardized DMC data collection based on the DMC committee's decision and approved by LCLE.	The development of a document that outlines the newly adopted DMC data collection guidelines that will be distributed statewide.	DMC data collection guidelines developed and finalized by the end of 2011.
1d. Consistent DMC data collection statewide.	Using the DMC data collection guidelines developed in 1c, each jurisdiction will collect data in 2012 based on these guidelines.	A summary of the DMC data collected in 2012.
1e. An increase in the availability and detail of DMC data statewide.	Using the data reported in the current study as a baseline, there will be: a. An increase in the amount of available DMC data. b. An improvement in the validity and reliability of the data collected. c. The ability to compare DMC data across jurisdictions.	A summary of the data collected in each of the jurisdictions for 2012. The amount of data available will be compared to the data available in the current report.

Goal	Action Step	Outcome/Product
Mitigation Strategy #2: The Use of Objective Decision-Making Criteria at Arrest		
2a. Form a committee to develop objective criteria.	Develop a committee with representatives from various law enforcement agencies, LCLE, and the DMC committee to develop a standard set of criteria to be used when arresting a child.	Formation of the committee.
2b. The development of objective criteria for arresting a juvenile.	The committee will develop objective criteria to be implemented by all arresting agencies statewide. These guidelines will also require school administrators to "exhaust" all resources before making an arrest and require all law enforcement agencies to collect data on all juvenile arrests.	Statewide guidelines for making a juvenile arrest finalized by the end of 2011.
2c. The implementation of objective criteria at arrest.	All arresting agencies will adopt the criteria in 2012.	Statewide use of criteria beginning in 2012.
2d. Improved collection of arrest data.	One component of the objective criteria policy will be improved data collection. All law enforcement agencies will be required to collect data on each arrest. This information will include (at a minimum): a. Demographic Information (race, ethnicity, gender) b. Location of arrest c. Prior arrest history d. Current offense e. Reason for arrest (i.e., show that he/she meets criteria)	Improved juvenile arrest data beginning in 2012.
2e. A reduction in DMC at arrest.	Track the RRI for arrest from 2010-2013. 2010 will be used as a baseline to compare DMC before and after the implementation of objective criteria.	A report summarizing these trends.
2f. A reduction in DMC at arrest occurring at school.	Track the demographic characteristics of school-based arrests from 2010-2013. 2010 will be used as a baseline to compare DMC before and after the implementation of objective criteria.	A report summarizing these trends.
Mitigation Strategy #3: Graduated Sanctions		
3a. Identify the disposition and treatment options available in each jurisdiction.	Each jurisdiction will conduct an assessment of available disposition and treatment options.	
3b. Develop of a localized graduated sanctions grid.	Using information collected in 3a, each jurisdiction will develop a localized graduated sanctions grid based on the offense severity, risk to the community, and treatment need. At a minimum, the graduated sanctions will adhere to the levels recommended by Wilson and Howell (1993): 1. Immediate sanctions within the community for first-time, non-violent offenders. 2. Intermediate sanctions within the community for more serious offenders. 3. Secure care programs for the most violent offenders. 4. Aftercare programs that provide high levels of social control and community-based treatment services.	The development and implementation of graduated sanctions.
3c. Reduction in secure confinement placements for Black youth.	Using data provided by OJJ and the local jurisdictions, track the RRI for Black and White youth for secure confinement from 2010-2013. 2010 data will be used as a baseline to compare pre- and post-implementation of graduated sanctions.	A summary of the trends in the RRI for secure confinement (broken down by race and ethnicity).

Conclusion

The results of this study highlight three critical areas of focus: arrest, secure confinement, and improving the quality and availability of DMC data. The adoption of policies that require the use of 1) objective criteria when arresting a juvenile, and 2) graduated sanctions when determining the outcome of a case are feasible strategies to reduce DMC at these particular decision points.

In addition, the results of this study also reveal a great deal of inconsistency across parishes and offense types. These results suggest that DMC may not manifest itself similarly across jurisdictions. Instead, DMC seems to be case or jurisdiction-specific. Thus, while one juvenile justice system may need to focus their attention on high rates of DMC in local detention for serious offenses, another jurisdiction may benefit more from focusing on implementing objective criteria for referring youth to court for non-serious offenses. Each jurisdiction included in this study differs on important factors such as agency policy for terminating or extending probation terms, criteria used to detain a youth, and the judges' perspectives on community safety and when/why a youth should be released from detention or placed in secure confinement. All of these circumstances interact in different ways that vary by parish and stage of the system, which results in varying levels of DMC. Thus, it is important to understand the intricacies of each jurisdiction's system and how these influence DMC at each specific stage. The first step in this endeavor is improving the availability of DMC data in each specific parish, so that a more detailed assessment of DMC can occur at the local level.

