

# **DISPROPORTIONATE MINORITY CONTACT IN GEORGIA'S JUVENILE JUSTICE SYSTEM**

**A THREE PRONG APPROACH TO ANALYZING DMC IN GEORGIA**

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## PREPARED BY THE CRIMINAL JUSTICE COORDINATING COUNCIL STATISTICAL ANALYSIS CENTER

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## EXECUTIVE SUMMARY

Disproportionate minority contact (DMC) refers to the over- or under-representation of minority youth within the juvenile justice system as compared to White youth from the point of arrest or referral through detention or secure confinement. The Georgia Juvenile Justice State Advisory Group (SAG), as appointed by the Governor, guides Georgia's compliance with the Juvenile Justice and Delinquency Prevention Act (JJDP), which includes leading the consistent review of and strategic response to DMC in the state's juvenile justice system. In 2016, the SAG commissioned the Georgia Statistical Analysis Center to conduct a DMC identification study and assessment. Each phase plays an important role towards fulfilling the SAG's goal of monitoring and assessing DMC every five years to identify emerging trends and to determine where intervention strategies can be most effectively implemented.

This study is designed to answer the following research questions:

- 1) Which Georgia counties have the highest rates of DMC?
- 2) At what stages in the juvenile justice system are the highest DMC rates observed?
- 3) What are the differences, if any, in DMC across race and ethnicities?
- 4) What county level factors at the referral stage contribute to DMC in the State of Georgia?
- 5) What mechanisms, if any, can be identified in stakeholder interviews to provide a more complete understanding of the mechanisms that contribute to DMC in Georgia on the county level?

The current study uses a mixed methods approach. The first phase began with an initial identification study, which calculated a relative rate index for each of Georgia's 159 counties for each step in the juvenile justice system. The second phase was an assessment using a causal statistical analysis to identify possible county level factors that influence disproportionality at referral for African American youth in Georgia. The third was face-to-face stakeholder interviews with various practitioners to provide more in-depth analysis of the factors that were identified in the assessment phase as contributing factors to DMC.

Recommendations:

- 1) Focusing efforts on reducing DMC at referral, because disproportionality at this decision point shifts a minority population (African American youth) into the majority in the juvenile justice system.
- 2) Targeting intervention efforts at counties with not only severe disproportionality but also those with disproportionality over extended periods of time.
- 3) Reducing the use of harsh disciplinary measures at the school level to help reduce disproportionate referrals for African American youth.
- 4) Analyzing individual-level data regarding youth offenses to determine whether African American youth delinquent involvement – specifically in violent or drug crime – is disproportionate to White youth delinquent involvement, to test whether this difference explains disproportionate referrals.
- 5) Utilizing enhanced quantitative and qualitative data collection methods to shape specialized interventions to identify local factors contributing to severe and persistent disproportionality.

**PART I**

**A LONGITUDINAL IDENTIFICATION ANALYSIS OF  
DISPROPORTIONATE MINORITY CONTACT  
IN GEORGIA’S JUVENILE JUSTICE SYSTEM**

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To protect and properly serve the youth who encounter the juvenile justice system, the State of Georgia funds evidence-based prevention/intervention services for youth in the community and maintains compliance with Juvenile Justice and Delinquency Prevention Act (JJDP), including the Four Core Protections which are:

- (1) deinstitutionalization of status offenders (DSO) (section 223(a) (11);
- (2) separation of juveniles from adult inmates (separation) (section 223(a) (12);
- (3) removal of juveniles from adult jails and lockups (jail removal) (section 223(a); and,
- (4) addressing disproportionate minority contact (DMC) (section 223(a) (22).

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) defines disproportionate minority contact as: “the disproportionate number of minority youth who come into contact with the juvenile justice system.”<sup>1</sup> The Georgia Juvenile Justice State Advisory Group (SAG), as appointed by the Governor, is charged with developing and implementing strategies that align with the Four Core Protections. To this end, the SAG ensures that DMC identification studies and assessments are routinely conducted and updated as required by the JJDP. In 2016, the SAG commissioned the Georgia Statistical Analysis Center (SAC) to conduct a new DMC identification study and assessment. This fulfills the SAG’s goal of monitoring and assessing DMC every five years to identify emerging trends and assess where to implement intervention strategies.

This identification study is designed to answer the following research questions:

- Which Georgia counties have the highest rates of DMC?
- At what stages in the juvenile justice system are the highest DMC rates observed?
- What are the differences, if any, in DMC across race and ethnicities?

**BACKGROUND: DISPROPORTIONATE MINORITY CONTACT IDENTIFICATION ANALYSES IN  
GEORGIA AND OTHER STATES**

This study is an identification analysis and represents the first phase in an ongoing assessment of DMC. The focus of this work is a refinement of the way in which Georgia has previously identified DMC and presented relative rates. This identification analysis differs from what OJJDP would define as an

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<sup>1</sup> U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention. (2012, November). OJJDP in Focus: Disproportionate Minority Contact. Retrieved from U.S. Department of Justice. <https://www.ojjdp.gov/pubs/239457.pdf>

“assessment.” Per OJJDP’s technical manual, “the identification stage...is designed to help narrow the field of inquiry for the assessment stage (p. 1-2).”<sup>2</sup> Here we seek to provide the SAG with a road map for *where geographically* and at which decision points to focus assessment efforts. Historically, the SAG has focused assessment and intervention efforts on the largest metro counties, because those have the highest at-risk populations and thus represent the greatest opportunities to affect the largest number of youth.<sup>3</sup> However, this identification analysis indicates that there are several smaller counties that demonstrate persistent and large levels of DMC at various decision points and thus present an untapped opportunity to address this issue in new communities.

The State conducts ongoing “identification” via the Georgia Juvenile Data Clearinghouse, which has a “Disproportionate Minority Contact (DMC) Dashboard” that depicts the percent of the justice-involved minority and White youth populations at each decision point.<sup>4</sup> This study will take the ongoing identification in Georgia a step further by quantifying the rate at which minority groups as compared to White youth experience each decision point in the juvenile justice system. Differential rates of contact at varying decision points causes the shifting proportions of the youth population displayed in the Data Clearinghouse DMC Dashboard. This will help to identify the decision points that are having the largest impact on justice-involved juvenile minority populations.

The Carl Vinson Institute of Government (CVIOG) at the University of Georgia conducted the SAG’s last DMC assessment in 2012.<sup>5</sup> The CVIOG report assessed what may cause DMC, but did not identify where and at what decision points the greatest levels of DMC may exist. The focus of CVIOG’s assessment was how cross-county mobility and severity of a youth’s crime contribute to disproportionality. The CVIOG report included statewide relative rate index (RRI) calculations, but due to the limitations that arose with missing county data, a comprehensive statewide identifications analysis was not conducted in addition to their assessment. When data points were missing from the county-level analysis, most states did not report a state-level RRI, citing issues with the variation of populations sizes and lack of county uniformity of data collection.<sup>6,7</sup>

Several states have faced a similar challenge of having limited data for some or several contact points. OJJDP’s guidelines state that when data are missing for analysis, “the rate [RRI] will be calculated on the

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<sup>2</sup> U.S. Department of Justice. (2009). Office of Juvenile Justice and Delinquency Prevention. *Disproportionate Minority Contact Technical Assistance Manual*, Fourth Edition. Washington, DC: U.S. Government Printing Office.

<sup>3</sup> At-risk population is defined as youth aged 0 through 16. See Appendix A for more definitions.

<sup>4</sup> Georgia Juvenile Justice Data Clearinghouse, “Disproportionate Minority Contact (DMC) Dashboard”, Retrieved May 19, 2017 from: <http://juveniledata.georgia.gov/Dashboards.aspx?dash=JuvenileDMC>.

<sup>5</sup> Carl Vinson Institute of Government. (2012). *Disproportionate Minority Contact (DMC) Assessment*. Athens, GA. Available at <http://cicc.georgia.gov/sites/cicc.georgia.gov/files/GA%20DMC%20Assessment%20May%202012.pdf>.

<sup>6</sup> Dumont, R., King, E., Shaler, G. (2015). *Disproportionate Contact: Youth of Color in Maine’s Juvenile Justice System*. Prepared by university of Southern Maine Muskie School of Public Service. Portland, Maine.

<sup>7</sup> U.S. Department of Justice. (2009). Office of Juvenile Justice and Delinquency Prevention. *Disproportionate Minority Contact Technical Assistance Manual*, Fourth Edition. Washington, DC: U.S. Government Printing Office.

basis of the stage preceding the calculation for which data are available (p. 1-11)."<sup>8</sup> When states did adhere to this OJJDP guideline, they caveated that the RRIs depict a cumulative effect from multiple decisions. Several states have decided not to report RRI calculations that relied on prior decision point numbers and focused on the contact points where data were available. For example, Iowa reported on four outcomes and Minnesota reported on seven.<sup>9, 10</sup> Maine used a "rolling RRI" for a longitudinal analysis to combat issues of calculating RRIs with low population numbers. A "rolling RRI" is the average over a three-year span and used for the midpoint year (e.g. averaged data from 2005-2007 is the rolling RRI for 2006).<sup>11</sup>

Alternatively, this identification analysis does not use the numbers from preceding decision points to calculate RRIs where there were missing data as suggested by OJJDP. Rather, the SAC excluded data from the analysis if the data from the prior decision point did not meet the minimum population requirements to calculate a relative rate. This reduces the possibility of misinterpreting the cumulative effects of combining two decision points in one RRI calculation. This method provides more precise information about the regions and the decision points in which to provide interventions and/or solutions to decreasing or eliminating DMC in the State of Georgia.

## METHODOLOGY AND DATA SOURCES

### RELATIVE RATE INDEX

The Office of Juvenile Justice and Delinquency Prevention identified the RRI as the method to assess DMC and the SAG has used this measure for nine years.<sup>12</sup> The purpose of the RRI is to compare the risk of meeting a decision point for the minority group compared to their White counterparts (See E1). That is, a comparison between the rate at which minority youth encounter the juvenile justice system, as compared to their White counterparts. Another way to interpret the results from the equation below is to speak of the results in terms of relative risk - minority youths' risk of an activity as compared to their White counterparts.

E1. 
$$\text{Relative Rate Index (RRI)} = \left( \frac{\text{Minority Youth Rate of Activity}}{\text{White Youth Rate of Activity}} \right)$$

African American and Hispanic youth are the focus of this analysis and they are compared to White youth

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<sup>8</sup> *Ibid.*

<sup>9</sup> Kuger, Dave. (2009). *DMC Section 2009 State of Iowa Juvenile Justice and Delinquency Prevention Act Formula Grant Update*. Prepared by Criminal and Juvenile Justice Planning. Des Moines, Iowa.

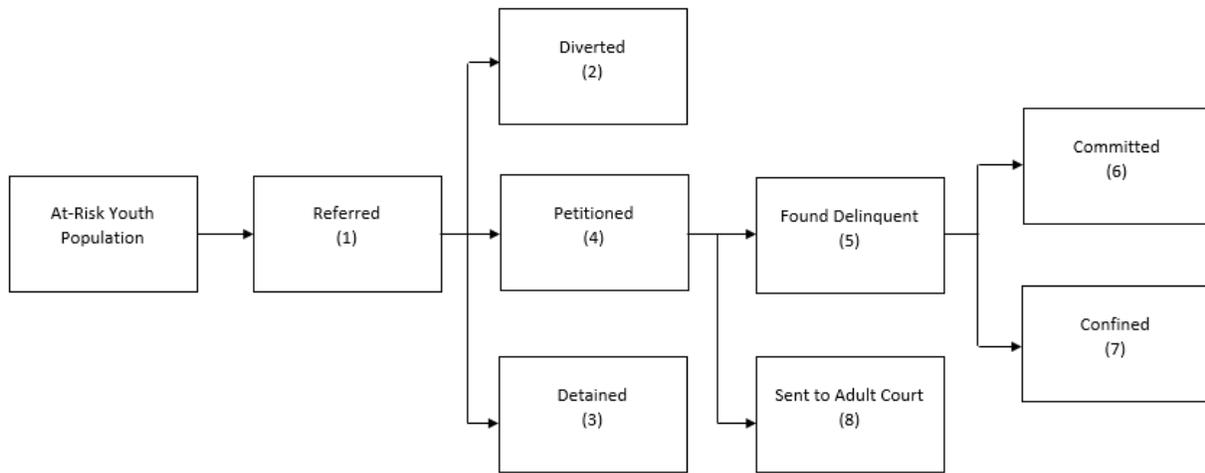
<sup>10</sup> Swayze, D., Buskovich, D. (2012). *On the Level: Disproportionate Minority Contact in Minnesota's Juvenile Justice System*. Minnesota Department of Public Safety Office of Justice Programs.

<sup>11</sup> Dumont, R., King, E., Shaler, G. (2015). *Disproportionate Contact: Youth of Color in Maine's Juvenile Justice System*. Prepared by university of Southern Maine Muskie School of Public Service. Portland, Maine.

<sup>12</sup> Office of Juvenile Justice and Delinquency Prevention (2009). *Disproportionate Minority Contact Technical Assistance Manual Fourth Edition*. Retrieved August 20<sup>th</sup>, 2015, from [https://www.ncjrs.gov/html/ojjdp/Dmc\\_ta\\_manual/](https://www.ncjrs.gov/html/ojjdp/Dmc_ta_manual/)

at eight decision points of interest or outcomes. For the purpose of this study decision point and outcome will be used interchangeably. The eight decision points are: (1) Referred; (2) Case Diverted; (3) Held in Detention; (4) Case Petitioned; (5) Found Delinquent; (6) Committed to DJJ; (7) Confined to DJJ; (8) Case Sent to Adult Court.<sup>13</sup>

Figure 1. Georgia Juvenile Justice Decision Points



Equation 2 is an example of a RRI calculation at the decision point of “Referral”.

$$E2. \quad \text{Referral RRI Calculation} = \left( \frac{\text{Referrals Minority Group}}{\text{Total At Risk Population Minority Group}} \right) / \left( \frac{\text{Referrals White Youth}}{\text{At Risk White Youth Population}} \right)$$

Equation E2 shows the rate at which minority youth and White youth are referred to the juvenile justice system. To finish the RRI calculation, the two rates are then divided, with the minority group of interest (African American or Hispanic youth) in the numerator and the comparison group (White youth) in the denominator. The equation is the rate of referral for minority youth as compared to the rate of referral for White youth. The decision point will tell whether the risk of referral for minority youth is more, less, or equal to that of White youth.<sup>14</sup>

#### Interpreting RRI Calculations:

- RRI greater than 1 = Disproportionate Minority Contact
- RRI less than 1 = Disproportionate White Contact

<sup>13</sup> The Data from the Carl Vinson Institute of Government included arrests data as the ninth outcome, but the arrest data equaled, without exception, referral data. Ten additional counties (152 total) reported referral data as compared to arrests, so it was decided to use referrals as the first outcome in our analysis. Referrals include arrests and youth that have entered the juvenile justice system through other means. See Appendix A for a detail definition of outcomes.

<sup>14</sup> See explanation of relative risk ratios in public health and epidemiology at: Centers for Disease Control and Prevention, *Principles of Epidemiology in Public Health Practice, Third Edition: An Introduction to Applied Epidemiology and Biostatistics*, Lesson 3: Measures of Risk. Available at: <https://www.cdc.gov/ophss/csels/dsepd/ss1978/lesson3/section5.html>.

- RRI Statistically equal to 1 = The two groups experience equal outcomes

For this assessment, RRIs are calculated annually between 2006 and 2014 for each county at the eight possible decision points. We then examined both the magnitude and persistence of disproportionality over time at each decision with a focus on county level disproportionality.<sup>15</sup> Thus, in addition to measuring the magnitude of disproportionality, we look at both the frequency and persistence of disproportionality over time.

The focus of this analysis is on African American and Hispanic youth. These two groups both meet OJJDP's rule that a minority group represent 1% of the population and have enough data to calculate statistically significant RRIs at various decision points in the juvenile justice system. We do not include a calculation that encompasses all minority youth (African American, Hispanic, Asian, Pacific Islander and Native American), because the RRI calculations that encompass all minority youth mirrored that of African American youth. This is because at many decision points in the juvenile justice system, African American youth comprise the largest proportion of youth. We also found that not all groups of minority youth are experiencing disproportionate contact at all decision points, thus we decided to look at each group individually.

#### DATA VALIDATION

To determine whether disproportionate RRIs indicate a relationship between youth race and contact with the juvenile justice system we used a Chi Square Test for statistical significance.<sup>16</sup> Additionally, before calculating RRIs at any point, data were checked to make certain contact and overall population thresholds met a minimum of 5 and 50, respectively, to ensure that small populations sizes did not result in RRI calculations that indicate disproportionality when there are insufficient data (valid RRIs).<sup>17</sup> RRIs were calculated annually for each county at the eight possible outcomes for youth encountering the juvenile justice system.

RRI calculations are then reported in three ways:

- If a RRI is statistically **SIGNIFICANT** and **MEETS** the minimum population thresholds for the two groups, the RRI is reported as calculated (Valid RRI).
- If a RRI is statistically **INSIGNIFICANT** but **MEETS** the minimum population thresholds for the two groups, the RRI is reported as 1 (Valid RRI).
- If a RRI **DOES NOT MEET** the minimum population threshold, the RRI is not reported.

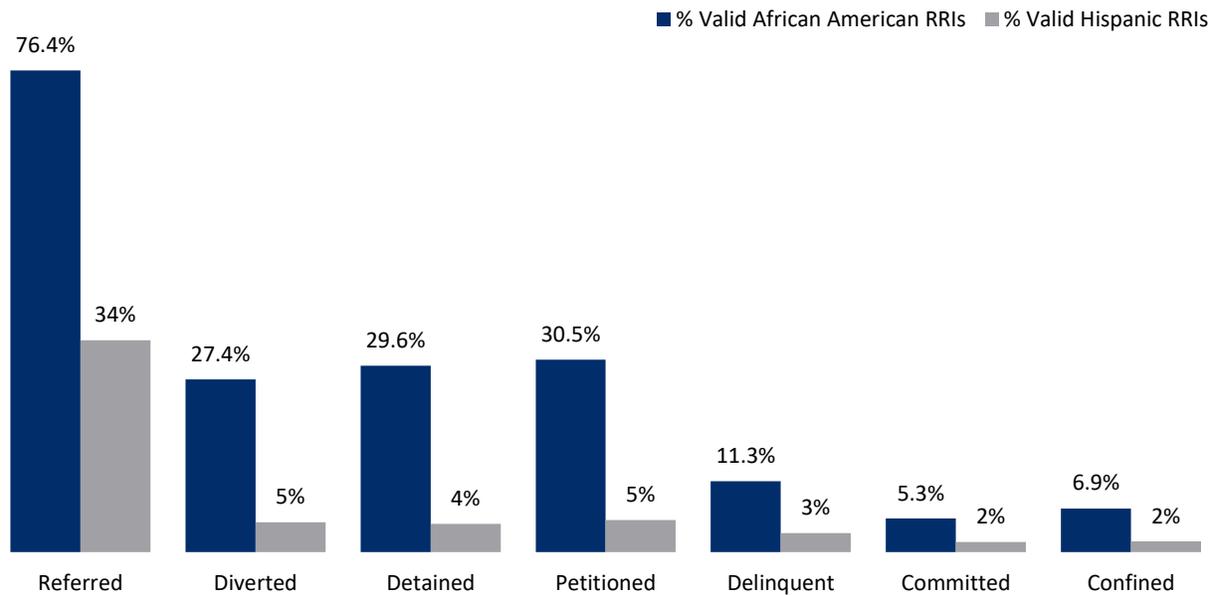
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<sup>15</sup> We focus on county-level disproportionality instead of statewide measures because there are too many missing data at each outcome to establish a statewide disproportionate contact RRI at each outcome.

<sup>16</sup> We consulted with the National Training and Technical Assistance center of the Office of Juvenile Justice and Delinquency Prevention on what statistical methods are used to validate RRI calculations and confirmed the use of a Chi Square Test at 95% confidence interval. Statistically significant RRI indicates that there likely is some relationship between a youth's race and the likelihood they will experience an outcome in the juvenile justice system.

<sup>17</sup> Office of Juvenile Justice and Delinquency Prevention (2009). Disproportionate Minority Contact Technical Assistance Manual Fourth Edition. Retrieved August 20<sup>th</sup>, 2015, from [https://www.ncjrs.gov/html/ojjdp/Dmc\\_ta\\_manual/](https://www.ncjrs.gov/html/ojjdp/Dmc_ta_manual/)

Chart 1. Percent of RRIs that are Valid from 2006-2014 for African American and Hispanic Youth



†Total possible valid RRIs at each decision point is 1,431.

#### A NOTE ABOUT RRI CALCULATIONS

Invalid RRI calculations are defined as data that were either missing or did not meet minimum population thresholds (5 or more persons). We had a substantial amount of missing case data in the dataset. A “case” was defined as a county year at a decision point – e.g. number of youth referred in Fulton County in 2006 is one case. If data were complete and sufficient, we should have 1,431 RRIs<sup>18</sup> for each decision point, which would result in 11,448 RRIs in the dataset. That means each outcome should have 1,431 cases associated with it.

However, because of invalid RRI calculations, we were unable to calculate all 11,448 possible RRIs. Chart 1 above shows this phenomenon – the number of valid RRIs calculated at each decision point of the juvenile justice system decreased the deeper into the system we travel. Over a nine year period, we calculated valid RRIs at referral for African American youth for 76% (1,093 RRIs) of all the cases in the dataset. That number dramatically decreased to 30% (437 RRIs) at petition, 11.3% (161 RRIs) at delinquent and less than 7% (100 RRIs) for at commitment or confinement. The number of valid RRIs for Hispanic youth during this period was even lower. For Hispanic youth, only 34% (481 RRIs) of all referral RRIs could be calculated and less than 5% (72 RRIs) at all other decision points (Chart 1). This posed a problem with analyzing DMC, both because there was a lot of missing data in reporting and because small population sizes precluded some calculations. We addressed this issue by examining DMC in Georgia longitudinally. We identified DMC across three dimensions:

<sup>18</sup> Number of RRI’s at each outcome is calculated by: 159 (counties) \* 9 (years of data) =1,431 RRI’s.

- Frequency – how many times were RRIs disproportionate at an outcome for a given county;
- Persistence – how many times *in a row* and across outcomes in the nine-year period were RRIs disproportionate for a given county; and,
- Magnitude – how large was the disproportionality at each outcome per year in a given county.

#### DATA: THE GEORGIA JUVENILE JUSTICE DATA CLEARINGHOUSE

A collaborative state agency effort that includes: the Council of Juvenile Court Judges, the Department of Juvenile Justice (DJJ), the Georgia Bureau of Investigation, the Administrative Office of the Courts, and the Georgia Public Defender Council, has compiled a comprehensive data set to analyze DMC from 2006 to 2014. Currently, CVIOG cleans, aggregates, and reports these data to the Georgia Juvenile Justice Data Clearinghouse website.<sup>19</sup> The data used in this assessment reflect eight different outcomes cited above for youth who encounter Georgia’s juvenile justice system. These outcomes are the result of six primary decisions made as youth contact the juvenile justice system.

There are two types of juvenile courts in Georgia: dependent and independent. Dependent juvenile courts operate in 142 counties and are funded by the State. Independent juvenile courts operate in 17 counties and are funded by local county commissions. The fragmentation of juvenile courts into dependent and independent courts has made universal data collection difficult and has limited statewide analysis due to missing data. In order to address this issue, the State of Georgia has contracted with the Judicial Council of Georgia Administrative Office of the Courts for the Juvenile Data Exchange (JDEX) project. JDEX creates a statewide data repository of juvenile data for the entire State of Georgia and will vastly improve the sharing of data and informing judicial decisions.

\*See **Appendix A** for a list of outcome definitions and of the counties that do not report data at different outcomes.

## FINDINGS

### SYSTEM WIDE ANALYSIS BY RACE AND OUTCOMES

African American and Hispanic youth are the focus of this analysis and they are compared to White youth at each of the eight outcomes of interest. The RRI for an outcome indicates whether the risk of meeting an outcome for minority youth is more, less, or equally likely to that of White youth.

### AFRICAN AMERICAN YOUTH

Statewide disproportionate contact for African American youth decreased from the point of referral to delinquency findings and then increased slightly at commitment and confinement (Chart 2). Referral to the juvenile justice system is a seminal event, which seemed to dictate persistent disproportionality as

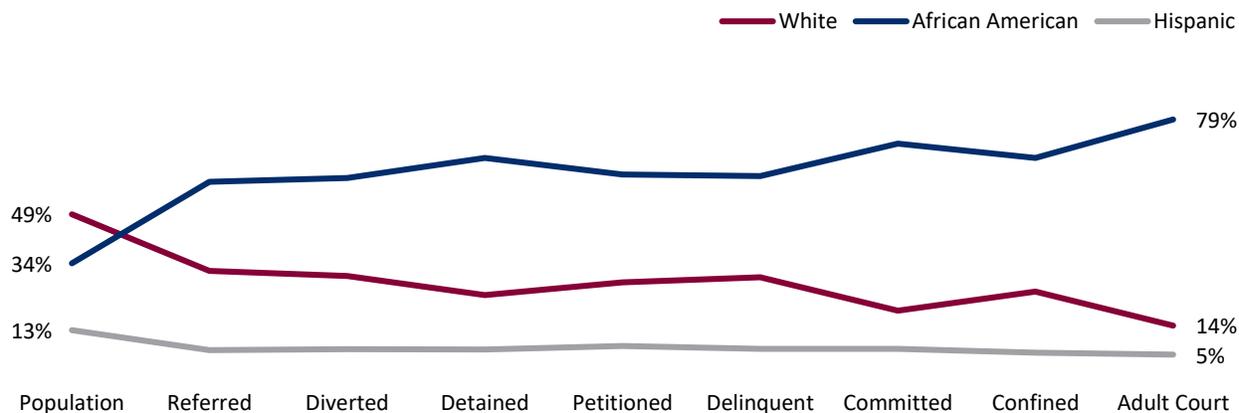
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<sup>19</sup> Georgia Juvenile Justice Data Clearinghouse is sponsored by the Georgia Criminal Justice Coordinating Council. <http://juveniledata.georgia.gov/Default.aspx>

youth continue deeper into the juvenile justice system. African American youth were at greater risk of being referred to the juvenile justice system as compared to White youth almost every year for which we calculated a RRI and for almost every county. Seventy-six percent of the valid RRI calculations at referral from 2006 to 2014 indicated disproportionality. Although we are not able to calculate referral RRI for some independent courts, we were still able to analyze all but seven counties in Georgia, which represented 84% of the at-risk youth population in the state.<sup>20</sup> Since the number of valid RRI calculations dramatically decreased at outcomes following referral, referral provided one of the most comprehensive pictures of DMC within the state – despite missing data.

