

Compliance with the Disproportionate Minority Contact (DMC) Core Requirement

Prepared under contract from the Washington State Partnership Council on Juvenile Justice (WA-PCJJ) and the Office of Juvenile Justice by William Feyerherm, PhD, WA-PCJJ member

Background:

According to 2016 estimates, Washington State's juvenile (age 10 – 17) racial composition was approximately 62 percent White and 38 percent minority youth (6 percent Black, 12 percent American Indian, 10 percent Asian, and 20 percent Hispanic of any race). However, when we look at the 'deep end' of the juvenile justice system, admissions to State secure custody facilities (Juvenile Rehabilitation Administration), the demographics change considerably. Of such admissions to JRA, 42% are white youth and fully 25% are Black youth. Recognizing the Racial and Ethnic disparities represented by these numbers, the Washington Partnership Council on Juvenile Justice has placed DMC / RED issues as its leading priority for funding and action for several years. This report uses the DMC reduction cycle (recommended by OJJDP) as an outline to report on actions taken in 2017 and plans for ongoing work to reduce these disparities.

Phase I: Identification

1. Updated DMC Identification data processes

Relative Rate Index data compiled by the WA-PCJJ examined race and ethnicity as factors influencing decisions at various points within the juvenile justice system, each decision point being based on the preceding decision point. The most recent full year of information available is for calendar year 2016. In 2016, non-white youth accounted for approximately 38 percent of the juvenile population, but 49% all juvenile court offense referrals, 50 percent of juveniles held in county detention facilities, 59 percent of cases transferred to adult court and 72 percent of juveniles held in JRA (State) and local facilities.

Due to changes in the format and systems generating data provided by the Washington Association of Sheriffs and Police Chiefs, as well as the Administrative Office of the Courts, we have recently obtained 2016 data and have used that in this report. Washington is able to complete and submit data elements for all categories except Probation which is not currently reported in a uniform and reliable manner. We continue to work with the Courts and the Administrative Office of the Courts to collect this data.

Several other data collection details need to be noted. There have been changes in the collection procedures and definitions for arrest, detention, and secure confinement. Each of these changes are explained below. However, it must be noted at the outset that these changes make comparison with previous years data problematic in several stages.

With respect to arrest data, Washington embarked in 2015 on a transition to the NIBRS system, which provides much greater detail about individual arrests, and includes specific questions about ethnicity as well as race. As of 2016, all counties except Spokane County have moved completely to the NIBRS system. In Spokane County, roughly 2/3 of the arrests were still recorded using the FBI UCR summary methods. As a result, the count of arrests of Hispanic youth are artificially low in Spokane county. It should be noted that the identification of race and ethnicity, even within the NIBRS approach, is subject to the arresting officer's identification of the youth, rather than necessarily relying on self-identification. It is likely that as officers in Washington State gain more experience with the NIBRS reporting system the composition of arrested youth will appear to change, due to more consistent and appropriate classifications.

With respect to numbers of cases involving pre-adjudication detention, recent shifts in the AOC data collection and classification methods permit distinction between pre and post adjudication detention. In addition, since AOC has implemented a case-based data storage system, it is now possible to determine the number of cases in which detention was used, whereas in previous years it was only feasible to examine the number of detention admissions, which were clearly multiple admissions in many cases.

Numbers of Placements in secure confinement previously were previously based on judicial orders and could result in multiple entries for some cases. With revised data collection procedures, placement in secure confinement is now defined as either 1) admission to detention post adjudication or 2) admission to the Juvenile Rehabilitation Administration, which operates the State secure correctional facilities.

These modifications in our data reporting processes improve the quality of the data reported, provide additional opportunities to conduct 'in-house' assessment activities, and bring our data closer to the OJJDP definitions for each of these stages, however these changes also mean that comparisons of some of the rates and RRI values with past years are not reasonable.

Full Excel files showing the 2016 Relative Rate Index for Washington State, King County, Pierce County and Spokane County are attached to this report. These three counties represent over 45% of the state's youth population (age 10-17) and 47.5% of the state's minority youth population (age 10-17). Each of these sites are also Juvenile Detention Alternative Initiatives (JDAI) sites and have ongoing DMC/R.E.D. efforts. Extracted data tables from each county are used in the following analyses to select focal areas for DMC assessment and intervention.

In generating the RRI tables discussed below from the OJJDP Excel spreadsheets, several display elements have been changed in order to enhance the interpretation of the results. First, we do not report on Pacific Island and Native Hawaiian youth since these groups seldom appear in our juvenile justice system. Second, since the patterns of experience differ widely across African American, Native American, Hispanic and Asian youth, we do not report the 'all minorities' category. Likewise, since the 'other / unknown' group is not used in the population estimates and is logically impossible to use as a focal group for policy, this group has been excluded in the tabulated displays. Third, in displaying the RRI and volume results we only show those values which are statistically significant ($p < .05$) in order to make patterns of relationships clearer. Finally, in examining those significant RRI values, we only display those values in which the non-white youth are at a disadvantage. For example, in many communities, Asian youth have markedly lower arrest rates than white youth. Since the focus of RED / DMC efforts is to reduce disparities which work against non-white youth, we do not show these instances of lower rates of contact. Each of these modifications and exclusions has been designed to enhance the interpretation of the tables presented below. It should be emphasized that the analyses that underlies this report took into account the full set of information shown in the Excel sheets and that the full sheets are attached in appendices to this report.