Appendices

Appendix A: References

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Appendix B: Tables

Table 1.1 Survey Results Measuring the Use of Objective Measures*

	Parish A	Parish B	Parish C	Parish D	Parish E	Parish F	Parish G	Parish H
Arrest	No	No	No	--	Yes	No	No	No
Referral to Juvenile Court	No	Yes	--	No	--	--	Yes	No
Diversion	No	Yes	--	Yes	--	--	No	No
Detention	Yes	Yes	Yes	No	--	No	Yes	Yes
Petition	No	No	--	No	--	--	No	No
Adjudication	No	No	--	--	--	Yes	No	No
Probation**	No	No	No	--	--	No	No	No
Secure Confinement	No	No	--	--	--	No	No	No
Transfer to Adult Court	No	Yes	--	No	--	--	No	No

* Only survey responses from a representative of that particular decision point were considered valid.

** Parishes C and F reported the use of the Structured Assessment of Violence Risk in Youth (SAVRY) as part of the pre-disposition report. In both parishes, it was noted that the results of the SAVRY does not determine disposition, but is used as a tool to guide the decision.

-- Indicates missing or invalid survey responses

Table 2.1: 2009 RRI Comparisons for Black and White Youth across Offense Level (Parish A)

	Total	Felony	Misdemeanor	FINS
Arrest*	--	--	--	--
Referrals to Juvenile Court	--	--	--	--
Cases Diverted*	--	--	--	--
Cases Involving Secure Detention**	--	--	--	--
Cases Petitioned	--	--	--	--
Cases Resulting in Adjudication	1.26	1.33	2.50	1.26
Cases Resulting in Local Probation	0.83	0.85	0.80	0.88
Cases Resulting in Secure Confinement***	3.37	2.09	--****	--

* Valid data summarizing juvenile arrests, referrals to juvenile court, and cases diverted are not available for 2009.

** A RRI for detention could not be estimated because the arrest rate is not available. In 2009, 90% of felony and 84% of misdemeanor admissions were black.

***Confinement rates could not be estimated for misdemeanor offenses because the rate of occurrence for white youth equaled zero (i.e., no white youth were sent to secure care for misdemeanors). The rate of occurrence for misdemeanors for black youth = 13.33). FINS cases were not placed in secure confinement in 2009.

Table 2.2: 2009 RRI Comparisons for Black and White Youth across Violence Level (Parish A)

	Total	Violent Felony	Non Violent Felony	Violent Misdemeanor	Non Violent Misdemeanor
Arrest*	--	--	--	--	--
Referrals to Juvenile Court	--	--	--	--	--
Cases Diverted	--	--	--	--	--
Cases Involving Secure Detention**	--	--	--	--	--
Cases Petitioned	--	--	--	--	--
Cases Resulting in Adjudication	1.26	1.57	1.11	1.65	1.14
Cases Resulting in Local Probation	0.83	0.45	1.00	0.71	0.75
Cases Resulting in Secure Confinement***	3.37	--	10.00	--	--

* Valid data summarizing juvenile arrests, referrals to juvenile court, and cases diverted are not available for 2009.

** The RRI for detention could not be estimated because the arrest rate is not available.

***Confinement rates could not be estimated for violent felonies and misdemeanors because the rate of occurrence for white youth equaled zero (i.e., no white youth were sent to secure care for these offenses). The rate of occurrence for violent felonies for black youth = 12.50 and violent misdemeanors=2.0. No youth were sent to secure care for non violent misdemeanors. FINS cases were not placed in secure confinement in 2009.