The rate at which African American youth are referred to the juvenile justice system alters the racial composition of youth at each outcome. Statewide, African American youth make up 34% of the at-risk youth population. The magnitude and frequency of disproportionate contact that African American youth have with the juvenile justice system increases their portion of the population to 60% of those referred and 62% of cases petitioned. The proportion of African American youth who are deeper in the juvenile justice system jumps again to 71% of those confined and 67% of those committed to DJJ. While the proportion of African American youth increased at outcomes further into the system, the White youth population decreased (Chart 2).<sup>21</sup>

Chart 2. Proportion of the Youth Population by Race and Ethnicity at Different Outcomes 2006-2014



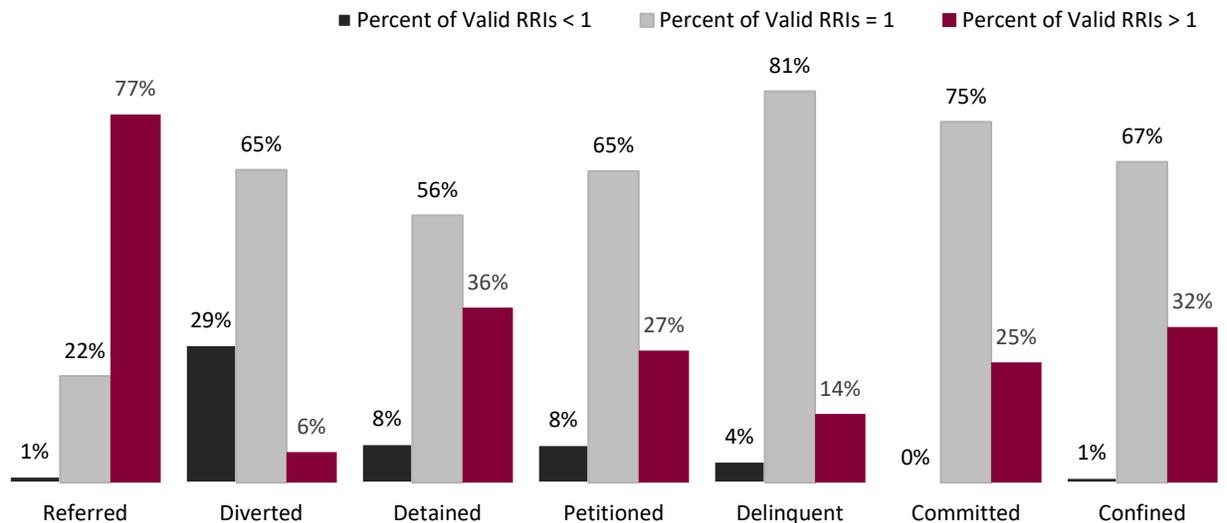
However, even as African Americans represent a greater proportion of the population deeper in the juvenile justice system, the rate at which African American youth experienced disproportionate outcomes decreased as the red bars in Chart 3 demonstrate. Although outcomes were more proportional further into the juvenile justice system, DMC was still present for African American youth. While 80% of the valid RRI calculations showed proportional outcomes at delinquency, the frequency of disproportionality for African American youth was three times that of White youth – i.e. three times as many RRI showed

<sup>20</sup> See Appendix A for a list of counties that do not report data at each outcome.

<sup>21</sup> See Figure 1 in Appendix B for a county-level depiction of the difference between RRI calculations and population proportions at each outcome of the juvenile justice system.

disproportionality against African American youth as compared to White youth. Similarly, 75% and 66% of the valid RRI at commitment and confinement, respectively, showed proportional outcomes. However, from 2006 to 2014, not one county disproportionately committed White youth, while a quarter of the valid RRI commitment indicated DMC for African American youth.

Chart 3. Percent of Valid African American RRIs by Outcome



Another way to look at the frequency of disproportionality is by county over time to identify persistence. By identifying the number of years that DMC is present at each outcome within a county, we can determine the persistence of DMC at each decision point and throughout the juvenile justice system. Many counties did not experience persistent disproportionality over the nine-year period at delinquency, commitment, or confinement. Chatham County experienced the highest frequency of disproportionate contact for African American youth, with 48 instances (out of a possible 63 instances) of DMC over nine years distributed between seven different outcomes. Similarly, Muscogee County had 38 instances of DMC over the same period between six different outcomes.

Chatham and Muscogee counties had the largest numbers of valid RRIs indicating disproportionate African American contact, but not persistently at all outcomes. Chatham and Muscogee counties only had two years of disproportionate African American contact at delinquency over the period. Since the population of youth further in the juvenile justice system decreases, there are more instances of DMC in the initial contact points, like referral and diversion, and in counties with larger at-risk youth populations.

Table 1. Number of Years Where DMC for African American Youth Occur from 2006 – 2014 (Top Ten Counties)

County	Referred	Diverted	Detained	Petitioned	Delinquent	Committed	Confinement	Total
Chatham	9	9	9	9	2	5	5	48
Muscogee	9	7	7	9	2	0	4	38
Gwinnett	9	6	8	6	0	5	4	38
Fulton	9	9	9	9	1	0	0	37
Bibb	9	8	5	8	0	0	0	30
Coweta	9	6	5	3	0	3	2	28
Dougherty	9	7	5	7	0	0	0	28
Thomas	9	7	3	8	0	0	0	27
Tift	9	1	9	8	0	0	0	27
Hall	9	2	7	2	1	2	3	26

### *REFERRAL*

The frequency of DMC at referral to juvenile court is greater than at any other outcome in the juvenile justice system and it is persistent over time. 50 of the 152 counties that reported referral data from 2006 to 2014 showed a disproportionate rate of referral for African American youth for all 9 years (Map 1, Appendix B). This is nearly one third of the reporting counties. For the most recent three years of this analysis (2012-2014), 69 (45%) counties experienced disproportionality all three years. Counties in which African American youth are consistently referred at much higher rates relative to White youth are distributed throughout the state and represent urban, suburban, and rural counties. Several Atlanta-metro counties had nine years of data showing disproportionality at referral for African American youth.

The largest average nine year RRI calculations ranged from 4 to 10 for the 10 counties that experienced disproportionality for nine years straight. This means that African American youth in these counties were referred to the juvenile justice system at a rate nearly four to ten times that of White youth (Table 2). Well over half of disproportionate RRIs at referral indicate that African American youth were at least twice as likely to be referred relative to White youth (Chart 6, Appendix B). Although the rates of disproportionality at referral are high, there was a 12% decrease in the frequency of disproportionate referral RRIs from 2007-2014 (Chart 6, Appendix B).

Table 2. Top Ten Counties Persistently Disproportionately Referring African American Youth

County	2006	2007	2008	2009	2010	2011	2012	2013	2014	Average
Fulton	9.96	11.20	11.19	11.46	7.05	8.16	8.74	8.75	9.41	9.55
Dougherty	7.67	5.13	7.27	7.23	4.32	4.47	3.61	4.20	3.09	5.22
Clarke	5.92	5.64	5.60	6.39	4.12	5.16	3.70	4.02	3.57	4.90
Sumter	4.17	4.03	5.16	4.39	5.66	4.41	3.47	5.22	5.01	4.61
Chatham	3.65	4.32	4.81	4.75	4.53	4.22	4.10	4.79	4.77	4.44
Bibb	4.00	3.48	4.58	5.74	3.95	4.75	4.32	3.71	4.55	4.34
Clayton	4.45	4.68	7.53	7.25	1.80	3.10	2.56	3.16	3.52	4.23
Jefferson	4.03	8.03	3.48	5.66	4.87	2.20	3.91	2.58	2.98	4.19
Walton	2.69	2.83	4.41	3.07	3.55	4.57	6.16	5.70	4.64	4.18
Oconee	2.31	2.03	1.92	2.69	5.42	6.15	10.23	4.08	2.77	4.18

**DIVERSION AND DETENTION**

After a youth is referred to the juvenile court, they can either be detained or diverted. Valid RRI calculations are less frequent at these outcomes, but there is some indication that disproportionality did occur in some counties (Table 3). RRIs less than one show White youth disproportionately diverted out of the juvenile justice system. There are seven counties where White youth are disproportionately diverted for six of the nine years analyzed. In Bibb, Thomas, Dougherty, Spalding, and Chatham counties, White youth are diverted at almost 1.5 times<sup>22</sup> the rate of African American youth.

Table 3. Top Ten Counties Disproportionately Diverting White Youth

County	2006	2007	2008	2009	2010	2011	2012	2013	2014	Average
Bibb	0.55	0.40	0.64	0.61	0.27	1.00	0.63	0.69	0.69	0.61
Thomas	1.00	0.58	1.00	0.50	0.61	0.60	0.46	0.48	0.50	0.64
Dougherty	0.37	0.47	0.57	0.49	0.73	1.00	1.00	0.57	0.63	0.65
Spalding	0.48	0.32	1.00	0.32	1.00	1.00	1.00	0.42	0.48	0.67
Chatham	0.81	0.66	0.76	0.73	0.61	0.71	0.60	0.55	0.77	0.69
Fulton	0.75	0.68	0.66	0.64	0.64	0.75	0.74	0.73	0.79	0.71
Muscogee	0.77	0.73	0.66	0.66	0.74	1.00	0.72	1.00	0.75	0.78
Clarke	1.00	0.62	1.00	1.00	0.56	0.45	1.00	0.56	1.00	0.80
Coffee	1.23	1.00	1.35	0.43	0.69	0.47	0.62	1.00	1.00	0.87
Gwinnett	0.84	1.00	0.90	0.89	1.00	1.00	0.91	0.88	0.90	0.92

<sup>22</sup> Rates for RRI's less than 1 are calculated as 1/RRI. E.G. average RRI for diversion in Bibb county is 1/0.61=1.63, meaning that White youth are 1.6 times more likely than African American youth to be diverted.

Of the valid RRIs calculated for detention from 2006 to 2014, 36% showed disproportionality toward African American youth compared to 8% for White youth. In Fulton, Tift, and Chatham counties African American youth were detained at persistently disproportionate rates for nine years. Within these counties, African American youth were roughly 1.5 to 3 times more likely to be detained relative to White youth. The average magnitude of the RRIs at detention are similar for the remaining seven of the top ten counties that detain African American youth disproportionately. The only difference is that proportionality did occur in at least one of the nine years examined. Due to a lack of data in Clarke County, RRIs at detention was unable to be calculated for four of the nine years. However, when disproportionate African American contact did occur, it happened at a rate of 2 to 4.5 times that of White youth, which are some of the largest RRIs calculated at detention.

Table 4. Top Ten Counties Disproportionally Detaining African American Youth

County	2006	2007	2008	2009	2010	2011	2012	2013	2014	Average
Clarke	2.75		4.39			2.02		3.40	3.22	3.16
Fulton	3.28	3.82	3.30	2.39	3.27	2.76	2.84	3.40	2.51	3.06
Tift	2.54	1.54	1.36	1.34	1.40	2.66	3.27	3.71	4.00	2.43
Bulloch	1.00	2.54	1.88	2.81	2.21	2.72	2.51	1.00	2.71	2.15
Liberty	1.00	2.04	1.00	1.81	2.23	2.94		3.62		2.09
Muscogee	1.76	1.67	2.04	1.46	2.52	1.00	1.94	1.00	1.94	1.70
Chatham	1.88	1.52	1.78	1.78	1.42	1.48	2.07	1.60	1.34	1.65
Lowndes	1.62	1.53	1.38	1.00	1.52	1.00	1.00	1.88	1.92	1.43
Hall	1.82	1.68	1.34	1.35	1.71	1.52	1.00	1.00	1.33	1.42
Gwinnett	1.43	1.30	1.26	1.44	1.67	1.50	1.45	1.28	1.00	1.37

1. Empty cells indicate that there were too few youth at that outcome to calculate a RRI.

### *COMMITMENT AND CONFINEMENT*

After a delinquency finding, the Judge must determine the disposition. For this study, the focus is on dispositions that result in commitment or confinement. In both instances, youth are placed into the custody of the DJJ. Commitment is typically for a shorter time frame whereas confinement references placement in a long-term Youth Development Campus. Frequency analysis revealed a slight increase in DMC at commitment and confinement to DJJ. Although valid RRIs could only be calculated for 5% to 6% of the total cases, disproportionality did occur frequently for these two outcomes.

African American youth were confined at a rate between 1.5 and 1.8 times that of White youth. In 2006, African American youth in Whitfield County were confined at 2.5 times the rate of White youth, but the county has not met the minimum population thresholds to calculate a RRIs since 2007. Chatham, Muscogee, and Gwinnett counties have the most persistent DMC, but in 2014 these counties either did not meet the population threshold or confinement was proportional. African American youth in Gwinnett County have not been confined at disproportionate rates since 2011. In 2012, only two of the 10 most frequently disproportionate counties had a RRIs greater than one. Over the nine-year period, 13 counties

had at least one RRI calculation greater than one. Thirty-two percent of the RRI calculations indicated disproportionality at confinement, and 68% of those RRIs were greater than two.

Table 5. Top Ten Counties Disproportionally Confining African American Youth

County	2006	2007	2008	2009	2010	2011	2012	2013	2014	#Years RRI >1
Chatham	2.66	1	1	1.48	1	2.03	2.32	1.61	1	5
Muscogee	1	1.98	2.53	2.08	2.43	1		1		4
Gwinnett	2.2	1	2.19	2.17	1	1.89	1	1	1	4
Walton	1		1	1.98	1.61	1.62	1.39	1		4
Hall	2.5	2.85	1	1	2.72		1			3
Lowndes			1		2.89	1.88	1			2
Paulding	2.34	1	1	1	1	2.37		1		2
Henry	1	1.82	1.48	0.7	1					2
Coweta	1	1	1.65	1	1.61	1	1			2

1. Empty cells indicate that there were too few youth at that outcome to calculate a RRIs.

As with commitment, 32% of the valid RRI calculations from 2006 to 2014 indicated disproportionate African American contact at commitment. Of those, over 50% are greater than two. Commitment is like confinement in that the disproportionality is not persistent over time. Since 2012, only three counties committed African American youth at a disproportionate rate compared to White youth. Although we see the frequency of disproportionality increases at commitment, it is neither a recent phenomenon nor does it persist in most counties.

Table 6. Top Ten Counties Disproportionally Committing African American Youth

County	2006	2007	2008	2009	2010	2011	2012	2013	2014	#Years RRI > 1
Chatham	2.1	2.79	1	2.56	1.97	2.21	1	1	1	5
Gwinnett	1.33	1	1.39	1.46	1	1.76	1	1	2.02	5
Coweta	1	1	2.46	1	1.8	1	2.82			3
Hall	1	4.51	1		2.96					2
Spalding	2.86	1								1
Carroll	1	1	1	1	2.25	1				1
Henry	1	2.04	1	1	1					1
Walton	2.31	1	1	1	1	1	1	1		1

1. Empty cells indicate that there were too few youth at that outcome to calculate a RRI.

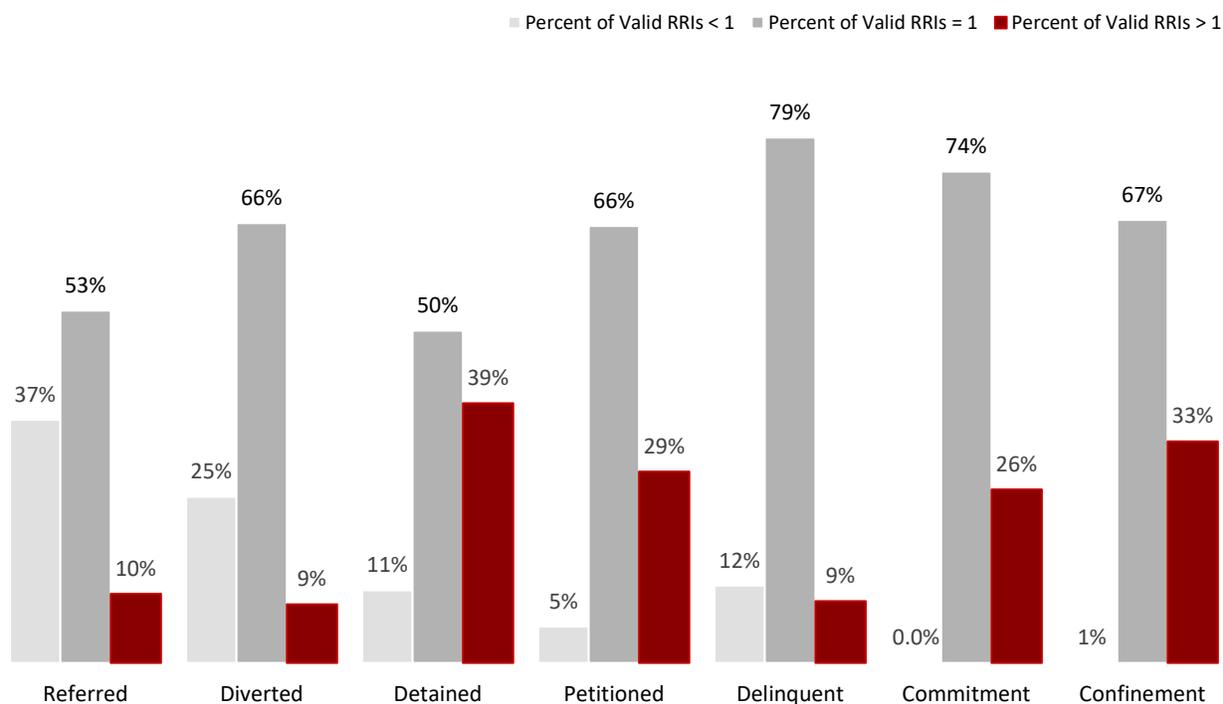
## HISPANIC YOUTH

The number of valid RRI calculations for Hispanic youth is much lower compared to African American youth. About one-third of the 1,431 possible RRIs from 2006 to 2014 are deemed valid at referral. This number dramatically decreases to near or under 5% of the total RRI calculations (average of 49 valid RRIs)

during this period for all other outcomes. As the red bar in Chart 4 highlights, DMC was more frequent for Hispanic youth at detention, petition, commitment and confinement, but too few RRIs were valid at these outcomes to draw any substantive conclusions.

There were enough valid RRIs to examine referrals, but the majority were below one indicating that White youth were disproportionately referred to the juvenile justice system relative to Hispanic youth. There are 13 counties where Hispanic youth were referred at disproportionate rates for one year out of nine. There are eight exceptions and Fulton is the only county where Hispanic youth are referred to the juvenile justice system at disproportionately higher rates than White youth for all nine years (Map 2, Appendix C).<sup>23</sup>

Chart 4. Percent of Valid Hispanic RRIs by Outcome



#### FLIP IN MAJORITY YOUTH POPULATION

From 2006 to 2014, the youth population went from a White majority to an African American majority in 14 counties. Clarke, Douglas, Liberty, and Newton Counties experienced this flip in 2009 and valid RRIs at referral were calculated for nine years. RRIs in all four counties indicated persistent DMC at referral and African American youth were referred at a rate two to six times that of White youth. Disproportionality at referral increased between 8% (Clarke) and 52% (Liberty) in all four counties leading up to the youth

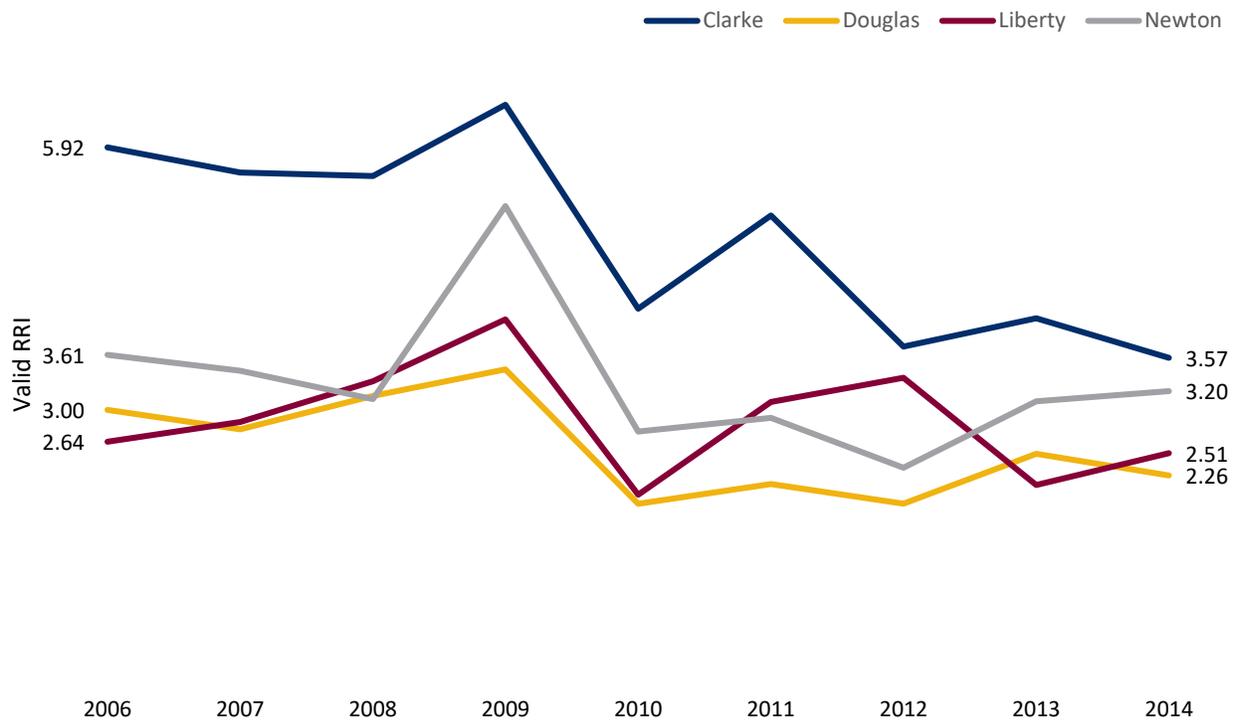
<sup>23</sup> The eight counties that referred Hispanic youth disproportionately more than White for two or more years during the nine year period are Fulton, Oconee, Spalding, Gwinnett, Hall, Clayton, Clarke and Decatur counties.

population shift. Following the shift, disproportionality rates decreased between 34% (Douglas) and 44% (Clarke). This same phenomenon occurred in McDuffie County in 2011.

Table 7. Counties that Experienced a Flip in 2009 from White Youth Majority to African American Youth Majority

County	2006	2007	2008	2009	2010	2011	2012	2013	2014
Clarke	5.92	5.64	5.6	<b>6.39</b>	4.12	5.16	3.7	4.02	3.57
Douglas	3	2.78	3.15	<b>3.45</b>	1.95	2.17	1.95	2.51	2.26
Liberty	2.64	2.86	3.31	<b>4</b>	2.05	3.08	3.35	2.16	2.51
Newton	3.61	3.43	3.11	<b>5.27</b>	2.75	2.91	2.35	3.09	3.2

Chart 5. Change in Disproportionate Rates at Referral for African American Youth in Counties Where Youth Population Shifted to Majority-Minority in 2009



#### CORE COUNTIES OF INTEREST

The SAG, appointed by the Governor, advises the Criminal Justice Coordinating Council (CJCC) in its role as the designated agency charged with coordinating DMC implementation strategies throughout the state. In addition to statewide initiatives, the SAG has focused targeted DMC-reduction strategies in Chatham, Clayton, DeKalb, and Fulton Counties. These four counties represent 22% of the state’s at-risk youth population. Minority youth represent most of the at-risk youth population, from 60% in Chatham to 75% in DeKalb. For Clayton and DeKalb Counties, African American youth represents most of the at-risk

youth population, at 62% and 57% respectively. All four counties operate courts independent of the Georgia Department of Juvenile Justice.

### CHATHAM COUNTY

Chatham County is an independent court and is one of 17 counties that do not report arrest data. Referral data is reported, which is a combination of arrests along with youth who have entered the juvenile justice system through other means. Over the nine year period from 2006 to 2014, African American youth were referred at an average rate nearly 4.5 times that of White youth. The disproportionate referrals for African American youth persisted each year for all nine years. RRI calculations for Chatham County indicate frequent and persistent disproportionality for African American youth at diversion, detention, and cases petitioned for nine years straight. On average, for every two White youth who are detained or have their cases petitioned to the juvenile court, three African American youth would experience the same outcome. However, proportionality was greatest at the point of determining delinquency. Chatham County is one of the few counties where RRI calculations are statistically significant at commitment and confinement. When disproportionality did occur at commitment, it was large in magnitude with nearly all RRIs at commitment than or equal to 2. In Chatham County, for every one White youth confined, two African American youth are confined.