2. Discussion of DMC Identification Data

a. Statewide Data:

Table 1 displays the raw counts of youth population and forms of contact with the juvenile justice system. As noted above, roughly 68% of the juvenile population (ages 10-17) are white youth, with Hispanic being clearly the next largest population group. When converted to rates of processing, we get Table 2, which has several interesting items. First, the arrest rates for Black and Native American youth are substantively higher than the rates for white, Hispanic and Asian youth. Also interesting is that for all groups the referral rate per 100 arrests is above 100. In other words, there are substantial forms of referral to juvenile court aside from the arrests which are recorded in the NIBRS system. At this point we do not know the exact nature of those 'extra' referrals, but several logical possibilities exist. For example, these may be 'lower level' arrests for municipal violations or other infractions which do not generate a NIBRS record. They may be referrals for probation violations or violations of other forms of release. These may reflect referrals from other agencies such as schools, federal agencies or other States.

	White	Black	Hispanic	Asian	American Indian
1. Population at risk (age 10 through 17)	445,318	43,646	143,335	69,735	12,911
2. Juvenile Arrests	7,216	2,076	2,610	366	364
3. Refer to Juvenile Court	10,175	2,956	4,634	672	816
4. Cases Diverted	4,773	1,017	1,979	318	306
5. Cases Involving Secure Detention	3,278	987	1,656	201	331
6. Cases Petitioned (Charge Filed)	4,832	1,644	2,368	307	505
7. Cases Resulting in Delinquent Findings	2,320	817	1,253	129	291
8. Cases resulting in Probation Placement					
9. Cases Resulting in Secure Confinement	321	192	177	28	32
10. Cases Transferred to Adult Court	33	22	16	7	3
Meets 1% rule for group to be assessed?	Yes	Yes	Yes	Yes	Yes

	White	Black	Hispanic	Asian	American Indian
2. Juvenile Arrests	16.2	47.6	18.2	5.2	28.2
3. Refer to Juvenile Court	141.0	142.4	177.5	183.6	224.2
4. Cases Diverted	46.9	34.4	42.7	47.3	37.5
5. Cases Involving Secure Detention	32.2	33.4	35.7	29.9	40.6
6. Cases Petitioned	47.5	55.6	51.1	45.7	61.9
7. Cases Resulting in Delinquent Findings	48.0	49.7	52.9	42.0	57.6
8. Cases resulting in Probation Placement					
9. Cases Resulting in Secure Confinement	13.8	23.5	14.1	21.7	11.0
10. Cases Transferred to Adult Court	0.7	1.3	0.7	2.3	0.6

In Table 3, we see the conversion of the juvenile justice rates into the Relative Rate Index, for measuring the extent of statistical differences in the experiences of white and non-white youth. Clearly the two largest disparities are with respect to arrest rates for Black youth, and confinement rates for Asian youth. Judging the relative importance of those two disparities from a policy making perspective leads us to consideration of Table 4, in which we examine the changes in the volume of cases handled which would be needed in order to achieve statistical parity with white youth. In the case of arrests of Black youth, we would need to prevent behavior or find alternatives to arrest for 1,369 cases in order to reduce the arrest rate for Black youth to the level of the arrest rate for white youth. On the other hand, in order to shift the confinement rate for Asian youth to the same level as the confinement rate for white youth, we would need to find ways of avoiding 10 cases in which Asian youth were placed in secure confinement. Clearly from the vantage point of the number of youth experiencing disparate treatment, the instance of arrests for Black youth is the more pressing and needs the higher priority.

	Black	Hispanic	Asian	American Indian
2. Juvenile Arrests	2.94	1.12		1.74
3. Refer to Juvenile Court		1.26	1.30	1.59
4. Cases Diverted	0.73	0.91		0.80
5. Cases Involving Secure Detention		1.11		1.26
6. Cases Petitioned	1.17	1.08		1.30
7. Cases Resulting in Delinquent Findings		1.10		1.20
8. Cases resulting in Probation Placement				
9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	1.70		1.57	
10. Cases Transferred to Adult Court	1.96		3.34	

	Black	Hispanic	Asian	American Indian
2. Juvenile Arrests	-1369	-287		-155
3. Refer to Juvenile Court		-954	-156	-303
4. Cases Diverted	370	195		77
5. Cases Involving Secure Detention		-163		-68
6. Cases Petitioned	-240	-167		-117
7. Cases Resulting in Delinquent Findings		-116		-48
8. Cases resulting in Probation Placement				
9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	-79		-10	
10. Cases Transferred to Adult Court	-11		-5	

These considerations are summarized in Table 5, the RRI Tracking Sheet, which identifies those comparisons with respect to which RRI values are statistically significant, which have the largest magnitude, which have

the largest impact on the greatest number of youth (the Volume consideration, and adds one additional dimension, a comparative element. The comparison uses the comparison in the OJJDP Excel tool to compare the RRI coefficients to the range of 50 States or to nearly 1500 Counties nationwide which have reported RRI calculations in the OJJDP data tool. As indicated in the notes following Table 5, we have applied a set of filters to screen those decision points with the highest priority. Those filters include a base requirement of statistical significance, then add a degree of magnitude (RRI above 1.33 or below .75) , a degree of volume (requiring at least a shift of 200 cases) and finally an assessment of comparison with other jurisdictions. In the comparison area, the OJJDP tool provides a measure of the 25th and 75th percentile levels, so we are looking for decision points that have greater disparity than 75 percent of the other jurisdictions in the nation. Two decision points meet all four standards, the higher use of referrals for Native youth and the lower use of diversion programs for Black youth. One additional decision point, arrests for Black youth, impacts a large number of youth, has a large magnitude, but is not ‘out of line’ with the RRI values reported by other States. In terms of State level policy and programming, we will use these three areas as focal points for activity.