Table 2.3: 2009 RRI Comparisons for Black and White Youth across Offense Level (Parish B)

	Total	Felony	Misdemeanor	FINS
Arrest	4.37	4.11	4.28	--*
Referrals to Juvenile Court	0.89	0.82	1.04	--*
Cases Diverted	0.51	--**	0.45	--**
Cases Involving Secure Detention***	0.93	0.94	0.80	1.66
Cases Petitioned	1.02	1.01	1.01	1.12
Cases Resulting in Adjudication	1.04	1.05	1.13	1.01
Cases Resulting in Local Probation	0.96	0.92	0.90	1.10
Cases Resulting in Secure Confinement	1.46	1.43	1.65	--****

* The arrest data that was provided did not include arrests for FINS-related offenses. Therefore, referrals to juvenile court for FINS offenses could not be estimated. In 2009, there were 127 white youth referred to juvenile court for a FINS offense and 268 black youth referred to juvenile court for a FINS offense.

** One white youth was diverted for a felony offense; no black youth were diverted for a felony offense. FINS cases were not diverted in 2009.

*** Cases where the offense level could not be determined (e.g., theft of goods, possession of stolen property) are not included (n=213, 14% of admissions).

**** FINS cases were not placed in secure confinement in 2009.

Table 2.4: 2009 RRI Comparisons for Black and White Youth across Violence Level (Parish B)

	Total	Violent Felony	Non Violent Felony	Violent Misdemeanor	Non Violent Misdemeanor
Arrest	4.37	7.46	3.36	4.03	4.37
Referrals to Juvenile Court	0.89	0.66	0.91	1.24	0.97
Cases Diverted*	0.51	--*	--*	1.00	0.43
Cases Involving Secure Detention**	0.93	0.94	0.79	0.84	0.78
Cases Petitioned	1.02	0.94	1.02	1.03	1.00
Cases Resulting in Adjudication	1.04	1.20	0.96	1.12	1.13
Cases Resulting in Local Probation	0.96	0.84	0.96	0.93	0.88
Cases Resulting in Secure Confinement	1.46	1.70	1.62	1.56	1.07

* Violent felonies were not diverted in 2009. One white youth was diverted for a felony offense; no black youth were diverted for a felony offense.

** Cases where the offense level could not be determined (e.g., theft of goods, possession of stolen property) are not included (n=213, 14% of admissions).

Table 2.5: RRI Comparisons for Black and White Youth across Level of Arrest Offense (2009)

	Total Arrests	Felony	Misdemeanor	FINS	Other*
Parish C	7.22	12.27	7.31	--	4.93
Parish D	6.22	6.72	6.79	--	5.77
Parish E	5.66	3.45	6.79	1.82	5.88
Parish G	3.84	4.25	4.12	6.66	3.30

* Other offenses include offenses labeled "All other Offenses (Except Traffic)" and offense where an offense level could not be identified in the data file provided to GCR (i.e., Theft, Stolen Property; Buying, Receiving, Possessing)..

Table 2.6: RRI Comparisons for Black and White Youth across Violence Level of Arrest Offense (2009)

	Total Arrests	Violent Felony	Non Violent Felony	Violent Misdemeanor	Non Violent Misdemeanor
Parish C	7.22	18.83	9.57	5.67	7.84
Parish D	6.22	9.22	6.27	8.14	4.13
Parish E	5.66	10.61	2.98	6.63	6.87
Parish G	3.84	0.85	1.94	6.12	3.35

Table 2.7: Local Detention Admissions across Offense Level*

	# of Youth	% Felony	% Misdemeanor	% FINS	% Non Criminal*
Parish A (2009)					
Black Youth	135	49.6	15.6	1.5	33.3
White Youth	19	42.1	21.1	--	36.8
Parish D (2010)*					
Black Youth	619	27.5	54.8	7.6	10.2
White Youth	119	31.9	45.4	12.6	10.1
	# of Youth	**% Violent**	**% Non Violent**	**% Status**	
Parish F (2010)**					
Black Youth	380	49.5	28.2	22.4	
White Youth	5	--	20.0	80.0	

*Non Criminal refers to contempt of court, probation violation, and house arrest violation.

**137 cases were missing offense information or the offense level was unable to be identified (e.g., theft of goods).

*** The data provided by Parish F did not break the offense down by felony or misdemeanor, but only indicated whether the offense was violent, non violent, or a status offense. Due to the low numbers (n=5), "other" race is not reported.