Table 8. Chatham County African American Youth RRI Calculations

Year	Arrested	Referred	Diverted	Detained	Cases Petitioned	Delinquent	Commitment	Confinement	Adult Court
2006	N.D.	<b>3.65</b>	0.81	<b>1.88</b>	<b>1.12</b>	1.00	<b>2.10</b>	<b>2.66</b>	
2007	N.D.	<b>4.32</b>	0.66	<b>1.52</b>	<b>1.24</b>	1.00	<b>2.79</b>	1.00	
2008	N.D.	<b>4.81</b>	0.76	<b>1.78</b>	<b>1.15</b>	<b>1.07</b>	1.00	1.00	
2009	N.D.	<b>4.75</b>	0.73	<b>1.78</b>	<b>1.18</b>	<b>1.08</b>	<b>2.56</b>	<b>1.48</b>	
2010	N.D.	<b>4.53</b>	0.61	<b>1.42</b>	<b>1.35</b>	1.00	<b>1.97</b>	1.00	
2011	N.D.	<b>4.22</b>	0.71	<b>1.48</b>	<b>1.18</b>	1.00	<b>2.21</b>	<b>2.03</b>	
2012	N.D.	<b>4.10</b>	0.60	<b>2.07</b>	<b>1.29</b>	1.00	1.00	<b>2.32</b>	
2013	N.D.	<b>4.79</b>	0.55	<b>1.60</b>	<b>1.34</b>	1.00	1.00	<b>1.61</b>	
2014	N.D.	<b>4.77</b>	0.77	<b>1.34</b>	<b>1.30</b>	1.00	1.00	1.00	

1. N.D. = No data
2. Bolded cells indicate RRIs > 1
3. RRIs = 1 are statistically equivalent to 1 but the calculated RRI may not be equal to 1
4. Empty cells indicate that there were too few youth at that outcome to calculate a RRI.

For Hispanic youth, the story is much different. White youth were disproportionately referred to the juvenile justice system at twice the rate of Hispanic youth from 2008 to 2014. In Chatham County, 2007 was the last year that minimum population thresholds were met to calculate RRIs at all other outcomes. Over the nine year period, 16 RRI calculations met the minimum population threshold — seven at referral

and two at all other outcomes (diverted and cases petitioned) showed disproportionality.<sup>24</sup> Proportionality on both of those outcomes was restored in 2007. For Hispanic youth in Chatham County, disproportionate contact was neither frequent, persistent, nor large in magnitude.

Table 9. Chatham County Hispanic Youth RRI Calculations

Year	Arrested	Referred	Diverted	Detained	Cases			Confinement	Adult Court
					Petitioned	Delinquent	Commitment		
2006	N.D.	1.00	0.72	1.00	<b>1.19</b>	1.00			
2007	N.D.	1.00	1.00	1.00	1.00				
2008	N.D.	0.57							
2009	N.D.	0.46							
2010	N.D.	0.51							
2011	N.D.	0.32							
2012	N.D.	0.39							
2013	N.D.	0.65							
2014	N.D.	0.42							

1. N.D. = No data
2. Bolded cells indicate RRIs > 1
3. RRIs = 1 are statistically equivalent to 1 but the calculated RRI may not be equal to 1
4. Empty cells indicate that there were too few youth at that outcome to calculate a RRI.

#### CLAYTON COUNTY

From 2006 to 2014, African American youth in Clayton County were referred to the juvenile justice system at an average of four times the rate of White youth. The disproportionality at referral was persistent for all nine years. Except for referrals, DMC in Clayton County was neither frequent, persistent, nor large in magnitude. Nine years of RRI calculations were also valid at diversion, secure detention, and cases petitioned. Twenty percent of those RRIs indicate DMC. In most years, proportionate contact occurred following a year with DMC. In 2008 and 2009, Clayton County demonstrated DMC at delinquency, but since 2010, the White youth population in the juvenile justice system has not met the minimum threshold to calculate RRIs. In 2014, DMC occurred at diversion and cases petitioned to the juvenile court. Although African American youth were petitioned to juvenile court at twice the rate of White youth in 2014, whether this disproportionality persists over time remains to be seen.

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<sup>24</sup> Since diversion is a “positive” outcome compared to being detained, we consider RRI calculations less than one at the diversion decision point disproportionate contact for minority youth.

Table 10. Clayton County African American Youth RRI Calculations

Year	Arrested	Referred	Diverted	Detained	Cases			Commitment	Confinement	Adult Court
					Petitioned	Delinquent				
2006	N.D.	<b>4.45</b>	1.00	1.00	1.00	1.00	1.00			
2007	N.D.	<b>4.68</b>	0.86	1.00	<b>1.27</b>	1.00				
2008	N.D.	<b>7.53</b>	1.00	1.00	1.00	<b>1.26</b>				
2009	N.D.	<b>7.25</b>	1.00	1.00	1.00	<b>1.20</b>				
2010	N.D.	<b>1.80</b>	1.00	1.00	1.00					
2011	N.D.	<b>3.10</b>	1.00	<b>1.50</b>	1.00					
2012	N.D.	<b>2.56</b>	1.00	1.00	1.00					
2013	N.D.	<b>3.16</b>	1.00	1.00	1.00					
2014	N.D.	<b>3.52</b>	0.66	0.58	<b>1.99</b>					

1. N.D. = No data
2. Bolded cells indicate RRIs > 1
3. RRIs = 1 are statistically equivalent to 1 but the calculated RRI may not be equal to 1
4. Empty cells indicate that there were too few youth at that outcome to calculate a RRI.

For Hispanic youth in Clayton County, nine years of RRIs are valid for referral, diversion, detention, and for cases petitioned to the juvenile court. Generally, there are proportional outcomes at these four points of interest. During years where there was DMC, proportionate contact occurred in the following year. The last year with DMC at referral for Hispanic youth was 2009. In 2014, White youth were referred at 1.5 times the rate and detained at almost twice the rate of Hispanic youth. But disproportionate contact for White youth was not persistent over the period. Since 2010, the size of the Hispanic populations at delinquency, commitment, and confinement have not met the minimum thresholds to calculate RRIs.

Table 11. Clayton County Hispanic Youth RRI Calculations

Year	Arrested	Referred	Diverted	Detained	Cases			Commitment	Confinement	Adult Court
					Petitioned	Delinquent				
2006	N.D.	<b>1.77</b>	1.00	1.00	1.00	1.00	1.00			
2007	N.D.	<b>1.34</b>	1.00	<b>1.60</b>	1.00	1.00				
2008	N.D.	<b>1.71</b>	1.00	1.00	1.00	1.00				
2009	N.D.	<b>1.94</b>	<b>1.35</b>	1.00	0.59	1.00				
2010	N.D.	1.00	1.00	1.00	1.00					
2011	N.D.	1.00	1.00	<b>2.03</b>	1.00					
2012	N.D.	0.70	1.00	0.51	1.00					
2013	N.D.	1.00	1.00	1.00	1.00					
2014	N.D.	0.71	1.00	0.57	1.00					

1. N.D. = No data
2. Bolded cells indicate RRIs > 1
3. RRIs = 1 are statistically equivalent to 1 but the calculated RRI may not be equal to 1
4. Empty cells indicate that there were too few youth at that outcome to calculate a RRI.

## DEKALB COUNTY

The only data available for DeKalb County in the Georgia Juvenile Data Clearinghouse comes from the Georgia Department of Juvenile Justice (detentions, commitments, and confinements). We cannot calculate RRIs for DeKalb County with the limited data available.

Table 12. DeKalb County African American Youth RRI Calculations

Year	Arrested	Referred	Diverted	Detained	Cases		Commitment	Confinement	Adult Court
					Petitioned	Delinquent			
2006	N.D.	N.D.	N.D.		N.D.	N.D.			
2007	N.D.	N.D.	N.D.		N.D.	N.D.			
2008	N.D.	N.D.	N.D.		N.D.	N.D.			
2009	N.D.	N.D.	N.D.		N.D.	N.D.			
2010	N.D.	N.D.	N.D.		N.D.	N.D.			
2011	N.D.	N.D.	N.D.		N.D.	N.D.			
2012	N.D.	N.D.	N.D.		N.D.	N.D.			
2013	N.D.	N.D.	N.D.		N.D.	N.D.			
2014	N.D.	N.D.	N.D.		N.D.	N.D.			

1. N.D. = No data
2. Bolded cells indicate RRIs > 1
3. RRIs = 1 are statistically equivalent to 1 but the calculated RRI may not be equal to 1
4. Empty cells indicate that there were too few youth at that outcome to calculate a RRI.

## FULTON COUNTY

DMC in Fulton County was more prevalent at the first points of contact with the juvenile justice system and proportional at point of contact. In Fulton County, referrals constitute the largest DMC that persisted from 2006 to 2014. African American youth are referred to the juvenile justice system at 10 times the rate of White youth on average. From 2007 to 2009, African American youth were referred to the juvenile justice system at a rate over 11 times that of White youth. African American youth are detained following referrals at a rate three times that of White youth. For every three White youth diverted, two African American youth experienced the same outcome. There is also persistent DMC in the rate at which cases were petitioned to juvenile court against African American youth as compared to White youth. African American youth cases were petitioned at 1.5 times the rate of White youth cases. Finally, delinquency findings are persistently proportional over the period with only one RRI indicating DMC in 2013.

Table 13. Fulton County African American Youth RRI Calculations

Year	Arrested	Referred	Diverted	Detained	Cases			Commitment	Confinement	Adult Court
					Petitioned	Delinquent				
2006	N.D.	<b>9.96</b>	0.75	<b>3.28</b>	<b>1.46</b>	1.00				
2007	N.D.	<b>11.20</b>	0.68	<b>3.82</b>	<b>1.70</b>	1.00				
2008	N.D.	<b>11.19</b>	0.66	<b>3.30</b>	<b>1.64</b>	1.00				
2009	N.D.	<b>11.46</b>	0.64	<b>2.39</b>	<b>1.74</b>	1.00				
2010	N.D.	<b>7.05</b>	0.64	<b>3.27</b>	<b>1.59</b>	1.00				
2011	N.D.	<b>8.16</b>	0.75	<b>2.76</b>	<b>1.32</b>	1.00				
2012	N.D.	<b>8.74</b>	0.74	<b>2.84</b>	<b>1.28</b>	1.00				
2013	N.D.	<b>8.75</b>	0.73	<b>3.40</b>	<b>1.29</b>	1.48				
2014	N.D.	<b>9.41</b>	0.79	<b>2.51</b>	<b>1.42</b>	1.00				

1. N.D. = No data
2. Bolded cells indicate RRIs > 1
3. RRIs = 1 are statistically equivalent to 1 but the calculated RRI may not be equal to 1
4. Empty cells indicate that there were too few youth at that outcome to calculate a RRI.

Hispanic youth, like African American youth, experienced frequent and persistent DMC in the first contact points of the Fulton County juvenile justice system, with detention having the largest average disproportionality. On average, Hispanic youth were detained at twice the rate of White youth for the nine-year period. Referral rates for Hispanic youth averaged 1.6 times that of White youth. In 2014, there were proportional outcomes for Hispanic youth at diversion, detention, cases petitioned, and delinquency findings. DMC at referral in 2014 is the lowest since 2006. Delinquency findings were consistently proportional over the period, much like other counties with valid RRI calculations for the nine-year period.

Table 14. Fulton County Hispanic Youth RRI Calculations

Year	Arrested	Referred	Diverted	Detained	Cases			Commitment	Confinement	Adult Court
					Petitioned	Delinquent				
2006	N.D.	<b>1.39</b>	0.72	<b>2.21</b>	<b>1.51</b>	0.48				
2007	N.D.	<b>1.84</b>	0.72	<b>2.76</b>	<b>1.61</b>	0.62				
2008	N.D.	<b>1.97</b>	0.79	1.00	<b>1.40</b>	1.00				
2009	N.D.	<b>2.12</b>	0.56	<b>1.45</b>	<b>1.90</b>	1.00				
2010	N.D.	<b>1.52</b>	0.76	<b>2.41</b>	<b>1.40</b>	1.00				
2011	N.D.	<b>1.78</b>	0.65	<b>1.81</b>	<b>1.44</b>	1.00				
2012	N.D.	<b>1.47</b>	0.59	<b>2.24</b>	<b>1.44</b>	1.00				
2013	N.D.	<b>1.64</b>	1.00	<b>2.36</b>	1.00	1.00				
2014	N.D.	<b>1.43</b>	1.00	1.00	1.00	1.00				

1. N.D. = No data
2. Bolded cells indicate RRIs > 1
3. RRIs = 1 are statistically equivalent to 1 but the calculated RRI may not be equal to 1
4. Empty cells indicate that there were too few youth at that outcome to calculate a RRI.

## RECOMMENDATIONS AND DISCUSSION

The SAC conducted a county-by-county analysis of disproportionality to provide the SAG and the state with a precise road map for both the locations and portions of the juvenile justice system in which to intervene. First, interventions to curb disproportionality should focus on counties that show persistent, unequal outcomes for African American youth over a nine year period. To accomplish this, we recommend that the SAG add Bibb and Muscogee to the core counties for intervention strategies. These two counties showed persistent and high DMC for African American youth from 2006 to 2014.

Table 15. Outcome Measures for Bibb and Muscogee 2006 - 2014

Outcomes	Measure	Bibb	Muscogee
Referred	Years RRI > 1	9	9
	Average RRI	4.34	3.89
Diverted	Years RRI < 1	8	7
	Average RRI	0.61	0.78
Detained	Years RRI > 1	5	7
	Average RRI	1.33	1.70
Cases Petitioned	Years RRI > 1	8	9
	Average RRI	1.54	1.66
Delinquent	Years RRI > 1		2
	Average RRI		1.06
Commitment	Years RRI > 1		
	Average RRI		
Confinement	Years RRI > 1		4
	Average RRI		1.72

1. Empty cells indicate that there were too few youth at that outcome to calculate a RRI.

We also recommend targeting interventions to reduce DMC at referrals, since this outcome fundamentally changes the population in the Georgia juvenile justice system. Fifty counties (33%) showed persistent unequal referral outcomes for African American youth each year for a nine year period. Valid RRI calculations ranged from the lowest of 1.32 to the largest of 16.52. The average RRI over the period was nearly three. The magnitude of disproportionality at referral shifts a minority population into the majority in the juvenile justice system. To effectively target intervention strategies, a better understanding of where referrals are coming from and what proportion of referrals are from arrests is needed.

The next step in understanding what causes DMC in the juvenile justice system was assessing the degree to which certain county-level factors were related to a significant RRI indicative of DMC. Factors the SAC assessed included: law enforcement per county, violent crime and drug-related arrests, percent of African American youth living in poverty per county, racial demographics per county, youth graduation rates per county, whether schools within the county report using corporal punishment, and out-of-school suspensions per capita.

## PART II

# EXAMINING COUNTY LEVEL FACTORS CONTRIBUTING TO DISPROPORTIONATE AFRICAN AMERICAN CONTACT AT REFERRAL

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This analysis is the second step in an increasingly granular Disproportionate Minority Contact (DMC) Assessment. The first step was a high-level identification analysis, which measured the frequency, persistence, and magnitude of DMC for each county in the State of Georgia. Here we identify factors affecting DMC at referral to provide the Georgia Juvenile Justice State Advisory Group (SAG) with policy levers that might mitigate disparity.

### BACKGROUND: WHY FOCUS ON REFERRAL RELATIVE RATES?

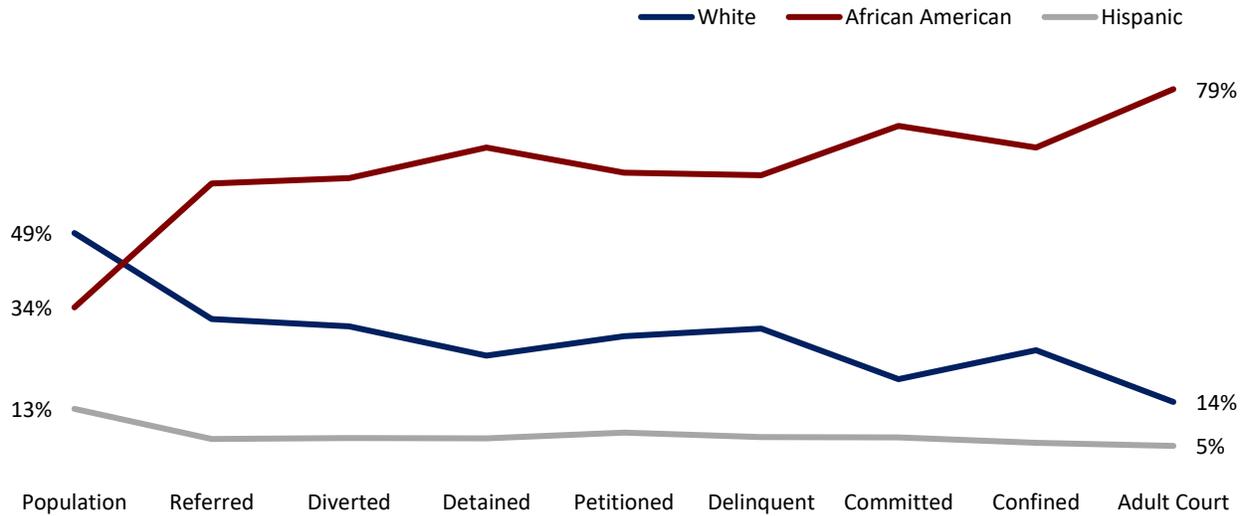
The referral stage is crucial because our identification analysis showed it fundamentally alters the composition of the population involved in the juvenile justice system. At baseline, African American youth represent just over one-third of the state's at-risk youth population, with White youth representing just over half. After the point of referral, African American youth represent 60% of the population, while White youth are just over one-third. In other words, **referral to the juvenile justice system inverts the racial composition of the at-risk juvenile population and results in disproportionate representation** of African American youth within the juvenile justice system. Since a greater percentage of the African American youth population is referred to the juvenile justice system, this group comes to represent an increasingly larger portion of the system-involved population at later outcomes.

Step 1. DMC  
Identification Analysis  
(Is there DMC? If so,  
where?)

Step 2. Macro-Factors Causal  
Inference Analysis (What  
might be driving DMC?)

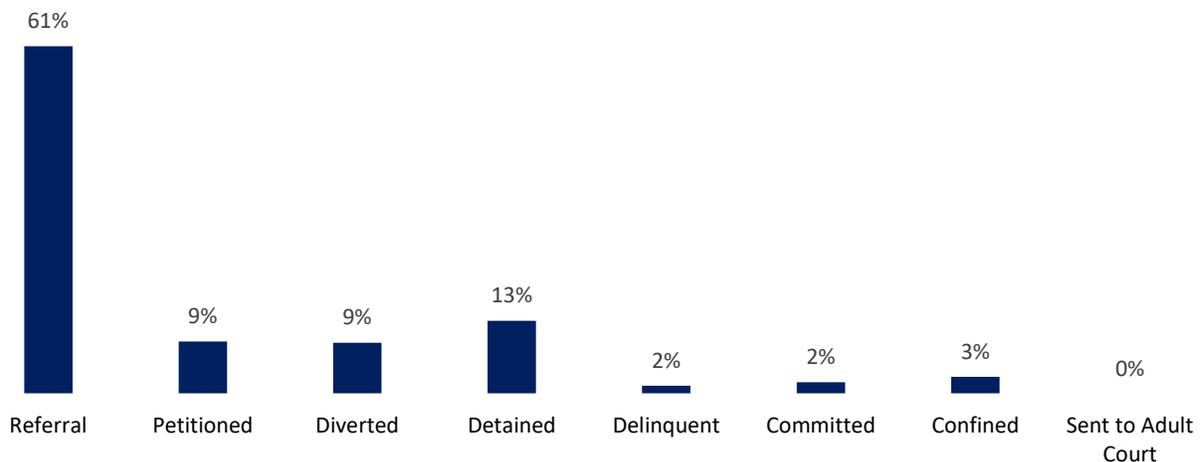
Step 3. Qualitative  
Contextual Assessment  
(What are perceptions of  
DMC at the county level?  
What might be some  
solutions?)

Chart 1. Proportion of Youth Population by Race and Ethnicity at Different Outcomes in the Juvenile Justice System 2006 -2014



However, **this does not mean that disproportionate contact increases at later outcomes** since this is measured by the rate at which African American youth experience an outcome as compared to White youth at the same decision point in the system. Our identification analysis showed that disproportionate contact decreases as youth move through the juvenile justice system – i.e. African American youth do not continue forward at greater rates than White youth – even though African American youth are a substantially larger portion of the justice involved population. The single point of greatest disproportionate contact – i.e. where African American youth experience an outcome at substantially greater rates than White youth – is referral. Therefore, to meaningfully affect DMC within the juvenile justice system in Georgia – and minimize disproportionate representation of African American justice-involved youth – we need to address referral.

Chart 2. Percent of RRIs Calculated Indicating DMC



## AN OVERVIEW OF DISPROPORTIONATE CONTACT AT REFERRAL

Disproportionate contact at referral is a seminal event in the juvenile justice system that demands close scrutiny because this event causes disproportionate representation of minority youth within the juvenile justice system.

Just over 60% of the valid relative rate indexes (RRI) we calculated indicated statistically significant DMC for African American youth at referral. No other decision point in the juvenile justice system comes close to that level of disproportionality.

Table 1. Number of Valid RRIs Calculated and Significantly Significant at Each Decision Point

Outcome	# Valid RRIs Calculated	# Statistically Significant RRIs Indicating DMC
Referral	1205	739
Petitioned	1106	103
Diverted	1055	96
Detained	1061	138
Delinquent	1049	16
Committed	701	15
Confined	840	26
Sent to Adult Court	188	0

While we could calculate a substantial number of relative rates for other juvenile justice outcomes, there were too few statistically significant disproportionate outcomes to conduct a robust, macro-level regression analysis. Referral provides a sufficient and substantial sample size with enough variation in disproportionate contact to conduct this level of analysis.

## LITERATURE REVIEW

Two widely accepted reasons for DMC's occurrence in several other states have been differential treatment and differential behavior. Differential treatment refers to the difference in the way the justice system tends to treat minorities and Whites. Differential behavior refers to the difference in the way which minorities and Whites tend to offend.<sup>25</sup> Our analysis was narrowed to African Americans due to a lack of valid RRIs of other minority groups during Phase I.

### DIFFERENTIAL TREATMENT

Differential treatment refers to the different ways the justice system tends to treat African Americans compared to Whites.<sup>26</sup> Scholars do not think the discrepancy in the ways the juvenile justice system treats White and African American youth happens in a vacuum. One common example of differential treatment

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<sup>25</sup> Piquero, A. R. (2008). Disproportionate minority contact. *The Future of Children*, 18(2), 59-79.

<sup>26</sup> *Ibid.*

is how negative stereotypes about African American youth could cause differential treatment by justice officials.<sup>27,28</sup> Some scholars even argue that these negative stereotypes can then drive differential behavior.<sup>29</sup> Within the formal criminal justice system, police are usually the first officials that juveniles encounter. Since police are oftentimes the gatekeepers to who enters the justice system, the interactions with police will determine how likely youth are to be formally processed further into the system.<sup>30</sup>

Research suggests that law enforcement treat African American youth different. Studies have found that an African American youth who commits the same offense as a White youth is more likely to be treated harshly.<sup>31</sup> Likewise, race has been found to be a key predictor of a youth's outcome in the juvenile justice system after controlling for socioeconomic status, sex, and age.<sup>5</sup> African Americans account for about one-third of the United States' youth population, yet make up about half of the juvenile justice population.

#### DIFFERENTIAL BEHAVIOR

Differential behavior is also widely accepted as a cause of DMC. Differential behavior means that African American youth commit more delinquent offenses than youth of other races. Some research shows that African American youth commit more delinquent offenses for extended periods of time and are more likely to be adjudicated for violent crimes.<sup>32</sup> The Department of Juvenile Justice (DJJ) reported that in 2013, nine out of eleven districts in Georgia had more juvenile offenses committed by African American males between ages 13-18 than any other group.<sup>33</sup>

While statistically African American youth may commit more offenses than other youth, these figures do not explain possible root causes of the problem. Research shows that children who live in impoverished neighborhoods may be more prone to acting out and/or be aggressive, and less likely to finish high school.<sup>34</sup> In Georgia, a substantial proportion of poor youth are minorities. In 2015, the poverty rate for African Americans (26.7%) was twice that of Whites (13.9%) in Georgia.<sup>35</sup> In 2015, 80% of African American children in Atlanta lived in poor communities, compared to 6% of Whites, 29% of Asians, and 43% of

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<sup>27</sup> Leiber, M. J. (2002). Disproportionate minority confinement (DMC) of youth: An analysis of state and federal efforts to address the issue. *NCCD news*, 48(1), 3-45.

<sup>28</sup> Moore, L. D., & Padavic, I. (2010). Racial and ethnic disparities in girls' sentencing in the juvenile justice system. *Feminist Criminology*, 5(3), 263-285.

<sup>29</sup> Brinkley-Rubinstein, L., Craven, K. L., & McCormack, M. M. (2014). Shifting perceptions of race and incarceration as adolescents age: Addressing disproportionate minority contact by understanding how social environment informs racial attitudes. *Child and Adolescent Social Work Journal*, 31(1), 25-38.

<sup>30</sup> Feinstein, R. (2015). A qualitative analysis of police interactions and disproportionate minority contact. *Journal of Ethnicity in Criminal Justice*, 13(2), 159-178.

<sup>31</sup> Aalsma, M., Garcia, C., Haight, K., Jarjoura, R., & Osterman, L. (2013). Phase II: Assessing Disproportionate Minority Contact in Indiana. *American Institute for Research*, 1-185. Retrieved July 26, 2017, from [https://www.in.gov/cji/files/Y\\_DMC\\_Study\\_Phase\\_II.pdf](https://www.in.gov/cji/files/Y_DMC_Study_Phase_II.pdf).