	Black	Hispanic	Asian	American Indian
2. Juvenile Arrests	S, M, V	S, V		S, M
3. Refer to Juvenile Court		S, V, C	S	S, M, V, C
4. Cases Diverted	S, M, V, C	S		S, C
5. Secure Detention		S		S
6. Cases Petitioned	S, V, C	S		S, M, C
7. Delinquent Findings		S, C		S, C
8. Probation				
9. Secure Confinement	S, M		S, M	
10. Adult Court	S, M		S, M	

S = Statistically Significant (p<.01)
M = magnitude above 1.33 or below .75
V = Volume - over 200 cases needed to change
C = Comparison - above 75th or below 25th percentile

b. King County

We will use the same analytic process for three counties as we used at the Statewide level. Taken together, these counties (King, Pierce, and Spokane) contain over 45% of the State’s juvenile population and a slightly higher percentage (48%) of the non-white juvenile population. The demographic composition of the King County juvenile population is 55 percent white, 10 percent Black, 15 percent Hispanic and 20 percent Asian. Less than one percent of the juvenile population is Native American, less than the threshold at which OJJDP recommends separate consideration of DMC issues.

	White	Black	Hispanic	Asian	American Indian
1. Population at risk (age 10 through 17)	102,966	19,371	27,489	36,736	1,611
2. Juvenile Arrests	719	918	300	162	31
3. Refer to Juvenile Court	883	1,087	376	219	78
4. Cases Diverted	480	336	153	90	22
5. Cases Involving Secure Detention	190	328	117	57	36
6. Cases Petitioned (Charge Filed)	284	642	194	103	49
7. Cases Resulting in Delinquent Findings	108	316	87	42	25
8. Cases resulting in Probation Placement	0	0	0	0	0
9. Cases Resulting in Secure Confinement	43	125	26	15	8
10. Cases Transferred to Adult Court	0	1	0	0	0
Meets 1% rule for group to be assessed?	Yes	Yes	Yes	Yes	No

Table 7 again presents the rates of contact across racial and ethnic groups. Again, it is notable that for all groups the number of court referrals exceeds the number of arrests.

	White	Black	Hispanic	Asian	American Indian
2. Juvenile Arrests	7.0	47.4	10.9	4.4	19.2
3. Refer to Juvenile Court	122.8	118.4	125.3	135.2	251.6
4. Cases Diverted	54.4	30.9	40.7	41.1	28.2
5. Cases Involving Secure Detention	21.5	30.2	31.1	26.0	46.2
6. Cases Petitioned	32.2	59.1	51.6	47.0	62.8
7. Cases Resulting in Delinquent Findings	38.0	49.2	44.8	40.8	51.0
8. Cases resulting in Probation Placement					
9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	39.8	39.6	29.9	35.7	32.0
10. Cases Transferred to Adult Court		0.2			

Shifting to the Relative Rate index, in Table 8, we see that the index value for arrests of Black youth is extremely high. Comparing the rates for white and Black arrests in King County (Table 7) with the corresponding rates in the Statewide data (Table 2) begins to provide a partial explanation for the magnitude of the arrest RRI in King County. The arrest rate for Black youth in King County is nearly identical to the State rate (roughly 47 arrests per 1,000 population). However, the arrest rate for white youth in King County (7 per

1,000) is less than half the arrest rate Statewide (16.2 per 1,000). In other words, the RRI is extremely high in part because the arrest rate for white youth is comparatively low. There are of course other factors influencing the high RRI, so an intensive assessment is warranted. The recent switch to NIBRS data will be a major asset in understanding the difference in arrest experiences.

	Black	Hispanic	Asian	American Indian
2. Juvenile Arrests	6.79	1.56		
3. Refer to Juvenile Court				
4. Cases Diverted	0.57	0.75	0.76	
5. Cases Involving Secure Detention	1.40	1.45		
6. Cases Petitioned	1.84	1.60	1.46	
7. Cases Resulting in Delinquent Findings	1.29			
8. Cases resulting in Probation Placement				
9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities				
10. Cases Transferred to Adult Court				

When we switch to considerations of volume, in Table 9, it is not surprising that the arrest decision point for Black youth is by far and away the highest number. However, it is clear that other decision points have an impact on large numbers of youth, specifically the diversion and petitioning decisions, again for Black youth. The arrest decision point also impacts over 100 Hispanic youth, above the cutoff point we established.

	Black	Hispanic	Asian	American Indian
2. Juvenile Arrests	-783	-108		
3. Refer to Juvenile Court				
4. Cases Diverted	255	51	29	
5. Cases Involving Secure Detention	-94	-36		
6. Cases Petitioned	-292	-73	-33	
7. Cases Resulting in Delinquent Findings	-72			
8. Cases resulting in Probation Placement				
9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities				
10. Cases Transferred to Adult Court				

When we add a comparison to other jurisdictions, this time to a national collection of counties, there are five areas in which King County is different than most other jurisdictions. The disparities with respect to arrest of Black youth are one, and along with arrests, are the low use of diversion for Black youth and the higher rate at which Black youth have formal charges / petitions filed. In addition, the disparities with respect to charging / petitioning for Hispanic and Asian youth are also higher than the norm. The net result, shown

below in Table 10, is that there are three areas involving Black youth and two areas involving Hispanic youth, which continue to require attention.

Table 10. King County – RRI Tracking Sheet				
	Black	Hispanic	Asian	American Indian
2. Juvenile Arrests	S, M, V, C	S, M, V	S, M	
3. Referral				
4. Diverted	S, M, V, C	S, M	S, C	
5. Secure Detention	S, M	S, M		
6. Petitioned	S, M, V, C	S, M, C	S, C	
7. Found Delinquent	S			
8. Probation				
9. Confinement				
10. Adult Court				

S = Statistically Significant Disadvantage (p<.01)

M = magnitude above 1.33 or below .67

V = Volume - over 100 cases needed to change

C = Comparison - above 75th or below 25th percentile

c. Pierce County

Pierce County has the second largest juvenile population in the State. Like King County, slightly more than 10 percent of the juveniles are Black and roughly 15 percent are Hispanic. Although Pierce County has a sizeable Asian youth population, it is roughly 8 percent of the population as compared to the 20 percent found in King County. Native American youth are roughly 2 percent of the population.