Table 2.8: Local Detention Admissions across Violence Level*

	# of Youth	% Violent Felony	% Non Violent Felony	% Violent Misdemeanor	% Non Violent Misdemeanor	% FINS	% Non Criminal*
Parish A (2009)							
Black Youth	135	21.5	28.1	7.4	8.1	1.5	33.3
White Youth	19	15.8	26.3	10.5	10.5	--	36.8
Parish D (2010)*							
Black Youth	619	6.0	21.5	26.3	28.4	7.6	10.2
White Youth	119	3.4	28.6	24.4	21.0	12.6	10.1

*Non Criminal refers to contempt of court, probation violation, and house arrest violation.

** 137 cases were missing offense information or the offense level was unable to be identified (e.g., theft of goods, possession of stolen property).

Note: The proportion of youth ages 10-17 residing in each parish in 2009 are as follows: Parish A: 35% Black, Parish D: 45% Black, Parish F: 85%, Black.

Table 2.9: 2009 OJJ Probation Placements across Offense Level (Data obtained from JETS)*

	# of Youth**	% Felony	% Misdemeanor	% FINS
Parish D				
Black Youth	264	31.1	68.6	0.4
White Youth	67	44.8	52.2	3.0
Parish E				
Black Youth	197	22.3	72.6	5.1
White Youth	40	15.0	27.5	57.5
Parish F				
Black Youth	156	59.0	32.7	8.3
White Youth	1	100.0	--	--

* OJJ probation data could not be used in Caddo, Calcasieu, and East Baton Rouge because these jurisdictions have a local probation department. Data from the local probation department was unavailable.

** 58 cases were missing offense information. Due to the low numbers, "other" race are not reported (Lafayette: n=13, Ouachita: n=2, Orleans: n=1).

Table 2.10: 2009 OJJ Probation Placements across Violence Level (Data obtained from JETS)*

	# of Youth**	% Violent Felony	% Non Violent Felony	% Violent Misdemeanor	% Non Violent Misdemeanor	% FINS
Parish D						
Black Youth	264	8.3	22.7	21.2	47.3	0.4
White Youth	67	7.5	37.3	7.5	44.8	3.0
Parish E						
Black Youth	197	5.6	16.8	14.7	57.9	5.1
White Youth	40	--	15.0	12.5	15.0	57.5
Parish F						
Black Youth	156	12.2	46.8	5.1	27.6	8.3
White Youth	1	--	100.0	--	--	--

* OJJ probation data could not be used in Caddo, Calcasieu, and East Baton Rouge because these jurisdictions have a local probation department. Data from the local probation department was unavailable.

** 58 cases were missing offense information. Due to the low numbers, "other" race is not reported (Lafayette: n=13, Ouachita: n=2, Orleans: n=**1**).

Note: The proportion of youth ages 10-17 residing in each parish in 2009 are as follows: Parish D: 45% Black, Parish E: 31% Black, Parish F: 85% Black.

Table 2.11: 2009 Secure Custody Placements across Offense Level (Data obtained from JETS)

	# of Youth*	% Felony	% Misdemeanor
Parish C			
Black Youth	61	88.5	11.5
White Youth	3	33.3	66.7
Parish D			
Black Youth	43	62.8	37.2
White Youth	5	20.0	80.0
Parish E			
Black Youth	13	61.5	38.5
White Youth	0	--	--
Parish F			
Black Youth	107	57.9	42.1
White Youth	1	100.0	--
Parish G			
Black Youth	53	62.3	37.7
White Youth	2	50.0	50.0
Parish H			
Black Youth	19	78.9	21.1
White Youth	6	100.0	--

* 22 cases were missing offense information. Due to the low number (n=6), "other" race is not included.

Note: The proportion of youth ages 10-17 residing in each parish in 2009 are as follows: Parish C: 56% Black, Parish D: 45% Black, Parish E: 31% Black, Parish F: 85% Black, Parish G: 58% Black, Parish H: 26% Black.

Table 2.12: 2009 Secure Custody Placements across Violence Level (Data obtained from JETS)

* 22 cases were missing offense information. Due to the low number (n=6), "other" race is not included.