<sup>32</sup> Piquero, A. R. (2008). Disproportionate minority contact. *The Future of Children*, 18(2), 59-79.

<sup>33</sup> Georgia Department of Juvenile Justice. (2017). Region/District Statistics. Retrieved August 7, 2017, from <http://www.djj.state.ga.us/ResourceLibrary/resStatisticsMainRegionDistrict.shtml>

<sup>34</sup> Leventhal, T., & Brooks-Gunn, J. (2000). The neighborhoods they live in: the effects of neighborhood residence on child and adolescent outcomes. *Psychological bulletin*, 126(2), 309.

<sup>35</sup> U.S. Census Bureau, 2011-2015 American Community Survey 5-Year Estimates.

Latinos. Setting up a framework for exploring what is underlying differential behavior can help better frame the discussion of why African American youth in Georgia may be offending more often than youth of other races.

## SCHOOLS

Interactions with police officers is not the only way juveniles may enter the formal justice system. Modern schools are not only institutions where pupils receive an education, but they are also institutions where students may receive their first introduction to the formal justice system. National policies regarding student behavior in educational settings have increased the number of juvenile referrals.

## ZERO-TOLERANCE POLICIES

Zero-tolerance policies and the use of police in educational institutions are thought to be strongly correlated with increased incarceration in United States.<sup>36</sup> These policies resulted from an increase in school violence, drug use, and gang activity amongst students in the 1990s. The zero-tolerance policies mandates were created to predetermine “consequences or punishments for specific offenses” and assumed that removing disruptive students from schools would create peaceful learning environments, and discourage other students from behaving similarly.<sup>37</sup> While on paper, this policy seemed to target the few students who were causing major disruptions in the classroom setting, researchers have found that these policies have targeted minority students more harshly than White students.

Under zero-tolerance policies, minority students tend to receive harsher punishments and are more likely to be arrested because of disciplinary infractions than White students. Children as young as five years old are subject to zero-tolerance policies. Research suggests that a history of disciplinary referrals at school can predict future involvement in the justice system.<sup>38</sup> Some researchers believe that the zero-tolerance policies have contributed to high rates of recidivism, increased high school dropout rates, and adverse effects on minority students.<sup>39</sup> Zero tolerance policies have been deemed an “overuse of the juvenile justice system to perpetuate the school-to-prison pipeline rather than creat[ing] peaceful and safe places of learning (p.1277).”<sup>40</sup>

Automatic suspensions, expulsions, and referrals to alternative schools or to law enforcement for school-based infractions have all been found to negatively affect Georgia’s student academic achievement and increase contact with the juvenile justice system. African American students and students with disabilities

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<sup>36</sup> Curtis, A. J. (2013). Tracing the school-to-prison pipeline from zero-tolerance policies to juvenile justice dispositions. *Geo. LJ*, 102, 1251.

<sup>37</sup> *Ibid.*

<sup>38</sup> Scully, J. A. (2015). Examining and Dismantling the School-to-Prison Pipeline: Strategies for a Better Future. *Ark. L. Rev.*, 68,959.

<sup>39</sup> Curtis, A. J. (2013). Tracing the school-to-prison pipeline from zero-tolerance policies to juvenile justice dispositions. *Geo. LJ*, 102, 1251.

<sup>40</sup> *Ibid.*

were found to be disproportionately affected by these policies in Georgia. African American students are 3.5 times more likely to receive an out-of-school suspension than White students in Georgia.<sup>41</sup>

### SCHOOL RESOURCE OFFICERS

The introduction of School Resource Officers (SROs) in public schools has also changed the way in which youth can be referred to the juvenile justice system.

Public schools in Georgia are often outfitted with random police searches, metal detectors, and armed security officers. In 2015 DeKalb County's School District proposed a budget for \$2.1 million to hire, train, and equip new SROs who were to be assigned to patrol and monitor the district's elementary schools. Similarly, Gwinnett County Public Schools' budget in 2015 included hiring nine SROs in the middle and high schools for \$1.8 million.<sup>42</sup> The increase of zero-tolerance policies and SROs in Georgia schools may affect referral rates from educational settings.

### SCHOOL-TO-PRISON PIPELINE

The 2002 No Child Left Behind Act (NCLBA) was passed to hold schools accountable for student performance. Scholars argue that the legislation limits learning and inspiration for students, while also incentivizing teachers and administrators to remove students who do not perform well by refusing to enroll them, expelling them, or encouraging them to dropout or obtain a GED.<sup>43</sup> A civil rights project found that under NCLBA's policies, African American youth are most likely to be suspended at least once as compared to Whites and other minorities.<sup>44</sup> In 2007, researchers found that 13% of African American students in grades 6-12 had been expelled at least once compared to only 1% of white students.<sup>45</sup> Being suspended from school can have further consequences as students may fall behind on their schoolwork, disengage from school, or drop out. As research shows one suspension in the 9<sup>th</sup> grade may double the odds that a student will drop out.<sup>46</sup>

As seen in the report by the Georgia Coalition Working to End the School to Prison Pipeline, out-of-school suspension rates by race between 2011-2012. Per 100 students, 14.5 African American students received out-of-school suspensions compared to 7.2 multiracial students, 5.2 Latino students, 4.2 White students, and 3.1 American Indian students. In Gwinnett County, Georgia's largest school system, African American students make up 30% of the enrollment population, but account for 47.8% of out-of-school suspensions. Comparatively only 15.9% of White students are ever suspended. Additionally, in the same school year,

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<sup>41</sup> Securing the Education Pipeline for Georgia's Children through Community-Empowered Local School Councils. (2015). *The Georgia Coalition Working to End the School to Prison Pipeline*, 2-24. Retrieved July 18, 2017, from <http://www.gwinnettstopp.org/wp-content/uploads/LSC-Securing-the-Education-Pipeline-Report.pdf>

<sup>42</sup> Ibid.

<sup>43</sup> Scully, J. A. (2015). Examining and Dismantling the School-to-Prison Pipeline: Strategies for a Better Future. *Ark. L. Rev.*, 68,959.

<sup>44</sup> Ibid.

<sup>45</sup> Ibid.

<sup>46</sup> Securing the Education Pipeline for Georgia's Children through Community-Empowered Local School Councils. (2015). *The Georgia Coalition Working to End the School to Prison Pipeline*, 2-24. Retrieved July 18, 2017, from <http://www.gwinnettstopp.org/wp-content/uploads/LSC-Securing-the-Education-Pipeline-Report.pdf>

African American students made up 45% of in-school suspensions and had a graduation rate of 63.8%, compared to White students who accounted for 17.9% of in-school suspensions and had an 83.8% graduation rate. According to the U.S. Department of Education Office of Civil Rights data, African American students made up 56% of all Gwinnett County Public Schools expulsions. During the 2011-2012 school year in Atlanta Public Schools, African American students made up 78% of the total enrollment population and accounted for 95.9% of all out-of-school suspensions, 92.5% of in-school suspensions, 97% of all expulsions. African American studies had a 49.6% graduation rate. By comparison, White students in Atlanta Public Schools accounted for 1.4% of all out-of-school suspensions, 1.9% of in-school suspensions and had a 69.2% graduation rate. A similar story can be told in non-metro counties. For instance, in Lowndes county African American studies made up 22% of the school populations yet accounted for 39.4% of out-of-school suspensions, 38.7% of in-school suspensions, 50% of all expulsions and a 70.4% graduation rate. Whites students accounted for 52.1% of all out-of-school suspensions, 52.6% in-school suspensions, and had a 75.6% graduation rate for White students.<sup>47</sup>

#### DISPROPORTIONATE MINORITY CONTACT IN GEORGIA

The Carl Vinson Institute of Government (CVIQG) conducted the Georgia SAG's last DMC assessment in 2012. The CVIQG report focused on cross-county mobility and the severity of a youth's crime as contributing factors to disproportionality.<sup>48</sup> The CVIQG report included statewide RRI calculations, but due to the limitations that arose with missing county data, a comprehensive county level identification or assessment was not conducted.

The current DMC assessment hopes to expand on previous assessments by focusing on county level analysis. The current assessment builds off the identification phase, where relative rate indexes (RRIs) were calculated for most of Georgia's 159 counties for each step in the Juvenile Justice system, for a total of 1,431 RRIs. Using data from 2007-2014, the identification phase identified counties that had frequent, persistent, and high disproportionality rates. However, RRIs are only used to identify whether and where DMC exists; and cannot provide any causal factors driving DMC. The current phase attempts to infer macro-level causes driving DMC within counties. The referral RRIs calculated in the identification phase made it apparent that the referrals fundamentally alter the composition of the population involved in the juvenile justice system. As such, we assess here what county-level factors may affect disparate referral rates for African American youth. We assess school, law enforcement, and arrest-specific county level factors based on previously cited research showing relationships between these and DMC with the juvenile justice system.

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<sup>47</sup> Securing the Education Pipeline for Georgia's Children through Community-Empowered Local School Councils. (2015). *The Georgia Coalition Working to End the School to Prison Pipeline*, 2-24. Retrieved July 18, 2017, from <http://www.gwinnettstopp.org/wp-content/uploads/LSC-Securing-the-Education-Pipeline-Report.pdf>

<sup>48</sup> Carl Vinson Institute of Government. (2012). *Disproportionate Minority Contact (DMC) Assessment* (pp. 1-28, Rep).

## METHODOLOGY AND DATA SOURCES

The focus of this analysis is to examine, at the county level, what factors are associated with disproportionality at referral for African American youth in Georgia. The county level factors we examine are:

$x_1$  = Law enforcement per 10,000 residents

$x_2$  = Number violent crime arrests for African Americans per 10,000 youth

$x_3$  = Proportion of African American Youth living in poverty by county

$x_4$  = Percent of county youth population consisting of African American youth

$x_5$  = County graduation rate of African American youth

$x_6$  = Binary variable indicating if corporal punishment is used by any school in the county

$x_7$  = Out-of-school suspensions per 100 students

$x_8$  = Number of African American Youth arrested for drug crimes per 10,000 youth

We hope to test the theory of differential treatment by law enforcement by examining the allocation of law enforcement resources by county. The violent and drug crime variables measure any differential behavior that may be causing disproportionality at referral. The graduation rates and poverty level variables may explain differential behavior by youth. We also include the percent of the county population that is African American, to examine whether variations in populations of African American affect disproportionality. The school-level variables are two cultural proxy measures for harsh punishment policies in county schools. While individual-level data are needed to determine whether the school discipline data indicate differential treatment, behavior or both, if these factors have a significant relationship to disproportionality, they may point to a need for assessing school discipline policies within a county.

The dependent variable in the quantitative analysis is the RRI for referral to juvenile court (See E1.). The variable is computed as specified by the Office of Juvenile Justice and Delinquency Prevention.<sup>49</sup>

E1. 
$$\text{Relative Rate Index (RRI)} = \left( \frac{\text{Minority Youth Rate of Activity}}{\text{White Youth Rate of Activity}} \right)$$

Interpreting RRI Calculations:

- RRI greater than 1 = Disproportionate African American Contact
- RRI less than 1 = Disproportionate White Contact
- RRI Statistically equal to 1 = The two groups experience equal contact

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<sup>49</sup> U.S. Department of Justice. (2009). Office of Juvenile Justice and Delinquency Prevention. *Disproportionate Minority Contact Technical Assistance Manual*, Fourth Edition. Washington, DC: U.S. Government Printing Office.

## DATA SOURCES

Data for the current study came from several sources including: the Federal Bureau of Investigation’s Uniform Crime Reporting, Law Enforcement Census, United States Census Bureau, Georgia’s Department of Education, and Georgia Bureau of Investigation. To conduct this analysis, we created indices for each county on the independent variables described below for the years 2007-2014. Though we had relative rate calculations for 2006, we did not have law enforcement census data for that year, so we did not include RRIs for 2006 in this analysis.

## DEPENDENT VARIABLE

*County Relative Rate Index at Referral.* The Office of Juvenile Justice and Delinquency Prevention (OJJDP) identified the Relative Rate Index (RRI) as a measure to assess DMC. The purpose of the RRI is to compare the risk of meeting an outcome for a minority youth compared to their White counterparts. For this analysis, we only use RRI at referral – the first outcome in the juvenile justice system. RRIs are calculated at each outcome for every county in the State of Georgia for years 2007-2014.

The rate at which African American youth are referred to the juvenile justice system alters the racial composition of youth at each outcome. Statewide, African American youth make up 34% of the at-risk youth population but they are 60% of those referred to the juvenile justice system. This disparity at referral means that for every other outcome in the juvenile justice system, African American youth are the majority of the youth population within the juvenile justice system. To have the greatest impact on disproportionate contact for minority youth within the juvenile justice system, we must start with referrals. Additionally, the type of quantitative analysis performed below can only be done at the referral step, in the aggregate. Beyond the point of referral, we could not calculate enough RRIs – either because the number of youth advancing did not meet population thresholds or because of missing data – to have sufficient cases for a regression analysis. Assessing disproportionality at petition, diversion and beyond is best accomplished with individual-level data about youth.

2007-2014 Referral RRI Descriptive Statistics	
Total Cases (case = RRI @ 1 county-year)	1273
Total Referral RRIs Calculated (Valid RRIs)	1205
County-years Missing Data (missing cases)	68
Statistically Significant referral RRIs	968
Statistically Significant RRIs Indicating Disproportionate Referral for African American Youth	741
Referral RRI Mean	2.56
Standard Deviation	1.54
Minimum	0.31
Maximum	11.46

## INDEPENDENT VARIABLES

Independent Variable	Data Source	Calculation	Mean	St. Dev.	Missing Cases
(X <sub>1</sub> ) Law Enforcement Officers Per 10,000	FBI Uniform Crime Reports, Law Enforcement Census 2007-2014, collected by GBI	Sum of Number of Sworn Officers by Agency in a County/County Population*10,000	21.05 Officers per 10,000	11.48%	53
(X <sub>2</sub> ) Violent Crime Arrest Rate per 10,000 African American Youth	FBI Uniform Crime Reports, Part I Crime 2007-2014, collected by GBI; Georgia Juvenile Justice Data Clearinghouse 2007-2014, collected by Carl Vinson Institute of Government (for youth population numbers)	Sum of Black Youth Arrests for Aggravated Assault, Murder/Non-negligent Manslaughter, Negligent Manslaughter, Robbery and Rape/Black Juvenile Population*10,000	12.33 Arrests per 10,000	18.18%	0
(X <sub>3</sub> ) Percentage of African American Youth In Poverty	American Community Survey, Three-Year Estimates (2007-2008), 5-year estimates (2009-2014), collected by U.S. Census Bureau	Estimates for African American children (under age 17) living in poverty/total African American Youth population*100	37.98% of African American Youth	25.54%	183
(X <sub>4</sub> ) Percentage of County Youth Identified as African American	Georgia Juvenile Justice Data Clearinghouse 2007-2014, collected by Carl Vinson Institute of Government	County African American Youth Population/Total County At-Risk Youth Population	31.87% of each county's juvenile population is African American	18.15%	0
(X <sub>5</sub> ) County Graduation Rates for African American Youth	Online Data request 2007-2011, graduation rates calculated by Georgia Department of Education; Graduation rate (4-year Cohort),	<u>Proxy Method (2007-2011)</u> : Total number of graduating African American youth/Number African American Youth in	61.83% of African American youth in each county	24.71%	0

Independent Variable	Data Source	Calculation	Mean	St. Dev.	Missing Cases
	2012-2014, retrieved from Downloadable Data, collected by Governor's Office on Student Achievement	Graduating Class; <u>Cohort Method (2012-2014)</u> : Number of African American Students Graduating/Total Number of African American Students in original freshman class			
(X <sub>6</sub> ) Corporal Punishment	Online Data request 2007-2014, School Discipline Data, collected by Georgia Department of Education	If total number of corporal punishment incidents > 1 from 2007-2014, county coded 1, else, 0.	61% of Georgia counties had at least 1 corporal punishment incident	n/a	0
(X <sub>7</sub> ) Out-of-School Suspensions per 100 African American Youth	Online Data request 2007-2014, School Discipline Data, collected by Georgia Department of Education	Sum of all out-of-school suspension for African American youth/total African American Youth enrolled in school*100	11.86 suspensions per 100 African American youth	5.58	0
(X <sub>8</sub> ) Arrest Rate of African American youth for Drug Possession Crime	FBI Uniform Crime Reports, Part II Arrest Data (2007-2014), collected by GBI; Georgia Juvenile Justice Data Clearinghouse 2007-2014, collected by Carl Vinson Institute of Government (for youth population numbers)	Total number of African American youth arrested for drug possession/African American Youth Population *10,000	15.54 arrests per 10,000 African American Youth	20.47	0

## FINDINGS

To test whether any of these county-level measures affect disproportionality at referral, we used a Tobit Regression Model. Six of the eight variables tested showed a positive effect on disproportionality and were statistically significant at the 95% level or above. The exceptions are Law Enforcement Allocation per 10,000 residents and Graduation Rates of African American youth. This means that an increase in any of

these six factors will likely increase African American disproportionality at referral in a county. To interpret the results, the coefficients represent the amount of increase in a county RRI when the independent variables increased by one unit (See Table 2).

Table 2. OLS, Tobit Model Estimates

Independent Variables	Total Change in RRI
Corporal Punishment	<b>RRI by 0.2671</b> ↑
Out-of-school Suspensions Per 100 Students	<b>RRI by 0.0449</b> ↑
Percent of Population that is African American Youth	<b>RRI by 0.0185</b> ↑
African American Youth Violent Crime Per 10,000	<b>RRI by 0.0160</b> ↑
African American Youth Drug Crime Per 10,000	<b>RRI by 0.0124</b> ↑
Percent of African American Youth in Poverty	<b>RRI by 0.0089</b> ↑
Law Enforcement Per 10,000	RRI by 0.0088
Graduation Rate of African American Youth	RRI by 0.0021

↑ Significant increase in RRI at the 99% level;    ↑ Significant increase in RRI at the 95% level

Three school-related measures were the focus of our analysis: graduation rates, out-of-school suspensions (OSS), and the use of corporal punishment in schools. The two significant measures were OSS, significant at the 99% level, and corporal punishment, significant at the 95% level. These two variables have the largest marginal effects on disproportionality at referral in our analysis. Corporal punishment increased the relative rate with which African American youth were referred to the juvenile justice system by 0.28 and out-of-school suspensions per 100 students increases it by 0.045.

Corporal punishment was designated as a binary variable (either 0 or 1), so the marginal effect is the total corporal punishment used in schools. Conversely, the cumulative effect for every increase in OSS per 100 students could surpass that of corporal punishment. That means, an increase of six out-of-school suspensions per 100 students would equal the effect of corporal punishment on the county referral RRI.

The statistically significant and positive coefficients for violent and drug crimes at the 99% level highlight that the crime rate for African American youth plays a significant role in disproportionality at referral. An increase of one violent crime per 10,000 African American youth, the county referral RRI will increase by 0.016 with all else equal. An increase of one drug crime arrest per 10,000 African American youth increases the county referral RRI by 0.012.

Both the proportion of African American youth in the population and African American youth living in poverty contribute to a statistically significant increase in disproportionality at referral. The proportion of the county population that is African American youth increased referral RRI by 0.0185 with all else equal. The proportion of African American youth living in poverty increased disproportionality by 0.0089.

Although these measures have a statistically significant effect on disproportionality, the marginal effect is not large enough to realistically increase or decrease disproportionality.

#### HOW CAN WE USE THESE FINDINGS TO SET TARGETS AND MEASURE PROGRESS?

These results mean that we can estimate the impact that changes in factors such as OSS, use of corporal punishment, poverty rates, and African American youth delinquent offense rates have on referral RRIs at the county level. Below we translate the marginal effect that decreases in any one of these factors have on referral RRIs. We include in Appendix E “What Would It Take” numbers for each county year at referral. These numbers reflect that number of African American youth who would have to be **removed** from the referral pipeline to achieve parity with White youth in each county.

#### OUT OF SCHOOL SUSPENSIONS

In 2014, Muscogee County had a referral RRI of 3.52. This RRI indicates that African American youth were referred to the juvenile justice system at 3.5 times the rate of White youth. To decrease the disproportionality at referral by a factor of 1 the county could decrease OSS by 22 ( $22 \times 0.0449 = 0.9878$ ) African American students per 100 students. A RRI of 2.52 would mean that 269 fewer African American youth were referred to the juvenile justice system that year, resulting in a 35% decrease in the “What Would It Take” number for Muscogee County at referral.

#### DRUG CRIMES RELATED VARIABLES

In 2014, the referral RRI in Chatham County was 4.77 meaning that African American youth were referred to the juvenile justice system at 4.8 times that of White youth.

To decrease the disproportionality at referral by a factor of 1, the county could decrease arrest rates of African American youth who commit certain drug related offenses by 83 ( $83 \times 0.012 = 0.996$ ) per 10,000. This resulting RRI of 3.77 would decrease the number of African American youth referred to the juvenile justice system by 346. This is 30% of the “What Would It Take” number for Chatham County at referral.

#### POVERTY VARIABLE

The proportion of African American youth living in poverty would need to decrease by 112 percentage points to decrease disproportionality at referral by a factor of one. To put that in perspective, in 2014 41,521 African American youth in Fulton County lived in poverty. That number would have to decrease by 37,000 to decrease Fulton’s referral RRI by a factor of 1.

This indicates that poverty is likely correlated with a substantial number of more precise measures, some of which we capture in other variables and some of which we do not. This may explain the small marginal effect that higher poverty rates have on referral RRI.

## RECOMMENDATIONS AND DISCUSSION

Counties where schools discipline often and harshly have increased disproportionate referrals of African American youth to the juvenile justice system. Further analysis through interviews with local school officials may explain why these measures contribute to disproportionality. These school measures may also be related to the allocation of law enforcement resources and it would be beneficial to our understanding of disproportionality to be able to distinguish how many county schools have resource officers. While the allocation of law enforcement resources was not statistically significant, this may be because the data we used did not consider where the law enforcement resources were allocated – e.g. specific neighborhoods or schools. Knowing which school districts contract with local law enforcement for SROs versus those that hire and manage their own would help our understanding of the influence they have on referrals. While the association between violent and drug crime rates among African American youth may indicate differential behavior, this may not always be the case. The difference in these Uniform Crime Reports (UCR) crime rates could just as easily be caused by differential treatment i.e. an increased law enforcement in certain communities or schools.

The violent and drug crimes variables, corporal punishment, and OSS all showed a positive effect on disproportionality at referral for African American youth and were statistically significant at the 95% level or higher. The school measures of frequent and harsh punishments showed the largest marginal effect on disproportionality. The poverty and population variables did show statistical significance, but the marginal effects were so small that they are not a realistic focus for policy interventions. These findings provide the SAG with some policy levers for intervention at the county level. Reducing out-of-school suspensions, ending the use of corporal punishment, or finding alternatives to arrest for African American youth committing drug crimes may substantially reduce the number of minority youth referred to the juvenile justice system.

While this analysis shows that certain variables increase DMC, these data are not sufficiently granular to identify the specific policies and individual behaviors driving the numbers. We cannot determine if there is differential treatment or behavior of African American youth that is contributing to the disproportionality. To overcome this, we recommend focusing efforts on interviewing county level practitioners who work in or with law enforcement, the department of juvenile justice and local school systems to refine our understanding of the policies and individual decisions that may be driving the significant marginal effects from this analysis. We would also need individual-level data about youth referred to the juvenile justice system to assess whether there are differences in severity of crime for which African American and White youth are referred, and differential treatment at different decision points in the juvenile justice system.

Additionally, better data collection methods are needed for future DMC assessments. The usage of multiple data sets and proxy measures created a complicated process to accurately measure the driving factors behind DMC rates. Although we calculated law enforcement officers per capita, we were unable to see if law enforcement officers are disproportionately distributed to certain neighborhoods or schools.

We also did not have access to other institutional data that can measure factors such as trauma, foster care placements, and contact with multiple systems of support and treatment for youth in need. By collecting more robust data and expanding the variables of interest we may be able to explain more of what is causing the disproportionality of African American youth at referral.

## PART III

# STAKEHOLDER INTERVIEWS

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In the identification analysis, the largest and most persistent disproportionate minority contact (DMC) over time occurred at the first decision points in the Georgia juvenile justice system (referrals, diversion, and detention). The decisions made early by law enforcement, court officials, and the Department of Juvenile Justice (DJJ) dramatically influenced the youth population deeper in the system, with referrals to juvenile court showing the most dramatic disproportionality in many counties. Following the identification analysis, a causal statistical analysis identified six county-level factors that strongly influence disproportionality. The most notable factors were violent and drug crimes committed by youth and harsh or extensive school discipline. These findings influenced which counties stakeholders were targeted for interviews and the approach taken with them using their professional experience to identify causes of DMC in the juvenile justice system.

### BACKGROUND

The target counties for stakeholder interviews were determined by three factors. The first was the county designation as either urban, rural or suburban.<sup>50</sup> The second was determined by which counties had the largest and most persistent disproportionate African American youth contact at referral from 2006 to 2014. The third was “What Would It Take” numbers calculated for the counties with the largest disproportionality at referral (Appendix E). The “What Would It Take” number indicates how many African American youth would have to be removed from (or in some cases added to) the referral process to achieve parity in referral rates for African American and White youth in the Georgia Juvenile Justice System.

In total, six counties were chosen for qualitative interviews: three urban counties, two rural counties, and one suburban county. These counties all had the largest average “What Would It Take” numbers. The suburban county did not meet the definition of an urban county but was associated with a metropolitan statistical area. This association was how we defined a suburban county. Stakeholders from these target counties were the focus of the qualitative interviews.