Table 11. DMC Data Pierce County, 2016	White	Black	Hispanic	Asian	American Indian
1. Population at risk (age 10 through 17)	54,354	9,767	14,141	8,284	1,402
2. Juvenile Arrests	838	442	131	73	26
3. Refer to Juvenile Court	1,230	707	291	119	48
4. Cases Diverted	618	262	143	69	20
5. Cases Involving Secure Detention	445	289	122	41	27
6. Cases Petitioned (Charge Filed)	474	332	128	35	28
7. Cases Resulting in Delinquent Findings	220	155	42	6	22
8. Cases resulting in Probation Placement	0	0	0	0	0
9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	34	20	9	1	3
10. Cases Transferred to Adult Court	9	13	4	2	0
Meets 1% rule for group to be assessed?	Yes	Yes	Yes	Yes	Yes

Table 12. Pierce County Juvenile Justice Rates					
	White	Black	Hispanic	Asian	American Indian
2. Juvenile Arrests	15.4	45.3	9.3	8.8	18.5
3. Refer to Juvenile Court	146.8	160.0	222.1	163.0	184.6
4. Cases Diverted	50.2	37.1	49.1	58.0	41.7
5. Cases Involving Secure Detention	36.2	40.9	41.9	34.5	56.3
6. Cases Petitioned	38.5	47.0	44.0	29.4	58.3
7. Cases Resulting in Delinquent Findings	46.4	46.7	32.8	17.1	78.6
8. Probation					
9. Secure Confinement	15.5	12.9	21.4	16.7	13.6
10. Cases Transferred to Adult Court	1.9	3.9	3.1	5.7	

One potential explanation for the lower arrest rates for Hispanic youth is that law enforcement officers in Pierce County may be attributing Hispanic ethnicity to a lower percentage of youth than are self-identifying as Hispanic when they are going through court intake processes. When those rates are converted to the Relative Rate Index, in Table 13, we see that indeed, the referral RRI for Hispanic youth at referral is high, likely because of the lower number of arrests. Once again, we can see that the number of court referrals is substantially higher than the number of recorded arrests, in the case of Hispanic youth it is more than double the volume of arrests. However, that observation needs to be coupled with the relatively low arrest rate reported for Hispanic youth. In other words, it may be attributed to Hispanic youth. Beyond that, we see concerns with arrest disparities for

Black youth, underutilization of diversion with Black youth, over use of petitions for American Indian youth, and higher rates of transfer to adult court for Black youth.

	Black	Hispanic	Asian	American Indian
2. Juvenile Arrests	2.94	0.60		
3. Refer to Juvenile Court	1.09	1.51		
4. Cases Diverted	0.74			
5. Cases Involving Secure Detention	1.13			1.55
6. Cases Petitioned	1.22			1.51
7. Cases Resulting in Delinquent Findings				
8. Cases resulting in Probation Placement				
9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities				
10. Cases Transferred to Adult Court	2.06			

When we switch perspectives to examine the volume of youth who are affected by these disparities, we see that three decision points stand out as higher volumes of disparities, Arrests for Black youth, referral for Hispanic youth and diversion for Black youth.

	Black	Hispanic	Asian	American Indian
2. Juvenile Arrests	-291	87		
3. Refer to Juvenile Court	-58	-99		
4. Cases Diverted	93			
5. Cases Involving Secure Detention	-33			-10
6. Cases Petitioned	-59			-9
7. Cases Resulting in Delinquent Findings				
8. Cases resulting in Probation Placement				
9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities				
10. Cases Transferred to Adult Court	-7			

When all criteria are combined into the tracking sheet (Table 15) we see three decision point combinations which appear to be the areas of primary concern in Pierce County. However, since the referral rate for Hispanic youth is likely a statistical artifact of the ethnicity identification methods, there are really two focal areas, arrest rates and diversion rates for Black youth.

	Black	Hispanic	Asian	American Indian
2. Juvenile Arrests	S, M, V			

3. Referral	S	S, M, V, C		
4. Diversion	S, M, V			
5. Detention	S			S, M
6. Cases Petitioned	S			S, M, C
7. Delinquent Findings				
8. Probation				
9. Secure Confinement				
10. Adult Court	S, M			

S = Statistically Significant Disadvantage (p<.01)

M = magnitude above 1.33 or below .75

V = Volume - over 60 cases needed to change (changed from 100 in King County due to smaller populations)

C = Comparison - above 75th or below 25th percentile

d. Spokane County

Unlike both Pierce and King Counties, which are located in west central Washington along Puget Sound and connected to other major metropolitan areas, Spokane County is in the eastern portion of Washington State and is not contiguous to other metropolitan areas. It has been used as one of the three counties reported to OJJDP for several years and has been a recipient of Partnership Council funds, a JDAI site, and participant in certificate programming in the Georgetown University Center for Juvenile Justice Reform. As may be seen in Table 16, white youth comprise roughly 80 percent of the juvenile population, with Black and Asian youth both comprising approximately 4.5 percent, Hispanic youth just under 10 percent and American Indian youth just under 3 percent.