	# of Youth*	% Violent Felony	% Non Violent Felony	% Violent Misdemeanor	% Non Violent Misdemeanor
Parish C					33.3
Black Youth	61	39.3	49.2	8.2	3.3
White Youth	3	--	33.3	33.3	33.3
Parish D					
Black Youth	5	--	20.0	20.0	60.0
White Youth	43	23.3	37.5	18.8	18.6
Parish E					
Black Youth	13	23.1	38.5	15.4	23.1
White Youth	0	--	--	--	--
Parish F					
Black Youth	107	14.0	43.0	9.3	33.6
White Youth	1	100.0	--	--	--
Parish G					
Black Youth	53	22.6	39.6	11.3	26.4
White Youth	2	50.0	--	--	50.0
Parish H					
Black Youth	19	31.6	42.1	10.5	15.8
White Youth	6	50.0	50.0	--	--

Note: The proportion of youth ages 10-17 residing in each parish in 2009 are as follows: Parish C: 56% Black, Parish D: 45% Black, Parish E: 31% Black, Parish F: 85% Black, Parish G: 58% Black, Parish H: 26% Black.

Table 3.1: Racial Differences in Average Length of Time on Probation by Offense Level (2009)*

	Black Probation Cases			White Probation Cases		
	# of closed probation cases	Average Days on Probation	Standard Deviation	# of closed probation cases	Average Days on Probation	Standard Deviation
Parish A						
Total	20	168.90	93.40	12	191.50	118.44
Felony	9	159.44	86.93	6	236.17	106.54
Misdemeanor	3	203.00	25.24	3	44.00	40.45
FINS	8	166.75	125.64	3	249.67	58.71
Parish D						
Total	174	319.33	107.50	37	331.05	92.21
Felony	31	354.39	109.10	4	383.25	21.69
Misdemeanor	133	308.71	108.46	10	306.60	85.35
FINS	10	351.90	53.56	23	332.61	100.49
Parish E						
Total	213	323.05	143.93	63	363.05	143.57
Felony	66	297.18	127.34	28	337.50	121.06
Misdemeanor	147	335.56	149.67	33	379.73	148.85
FINS	--	--	--	2	445.50	364.16
Parish F						
Total	126	292.36	169.20	1	200.00	--
Felony	72	313.18	177.78	1	200.00	--
Misdemeanor	44	276.36	156.48	--	--	--
FINS	10	212.80	139.81	--	--	--

* This table only includes closed probation cases. Forty-six probation cases (59%) in Parish A, 29 (11%) cases in Parish D, 59 cases (16%) in Parish E, and 31 (19%) in Parish F were still open or did not have an identifiable offense level. Due to the low number of cases (n=14), "other" race is not included.

Table 2: Racial Differences in Average Length of Time on Probation by Violence Level (2009)*

	Black Probation Cases			White Probation Cases		
	# of closed probation cases	Average Days on Probation	Standard Deviation	# of closed probation cases	Average Days on Probation	Standard Deviation
Parish A						
Total	20	168.90	93.40	12	191.50	118.44
Violent Felony	1	161.00	--	1	360.00	--
Non Violent Felony	8	159.25	92.93	5	211.40	97.92
Violent Misdemeanor	2	206.50	34.65	1	28.00	--
Non Violent Misdemeanor	1	196.00	--	2	52.00	53.74
Parish D						
Total	174	319.33	107.50	37	331.05	92.21
Violent Felony	7	331.57	66.16	--	--	--
Non Violent Felony	24	361.04	119.07	4	383.25	21.69
Violent Misdemeanor	28	310.86	96.57	5	366.00	00.00
Non Violent Misdemeanor	105	308.13	111.83	5	247.20	87.01
Parish E						
Total	213	323.05	143.93	63	363.05	143.57
Violent Felony	20	280.30	163.78	5	437.40	136.04
Non Violent Felony	46	304.52	109.17	23	315.78	108.83
Violent Misdemeanor	45	349.18	169.99	4	294.25	137.06
Non Violent Misdemeanor	102	391.52	148.27	29	329.56	140.27
Parish F						
Total	126	292.36	169.20	1	200.00	--
Violent Felony	15	348.07	143.30	--	--	--
Non Violent Felony	57	304.00	185.81	1	200.00	--
Violent Misdemeanor	7	331.71	207.56	--	--	--
Non Violent Misdemeanor	37	265.89	146.15	--	--	--

* This table only includes closed probation cases. Forty-six probation cases (59%) in Parish A, 29 (11%) cases in Parish D, 59 cases (16%) in Parish E, and 31 (19%) in Parish F were still open or did not have an identifiable offense level. Due to the low number of cases (n=14), "other" race is not included.