The professionals targeted for interviews included juvenile judges, juvenile prosecutors, juvenile defense attorneys, law enforcement officers, and service providers that work with delinquent youth and juvenile corrections officers. The qualitative interview questions were tailored to address the most common mechanisms that were identified as contributing to DMC in the fourth edition of the *Disproportionate Minority Contact Technical Manual*.<sup>51</sup> Additional questions were asked about training specific to youth

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<sup>50</sup> Counties were first designated as rural or not rural. Rural counties were identified using the Rural Health Grants Eligibility Analyzer. The remaining counties were designated as urban or suburban using the Office of Management and Budget definitions of Metropolitan and Micropolitan areas. Urban counties consist of a population of 50,000 or more. Populations were based on the 2010 census. If a county did not meet the definition of urban, but was part of a metropolitan statistical areas, they were designated as suburban.

<sup>51</sup> U.S. Department of Justice. (2009). Office of Juvenile Justice and Delinquency Prevention. *Disproportionate Minority Contact Technical Assistance Manual*, Fourth Edition. Washington, DC: U.S. Government Printing Office.

and the impact of Georgia’s Juvenile Justice Reform Bill.<sup>52</sup> Each participant received a copy of the interview questions for review prior to the interview.

In total, six face-to-face interviews<sup>53</sup> were conducted with various practitioners of the Georgia Juvenile Justice System within the six target counties between August 2017 and November 2017. The interviews lasted between one and two hours. Of the six interviews, the practitioner breakdown was as follows: two service providers, two juvenile judges, one police officer, and one juvenile public defender. Four interviewees were female and two were male. Racially, the breakdown is split evenly between White and African American, with three each. All interview participants held a bachelor’s degree and three had graduate degrees. The years of experience in the participant’s current roles ranged from 2 to 12 years, with the average experience of those interviewed in their current role was nearly 5 years.

## **MECHANISMS LEADING TO DMC**

The fourth edition of the *Disproportionate Minority Contact Technical Manual* highlights eight leading theories of the causes of DMC found in research literature.<sup>54</sup> The most commonly identified mechanisms include: (1) differential behavior, (2) mobility effects, (3) indirect effects, (4) differential opportunities for prevention and treatment, (5) justice by geography, and (6) legislation, policies, and legal factors with disproportionate impact.

### **DIFFERENTIAL BEHAVIOR**

Differential behavior is the idea that involvement in delinquent activity is different between ethnic and racial groups. Increased criminal activity or a larger proportion of severe or violent crimes committed by one racial or ethnic group could cause disproportionate contact at various stages in the juvenile justice system. The statistical analysis of county level factors attempted to identify differential behavior surrounding drug and violent crime as to contributing factors of disproportionate contact for African American youth. Although these factors were found to statistically contribute to disproportionality, it was hard to isolate differential behavior from youth or by the referral agencies.

Differential behavior was best captured in the interviews in a series of questions that asked participants if they believed that one racial or ethnic group was more frequently involved in (1) criminal activity or (2) severe or violent criminal activity in their geographic area. Three respondents reported that African American youth were more frequently involved in criminal activity in their geographic region, and three respondents reported there was no group more frequently involved.

The second question about differential behavior asked interview participants if there was one racial or ethnic group that was more frequently involved in severe or violent criminal activity in their geographic region. Of the six participants, three said “no,” two said “yes,” and one said they were “not sure.” Of the two who said “yes,” both individuals stated that African Americans are the racial group that is more frequently involved in severe or violent criminal activity in their area. One stakeholder interviewed stated that they believed African Americans committed more severe or violent criminal activity because they had

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<sup>52</sup> O.C.G.A 15-11-1

<sup>53</sup> Interview question templates for all stakeholders can be found in Appendix F.

<sup>54</sup> U.S. Department of Justice. (2009). Office of Juvenile Justice and Delinquency Prevention. *Disproportionate Minority Contact Technical Assistance Manual*, Fourth Edition. Washington, DC: U.S. Government Printing Office.

more youth appearing in court who are admitting to their crimes. A different stakeholder expressed that the crime statistics can be misleading, because what is really being reported is contact with the justice system. She expressed that we truly do not know if one racial or ethnic group is committing more crimes or more violent crimes, because there is no way to account for every crime committed. Overall, attitudes by stakeholders on differential behavior were nearly split on criminal activity and on severe or violent criminal activity in the target counties.

## MOBILITY EFFECTS

Mobility effects is the idea that some youth will commit crimes outside of their county of residence and if caught, they will go through the local juvenile justice system in which they had committed the offense(s). In a previous DMC assessment conducted by the Carl Vinson Institute for the Governor's Office for Children and Families, it was found that mobility effects contributed to as much as one third of the measured DMC in the six counties targeted for its analysis (Chatham, Clayton, DeKalb, Fulton, Gwinnett, and Newton).<sup>55</sup> The largest affects were in Fulton and DeKalb counties, and the authors attributed the proportion of disproportionality due to mobility effects to "attractive nuisances" like malls and shopping facilities.<sup>56</sup>

While the DMC Manual identifies four types of mobility effects (seasonal mobility, attractive nuisance, immigration and migration-related mobility, and institutional effects), only attractive nuisance was present in the interviews. Attractive nuisance, according to the *Disproportionate Minority Contact Technical Manual*, "is a term that might be applied to a number of commercial or entertainment areas."<sup>57</sup> Two of the stakeholders interviewed described crimes surrounding a popular mall area. Specifically, one interview participant from law enforcement mentioned that youth will come from Atlanta to a popular mall and shoplift from various companies. Other than the location of malls, no other mobility effects were identified in the interviews. While it is possible for DMC rates in these areas to be attributed, in part, to attractive nuisance, mobility effects did not appear to be a popular source of DMC during our interviews.

## INDIRECT EFFECTS

Indirect effects are factors like economic status, education, location, and a host of other risk factors associated with delinquent behavior which are sometimes linked with race and ethnicity.<sup>58</sup> The *Disproportionate Minority Contact Technical Manual* identifies three types of indirect effects: (1) specific risk factors, (2) programming access/eligibility, and (3) decision-making factors. Throughout our interviews, examples of all three types of indirect effects were discussed by all practitioners.

## SPECIFIC RISK FACTORS

Certain risk factors of criminality have been identified throughout criminal justice research. Some of the most well-known risk factors are poverty, education, disorganized neighborhoods, substance use, and family structure. Several risk factors were mentioned during the interviews; however, schools, family structure, and poverty were most commonly discussed among those interviewed. While several specific

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<sup>55</sup> Governor's Office for Children and Families (2012). *Disproportionate Minority Contact (DMC) Assessment*. Prepared by the Carl Vinson Institute of Government, The University of Georgia.

<sup>56</sup> *Ibid.*

<sup>57</sup> U.S. Department of Justice. (2009). Office of Juvenile Justice and Delinquency Prevention. *Disproportionate Minority Contact Technical Assistance Manual*, Fourth Edition. Washington, DC: U.S. Government Printing Office.

<sup>58</sup> *Ibid.*

risk factors were discussed, it was hard to distinguish if one specific risk factor was more relevant than the other. Oftentimes, risk factors are best explained using the intersectionality of different risk factors, making it difficult to determine which ones have the most impact on RRI. However, it was clear in our interviews that poverty, education, and family structure affected the disproportionate youth contact in other indirect ways such as access to programming or decision making by those involved with the juvenile justice system. This could lead to further contact or penetration into the system which could, in turn, increase disproportionality.

## PROGRAMMING ACCESS AND ELIGIBILITY

Programming access and eligibility refers to the ability to participate in necessary programming for youth. In the interviews with stakeholders, the prominent examples of this was in the form of behavioral health and substance abuse treatment. Both topics were brought up during the interviews by multiple stakeholders, and the barriers to accessibility and eligibility were clear. In many situations, the barriers were often enhanced by risk factors like poverty.

Behavioral health services can be hard to access for several reasons. If a youth has access to health insurance, the co-insurance or deductible prices may still be too high for them to be able to pay for behavioral health services. Without insurance, behavioral health services are oftentimes not affordable. In one county, the service provider's agency identified the need to increase access to these services and applied for a grant to cover the costs for youth who have no insurance or who cannot afford the co-payment. However, not all counties and service providers have access to such grants.

Apart from behavioral health services, access to and eligibility of substance abuse treatment is difficult. In discussing services that are needed, a rural county service provider explains the difficulty in finding substance abuse treatment and detox centers. Specifically, if the youth is 17, the service provider explains, *"treatment centers do not accept youth 17 or younger. We have found that if the youth is 17, there is nothing for you."* The same issue is present with detox centers, as detox centers do not accept persons 17 or younger. Even if some of these services were available, the lack of accessibility due to insurance and the other barriers previously discussed could be an issue.

## DECISION-MAKING FACTORS

Decision-making factors are important to consider when discussing DMC, especially in the areas where more discretion is given. Decision-making factors were most evident in the police officer interview. Police officers are the first point of contact, both in the community and oftentimes in schools, that refer youth to the criminal justice system. Police officers operate within a legal framework that allows for a certain amount of discretion in policing.

When discussing the decision of whether or not to arrest a youth, the police officer described the following decision-making factors: severity of crime, type of crime, and if the youth is already known to police. However, it was also expressed that some officers may use different decision-making factors when deciding whether to make an arrest, such as any evidence that any criminal behavior occurred. These two very different approaches in policing highlight the varying degree in which discretion is applied and there is the opportunity for disproportionate decision-making, which could affect who contacts the system and who does not.

However, the police officer also described one incident where they made the decision to arrest a youth, but based on the youth's family connections in the community, the incident was handled outside the

formal criminal justice system. Reflecting on the incident, the police officer stated “... you know, those youth[’s] charges, literally, did not go anywhere beyond the front office and a kid that is poor and their parents can’t afford the youth’s way out, that youth will pay the price dearly. It’s just not fair, you know.” This incident highlights how discretion can be out of the hands of a patrol officer in certain cases.

Another example of decision-making factors influencing DMC is during the diversion process. Diversion programs are a less restrictive form of punishment compared to being detained. The overall goal of diversion is to allow offenders to take part in rehabilitation programs that work to curb future criminal behavior. One of the biggest benefits to diversion is the ability to avoid conviction and a criminal record. Upon completion of diversion programs, charges against the participants are either reduced or dropped by the district attorney. Oftentimes, there are requirements that a youth must initially meet or follow that allow them to be considered for participation in a diversion program. For example, most youth who are first time, non-serious traffic offenders will not go in front of a judge but will be offered a pre-trial diversion option. This is echoed during a judge’s interview, “all kids are given one bite to the apple, unless serious, fleeing, offense. Otherwise, given pre-trial diversion option.”

The judges listed the severity of the crime and criminal history as being the two most crucial factors to consider for diversion eligibility. These two factors also dominate the decision-making process from referral to confinement. However, the third most common risk factor identified in the interviews for youth diversion was family. This could include a parent’s job/employment status, family structure or history of abuse or substance use. It was also expressed that some assessment of a parent’s engagement with their child could influence their decision for diversion because of the role families play in the success of youth in diversion programs. A bias associated in any of these factors could influence which youth are diverted or which continue in the juvenile justice system.

## DIFFERENTIAL OPPORTUNITIES FOR PREVENTION AND TREATMENT

Differential opportunities identify the allocation of prevention and treatment services in a community and how the allocation can create a disadvantage for minority youth<sup>1</sup>. The *Disproportionate Minority Contact Technical Manual* identifies four barriers to differential opportunities: (1) access, (2) eligibility, (3) implementation, and (4) effectiveness. The most common barriers identified in our interviews were access, eligibility, and implementation.

### ACCESS

Access refers to the notion that those who require services can receive those services. For example, if a service is only available during “normal” business hours, it may be hard or impossible for a single parent to get their child(ren) to the needed services. Access was brought up on several occasions during our interviews. The two most prominent areas in which access was discussed was with transportation needs and the perception that the juvenile justice system is the only option to receive help for their loved one.

Transportation needs can be harder in rural counties, as public transportation is scarce and the location of services in rural areas tends to be more spread out than compared to those in urban settings. Transportation needs are captured best by a service provider who stated that, “transportation is lacking to get clients from outside counties to other counties to receive services.” The same service provider was awarded a grant to provide transportation for doctor appointments and mental health appointments. Reflecting on how the grant has made transportation easier, the service provider stated “[The] biggest hurdle was to get the clients here [to services] and to their appointments, so now that they are able to

*assist in that, [it] has helped a ton.*” Without access, many youth may continue to escalate delinquent behavior that will cause contact with the juvenile justice system.

Another challenge to access that was brought up during the interviews was the notion that families do not know who else to ask for help except the juvenile justice system. As one judge explains, *“sometimes those officers and even private persons refer kids to the juvenile justice system who don’t really need to be here, but they need something, but we are the only game in town. But for a child who doesn’t need to be here, this is the worst place for them.”*

Additionally, in contacting the juvenile justice system, some families may not understand the precautions of contacting it for their child to receive help. As one judge explains: *“[I] try to get parents to understand that once law enforcement is called, you cannot change your mind or alter the course, so it needs to be something serious for parents to get the system involved.”* Following up on that statement, the judge did say that the DJJ will *“filter some of that out.”* However, it is clear that sometimes when families are struggling with their youth and do not have access to, or knowledge of, where to receive help, they turn to the juvenile justice system for resources.

## ELIGIBILITY

Eligibility refers to the requirements many programs or services require for youth to participate. Three examples of eligibility barriers were discussed during the interviews. Services provided while on probation, services for low level offenders, and alternative schools are where eligibility barriers were most commonly discussed. Juvenile courts in Georgia can be independent or dependent. Independent juvenile courts are located in the most populous counties of Georgia. Independent juvenile courts provide intake, probation, and program services through locally controlled and directed probation departments. DJJ only becomes involved in an independent juvenile court if a youth is committed to secure detention. Whereas dependent juvenile courts provide intake, probation, program services, and detention through DJJ.

The separation of independent and dependent juvenile courts can impact available services. In terms of probation, a diversion alternative to commitment, the services that are provided can differ depending on which court a youth is receiving programming in (dependent vs. independent). While a youth is on probation, the services rendered can impact how successful a youth is in the community without supervision. For example, mentor programs, when combined with other effective services, were highly praised by the service providers. However, one service provider located in an independent juvenile court stated: *“DJJ seems to get kids into more programs than regular probation, especially mentor programs.”* Although eligibility for type of probation is based on county of residence, it appears some effective services may be more of a barrier for youth in independent probation compared to those in dependent probation programs.

Another eligibility barrier discussed in the interviews was the provision of services for low level offenders. The judges that were interviewed both agreed that they start off with the lowest level of punishment or services needed for each youth and then increase the level of punishments or services as needed. Additionally, a focus was on trying to help youth before they get “worse” and penetrate further into the system. However, as one judge explained, *“services is a big issue for low level offenders. [Youth] must score a 2 [on the Pre-Disposition Risk Assessment Instrument] to get grant funding. If a kid has no prior and hasn’t been adjudicated, [they] will not qualify,”* emphasizing that eligibility for low level offenders is a barrier for some.

Additionally, the same judge expressed a similar issue with services eligible to youth who have an extensive list of minor offenses. Youth are not eligible for some services due to the extent of their criminality, because if minor, and they are not eligible to be committed for more than 30 days. Once the judge has given the youth 30 days on multiple occasions and was unable to curb future criminality, the judge is out of resources. The judge, wanting to curb the behavior, has limited to no options for youth in this scenario due to eligibility requirements attached to services and commitment.

The last eligibility barrier discussed in the interviews is a policy surrounding youth who are in alternative schools. In the State of Georgia, if a youth attends alternative school, the youth cannot attend or participate in any school-related activities (sport games/teams, clubs, etc.). However, when asked about factors that could help reduce DMC, the importance of having pro-social peers and activities was consistently discussed. A judge commented, *“at one point, [I] was requiring children to get involved in their school, however, when 80% of the children that I see are in alternative school, [I] can no longer require that of children.”* It is expected that this ineligibility may have a deeper impact on rural youth, since there are typically less organized activities available for youth who reside in rural areas as compared to those available for youth residing in suburban areas. Both practitioners who specifically mentioned the alternative school policy represented rural areas.

## IMPLEMENTATION

Implementation refers to “characteristics that may play a role in encouraging or discouraging minority youth participation.”<sup>1</sup> There were two clear examples of implementation that were discussed during the interviews. When asking a service provider about service options for youth from minority cultural or racial groups, the service provider mentioned that in their area, serving lesbian, gay, bisexual, and transgender (LGBT) families can be difficult. In their region, they were serving families who have separated and co-parenting, with one (or both) parents engaged in relationships with same-sex individuals. Specifically, the service provider stated *“families can tell if there is judgment (in counseling, etc.). Courts unsure how to deal with it - sometimes they ignore the issue, but that is not a good idea. [The] system has to be open to dealing with other [types of] family structures. You have to bring in all family dynamics to effectively help kids.”* Families whose structure may not be part of the main stream culture could face implementation problems.

Another example of an implementation issue was that of receiving behavioral health services when families or youth are required by the courts to complete therapy. It can be difficult to get families on board, because they may feel like the counseling is an extension of the court and may not want to release all the details of the family and/or youth issues in fear of making their situation with the court worse. Since some parents can be distrusting of anything that is related to the court, service providers who work directly with the family may be able to offset some of the tension toward the court if they are independent from the court system.

## EFFECTIVENESS

In addition to the initial barriers listed above, behavioral health service providers see a high turnover rate in their counselors, which can be defeating and significantly impact the effectiveness of those services. As one service provider explains, *“community counselors do not stay very long because of the financial piece. High turnover in community counselors. Some families would say that they have had three or four different counselors in a seven eight-month period.”* As the service provider emphasizes, this can impact families becoming resistant to counseling. The high turnover could also affect the quality of care, allow for some to fall through the cracks in system, or extend the time frame for someone to receive these services.

## Justice by Geography

Justice by geography refers to how jurisdictions or regions may differ in what services are available. The prominent examples of justice by geography in our interviews were related to living in a rural county. Of the six practitioners that were interviewed, two served rural areas, and one practitioner served multiple counties, all of which were rural except one. Both service providers stated that sometimes families must travel further to a nearby county that is less rural and has more of the services they require. This provides an issue of transportation, service availability, and time. Additionally, as discussed in prior sections, the importance of bringing varied services into a county could affect the application of services and help participation. One service provider from a suburban county summed up the issue with rural counties by simply stating *“rural counties don’t have much, they [juveniles from rural counties] are coming here...”* If a specific rural population is not receiving the services they need to adjust delinquent behavior, then it is likely that contact with the juvenile justice system will occur, which may contribute to disproportionality.

## TRAINING

The judges who were interviewed had the most training between all practitioners, which included implicit bias and trauma training. Both judges regularly attend state conferences, which has become their point of access for different trainings. Additionally, both service providers had completed cultural diversity trainings in the past. The public defender had not received trainings during their tenure, and the police officer had completed mandated state training, but none focused on juveniles or youth.

Most of the stakeholders interviewed expressed that they believed more trainings should be an option to reduce DMC. When asked about what kinds of training(s) are still needed, cultural diversity, implicit bias, and trainings around youth that offend were commonly discussed. Additionally, when discussing implicit bias training, one judge stated, *“it was scary from someone who thought they didn’t have implicit bias.”* When asked ways to fix DMC, one participant simply stated, *“law enforcement needs implicit bias training by [for] every single person in every department.”* Overall, training(s) appeared to be impactful and, to almost all the interviewees, as something that should be offered consistently and often.

## HB 242: JUVENILE JUSTICE REFORM

HB 242, better known as the Georgia Juvenile Justice Reform Bill, was passed in 2013. The bill was an overhaul of the state’s juvenile justice system. We were interested in understanding how HB 242 changed the way practitioners operated in the system, what changes, if any, they believed still needed to be addressed or fixed, and how this could contribute to DMC. All practitioners were asked if the Reform Bill affected their decision making. Everyone except the judges said that the reform bill has not affected their decision making; however, almost everyone did state that it has changed judges decisions. The interviews of the judges support this as both judges stated that the Reform Bill had affected their decision making, with one judge stating, *“it had to.”*

There were several positives noted in the interviews. Both judges acknowledged that the reform bill has made it apparent that detention should be a last resort for youth and they now start with the least restrictive services for youth. One service provider stated that the Reform Bill *“pushed courts to do more with treatment”* and helped strengthen the relationships between them and the courts. Additionally, a separate service provider noted that while their relationships were strong before the reform, the reform allowed a mental health worker to be allowed in court to help youth or families experiencing a need in that moment as compared to following up after court.

When asked about what changes practitioners believe need to be addressed after HB 242, the practitioners were almost unanimous in that for habitual offenders, there needs to be an increase in options available. The reform changed the discretion of the amount of days judges had in sentencing youth to supervision or confinement. While it may appear, this has provided positive change, many expressed that judges do not have as many options for sentencing habitual offenders. Almost all practitioners mentioned that once a youth has been given all the available services, there is a lack of further opportunities that judges can give the youth.

Additionally, judges highlighted the disparity between the sentencing of similar offenses within the adult and juvenile justice system. As one judge explains, *“they have the same sheet of petty offenders as an adult [and] gets 5 years, when as a youth, get 30 days, and it shocks the adult.”* Several other practitioners echoed similar thoughts as the judge. Many believed that judges need more discretion to service youth offenders when the traditional path has not worked, all programming options have been exhausted, and the youth continues to come into contact with the juvenile justice system.

## **RECOMMENDATIONS AND DISCUSSION**

While our sample size limits the general application of these findings and should not be used to make conclusions about the larger population, the interviews provided a richer context to the mechanisms leading to DMC in the State of Georgia. The focus of the interviews was to better understand the decision points of referral, diversion, and detention, as those areas had the largest and most persistent evidence of DMC over time. Additionally, we were interested in ways to combat DMC and the impact of Georgia’s juvenile justice reform.

The biggest decision makers at the referral decision point appeared to be police. Additionally, community members are also responsible for the referral process, as community members may call the police and report a suspicious person. The referral process also appears to have the largest amount of discretion, as there are thousands of individual police officers making daily judgement calls that impact the DMC referral rates. While it is hard to isolate and identify all the factors that contribute to law enforcement decisions, the biggest issue appears to be the wide range of decision-making factors that are considered. One solution discussed was to increase the amount of implicit bias and cultural competency trainings for police officers. Such trainings aim to increase a police officer’s understanding of biases and more appropriate ways to hand situations.

The most impactful decision-makers in terms of diversion is district attorneys and judges. Additionally, while service providers do not have the decision-making powers to sentence youth to diversion or mandate services, service providers are integral to the diversion process. The amount of discretion in diversion is limited to a few individuals. Counties can have one or several juvenile court judges who are making all the decisions. Similarly, jurisdictions typically have one or a few district attorneys, who impact the accessibility and eligibility of what charges/offenses can be applied in lieu of diversion. As a result, it appears diversion can be a process that can make impactful changes to DMC rather quickly if judges and district attorneys make it a priority to combat DMC. Since HB 242, both judges interviewed appeared to accept and support in the notion to use more diversion for all youth and to only use detention as a last resort. These policies and shifts in cultural ideologies could have the biggest impact on diversion DMC rates in the future.

The most impactful decision makers in terms of detention was difficult to navigate since no prosecutors or correctional officers were interviewed. By their use of prosecutorial charging decisions, prosecutors hold powerful influence in deciding who ends up entering the informal or formal criminal justice system. Prosecutors can be the gate keepers to diversion, which ultimately impacts detention. Additionally, correctional officers are important to understanding the detention piece inside the formal criminal justice system. However, judges are also important in the detention process as well. While it was apparent in our interviews that juvenile judges are leaning away from detention, it is imperative to also put into context the cultural attitudes and shifts, if any, of prosecutors and DJJ. If all three entities can be on board with the shift away from detention, DMC rates for detention could be significantly impacted.

While any effect HB 242 has on DMC rates was yet to be seen, the interviews provided some hope that detention and diversion processes have changed. However, from the interviews, it was reported that the bill had the most effect on the judges' decision-making process. Additionally, more trainings on the front end of the system was the most requested option to combat referral DMC rates. Overall, in combination with the Reform Bill, changes to services and prominent risk factors and more trainings are factors that may have the greater impact on DMC rates.

## CONCLUSION

The Georgia Statistical Analysis Center used a mixed methods approach to conduct a county-by-county analysis of disproportionality in Georgia. These findings provide the Georgia Juvenile Justice State Advisory Group and the State with a precise road map for identifying areas of the juvenile justice system in which to intervene. State interventions to curb disproportionality should focus on counties that show persistent, unequal outcomes for African American youth over a nine-year period.

Research showed that interventions aimed at reducing disproportionate minority contact (DMC) will have the greatest impact at referrals. This decision point fundamentally changes the population in the Georgia juvenile justice system by shifting a minority population of African American youth into the majority. By focusing efforts to strengthen these decision makers, such as local police on patrol or in schools, at the referral decision point, the state will see the largest positive impact at reducing DMC. Counties where the school disciplines often and harshly had higher disproportionate referrals of African American youth to the juvenile justice system. One solution discussed by those interviewed was to increase the amount of implicit bias and cultural competency trainings for police officers to influence their discretionary behavior. Such trainings aim to increase a police officer's understanding of biases and positively influence interactions between police and the community.

While the analysis showed certain variables increase DMC, these data are not sufficiently granular to identify the specific policies and individual behaviors driving the numbers. The research did not determine if there is differential treatment or behavior of African American youth that is contributing to the disproportionality. To overcome this, we recommend focusing efforts to conduct a county-specific analysis with individual-level youth data to assess whether there are differences in severity of crime for which African American and White youth are referred and differential treatment at different decision points in the juvenile justice system. This would provide the data needed to refine our understanding of the policies and individual decisions that may be driving the significant marginal effects from this analysis. Additionally, better data collection methods are needed for future DMC assessments. The usage of multiple data sets and proxy measures create a complicated process to accurately measure the driving factors behind DMC rates. By collecting more robust data and expanding the variables of interest, we may be able to better explain what is causing the disproportionality of African American youth at referral.