Table 16. DMC Data Spokane County, 2016	Total Youth	White	Black	Hispanic	Asian	American Indian
1. Population at risk (age 10 through 17)	49,459	40,757	1,973	3,901	1,857	971
2. Juvenile Arrests	1,066	765	173	19	20	79
3. Refer to Juvenile Court	1,683	1,023	266	239	43	105
4. Cases Diverted	734	504	88	82	17	43
5. Cases Involving Secure Detention	405	242	49	72	13	28
6. Cases Petitioned (Charge Filed)	921	521	167	148	25	60
7. Cases Resulting in Delinquent Findings	391	221	69	63	8	30
8. Cases resulting in Probation Placement	0	0	0	0	0	0
9. Cases Resulting in Secure Confinement	33	22	7	4	0	0
10. Cases Transferred to Adult Court	8	5	2	0	1	0

Meets 1% rule for group to be assessed? **Yes Yes Yes Yes Yes**

As may be recalled, Spokane County is the only county in Washington which has only partially converted to the NIBRS data collection format for arrest information. Roughly one quarter of the arrests in the county were reported through NIBRS, the remaining three quarters were reported through the Summary Reporting system (old UCR format) which does not provide for coding of Hispanic ethnicity. Therefore, the count of Hispanic arrests is a drastic undercount. This also means that when the rate of referral per 100 arrests is calculated in Table 17, the referral rate for Hispanic youth appears to be outrageous. This should be ignored as an artifact of the changing measurement systems.

A few other notes about Table 17 are appropriate. The arrest rates for both Black and American Indian youth are markedly higher than the Statewide rates shown in Table 2, double the State rate for Black youth and nearly three times higher for American Indian youth. Given that we have only summary arrest data, it is not feasible to compare profiles of type of offense to see if there are different offense groups which might explain this difference in rates. Likewise, it is feasible that some of the arrested youth might be residents of other counties, and that mobility may explain higher rates of arrest. Again, such explanations will be testable once we have NIBRS data from Spokane County.

	White	Black	Hispanic	Asian	American Indian
2. Juvenile Arrests	18.8	87.7	4.9	10.8	81.4
3. Refer to Juvenile Court	133.7	153.8	1,257.9	215.0	132.9
4. Cases Diverted	49.3	33.1	34.3	39.5	41.0
5. Cases Involving Secure Detention	23.7	18.4	30.1	30.2	26.7
6. Cases Petitioned	50.9	62.8	61.9	58.1	57.1
7. Cases Resulting in Delinquent Findings	42.4	41.3	42.6	32.0	50.0
8. Cases resulting in Probation Placement					
9. Secure Confinement	10.0	10.1	6.3		
10. Cases Transferred to Adult Court	1.0	1.2		4.0	

Once again, the rates of contact in Table 17 are converted to the Relative Rate Index values. Table 18 displays those RRI values which are statistically significant, meaning that they are larger than we might expect by chance. Notable values are the high values associated with arrest for both Black and American Indian youth. At a lower level of disparity, the use of diversion for both Black and Hispanic youth show levels of disparity comparable to RRI values of 1.50 and 1.43 respectively.

	Black	Hispanic	Asian	American Indian
2. Juvenile Arrests	4.67			4.33
3. Refer to Juvenile Court	1.15			
4. Cases Diverted	0.67	0.70		
5. Cases Involving Secure Detention		1.27		
6. Cases Petitioned	1.23	1.22		
7. Cases Resulting in Delinquent Findings				
8. Cases resulting in Probation Placement				
9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities				
10. Cases Transferred to Adult Court				

When we shift to the issue of volume, (Table 19) clearly the area which has the impact on the largest number of youth is the arrest of Black youth, followed by arrests of American Indian youth. The two diversion stages noted for Black and Hispanic youth also warrant attention but involve roughly 1/3 the number of youth as the arrest stages.

	Black	Hispanic	Asian	American Indian
2. Juvenile Arrests	-136			-61
3. Refer to Juvenile Court	-35			
4. Cases Diverted	43	36		
5. Secure Detention		-15		
6. Cases Petitioned	-31	-26		
7. Cases Resulting in Delinquent Findings				
8. Cases resulting in Probation Placement				
9. Secure Confinement				
10. Adult Court				

With respect to comparison with other jurisdictions, Spokane is an outlier (above the 75th percentile) with respect to the disparities in arrest rates for both Black and American Indian youth. When we combine all of the criteria (significance, magnitude, volume, and comparison), we are left with concerns about DMC / RED issues with respect to arrest for both Black and American Indian populations and disparities with respect to diversion for Black youth.

	Black	Hispanic	Asian	American Indian
2. Juvenile Arrests	S, M, V, C			S, M, V, C
3. Referral	S			
4. Diverted	S, M, V	S, M		
5. Secure Detention		S		
6. Petitioned	S	S		
7. Found Delinquent				
8. Probation				
9. Secure Confinement				
10. Adult Court				

S = Statistically Significant (p<.01)

M = magnitude above 1.3 or below .75

V = Volume - over 40 cases needed to change

C = Comparison - above 75th or below 25th percentile

Summary of Identification Analyses: The RRI Tracking and Analysis sheets for all three counties and statewide identify the following areas as likely areas for further investigation:

Location	Race/Ethnicity	Statistically Significant Decision Point with high Volume of Activity
Pierce	Black/African American	Arrest
Pierce	Black/African American	Cases diverted
Pierce	Hispanic or Latino	Referral to Court
King	Black/African American	Arrests
King	Black/African American	Cases diverted
King	Black/African American	Charges Filed
King	Hispanic or Latino	Arrests
King	Hispanic or Latino	Charges filed
Spokane	Black/African American	Arrest
Spokane	Native American	Arrest
Spokane	Native American	Cases diverted
Statewide	Black/African American	Arrest
Statewide	Black/African American	Cases Diverted
Statewide	American Indian	Referrals to Juvenile Court

Clearly there is an emphasis on arrest rates for Black youth, on other sources of referrals to court, on diversion and (within King county) the process of filing petitions or charges. Interestingly, the long term experience with JDAI appears to have resulted in RED issues related no longer being the top priority for analysis and action.

Phase II: Assessment/Diagnosis

An Assessment Study is designed to identify those elements of programming, policy or practice which create or maintain racial and ethnic disparities. The process essentially is one of working to get a deeper understanding of how such disparities in processing contact and outcome come into being and are supported. In the State of Washington there are multiple sources for obtaining the kind of information and analysis which is represented by the Assessment process. In the following sections we illustrate some of the more relevant examples, but this is not an exhaustive listing.