Table 3.3: Racial Differences in Average Length of Stay in Local Detention by Offense Level*

	Black Detention Admissions			White Detention Admissions		
	# of detention admissions*	Average Days in Detention	Standard Deviation	# of detention admissions	Average Days in Detention	Standard Deviation
Parish A (2009)						
Total	132	25.99	26.27	19	16.11	19.12
Felony	65	31.54	30.61	8	11.87	15.87
Misdemeanor	21	17.05	23.20	4	22.00	24.04
FINS	2	18.50	23.34	--	--	--
Non Criminal**	44	22.41	18.55	7	17.57	21.54
Parish B (2009)						
Total	943	13.16	20.89	352	8.82	14.50
Felony	315	21.59	29.20	127	10.34	17.90
Misdemeanor	289	8.33	14.36	128	5.73	11.35
FINS	63	9.05	6.74	18	8.39	9.07
Non Criminal**	276	9.52	13.14	79	11.47	13.20
Parish D (2010)						
Total	610	11.78	15.81	119	11.23	15.41
Felony	168	14.46	16.89	38	9.53	17.72
Misdemeanor	336	9.29	13.99	54	8.20	9.43
FINS	46	11.48	15.48	15	17.60	22.71
Non Criminal**	60	18.38	19.44	12	22.25	12.73

*Cases in which an offense level could not be identified (e.g., theft, possession of stolen drugs) and/or did not have a release date were excluded: Parish A: NA; %; Parish B: n=213, 14%; Parish D: n=146, 17%.

** Non criminal refers to contempt of court, violation of probation, and violation of house arrest.

Table 3.4: Racial Differences in Average Length of Time in Local Detention by Violence Level*

	Black Detention Admissions		White Detention Admissions			
	# of detention admissions*	Average Days in Detention	# of detention admissions*	Average Days in Detention	# of detention admissions*	Average Days in Detention
Parish A (2009)						
Total	132	25.99	26.27	19	16.11	19.12
Violent Felony	28	46.00	37.08	3	11.00	8.89
Non Violent Felony	37	20.59	18.66	5	12.40	20.01
Violent Misdemeanor	10	15.00	19.25	2	15.50	16.26
Non Violent Misdemeanor	11	18.91	27.12	2	28.50	36.06
Parish B (2009)						
Total	943	13.16	20.89	352	8.82	14.50
Violent Felony	148	28.60	34.93	32	11.63	21.21
Non Violent Felony	167	15.38	21.20	95	9.91	16.73
Violent Misdemeanor	144	10.30	15.33	64	6.52	13.61
Non Violent Misdemeanor	145	6.38	13.08	64	4.95	8.56
Parish D (2010)						
Total	610	11.78	15.81	119	11.23	15.41
Violent Felony	36	14.89	17.86	4	14.89	17.86
Non Violent Felony	132	14.35	16.68	34	6.53	8.72
Violent Misdemeanor	160	8.39	12.79	29	6.52	6.40
Non Violent Misdemeanor	176	10.11	15.01	25	10.16	11.88
Parish F (2010)						
Total	380	16.44	22.75	5	7.00	1.87
Violent Offense	107	23.50	32.92	1	7.00	--
Non Violent Offense	188	14.53	17.88	--	--	--
FINS Offense	85	11.78	12.75	4	7.00	2.16

*Cases in which an offense level could not be identified (e.g., theft, possession of stolen drugs) and/or did not have a release date were excluded: Parish A: NA; Parish B: n=213, 14%; Parish D: n=146, 17%; Parish F: NA.

NOTE: Parish F did not break the offense down by felony or misdemeanor or provide the specific offense.

Table 3.5: Racial Differences in Average Length of Stay in Secure Residential Confinement by Offense Level (2009)*