### Recommendations:

1. Focusing efforts on reducing DMC at referral, because disproportionality at this decision point shifts a minority population (African American youth) into the majority in the juvenile justice system.
2. Targeting intervention efforts at counties with not only severe disproportionality but also those with disproportionality over extended periods of time.
3. Reducing the use of harsh disciplinary measures at the school level to help reduce disproportionate referrals for African American youth.
4. Analyzing individual-level data regarding youth offenses to determine whether African American youth criminal involvement – specifically in violent or drug crime – is disproportionate to White youth criminal involvement, to test whether this difference explains disproportionate referrals.
5. Utilizing enhanced quantitative and qualitative data collection methods to shape specialized interventions to identify local factors contributing to severe and persistent disproportionality.

## **APPENDIX A: SITE (DECISION POINT) DEFINITIONS<sup>59</sup>**

### **At Risk Population**

Youth aged 0 through 16. At-risk population is broken down by race/ethnicity. All races except "Hispanic" are populations not considered Hispanic. Source: Puzzanchera, C., Sladky, A. and Kang, W. (2010). "Easy Access to Juvenile Populations: 1990-2009." Online- [ojjdp.ncjrs.gov/ojstatbb/ezapop](http://ojjdp.ncjrs.gov/ojstatbb/ezapop)

### **Arrests (Arrested)**

Unique juvenile/offense entry date combinations where the youth was NOT in secure placement (Regional Youth Detention Center (RYDC) or Youth Development Campus (YDC)) at the time of the entry. Arrest category may represent referrals to law enforcement, juvenile court, or DJJ. Number of juvenile arrests represents number of unique referrals. Each referral can represent more than one charge. Source: DJJ for 142 counties.

MISSING for 17 counties (Chatham, Clayton, Cobb, Columbia, Crawford, DeKalb, Dougherty, Floyd, Fulton, Glynn, Gordon, Gwinnett, Hall, Peach, Spalding, Troup, Whitfield)

### **Cases/Referrals to Juvenile Court (Referred)**

"Case" and "Referral" are treated as synonyms, defined as a unique juvenile / offense entry date combination. Multiple charges for the same youth entered on the same date, regardless of the "offense date" will be counted as one "case" or "referral". Referral category represents referral charges to juvenile court and DJJ. Multiple charges may be associated with a single referral. Source: DJJ for 142 dependent/shared court counties, CJCJ for 10 independent court counties (Chatham, Clayton, Columbia, Dougherty, Fulton, Gwinnett, Hall, Spalding, Troup, and Whitfield)

MISSING for 7 independent court counties (Cobb, Crawford, DeKalb, Floyd, Glynn, Gordon, and Peach). DJJ can provide partial data for these 7 counties.

### **Cases Diverted (Diverted)**

Cases where, among all charges in the case, the most serious outcome is a diversion. Diversions are informal adjustment, abeyance, diverted complaint withheld, mediation, and nolle prosequi. Diversion category represents the total number of cases diverted. Source: DJJ for 142 dependent/shared court counties, CJCJ for 10 independent court counties (Chatham, Clayton, Columbia, Dougherty, Fulton, Gwinnett, Hall, Spalding, Troup, and Whitfield)

MISSING for 7 independent court counties (Cobb, Crawford, DeKalb, Floyd, Glynn, Gordon, and Peach). DJJ can provide partial data for these 7 counties.

### **New Instances of Secure Detention (Detained)**

Instances are contiguous periods of time spent in RYDCs. "New" means that the instance started during the reporting period. Transfers between RYDCs will NOT be counted as new episodes. Secure detention category represents the total number of new admissions to RYDC. Source: DJJ for all counties

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<sup>59</sup> Site Definitions are provided by the Georgia Juvenile Justice Data Clearing House. Retrieved March 22, 2017 from <http://juveniledata.georgia.gov/SiteDefinitions.aspx>

**Cases Petitioned (Petitioned)**

Cases where, among all charges in the case, the most serious outcome is something other than a dismissal or diversion. Petition category represents petitioned cases to juvenile court. Multiple cases may be associated with a single petition. Source: DJJ for 142 dependent/shared court counties, CJCJ for 10 independent court counties (Chatham, Clayton, Columbia, Dougherty, Fulton, Gwinnett, Hall, Spalding, Troup, and Whitfield)

MISSING for 7 independent court counties (Cobb, Crawford, DeKalb, Floyd, Glynn, Gordon, and Peach). DJJ can provide partial data for these 7 counties.

**Cases Resulting in Delinquent Findings (Delinquent)**

Petitioned cases resulting in a delinquent finding. The charge must be a misdemeanor or felony. Delinquent category represents finding of delinquency in juvenile court. Multiple charges may be associated with a single finding of delinquency. Source: DJJ for 142 dependent/shared court counties, CJCJ for 10 independent court counties (Chatham, Clayton, Columbia, Dougherty, Fulton, Gwinnett, Hall, Spalding, Troup, and Whitfield)

MISSING for 7 independent court counties (Cobb, Crawford, DeKalb, Floyd, Glynn, Gordon, and Peach). DJJ can provide partial data for these 7 counties.

**Cases Resulting in Commitment to DJJ (Committed)**

Petitioned cases where, among all charges in the case, the most serious outcome is a commitment to DJJ. Commitment category represents total number of unique cases resulting in commitment. Source: DJJ for all counties

**New Instances of Confinement in Secure Juvenile Correctional Facilities (Confined)**

Instances are contiguous periods of time spent in secure correctional confinement. "New" means that the instance started during the reporting period. Transfers between YDCs will NOT be counted as new instances. Secure confinement category represents the total number of youth placed in Long Term Youth Development Campus (LTYDC) or Short Term Program (STP). Source: DJJ for all counties

**Cases Sentenced in Adult Court (Adult Court)**

Cases where, among all charges in the case, the most serious outcome is a superior court (adult) sentence. Cases sentenced in adult court category represents the total number of superior court sentences with a unique court date. Source: DJJ for all counties

## APPENDIX B: QUICK FACTS FROM OUR FINDINGS

### Referral Decision Point

- 76% of the RRIs over a nine-year period show disproportionate referral outcomes for African American youth
- African American youth are **at least** twice as likely to be referred to juvenile court as Whites
- We had nine-years of disproportionate referral rates for African American youth for **50 counties**
- 12% **decrease** in the number of disproportionate RRIs from 2007-2014

### Diversion Decision Point

- 65% of the RRIs at diversion indicate no disproportionality over a nine-year period
- 28.6% of the RRIs at diversion show White youth diverted at greater rates over a nine-year period. Only 1.7% of the RRIs at diversion showed African American youth diverted at greater rates.

### Detention Decision Point

- Fulton, Tift and Chatham are the only three counties with disproportionate outcomes at detention for all nine years of analysis
- On average, African American youth are detained at up to 3 times the rate at which White youth are in the top ten counties with persistent disproportionality at detention
- 36% of the RRIs over a nine-year period show disproportionate detention of African American youth

### Cases Petitioned Decision Point

- On average, cases involving African American youth are petitioned at up to 2.5 times the rate as those involving Whites in the 10 counties with the largest and most persistent disproportionality
- However, 65% of the RRIs indicate no disproportionality over a nine-year period

### Delinquency Decision Point

- 81% of the RRIs indicate no disproportionality over a nine-year period
- The **magnitude** of disproportionality is **lowest** for delinquency outcomes, as compared to others in the juvenile justice system.
- The magnitude of disproportionality for African American youth is less than 1.5 times that of White youth, 87% of the time

### Commitment Decision Point

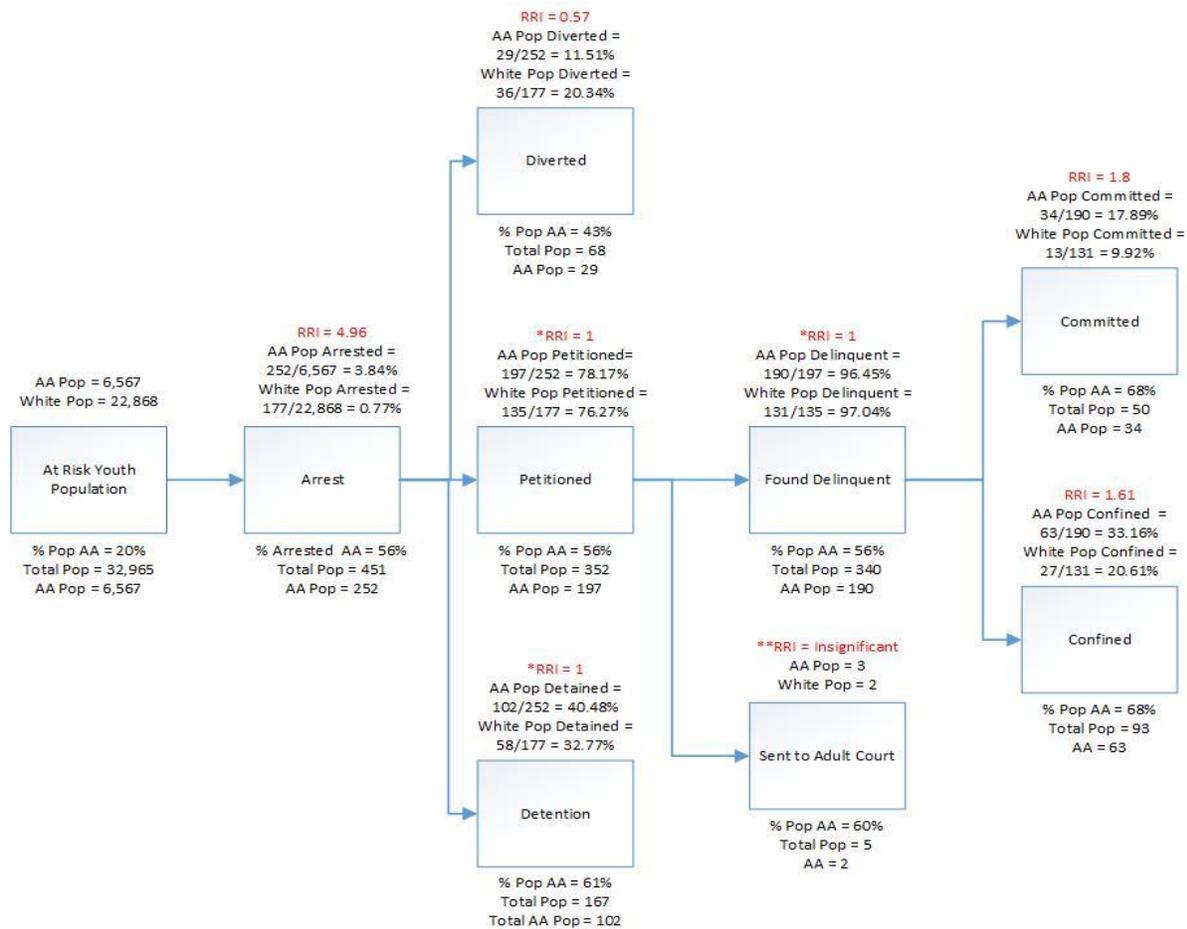
- 75% of the RRIs indicate no disproportionality over a nine-year period
- 97% of the counties reporting data had only 1 RRI indicating disproportionality over a nine-year period

### Confinement Decision Point

- 94% of the counties reporting data had no more than 1 RRI indicating disproportionality
- 13 counties experienced disproportionate outcomes for African Americans at confinement from 2006-2014

## APPENDIX C: RRI VERSUS POPULATION PROPORTIONS AS A MEASURE OF DISPROPORTIONALITY

The figure below demonstrates how African American youth can be a majority at a given outcome in the juvenile justice system, even though there is no DMC. Coweta County was used as the example. At baseline, African American youth are only 20% of Coweta's at-risk youth population. After the point of arrest, which African American youth experience at 5 times the rate of White youth, African Americans come to represent 56% of the justice-involved population. The disproportionality at the point of arrest fuels continued disproportionality through the juvenile justice system. As the small numbers of White youth that proceed through the juvenile justice system become less likely to continue deeper in the system – especially given disproportionality at diversion – the *absolute percentage* of African American youth among the juvenile justice-involved population also increases. However, because relative rate indexes measure the likelihood that one group experiences an outcome relative to another, African Americans may not “disproportionately contact,” statistically speaking, the juvenile justice system as compared to Whites at certain outcomes in the juvenile justice system.



\* A RRI calculation that is found to be statistically insignificant through a Chi Square Test and meets the population minimum thresholds. Although the actual calculation may not equal 1 they are statistically equal to 1 and reported as such.  
 \*\* A RRI calculation that is statistically insignificant and does NOT meet the minimum contact and population check. This RRI calculation is not reported because the population is too small to accurately calculate.

Chart 1. Count of Valid RRIs Indicating Disproportionate African American Contact at Referral

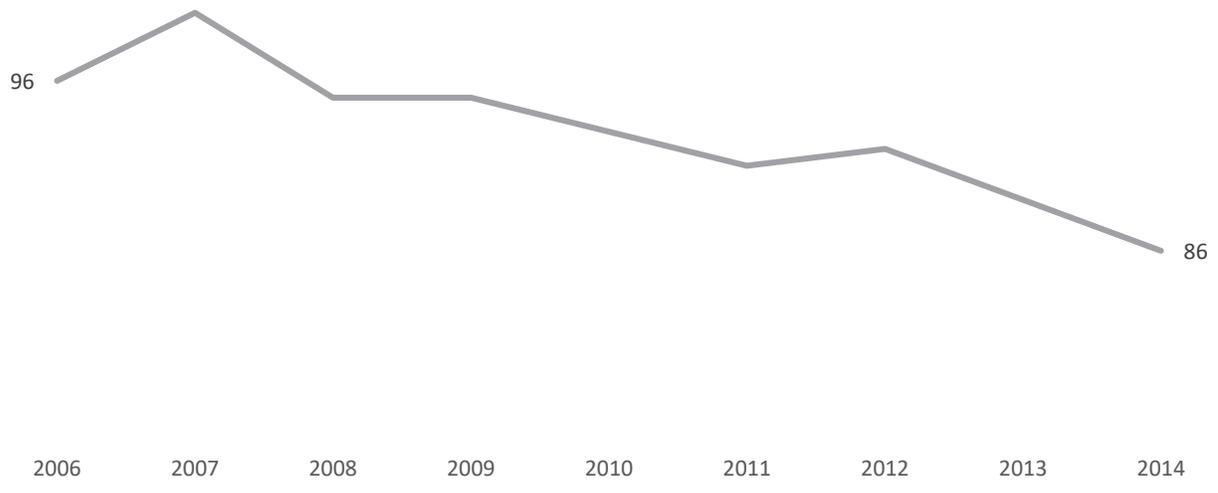
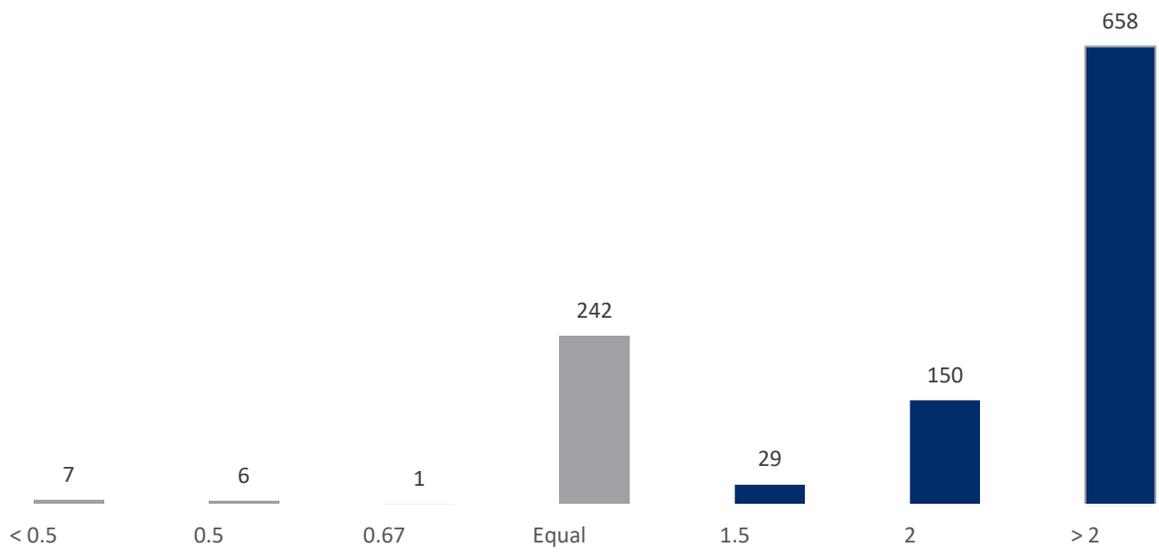
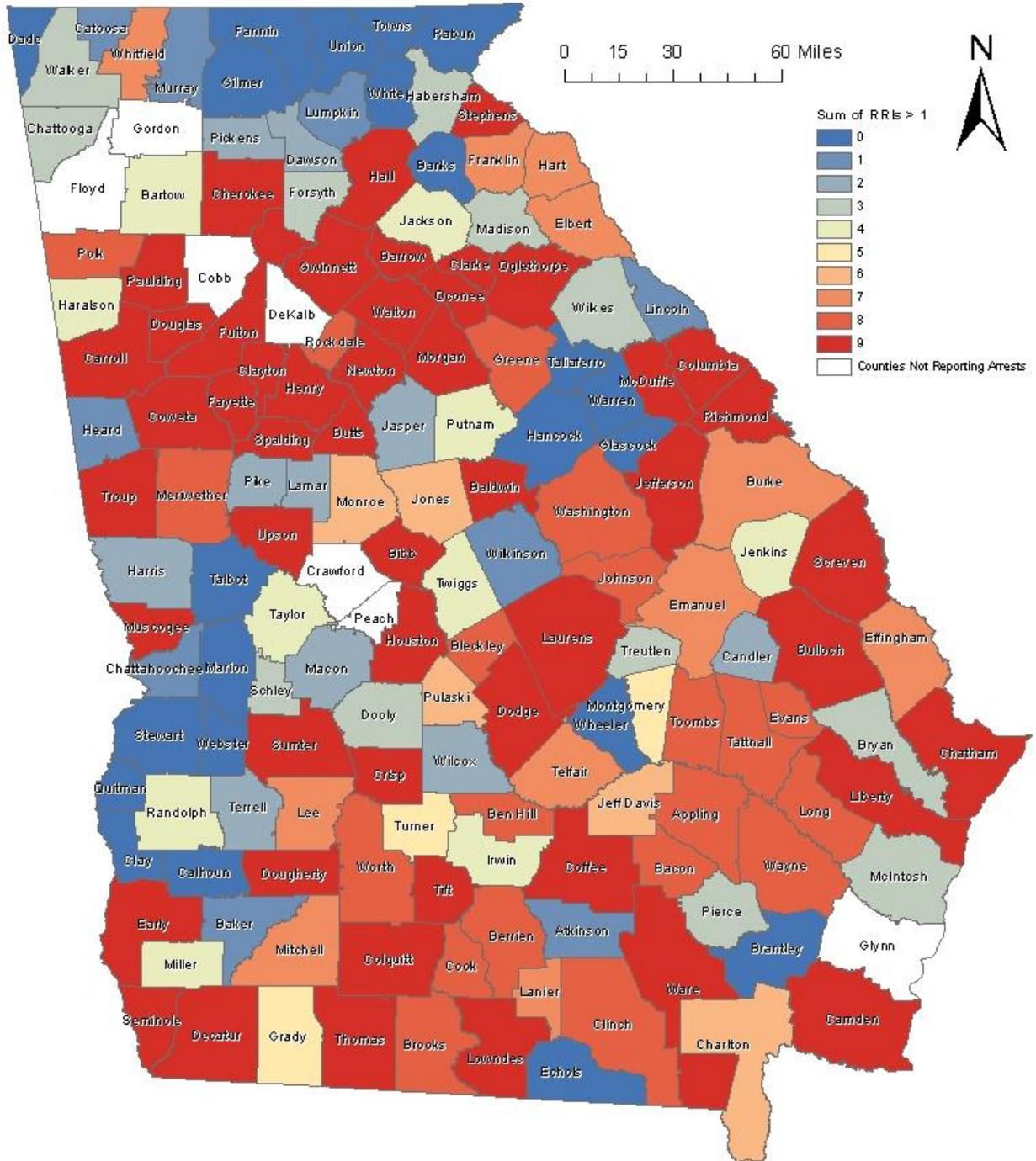


Chart 2. Histogram of RRIs at Referred for African Americans 2006-2014



Map 1. Number of Years of Disproportionate African American Youth Referred from 2006-2014

## Number of Years of Disproportionate African American Referrals from 2006 to 2014



This map was created with data from the Georgia Juvenile Justice Data Clearing House. For questions, please contact Samuel Gonzales, Research and Evaluation Program Director at the Statistical Analysis Center at [sgonzales@cjcc.ga.gov](mailto:sgonzales@cjcc.ga.gov).

Chart 3. Histogram of RRI at Diversion for African Americans 2006-2014

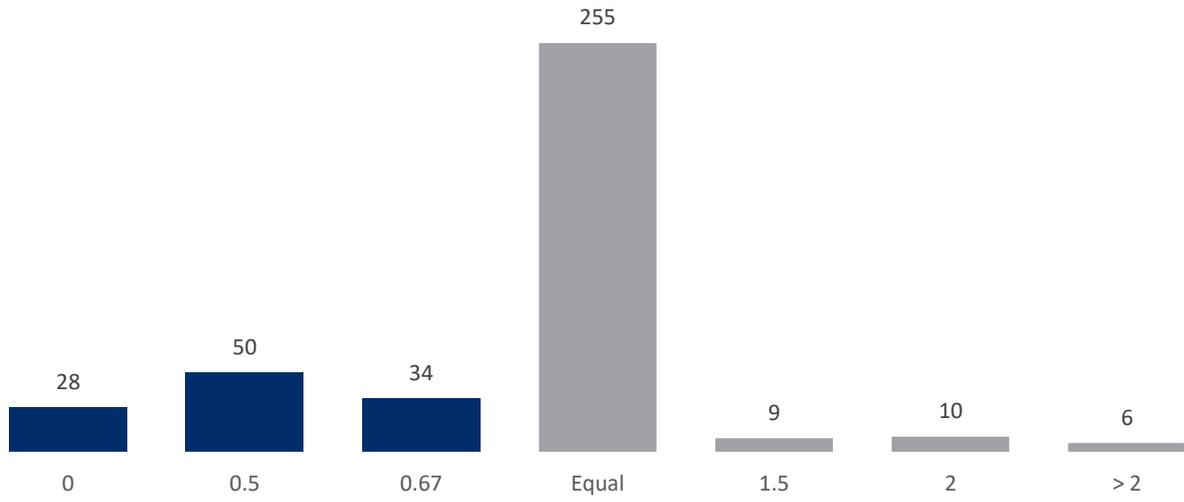


Chart 4. Histogram of RRI at Secure Detention for African American Youth 2006-2014

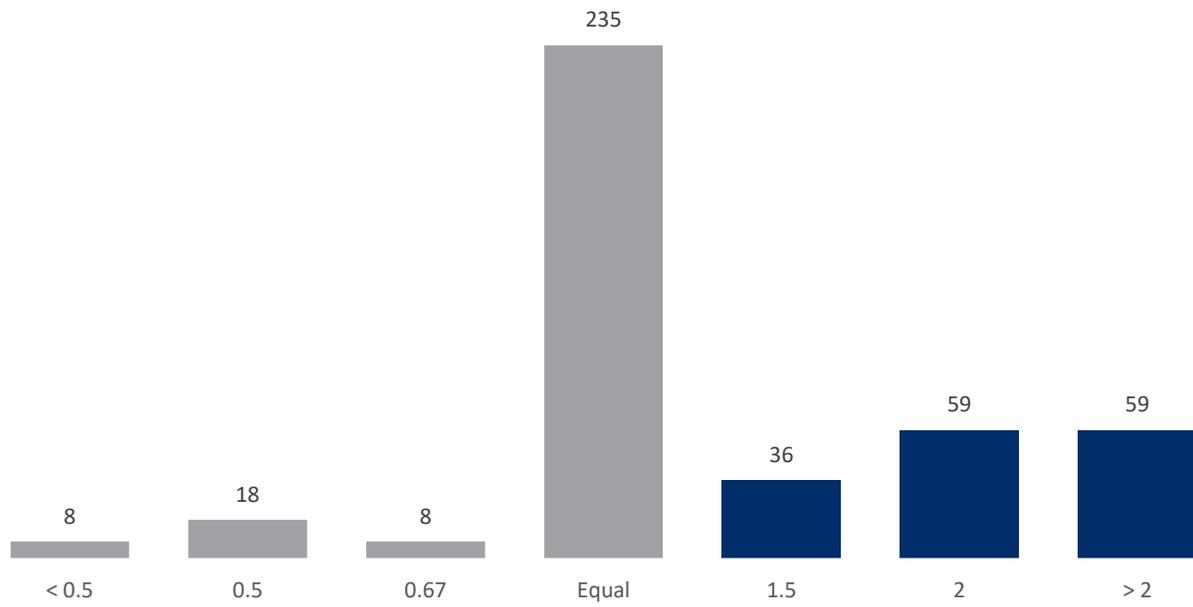


Table 1. Top 10 Counties with RRIs > 1 at Cases Petitioned

County	2006	2007	2008	2009	2010	2011	2012	2013	2014	RRI > 1
Muscogee	1.69	1.54	1.66	1.65	1.57	1.57	1.73	1.19	2.33	9
Fulton	1.46	1.70	1.64	1.74	1.59	1.32	1.28	1.29	1.42	9
Chatham	1.12	1.24	1.15	1.18	1.35	1.18	1.29	1.34	1.30	9
Tift	1.46	1.00	1.47	1.81	1.47	1.97	1.91	2.50	4.86	8
Thomas	1.92	1.54	1.62	1.90	1.00	1.60	3.50	1.70	1.78	8
Bibb	1.46	2.27	1.59	1.81	1.64	1.62	2.33	1.61	1.00	8
Dougherty	1.33	1.21	1.18	1.27	1.24	1.00	1.00	1.40	1.52	7
Clarke	1.00	1.93	1.96	1.82	1.93	1.55	1.70	1.00	1.00	6
Richmond	1.63	1.00	1.42	1.62	1.36	1.35	1.44	1.00	1.00	6
Gwinnett	1.09	1.00	1.06	1.07	1.00	1.00	1.08	1.10	1.12	6