1. Statewide DMC Assessment – Summary of Findings

The Washington State Partnership Council (WA-PCJJ) selected DMC (referred to in WA as Racial & Ethnic Disparities or R.E.D.) as its number one funding priority. This priority selection is based on data from all areas of the juvenile justice system and a DMC Assessment conducted by the University of Washington which identified arrest and referral as the key decision points where DMC is the most pronounced.

The WA-PCJJ contracted with the University of Washington to conduct a DMC assessment, as required by OJJDP. This assessment includes information on DMC efforts that have been undertaken and the results of those efforts, as well as identifies areas of DMC and possible reasons for the disproportionality. A final report from the assessment contract was released in February, 2013.

The report makes the following recommendations:

- Increase the number of jurisdictions with a sophisticated understanding of DMC.
- Verify the validity and reliability of data collected on race/ethnicity.
- Work to increase buy-in and ownership (belief that it is their responsibility to address DMC) across all stakeholder groups.
- Build cross-system coalitions within each jurisdiction to address DMC reduction efforts, or integrate DMC reduction efforts with an existing group.
- Strengthen efforts to involve communities of color in the functioning of the justice system.
- Collaborate with tribes in appropriate jurisdictions.
- Implement and sustain changes to policies, practices, and procedures that may reduce disproportionality.
- Implement and sustain evidence-based behavioral health programs while increasing the enrollment of youth of color in these programs focusing on access, effectiveness and relevance.
- Strengthen and coordinate statewide leadership on DMC reduction.

The full report is available on line at: www.dshs.wa.gov/pdf/ojj/DMC/DMC_Final_

and works closely with the SAG, Racial & Ethnic Report_2013.pdf

A copy of the Executive Summary from the Washington State DMC Assessment report was submitted to OJJDP and also included in the previous DMC Compliance Plan for Washington State.

2. Smart on Juvenile Justice – Task Force and Technical Assistance Providers.

The Washington State Rehabilitation Administration responded to the OJJDP Juvenile Justice System Improvement (previously Smart on Juvenile Justice) solicitation and was awarded the grant for the state of Washington. Washington is one of three states to be awarded a grant under this program. The grant is housed in the Office of Juvenile Justice with a grant coordinator, Racial and Ethnic Disparities Committee, JDAI sites, and other statewide stakeholders (i.e. Law enforcement, educators, judges, prosecutors, defense, community based organizations and advocates, behavioral health, and youth and families most impacted).

The proposal highlighted state efforts to reduce the incarceration and out-of-home placement of juveniles committing status and low-level offenses and juveniles of color noting successes in reducing the number of these offenders in the deep-end of the juvenile justice system and the need for continued efforts to reduce the number of low-level youth and youth of color referred to the system and detained. The Rehabilitation Administration also highlighted the state's need for a statewide strategic plan focused on reforms to the juvenile justice system.

As a significant component of the Juvenile Justice System Improvement grant, the State received extensive technical assistance through the Justice Center at the Council of State Governments (CSG). The TA providers conducted an Assessment Site Visit in August, 2018. They analyzed data, interviewed policy makers and practitioners and held focus groups around three central issues, the use of Diversion, the use of Detention and Racial and Ethnic Disparities. In essence, they performed

an Assessment study based on data from 2012 - 2016 that identified significant elements of policy and practice which contributed to racial and ethnic disparities.

With respect to one of the major areas highlighted in the Identification analysis, Diversion, the CSG TA providers made the following observations:

- First-time misdemeanors are required by statute to be diverted. Otherwise, intake processes and diversion criteria differ from county to county, including the role and decision-making processes of probation, prosecutors, and community accountability boards.
- Few opportunities exist statewide for pre-arrest diversion.
- Counties vary in their adoption and use of validated risk and behavioral health screening tools to guide diversion decisions.
- Counties have varying resources for diversion services, and there are no statewide performance measures, service standards, or quality assurance/data-collection processes for diversion programming.
- Differences in diversion rates for delinquent offenses appear to be primarily related to offense history and severity.

The implication of that last observation is that for non-white youth, a history of more court referrals is often used as a rationale not to divert the case. A perceived limit on the number of referrals is likely to operate against non-white youth. In short, current State law mandates that a first referral for a misdemeanor be handled via a diversion process. This has been interpreted in many jurisdictions to mean that a repeated misdemeanor referral is no longer eligible for diversion and that any felony level referral should not be diverted. As a result of the discussion in the Task Force legislation was introduced and passed to address these issues (discussed below in the “Intervention” section of this report.

3. Assessment materials received in Grant Applications.

The Partnership Council released a solicitation for proposals that would address RED issues. A significant portion of the solicitation was a requirement that the proposers explain in detail the mechanisms by which their proposed activity would address RED issues, in essence creating a built-in assessment process. In particular the two projects funded this year by WA-PCC are directly related to issues highlighted in the Identification process for King and Pierce Counties.

- a. **Diversion utilization and success** for African American youth in King and Pierce Counties. The WA-PCC selected **Choose180** as an organization and program to receive funding in late 2017. This project, in collaboration with the Prosecutors office in both King and Pierce Counties, examined the racial and ethnic differences in successful completion of a short diversion program. Working with an existing diversion program designed for misdemeanant and low-level felony cases, they discovered that a much higher proportion of white youth actually attended the diversion programs and completed them. The RED issues thus were not necessarily in the decisions to make a referral to diversion, but in the ability of the diversion programs to successfully reach and retain nonwhite participants. Specifically, they found the following barriers to participation by non-white youth:
 - i. Eligible youth and their caregivers may be reluctant to open letters from the court system.
 - ii. Youth are often in transient living situations, in kinship or foster care, single parent households and public housing
 - iii. Many youth come from non-English language learning backgrounds and they or their families may not understand the benefits of diversion
 - iv. Youth often lack the basic resources and support to travel to and from the diversion workshops.