	Black Secure Confinement Admissions			White Secure Confinement Admissions		
	# of Secure Confinement Admissions	Average Days in Secure Confinement	Standard Deviation	# of Secure Confinement Admissions**	Average Days in Secure Confinement	Standard Deviation
Parish A	**9**	**391.00**	**176.70**	**--**	**--**	**--**
Felony	7	361.43	186.76	--	--	--
Misdemeanor	2	494.50	113.84	--	--	--
Parish B	**59**	**364.32**	**147.92**	**22**	**333.91**	**171.22**
Felony	34	377.88	156.37	15	328.80	159.47
Misdemeanor	25	345.88	136.55	7	344.86	207.52
Parish C	**31**	**409.52**	**178.15**	**3**	**409.00**	**91.80**
Felony	25	434.04	167.44	1	356.00	--
Misdemeanor	6	307.33	200.11	2	435.50	112.43
Parish D	**12**	**428.83**	**159.74**	**--**	**--**	**--**
Felony	7	373.00	153.85	--	--	--
Misdemeanor	5	507.00	146.89	--	--	--
Parish E	**23**	**287.22**	**140.62**	**5**	**179.80**	**164.04**
Felony	12	324.67	179.47	1	423.00	--
Misdemeanor	11	246.36	67.47	4	119.00	106.00
Parish F	**88**	**320.38**	**163.21**	**--**	**--**	**--**
Felony	48	374.44	157.09	--	--	--
Misdemeanor	40	255.50	147.55	--	--	--
Parish G	**25**	**292.08**	**210.72**	**1**	**181.00**	**--**
Felony	9	403.56	224.35	--	--	--
Misdemeanor	16	229.38	180.41	1	181.00	--
Parish H	**5**	**659.80**	**107.78**	**2**	**409.00**	**42.43**
Felony	5	659.80	107.78	2	409.00	42.43
Misdemeanor	--	--	--	--	--	--

* Cases with an offense level could not be identified (e.g., theft, possession of stolen property) and/or did not have a release date were excluded (n=212, 42.7%).

** Of the cases that did not have a release date, 7% were White, 90% were Black, and 3% were "Other."

Note: Due to the low numbers in each category, breaking the offenses down by violence level did not provide meaningful comparisons across race.

able 4.1 School Arrests during the 2009-2010 School Year

	Number of School Arrests	% Black
Parish A	64	78%
Parish B	708	76%
Parish G	344	97%

Table 4.2 Most Common Offense for School-Based Arrests during the 2009-2010 School Year

	# of School Arrests	% of Total School Arrests	% Black
Parish A			
Disturbing the Peace	34	53%	100%
Parish B			
Interfering with an Education Institution	173	24%	84%
Parish G			
Disturbing the Peace	173	50%	96%

Note: The proportion of youth attending public schools in each of the parishes is: Parish A = 43% Black, Parish B = 49% Black, and Parish G = 64% Black.

Appendix C: Survey

The purpose of this questionnaire is to understand the decision-making process at each stage of the juvenile justice system. More specifically, the goal of this survey is to identify a) the stages of the JJS where objective screening criteria are most commonly used to make decisions, b) what these criteria include, and c) who is responsible for making the decision at each stage. This information will used to compare the decision-making processes across the JJS stages in a given parish, as well across parishes, and to correlate the RRI at each stage with the decision-making process.

Once we receive your completed questionnaire, we will contact you via email if we have any additional questions. If you have any questions or comments, please contact Tobie Curry by email at tcurry@gcrconsulting.com. Thank you for taking the time to provide this information.

Below is a list of the RRI Contact Points. Please provide the most up-to-date information regarding the decision-making process that occurs at each stage in your parish.

1. Juvenile Arrests

Who is responsible for determining if a child is arrested?

_____

Is this decision based on objective criteria? Yes No

If yes, please describe these criteria.

_____
_____
_____
_____
_____

How often are these criteria used to make decisions?

Every Case Most Cases Some Cases Rare Cases

Does the decision-making process involve the use of a screening/assessment tool? Yes No

If yes, please provide the name of the screening/assessment tool.

_____

Is the screen/assessment tool evidence-based (ie: based on research)?

_____

How often is this screening/assessment tool used to make decisions?

Every Case Most Cases Some Cases Rare Cases

2. Refer to Juvenile Court

Who is responsible for determining if a child is referred to juvenile court?

_____

Is this decision based on objective criteria? Yes No

If yes, please describe these criteria.

_____
_____
_____
_____
_____
_____

How often are these criteria used to make decisions?

Every Case Most Cases Some Cases Rare Cases

Does the decision-making process involve the use of a screening/assessment tool? Yes No

If yes, please provide the name of the screening/assessment tool.

_____

Is the screen/assessment tool evidence-based (ie: based on research)?

_____

How often is this screening/assessment tool used to make decisions?

Every Case Most Cases Some Cases Rare Cases

3. Cases Diverted

Who is responsible for determining if a child is referred to a diversion program?