Chart 5. Histogram of RRIs at Cases Petitioned for African American Youth 2006-2014

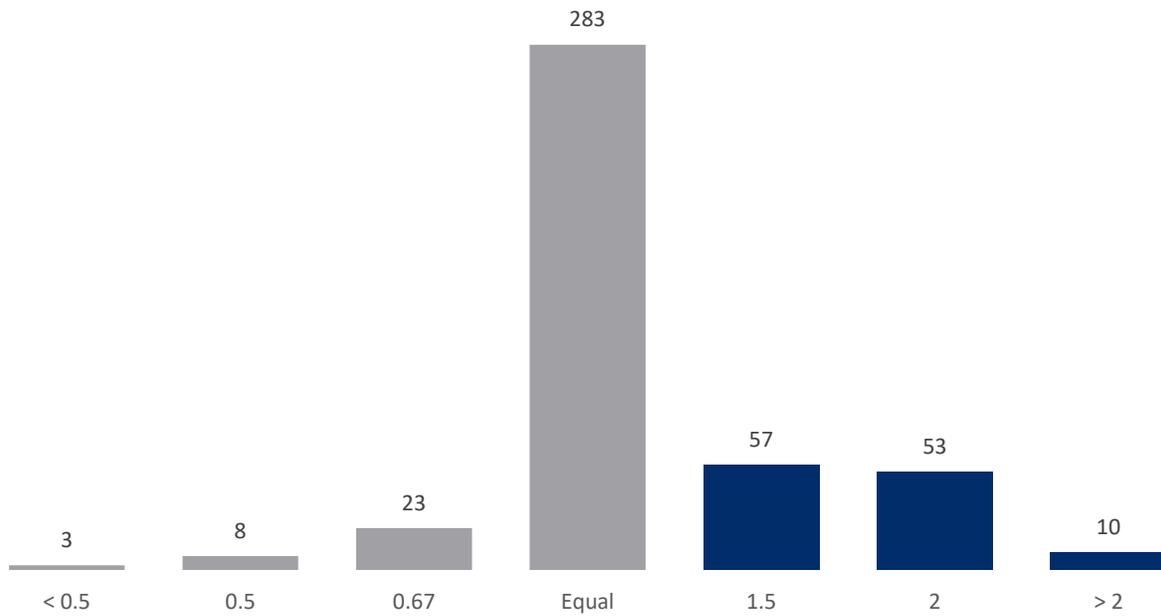


Table 2. Top 10 Counties with RRIs > 1 at Found Delinquent for African American Youth

County	2006	2007	2008	2009	2010	2011	2012	2013	2014	RRI > 1
Spalding	1.31	1.24	1.00	1.00	1.00	1.00	1.56	1.00	0.77	3
Lowndes	1.00	1.00	1.17		1.08	1.00	1.16			3
Coffee	1.41	1.83		1.00						2
Clayton	1.00	1.00	1.26	1.20						2
Muscogee	1.15	1.00	1.00	1.00	1.00	1.00	1.00	1.35		2
Chatham	1.00	1.00	1.07	1.08	1.00	1.00	1.00	1.00	1.00	2
McDuffie	2.91									1
Bulloch	1.07									1
Fulton	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.48	1.00	1
Fayette	1.00	1.21	1.00	1.00	1.00					1

Chart. 6. Histogram of RRIs at Found Delinquent for African American Youth

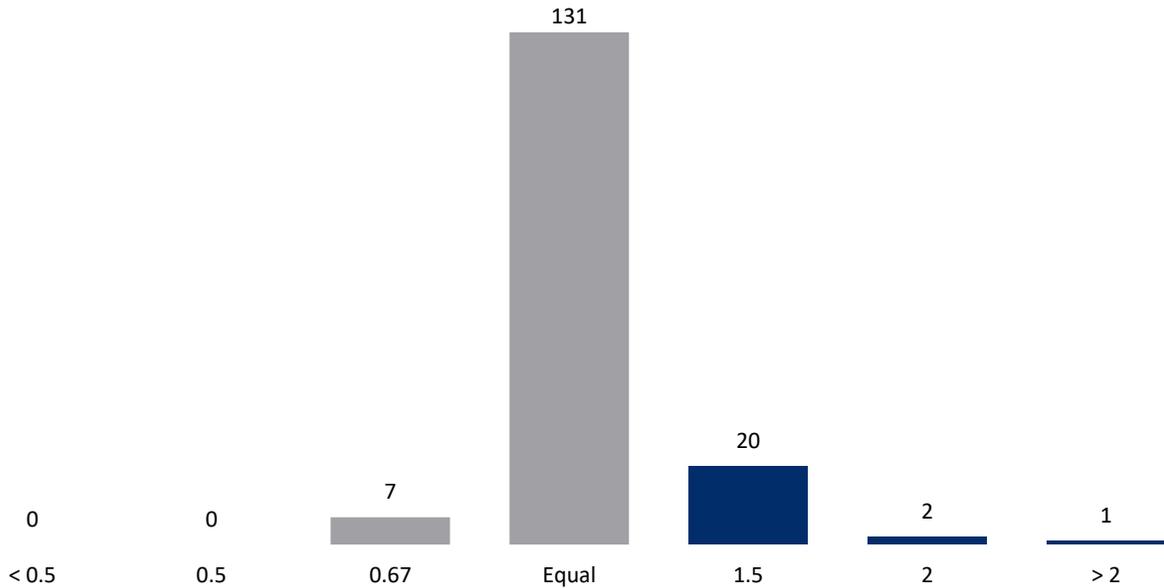


Chart 7. Count of Valid RRIs > 1 at Petitioned

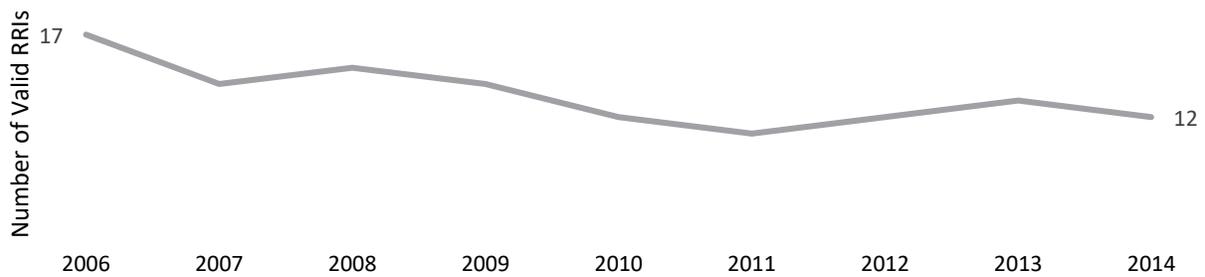


Chart 8. Histogram of RRI at Commitment for African American Youth 2006-2014

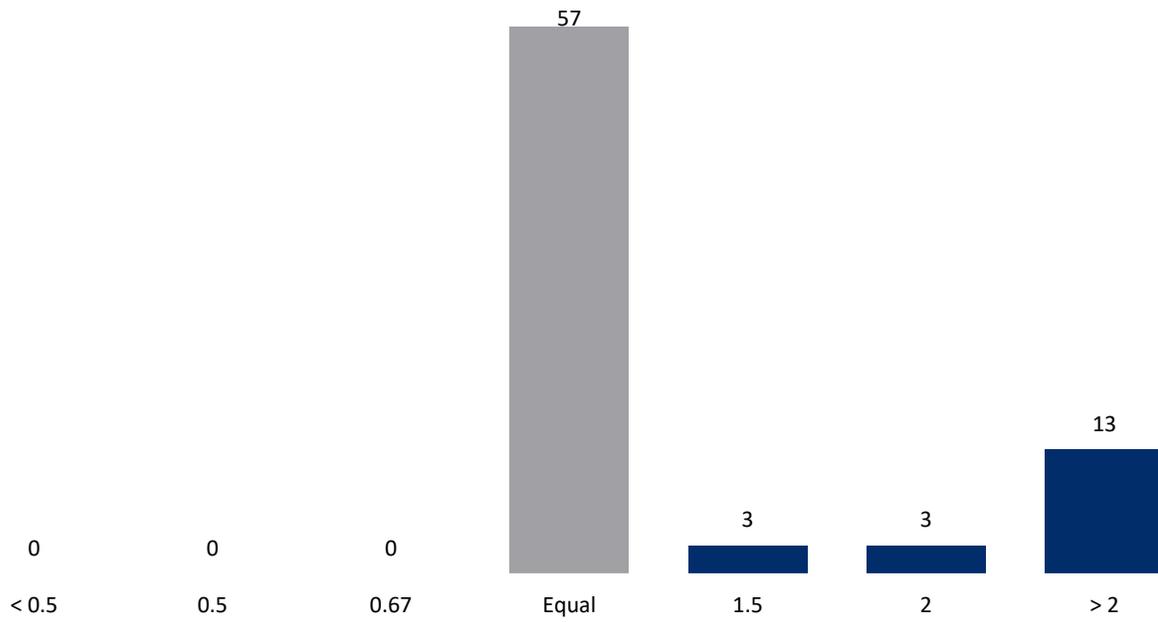
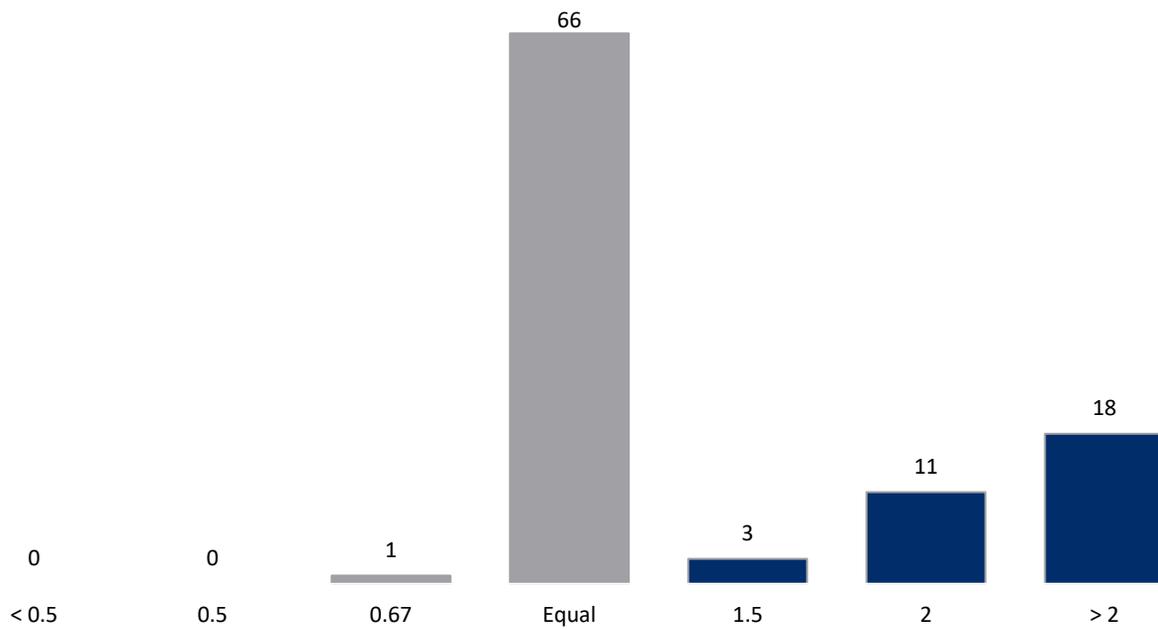


Chart 9. Histogram of RRI at Confinement for African American Youth 2006-2104



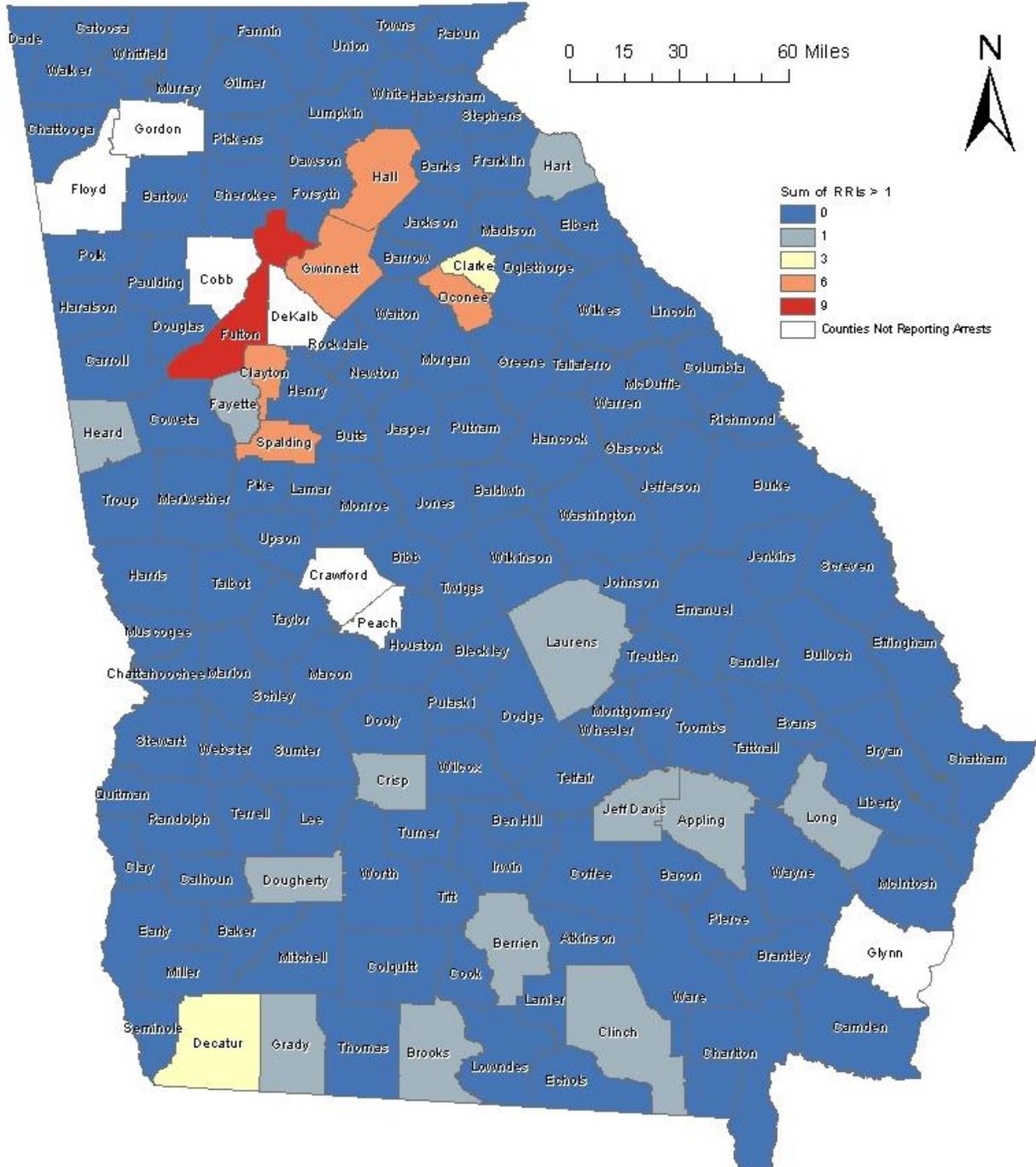
## APPENDIX D: ADDITIONAL HISPANIC YOUTH CALCULATIONS

Table 1. Top Ten Counties with RRIs < 1 at Referral for Hispanics

County	2006	2007	2008	2009	2010	2011	2012	2013	2014	RRI < 1
Columbia	0.50	0.43	0.45	0.53	0.43	0.47	0.39	0.32	0.36	9
Polk	0.48	0.47	0.62	0.57	0.45	0.37	0.39	0.35	0.55	9
Rockdale	0.46	0.63	0.66	0.43	0.39	0.26	0.61	0.60	0.45	9
Muscogee	0.67	0.69	0.73	0.51	0.35	0.67	0.40	0.48	0.54	9
Murray	0.40	0.64	0.36	0.33	0.63	0.14		0.19	0.29	8
Bartow	0.58	0.34	0.40	0.56	0.41	0.35	0.42	1.00	0.25	8
Paulding		0.54	0.37	0.56	0.61	0.41	0.44	0.55	0.62	8
Tift	0.71	0.58	0.49	0.60	0.64	0.61	0.55	1.00	0.60	8
Gilmer		0.17	0.49	0.25	0.43	0.21		0.29	0.39	7
Houston	0.44	0.28	0.33	0.41	0.40	0.40	0.33	1.00	1.00	7

Map 2. Number of Years of Disproportionate Hispanic Youth Referred from 2006-2014

## Number of Years of Disproportionate Hispanic Referrals from 2006 to 2014



This map was created with data from the Georgia Juvenile Justice Data Clearing House. For questions, please contact Samuel Gonzales, Research and Evaluation Program Director at the Statistical Analysis Center at [sgonzales@cjjc.ga.gov](mailto:sgonzales@cjjc.ga.gov).

## APPENDIX E: “WHAT WOULD IT TAKE NUMBERS”

The “What Would It Take” number indicates how many African American youth would have to be removed from (or in few cases added to) the referral decision point to achieve parity in referral rates for African American and White youth in the Georgia juvenile justice system. Dashes indicate no referral data provided.

Table 1. “What Would It Take” 2006-2014

County	2006	2007	2008	2009	2010	2011	2012	2013	2014
Appling	-43	-18	-19	-17	-26	-41	-47	-11	-17
Atkinson	0	0	2	-15	1	2	-4	-4	-4
Bacon	-32	-39	-16	-10	-11	-32	-11	-23	-12
Baker	-5	-16	-13	-8	-10	4	-1	0	3
Baldwin	-161	-191	-209	-516	-142	-94	-79	-74	-36
Banks	5	1	-1	4	-2	2	-3	1	2
Barrow	-55	-97	-55	-42	-43	-39	-17	-33	-29
Bartow	-26	-26	4	-29	-12	-18	-5	-10	-7
Ben Hill	-144	-159	-121	-71	-12	-127	-170	-195	-102
Berrien	-13	-12	-8	-13	-30	-11	-21	-20	-36
Bibb	-757	-726	-821	-954	-719	-911	-629	-669	-563
Bleckley	-20	-34	-33	-37	-31	-26	-12	-3	-23
Brantley	4	6	6	8	2	2	1	1	1
Brooks	-40	-61	-19	-29	-42	-39	-32	-24	-1
Bryan	-6	-26	-6	-10	-16	-7	-1	-10	-38
Bulloch	-137	-153	-157	-106	-89	-42	-54	-64	-75
Burke	-83	-66	-77	-25	-12	-37	-51	-59	-59
Butts	-60	-43	-38	-28	-23	-35	-30	-25	-25
Calhoun	-12	-23	-15	-31	-25	-29	-10	-14	-13
Camden	-60	-32	-40	-79	-60	-38	-37	-54	-42
Candler	-7	-6	6	9	-8	-2	4	0	-9
Carroll	-110	-125	-146	-104	-139	-116	-79	-75	-80
Catoosa	15	15	-2	11	-5	6	2	-16	1
Charlton	-2	-9	-21	-13	-20	-10	-19	-10	-15
Chatham	- 1,862	- 1,998	- 2,161	- 1,939	- 1,572	- 1,309	- 1,219	- 1,410	- 1,165

County	2006	2007	2008	2009	2010	2011	2012	2013	2014
Chattahoochee	1	-1	-13	0	-3	-5	-1	-4	-4
Chattooga	12	-11	-4	4	-10	1	-7	1	-4
Cherokee	-29	-27	-25	-42	-63	-43	-80	-44	-49
Clarke	-463	-476	-462	-396	-326	-318	-287	-298	-236
Clay	-26	-30	-25	-29	-6	-10	-4	13	-2
Clayton	-2,575	-2,342	-2,931	-2,209	-1,029	-1,299	-1,022	1,083	-1,184
Clinch	-32	-45	-13	-31	-28	-18	-11	-19	-24
Cobb	-	-	-	-	-	-	-	-	-
Coffee	-158	-139	-168	-71	-50	-65	-46	-33	-50
Colquitt	-97	-36	-87	-85	-70	-20	-36	-72	-67
Columbia	-66	-72	-111	-84	-100	-56	-90	-113	-75
Cook	-41	-35	-16	-47	-32	-10	-25	-24	-15
Coweta	-134	-185	-188	-162	-201	-176	-131	-54	-50
Crawford	-	-	-	-	-	-	-	-	-
Crisp	-99	-97	-126	-192	-132	-109	-81	-88	-53
Dade	3	6	-1	7	-4	2	0	1	2
Dawson	9	7	8	7	-3	-4	2	-2	-5
Decatur	-138	-234	-157	-113	-135	-93	-111	-82	-61
DeKalb	-	-	-	-	-	-	-	-	-
Dodge	-37	-98	-111	-93	-48	-93	-83	-105	-36
Dooly	-24	-12	-24	-32	6	-7	-2	-18	-9
Dougherty	-1,315	-1,081	-1,177	-1,241	-1,094	-1,034	-747	-742	-526
Douglas	-576	-491	-524	-468	-319	-295	-240	-293	-234
Early	-62	-76	-45	-25	-63	-25	-31	-49	-52
Echols	2	-2	1	2	-1	0	0	0	0
Effingham	-4	-19	-38	-31	-30	-13	-19	-18	-13
Elbert	-36	-6	-32	-31	-15	-14	-15	-31	-36
Emanuel	-10	-28	-7	-18	-29	-25	-43	-88	-77
Evans	-26	-51	-28	-27	-19	-13	-13	-9	7
Fannin	2	5	9	5	1	-1	0	1	0

County	2006	2007	2008	2009	2010	2011	2012	2013	2014
Fayette	-128	-79	-129	-102	-125	-112	-63	-85	-106
Floyd	-	-	-	-	-	-	-	-	-
Forsyth	12	15	20	14	-15	-5	-7	-7	-5
Franklin	-22	-31	-15	-9	-23	-14	-13	-11	-4
Fulton	-5,668	-4,890	-4,935	-4,097	-3,802	-3,837	-4,001	-3,561	-3,369
Gilmer	8	9	12	11	2	3	1	3	2
Glascock	-1	1	0	0	0	-2	1	1	1
Glynn	-	-	-	-	-	-	-	-	-
Gordon	-	-	-	-	-	-	-	-	-
Grady	-51	4	-33	-15	-59	-5	-16	-40	-3
Greene	-40	-60	-54	-32	-17	-28	-49	-17	-37
Gwinnett	-1,240	-1,236	-1,370	-1,262	-1,094	-1,021	-900	-811	-933
Habersham	4	5	6	5	-20	-12	-2	-6	-3
Hall	-138	-85	-105	-105	-79	-50	-51	-31	-26
Hancock	-18	-27	-13	-2	3	-1	-1	9	10
Haralson	10	15	3	12	-12	-21	-26	-7	-5
Harris	-43	-12	3	8	-5	1	0	-2	4
Hart	-35	-40	-43	-32	-28	-10	-19	-4	-10
Heard	-1	-4	-1	-5	0	4	0	0	-5
Henry	-396	-425	-308	-197	-159	-186	-169	-133	-79
Houston	-376	-299	-302	-314	-290	-173	-175	-281	-279
Irwin	3	-19	-10	-10	-3	-11	-6	0	-4
Jackson	-34	-21	-7	1	-9	-9	-3	-3	-3
Jasper	9	-4	-15	-15	-2	-3	3	0	1
Jeff Davis	-20	-30	4	-5	-21	-12	-1	-14	-21
Jefferson	-115	-122	-70	-82	-67	-31	-60	-20	-34
Jenkins	-49	-51	-20	-45	-20	-14	-8	-3	-11
Johnson	-56	-41	-24	-11	-4	-16	-34	-13	-17
Jones	-5	-22	-15	-45	-15	-5	-8	-18	-15
Lamar	-27	-17	-11	-4	-6	-8	4	-1	-5
Lanier	-16	-16	-8	-10	-21	2	2	-25	-9