- b. **Alternatives to Charging.** At a later stage of the justice system, with higher severity felony defendants, the **Community Passageways** project also partners with the Prosecuting Attorney's office in King County. The observation of the prosecutors was that for more serious felony offenders they had no viable diversion programs that would integrate the set of mental health, educational and vocational skill programs that these youth needed in order to avoid further incursions into the justice system. The community organizers noted that "Other community resources offer excellent specialized services for substance abuse, mental health treatment, housing, academic support, etc. However, no organization exists to identify the youth most at risk of deeper penetration into the justice system and coordinate their access to these services"

In both of these proposals the WA-PCC found clear evidence of assessment analysis to understand the specific mechanisms by which the existing programs were failing to adequately meet the needs, primarily of Black youth at the stages of diversion and charging.

4. **Ongoing JDAI assessments and planning processes.** The three counties selected for focus in this report are all JDAI sites. Contracts with all nine JDAI sites across Washington now require a more detailed DMC plan for than in the past. The Juvenile Justice Specialist and the RED committee continue to work with the JDAI Sites to assist all sites in moving forward, beyond data collection, to address racial and ethnic disparities locally. The Relative Rate Index Analysis and Tracking sheet are shared with the JDAI site coordinators and each of the sites. A review of the RED work plans from the JDAI sites shows that these sites are examining their working policies and practices from the vantage point of creating racial impact statements. In other words, they are assessing the extent to which risk Assessment instruments, sanction grids, override policies, development and location of detention alternatives, and associated practices associated with JDAI are having a disparate impact in their community on nonwhite youth.

The net result of this combination of efforts, along with increased research expertise in the AOC and the development of enhanced data resources such as NIBRS, is that the thinking underlying an Assessment approach is becoming an expected part of the programming and funding stream for juvenile justice work in Washington.

Phase III: Intervention

The SAG has once again selected DMC/Racial & Ethnic Disparities as a top funding priority. We anticipate the following specific efforts will be undertaken in 2018 and following years.

1. **Juvenile Justice System Improvement Task Force efforts.** The Task Force has received recommendations from the TA consulting team and is in the process of formulating work groups to continue the efforts initiated under the grant auspices. Among the recommendations from CSG are the following:
 - Establish objective legislative or administrative statewide requirements to guide decisions about the use of diversion and detention.
 - Collect, analyze, and report statewide participation and outcome data on youth who are diverted and detained, disaggregated by gender, race, and ethnicity, to monitor participation/success rates and disparities.
 - Work with the Office of Juvenile Justice and Delinquency Prevention and national expert RED organizations to engage in an intensive process to address disparities in pilot counties.

- Provide all system stakeholders with implicit bias and cultural competency training to minimize bias in diversion and detention decisions.

In conjunction with research staff at the Washington Center for Court research, the WA-PCC will be working with the Task Force members to select and implement recommendations such as these. Since the Task Force has not yet reached its final selection of recommendations and action steps, the specifics of this implementation will be developed over the next year.

2. **Legislative policy on Diversion.** In direct connection with the recommendations from the CSG consultants, WA-PCC member Senator Danielle introduced and successfully shepherded legislation (SB 6550) to revise State standards related to Diversion and Expungement of juvenile records. The legislation authorizes Prosecuting Attorneys to more fully utilize diversion programs in the following ways:

- Allows prosecutorial discretion to file or divert any case which is not a sex offense or violent offense other than assault 2 or robbery 2, subject to limited exceptions.
- Expands options for the formation of diversion agreements and diversion units.
- Encourages engagement with community programs to expand options to divert youth from formal processing in juvenile court.
- Provides for destruction of a juvenile's criminal records which consist of successfully completed diversions and counsel and release agreements when the juvenile turns 18.

This legislation is directly in line with the assessment provided by the Council of State Government experts. In conjunction with the research staff at the Administrative Office of the Courts (Washington Center for Court Research) we will be closely tracking the use of diversion and connecting that use to the offense profiles and race and ethnicity of juvenile defendants.

3. **Continue to work with local coalitions** in two counties; Spokane and Clark. Both received grants during previous cycles. Those grants were to assist in the development of local infrastructure and planning to address identified racial and ethnic disparities at the arrest and referral decision point in the juvenile justice system. Both sites are continuing with an emphasis on community engagement (as it relates to arrest and referral) as a lynchpin to improved outcomes, the intersection between the reduction of implicit bias and data-driven decision making and applying principles that focus on enhancing practices while still allowing for innovation. Funding for Clark County continues, while Spokane County elected to continue using local resources. Both sites participated in the Center for Juvenile Justice School to Justice Program and continue to work on their capstone projects.
4. **Enhance Diversion participation and completion.** Grant funds will be used to support Project Choose180 in King and Pierce Counties. As noted earlier, Choose180 was selected for funding. This is a community-based organization with close ties to the Prosecuting Attorneys Office in both counties. With WA-PCC support they are hiring community outreach workers to both recruit and support youth in attending the diversion program / workshop, but then also supporting the youth after the workshop. The outreach workers are specifically selected as peer workers with the ability to establish and maintain rapport with the targeted groups of youth and enhance their rates of participation and completion.
5. **Develop alternatives to Charging felony defendants.** In King County the Prosecuting Attorney's Office has note the paucity of alternatives for youth. A community based organization, Community Passageways, has developed with cooperation from the Prosecutor's office to provide diversion alternatives for at least 45 felony level defendants. The program includes three components:
 - *Community-based mentors.* Every youth will be connected with community-based mentors available to support them 24/7. They are community-based; share similar racial, cultural, and socio-economic backgrounds with the participating youth; and have lived experience with the justice system. They build strong relationships with their youth and support youth as they develop strong, positive relationships with their family, peers, and community.