_____

Is this decision based on objective criteria? Yes No

If yes, please describe these criteria.

_____
_____
_____
_____
_____

How often are these criteria used to make decisions?

Every Case Most Cases Some Cases Rare Cases

Does the decision-making process involve the use of a screening/assessment tool? Yes No

If yes, please provide the name of the screening/assessment tool.

_____

Is the screen/assessment tool evidence-based (ie: based on research)?

_____

How often is this screening/assessment tool used to make decisions?

Every Case Most Cases Some Cases Rare Cases

4. Cases Involving Secure Detention

Who is responsible for determining if a child is sent to secure detention?

_____

Is this decision based on objective criteria? Yes No

If yes, please describe these criteria.

_____
_____
_____
_____
_____

How often are these criteria used to make decisions?

Every Case Most Cases Some Cases Rare Cases

Does the decision-making process involve the use of a screening/assessment tool? Yes No

If yes, please provide the name of the screening/assessment tool.

_____

Is the screen/assessment tool evidence-based (ie: based on research)?

_____

How often is this screening/assessment tool used to make decisions?

Every Case Most Cases Some Cases Rare Cases

5. Cases Petitioned (Charges Filed)

Who is responsible for determining if a petition is filed? _____

Is this decision based on objective criteria? Yes No

If yes, please describe these criteria.

_____
_____
_____
_____
_____

How often are these criteria used to make decisions?

Every Case Most Cases Some Cases Rare Cases

Does the decision-making process involve the use of a screening/assessment tool? Yes No

If yes, please provide the name of the screening/assessment tool.

_____

Is the screen/assessment tool evidence-based (ie: based on research)?

_____

How often is this screening/assessment tool used to make decisions?

Every Case Most Cases Some Cases Rare Cases

6. Cases Resulting in Delinquent Findings

Who is responsible for determining if a child is adjudicated? _____

Is this decision based on objective criteria? Yes No

If yes, please describe these criteria.

_____
_____
_____
_____
_____

How often are these criteria used to make decisions?

Every Case Most Cases Some Cases Rare Cases

Does the decision-making process involve the use of a screening/assessment tool? Yes No

If yes, please provide the name of the screening/assessment tool.

_____

Is the screen/assessment tool evidence-based (ie: based on research)?

_____

How often is this screening/assessment tool used to make decisions?

Every Case Most Cases Some Cases Rare Cases

7. Cases Resulting in Probation Placement

Who is responsible for determining if a child is placed on probation? _____

Is this decision based on objective criteria? Yes No

If yes, please describe these criteria.

_____
_____
_____
_____
_____

How often are these criteria used to make decisions?

Every Case Most Cases Some Cases Rare Cases

Does the decision-making process involve the use of a screening/assessment tool? Yes No

If yes, please provide the name of the screening/assessment tool.

_____

Is the screen/assessment tool evidence-based (ie: based on research)?

_____

How often is this screening/assessment tool used to make decisions?

Every Case Most Cases Some Cases Rare Cases

8. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities

Who is responsible for determining if a child is placed in secure confinement?

_____

Is this decision based on objective criteria? Yes No

If yes, please describe these criteria.

_____
_____
_____
_____
_____

How often are these criteria used to make decisions?

Every Case Most Cases Some Cases Rare Cases

Does the decision-making process involve the use of a screening/assessment tool? Yes No

If yes, please provide the name of the screening/assessment tool.

_____

Is the screen/assessment tool evidence-based (ie: based on research)?

_____

How often is this screening/assessment tool used to make decisions?

Every Case Most Cases Some Cases Rare Cases

9. Cases Transferred to Adult Court

Who is responsible for determining if a child is sent to secure detention?

_____

Is this decision based on objective criteria? Yes No

If yes, please describe these criteria.

_____
_____
_____
_____
_____
\

How often are these criteria used to make decisions?

Every Case Most Cases Some Cases Rare Cases

Does the decision-making process involve the use of a screening/assessment tool? Yes No

If yes, please provide the name of the screening/assessment tool.

_____

Is the screen/assessment tool evidence-based (ie: based on research)?

_____

How often is this screening/assessment tool used to make decisions?

Every Case Most Cases Some Cases Rare Cases

For questions or comments, please contact Tobie Curry at tcurry@gcrconsulting.com.

Thank you for taking the time to provide this information.