- *Responsive programming.* Youth will meet regularly for culturally responsive programming through which they address their trauma, affirm their value, and develop the skills they need to be successful. Each meeting will begin by using healing circles to address the trauma our youth carry with them—both their personal trauma and their legacy of race-based trauma. Programming will then focus on identity and asset development. Identity development curriculum will explore youth’s cultural history—acknowledging the oppression characterizing their recent history, but looking beyond it to highlight eras, movements, and individuals of strength and integrity. Asset building will focus on establishing the life and leadership skills necessary to thrive in educational, professional, social, and community settings. This is designed to be a shared experience, allowing youth to grow while building a supportive peer network.
- *Access to services.* In addition to strengthening our youth’s sense of worth, hope, purpose, and connection, this program will also connect them to a wide range of services that meet their basic needs and goals. These services include housing, job training, substance abuse, mental health, educational support, and more depending on the needs of each youth.

Program Accountability. The Community Passageways program as developed includes a checklist of milestones and accomplishments in each of these three areas. This will assist program managers and prosecutors to track program progress and make corrections as needed to make the program a viable alternative to formal prosecution of these youth. Although the program is designed for 45 youth and the number of charges to be reduced in Table 9 is 292, it is anticipated that the increased diversions accomplished through Choose180 will forestall many prosecutions and that Community on Passageways will accomplish a substantial reduction in charging for more serious offenders.

6. **Ongoing support of JDAI efforts.** Washington has 9 JDAI sites, which have a relatively long history of success in reducing the use of detention. More recently their focus has shifted to include RED concerns. For 2018, each of the sites has included racial impact assessment of their policies and practices in their work plans. Although WA-PCC no longer uses OJJDP funding to provide fiscal support, with we do work closely with the JDAI program and intend to participate in the formulation and review of those racial Impact statements.

Phase IV: Evaluation

The Washington SAG continues its long-standing policy of requiring funded projects to include an independent evaluation. The two Racial and Ethnic Disparities grants funded in 2015-17 did not fall into the category of needing an evaluation as they are planning grants. These grants were monitored closely to assess the extent to which they created integrated planning capacity across multiple service systems. The Spokane County project moved into a school based set of activities which should have an impact on juvenile justice issues and RED concerns, but were not centrally focused on Juvenile justice practices and agencies. The Clark county collaborative continues to meet and analyze juvenile justice data in the direction of creating a county level assessment study. Should either project receive funding to implement their plans an independent evaluation will be required at that time.

On the other hand, the two projects initiated in late 2017, the Choose 180 and Community Passages projects, are clearly aimed at delivery and enhancement of services. As such, both project contain an independent evaluation component and will be carefully monitored for adherence to measurable outcomes.

Performance Measures

OJJDP mandatory performance measures for DMC center around the number of youth served. WA funds

will be utilized in 2015 for planning grants. Therefore, the mandatory performance measures will not apply. WA will utilize the following performance measures:

- Number of FTEs funded with federal grant money
- Number of programs implemented
- Number and percent of program staff trained
- Number of non-personnel trained
- Number of hours of non-program personnel training provided.
- Number of planning activities conducted.
- Number of local agencies reporting improved data collection systems
- Number of local agencies reporting improved data collection systems.
- Number of contact points reporting reduction in disproportionality at the state level.
- Number of contact points reporting reduction in disproportionality at the local level.
- Number of local level racial and ethnic disparity plans developed.
- Number of proposals for funding received.
- Number of proposals for funding received with DMC specific outcomes.
- Number of JDAI sites developing racial and ethnic disparities plan.

Phase V: Monitoring

1. The Office of Juvenile Justice (OJJ) will continue to monitor and track changes in DMC trends over time by monitoring the RRI rates annually as well as data obtained from the Administrative Office of the Courts on detention and court referrals, and NIBRS data. Data is gathered and monitored on an annual basis.

2. JDAI sites and activities have been tracked for several years and can serve as an example of the utility of monitoring activities. For example, **JDAI leaders have recognized the RRI reductions have been achieved in both King County and Spokane County (both are JDAI sites).** Cases involving secure detention in both counties saw consistent reductions from 2009 through our most recent data in 2016.

RRI Values for use of Detention, Black youth							
County	2009	2010	2011	2012	2013	2014	2016
King County	2.1	2.05	1.87	1.75	1.71	1.63	1.40
Spokane County	1.36	1.18	1.13	.99	.80	.99	.78

3. WA Governor Inslee has included in “Results WA”:
 - Strategic Objective 7.2:** Increase public safety by addressing disparities that lead to increasing numbers of youth of color in the juvenile justice system.
 - Importance:** Youth of color are overrepresented at every point in the juvenile justice system, including detention (county and state). The total number of youth in the juvenile justice system has declined over time; however, the percentage of youth of color in detention is increasing. These disparities often result in extreme negative consequences. This is the opposite of what we want for our youth, families, schools, businesses and citizenry.

Success Measure 7.2.1 Decrease the percentage of youth of color in detention from 45% to 42%

Action Plan 7.2.1. OJJ and JR will:

- Reach out to local jurisdictions and key leadership in major communities of color to encourage development of local initiatives, provide technical assistance, and encourage greater political and community involvement.
- Host a juvenile justice forum to develop recommendations for addressing school discipline and dropout prevention that disproportionately contributes to higher rates of juvenile justice involvement for youth of color.
- Work with counties and juvenile courts to develop more precise plans to reduce Racial and Ethnic Disparities (RED) or Disproportionate Minority Contact (DMC). This will increase awareness and direct action at the county level regarding reducing disparities for youth of color who enter the county juvenile justice system.