County	2006	2007	2008	2009	2010	2011	2012	2013	2014
Laurens	-268	-295	-262	-186	-241	-255	-193	-184	-188
Lee	-4	-1	-29	-31	-41	-19	-27	-17	-22
Liberty	-234	-295	-265	-254	-131	-172	-149	-95	-106
Lincoln	3	4	2	3	2	-8	-10	2	-2
Long	-9	-24	-23	-13	-12	-9	-11	-10	-19
Lowndes	-432	-314	-272	-253	-274	-370	-365	-305	-282
Lumpkin	8	13	15	14	-1	2	-5	0	2
Macon	-93	-63	-20	-32	-17	-2	6	-4	-34
Madison	-5	3	3	-9	-7	-10	-3	-3	-3
Marion	-4	-2	5	-4	-4	0	-1	4	14
McDuffie	-69	-55	-91	-75	-80	-99	-64	-95	-111
McIntosh	-18	-4	-17	-24	-6	16	8	-5	7
Meriwether	-34	-72	-61	-35	-21	-57	-26	-25	-29
Miller	-26	-10	-3	-4	-18	-4	1	-13	-3
Mitchell	-124	-152	-110	-64	-65	-90	-29	-14	-17
Monroe	-17	-20	-25	-16	-36	-18	-5	-27	-13
Montgomery	-8	2	-5	-13	-5	-20	-7	-6	-17
Morgan	-26	-32	-35	-28	-19	-18	-32	-33	-16
Murray	11	5	13	11	-4	5	0	-2	1
Muscogee	-1,331	-1,327	-1,485	-1,447	-864	-862	-828	-906	-768
Newton	-262	-198	-159	-230	-124	-126	-90	-117	-129
Oconee	-10	-10	-7	-10	-11	-17	-13	-7	-8
Oglethorpe	-19	-17	-23	-16	-18	-13	-24	-22	-7
Paulding	-135	-138	-140	-151	-110	-91	-158	-164	-107
-	-	-	-	-	-	-	-	-	-
Pickens	6	10	3	2	0	2	-5	-6	-1
Pierce	2	-3	-23	-7	-4	3	3	-1	-8
Pike	-2	-7	3	-8	-12	-2	0	1	0
Polk	-33	-20	-28	-28	-10	-43	-32	-52	-30
Pulaski	-18	3	-13	-9	-55	-12	-20	-14	-2
Putnam	15	-18	-12	1	-12	-23	-12	-48	-28

County	2006	2007	2008	2009	2010	2011	2012	2013	2014
Quitman	-1	2	-1	-6	-6	0	-1	-14	-5
Rabun	4	5	2	1	-2	3	2	2	2
Randolph	-52	-50	-32	-36	-81	-38	-23	-64	-34
Richmond	-986	-1,221	-1,155	-938	-574	-706	-369	-560	-573
Rockdale	-140	-149	-169	-232	-98	-9	-142	-152	-147
Schley	-13	-14	-9	-15	-1	-3	1	-4	3
Screven	-63	-89	-31	-69	-46	-26	-22	-49	-28
Seminole	-75	-60	-75	-47	-53	-47	-43	-37	-27
Spalding	-482	-475	-318	-377	-261	-284	-283	-326	-371
Stephens	-43	-22	-37	-22	-10	-14	-22	-18	-15
Stewart	-25	-15	-40	-23	-10	-16	-10	-4	7
Sumter	-331	-325	-315	-273	-357	-203	-195	-172	-162
Talbot	-7	-10	-13	-30	-6	-6	-7	-1	3
Taliaferro	4	2	7	2	0	9	-2	3	0
Tattnall	-16	-40	-22	-20	-31	-17	-20	-12	6
Taylor	-7	-37	-18	-13	-15	6	-3	0	-6
Telfair	-49	-97	-106	-33	-24	-17	-29	-2	-37
Terrell	-73	-20	-76	-74	-78	-46	-17	-45	-29
Thomas	-59	-120	-108	-175	-192	-138	-129	-152	-132
Tift	-115	-124	-145	-107	-128	-153	-81	-112	-117
Toombs	-120	-86	-114	-72	-56	-71	-39	-31	-11
Towns	1	2	2	2	-1	0	-2	0	0
Treutlen	-17	-10	-4	-8	-9	3	-3	3	0
Troup	-488	-436	-360	-511	-291	-238	-275	-389	-313
Turner	-56	-10	-24	-4	-3	-12	-16	-23	-7
Twiggs	-4	-25	-20	-12	-13	-31	-22	-8	-6
Union	5	6	6	6	1	1	0	2	2
Upson	-25	-25	-27	-39	-24	-23	-19	-10	-15
Walker	15	0	15	2	-11	-4	-21	-8	-31
Walton	-102	-100	-120	-78	-75	-87	-108	-105	-81
Ware	-96	-60	-84	-94	-63	-63	-47	-54	-50

County	2006	2007	2008	2009	2010	2011	2012	2013	2014
Warren	-26	-42	-15	-10	-7	-10	-11	-17	-13
Washington	-85	-61	-57	-78	-44	-50	-14	-47	-44
Wayne	-33	-33	-31	-17	-10	-13	-20	-29	-16
Webster	5	-2	-7	-1	-1	-4	-3	-4	-8
Wheeler	0	-3	-3	-4	-4	-13	-1	-2	-10
White	7	5	1	7	1	2	1	3	4
Whitfield	-66	-29	-15	7	-42	-15	-18	-43	-25
Wilcox	-7	-28	-5	0	-1	-11	-7	-5	-8
Wilkes	-26	-16	-10	-10	10	4	6	-11	-1
Wilkinson	-26	-6	-2	-1	-5	4	7	-11	-8
Worth	-48	-34	-88	-22	-2	-47	-62	-48	-31

## APPENDIX F: INTERVIEW QUESTION TEMPLATES

Interview Question Sheet  
DMC Qualitative Analysis  
Defense Attorney

Date: \_\_\_\_\_ Time Started: \_\_\_\_\_ Time Ended: \_\_\_\_\_

ID: \_\_\_\_\_ DOB: \_\_\_\_\_ Gender: \_\_\_\_\_

Race: \_\_\_\_\_

Town of Residence: \_\_\_\_\_

Hi, my name is \_\_\_\_\_. I am an interviewer working on behalf of the Criminal Justice Coordinating Council. We are conducting a series of interviews with probation officers, judges, police officers, prosecutors, and others to examine the decision-making process within the juvenile justice system. We are particularly interested in learning about the things that may have an impact on whether a juvenile enters the system and how far they penetrate the system once they enter it. We want to gain a better understanding of the process and we believe that your input and expertise on the issue is vital.

We are grateful for your willingness to participate in our efforts to improve the system. This will be an informal discussion in which we will ask you a series of questions. Please let us know if there is any questions you prefer not to answer or if you would like to stop the interview, you may do so at any time. With your permission, we would like to record the interview. The recording will be used to make sure that we understand exactly what you are telling us. No one beyond the interviewer will be listening to this recording. Everything you tell us will be kept anonymous. Your name will not be associated with any of your comments. Results from all our interviews will be reported in aggregate, so that no person's opinion can be individually identified. If we quote something you say directly, none of your identifying information would be used as an attribute. We would simply attribute the quote to "A juvenile defense attorney from an urban/rural/suburban county."

Do you have any questions before we begin?

### DEMOGRAPHICS

1. Please give a brief overview of your job position and duties.
2. Please briefly describe your educational background.
3. Please briefly describe how you have come to work with juvenile clients in criminal defense work?
  - a. Any juvenile or child development training?
  - b. How long have you been employed at your current job?
  - c. How long have you been working as a defense attorney?
4. Have you worked within criminal law in any other capacity?
  - a. If so, please briefly describe position, length, and location.
  - b. Have you worked with juveniles in any other capacity?

ADJUDICATION PROCEEDINGS

1. How and when are you assigned cases involving juvenile offenders? After being assigned a case, when do you first contact the juvenile offender and his/her family?
  - a. Please describe the size of your typical juvenile caseload.
    - i. Are there changes that could be made to make your job easier or improve your ability to be effective?
  - b. Is there any attempt at continuity when a juvenile reoffends? (ex: any attempt to place you with a juvenile because you represented them before?)
2. Please explain the nature of your initial contact with the district attorney's office pre-adjudication.
  - a. Do you discuss the number of charges to be filed against a juvenile?
  - b. Do you discuss the severity of the charge(s) to be filed?
    - i. What do you do if you think a case should be diverted?
      1. How do you decide if a youth should be diverted?
      2. What are some of the issues that keep youth from being diverted?
    - ii. What happens if you disagree with the prosecuting attorney's office?
  - c. Are there guidelines (or a protocol) for bargaining with respect to the number or severity of charges?
    - i. How do you come to evaluate the adequacy of a plea deal for your juvenile client?
    - ii. What factors influence your thoughts on this process (need for services, school performance, compliant behavior)?
  - d. Please describe circumstances where you push to have the charges dropped in their entirety.
    - i. What factors influence your decision (lack of evidence, probable cause, family factors, mental health, etc.)?
  - e. Do you discuss whether a child should be detained with the district attorney's office?
    - i. When does this occur in the process?
  - f. Please describe the discovery process including how freely information is shared between your office and the district attorney's office.

SENTENCING

1. Who is involved in making sentencing recommendations?
  - a. Probation, case managers, social workers?
    - i. How often do you agree with others' sentencing recommendations?
      1. If you do not agree, what happens next?
      2. Please describe the last time you disagreed and why.
      3. Are there factors (mitigating or otherwise) that might influence your decision (needs for services, school performance, compliant behavior)?

Now I want to talk to you about how HB242 (Juvenile Justice Reform Bill) has affected the way you prosecute juvenile criminal activity.

1. Were you working in juvenile criminal defense before HB242, better known as the Juvenile Justice Reform Bill that went into effect in January of 2014? [If yes, continue. If no, please skip this session]
2. Has the Juvenile Justice Reform Legislation affected your decision making?
  - a. If so, how?

3. What improvements, if any, has the Juvenile Justice Reform Legislation had on your current role?
4. What improvements, if any, would you still like to see be addressed in Juvenile Justice and why would you like to see them?

Now I want to talk to you about your impressions about how different racial or ethnic groups of youth interact with the juvenile justice system in your area.

1. Based on the population you have represented as a juvenile defense attorney, is there a racial or ethnic group that is arrested more frequently than others in this geographic area?
  - a. The Same
  - b. More frequently
    - i. Black,
    - ii. Hispanic, or
    - iii. White juveniles.
  - c. Don't Know
  - d. If one group is arrested more often, why do you think that may be the case?
2. Based on the population you have represented as a juvenile defense attorney, is there a racial or ethnic group that is referred to the juvenile justice system more frequently than others in this geographic area?
  - a. The Same
  - b. More Frequently
    - i. Black,
    - ii. Hispanic, or
    - iii. White juveniles.
  - c. Don't Know
  - d. If one group is referred more often, why do you think that may be the case for that group?
    1. Where are these referrals coming from?
      - a. Schools
      - b. Police
      - c. Parents
3. Do you see that one racial or ethnic group is more frequently involved in criminal activity as compared to others in and around your geographic area?
  - a. The Same
  - b. More Frequently
    - i. Black
    - ii. Hispanic
    - iii. White Juveniles
  - c. Don't Know
  - d. If one group is more frequently involved in criminal activity, why do you think that may be the case for that group?
4. Do you think that that one racial or ethnic group is more frequently involved in severe or violent criminal activity as compared to others in your geographic area?
  - a. The Same
  - b. More Frequently

- i. Black
    - ii. Hispanic
    - iii. White juveniles
  - c. Don't Know
  - d. If one group is more frequently involved in severe or violent criminal activity, why do you think that may be the case for that group?
- 5. Do you believe that differences in social class or poverty is related to teens becoming involved with the juvenile justice system?
  - a. If so, why do you think that may be the case for that group?
- 6. Is there anything that you believe we have missed with these questions that you would like to add?

[INTERVIEWER]: Thank you for your assistance in this research. Please don't hesitate to contact me with any questions which you may have.

Interview Question Sheet  
DMC Qualitative Analysis  
Detention Officers

Date: \_\_\_\_\_ Time Started: \_\_\_\_\_ Time Ended: \_\_\_\_\_

ID: \_\_\_\_\_ DOB: \_\_\_\_\_ Gender: \_\_\_\_\_

Race: \_\_\_\_\_

Town of Residence: \_\_\_\_\_

Hi, my name is \_\_\_\_\_. I am an interviewer working on behalf of the Criminal Justice Coordinating Council. We are conducting a series of interviews with probation officers, judges, police officers, prosecutors, and others to examine the decision-making process within the juvenile justice system. We are particularly interested in learning about the things that may have an impact on whether a juvenile enters the system and how far they penetrate the system once they enter it. We want to gain a better understanding of the process and we believe that your input and expertise on the issue is vital.

We are grateful for your willingness to participate in our efforts to improve the system. This will be an informal discussion in which we will ask you a series of questions. Please let us know if there is any question you prefer not to answer or if you would like to stop the interview, you may do so at any time. With your permission, we would like to record the interview. The recording will be used to make sure that we understand exactly what you are telling us. No one beyond the interviewers will be listening to this recording. Everything you tell us will be kept anonymous. Your name will not be associated with any of your comments. Results from all our interviews will be reported in aggregate, so that no person's opinion can be individually identified. If we quote something you say directly, none of your identifying information would be used as an attribute. We would simply attribute the quote to "A detention officer from an urban/rural/suburban county."

Do you have any questions before we begin?

DEMOGRAPHICS

1. Please give a brief overview of your job position and duties.
2. How long have you been employed at your current position?
3. How long have you been employed as a detention officer?
4. Have you previously held any other positions in law enforcement, corrections, or community supervision?
  - a. If so, please describe job position, duties, and length of service.

EDUCATION & TRAINING

1. Please briefly describe your educational background.
2. What juvenile specific training have you received, if any?
  - a. Have you found this training to be helpful?
  - b. Is there any additional training that you think would be helpful?
3. Do detention staff receive training specifically focused on cultural diversity or cultural sensitivity?

SYSTEM ENTRY

1. What types of offenses are juveniles detained for in this county?
  - a. Does this county's detention center take in children from other counties?
2. **Prior to a detention hearing**, who decides if a youth is detained in this county?
  - a. Do you ever feel forced to detain a youth because of insufficient placement options in your county?
3. Please provide the common profile of the juveniles detained in your facility.
4. Do you believe that there are appropriate services available for youth while detained?
5. How is eligibility for services determined in this facility?

Now I want to talk to you about how HB242 (Juvenile Justice Reform Bill) has affected the way you prosecute juvenile criminal activity.

1. Were you working as a juvenile detention or probation officer before HB242, better known as the Juvenile Justice Reform Bill that went into effect in January of 2014? [If yes, continue. If no, please skip this session]
2. Has the Juvenile Justice Reform Legislation affected your decision making?
  - a. If so, how?
3. What improvements, if any, has the Juvenile Justice Reform Legislation had on your current role?
4. What improvements, if any, would you still like to see be addressed in Juvenile Justice?

Now I want to talk to you about your impressions about how different racial or ethnic groups of youth interact with the juvenile justice system in your area.

7. Based on your experience working with detained youth, is there a racial or ethnic group that is arrested more frequently than others in this geographic area?
  - a. The Same
  - b. More frequently
    - i. Black,
    - ii. Hispanic, or
    - iii. White juveniles.
  - c. Don't Know
  - d. If one group is arrested more often, why do you think that may be the case?
8. Based on your experience working with detained youth, is there a racial or ethnic group that is referred to the juvenile justice system more frequently than others in this geographic area?
  - a. The Same
  - b. More Frequently
    - i. Black,
    - ii. Hispanic, or
    - iii. White juveniles.
  - c. Don't Know
  - d. If one group is referred more often, why do you think that may be the case for that group?
    1. Where are these referrals coming from?
      - a. Schools

- b. Police
  - c. Parents
9. Do you see that one racial or ethnic group is more frequently involved in criminal activity as compared to others in and around your geographic area?
- a. The Same
  - b. More Frequently
    - i. Black,
    - ii. Hispanic, or
    - iii. White Juveniles.
  - c. Don't Know
  - d. If one group is more frequently involved in criminal activity, why do you think that may be the case for that group?
10. Do you think that that one racial or ethnic group is more frequently involved in severe or violent criminal activity as compared to others in your geographic area?
- a. The Same
  - b. More Frequently
    - i. Black,
    - ii. Hispanic, or
    - iii. White juveniles.
  - c. Don't Know
  - d. If one group is more frequently involved in severe or violent criminal activity, why do you think that may be the case for that group?
11. Do you believe that differences in social class or poverty is related to teens becoming involved with the juvenile justice system?
- a. If so, why do you think that may be the case for that group?
12. Is there anything that you believe we have missed with these questions that you would like to add?

[INTERVIEWER]: Thank you for your assistance in this research. Please don't hesitate to contact me with any questions which you may have.

Interview Question Sheet  
DMC Qualitative Analysis  
Juvenile Judge

Date: \_\_\_\_\_ Time Started: \_\_\_\_\_ Time Ended: \_\_\_\_\_

ID: \_\_\_\_\_ DOB: \_\_\_\_\_ Gender: \_\_\_\_\_

Race: \_\_\_\_\_

Town of Residence: \_\_\_\_\_

Hi, my name is \_\_\_\_\_. I am an interviewer working on behalf of the Criminal Justice Coordinating Council. We are conducting a series of interviews with probation officers, judges, police officers, prosecutors, and others to examine the decision-making process within the juvenile justice system. We are particularly interested in learning about the things that may have an impact on whether a juvenile enters the system and how far they penetrate the system once they enter it. We want to gain a better understanding of the process and we believe that your input and expertise on the issue is vital.

We are grateful for your willingness to participate in our efforts to improve the system. This will be an informal discussion in which we will ask you a series of questions. Please let us know if there is any question you prefer not to answer or if you would like to stop the interview, you may do so at any time. With your permission, we would like to record the interview. The recording will be used to make sure that we understand exactly what you are telling us. No one beyond the interviewer will be listening to this recording. Everything you tell us will be kept anonymous, meaning that your name will not be associated with any of your comments.

Do you have any questions before we begin?

DEMOGRAPHICS

1. Please give a brief overview of your job position and duties.
2. Please briefly describe how you have come to preside over juvenile cases.
  - a. Have you been involved in any juvenile or child development training?
3. How long did/have you preside/d over cases in juvenile court?
4. Have you worked within criminal law in any other capacity?
  - a. If so, please briefly describe the position, length of time, and location.
  - b. Have you worked with juveniles in any other capacity?

ADJUDICATION OF DELINQUENCY

1. What are the types of juvenile cases over which you have presided?
  - a. What must happen before a youth will appear before you?
2. Does that process influence the type of cases that are brought before you?
3. How are youth referred to your court?
4. From your experience, are youth being referred more frequently from the community, from schools or by parents?
  - a. Are there aspects that you have found particularly frustrating?

- b. What sort of improvements would you like to see?

#### DISPOSITION

1. How do you balance culpability and accountability with the rehabilitative goals of the juvenile court for dispositional decisions?
  - a. To what extent do family, school, or individual (job status, attitude, etc.) factors influence your decisions?
  - b. To what extent do you consider the potential impact on the victim (i.e. restorative justice)?
  - c. How does a juvenile's offense history impact the decision?
  - d. How do you balance the sentencing recommendations given by the prosecuting attorney, the defense, and court services?
2. What factors determine if a juvenile is detained during the court process?
3. What factors determine if a juvenile is diverted out of the system?
4. What factors determine if a juvenile is sentenced to commitment or confinement?
5. Have you noticed any disparities by race among the dispositional recommendations put forth by the court services personnel?

#### HB242 (Juvenile Justice Reform Bill)

1. Were you employed before HB242, better known as the Juvenile Justice Reform Bill that went into effect in January of 2014? [If yes, continue. If no, please skip this session.]
2. Has the Juvenile Justice Reform Legislation impacted your decision making?
  - a. If so, how?
3. Has the Juvenile Justice Reform Legislation impacted your decisions at the diversion step?
4. What improvements, if any, has the Juvenile Justice Reform Legislation had on your current role?
5. What improvements, if any, would you still like to see be addressed in Juvenile Justice?

#### YOUR IMPRESSIONS

1. Based on your experience working with detained youth, is there a racial or ethnic group that is arrested more frequently than others in this geographic area?
  - a. The Same
  - b. More frequently
    - i. Black,
    - ii. Hispanic, or
    - iii. White juveniles.
  - c. Don't Know
  - d. If one group is arrested more often, why do you think that may be the case?
2. Based on your experience working with detained youth, is there a racial or ethnic group that is referred to the juvenile justice system more frequently than others in this geographic area?
  - e. The Same
  - f. More Frequently
    - i. Black,
    - ii. Hispanic, or
    - iii. White juveniles.
  - g. Don't Know

- h. If one group is referred more often, why do you think that may be the case for that group?
    - 1. Where are these referrals coming from?
      - a. Schools
      - b. Police
      - c. Parents
  - 3. Do you see that one racial or ethnic group is more frequently involved in criminal activity as compared to others in and around your geographic area?
    - i. The Same
    - j. More Frequently
      - i. Black,
      - ii. Hispanic, or
      - iii. White Juveniles.
    - k. Don't Know
    - l. If one group is more frequently involved in criminal activity, why do you think that may be the case for that group?
  - 4. Do you think that that one racial or ethnic group is more frequently involved in severe or violent criminal activity as compared to others in your geographic area?
    - m. The Same
    - n. More Frequently
      - i. Black,
      - ii. Hispanic, or
      - iii. White juveniles.
    - o. Don't Know
    - p. If one group is more frequently involved in severe or violent criminal activity, why do you think that may be the case for that group?
  - 5. Do you believe that differences in social class or poverty is related to teens becoming involved with the juvenile justice system?
    - q. If so, why do you think that may be the case for that group?
  - 6. Is there anything that you believe we have missed with these questions that you would like to add?
- [INTERVIEWER]: Thank you for your assistance in this research. Please don't hesitate to contact me with any questions which you may have.

Interview Question Sheet  
DMC Qualitative Analysis  
Police Officer

Date: \_\_\_\_\_ Time Started: \_\_\_\_\_ Time Ended: \_\_\_\_\_

ID (e.g. LEO-1): \_\_\_\_\_ DOB: \_\_\_\_\_ Gender: \_\_\_\_\_

Race: \_\_\_\_\_

Town of Residence: \_\_\_\_\_

Hi, my name is \_\_\_\_\_. I am an interviewer working on behalf of the Criminal Justice Coordinating Council. We are conducting a series of interviews with probation officers, judges, police officers, prosecutors, and others to examine the decision-making process within the juvenile justice system. We are particularly interested in learning about the things that may have an impact on whether a juvenile enters the system and how far they penetrate the system once they enter it. We want to gain a better understanding of the process and we believe that your input and expertise on the issue is vital.

Thank you for your willingness to participate in our efforts to improve the system. This will be an informal discussion in which we will ask you a series of questions. Please let us know if there is any question you prefer not to answer or if you would like to stop the interview, you may do so at any time. With your permission, we would like to record the interview. The recording will be used to make sure that we understand exactly what you are telling us. No one beyond the interviewers will be listening to this recording. Everything you tell us will be kept anonymous. Your name will not be associated with any of your comments. Results from all our interviews will be reported in aggregate so that no person's opinion can be individually identified. If we quote something you say directly, none of your identifying information would be used as an attribute. We would simply attribute the quote to "A law enforcement officer from an urban/rural/suburban county."

Do you have any questions before we begin?

DEMOGRAPHICS

1. Please give a brief overview of your job position and duties.
2. How long have you been employed at your current position?
3. Have you previously held any other positions in law enforcement?
  - a. If so, please describe job position, duties, and length of service.

EDUCATION & TRAINING

1. Please briefly describe your educational background.
2. Have you received any specific training related to interacting with youth who may be committing crime?
  - a. Have you found this training to be helpful?
  - b. Is there any additional training that you think would be helpful?

INITIAL CONTACT

1. On average, how often would you say that your calls for service or beat encounters involve juveniles (as opposed to adults), per week?

2. Where do the calls for service involving juvenile criminal or suspicious activity originate from most often (e.g. witnesses, your own observations, parents etc.?)
  - a. Are there geographic areas in your community where people seem to request police involvement more often than others?
  - b. Are there merchants in your community that are more likely to request police involvement when an incident occurs?
  - c. Does your agency have a contract with the local school system to provide school resources officers?
    - i. If so, about how many are assigned to elementary, middle, and high schools?
    - ii. Are there schools in your community that are more likely to involve the police when an incident occurs?
3. Are there certain juveniles within your community that are “known entities” to officers in your department, or with whom you have frequent contact? (That contact can be both adversarial and non-adversarial).
4. Under what circumstances are you required to document contact with juveniles?
  - a. When are you required to complete a Field Contact Card (FCC)?
  - b. When are you required to complete an Incident Report (IBR)?
  - c. What distinguishes the FCC from the IBR?
  - d. Do you document contact with juveniles when you are not required to do so?
  - e. How does this documentation get used following contact with juveniles?
5. When you approach a juvenile, who may be engaging in criminal activity, or may be truant, or a runaway, or intoxicated, how do you decide whether to release the juvenile with a warning, detain them, or refer them to court?
6. Could you please briefly explain the last time you were involved in a case where the juvenile was charged?
  - a. What were the circumstances of the situation?
  - b. Did you decide to charge the juvenile?
    - i. if so, why did you decide to charge the individual?

#### SYSTEM ENTRY

The following questions address circumstances where a police officer has probable cause to charge a juvenile.

1. When you have probable cause to charge a juvenile, how often do you:
  - a. Release with a warning and no charge;
  - b. Handle within the Police Department without charging but with more intervention than a warning; **OR**
  - a. Charge the juvenile (either by issuing a uniform summons or by releasing the juvenile to a parent or guardian and obtaining a petition at intake at a later date)
2. What factors affect your decision making about whether to release a juvenile with a warning, handle an issue within the police department, or charge the juvenile?
3. Are there extra-legal factors that impact your decision-making about whether to release a juvenile with a warning, handle an issue within the police department, or to charge a juvenile?
  - a. Family Circumstances?
  - b. Individual Attitudes?

- c. Peer Affiliation?
  - d. Safety Concerns?
4. For those cases where a juvenile is charged, how often do you:
    - a. Release the juvenile to a parent or guardian on a summons or with the understanding that a charge will be obtained on a petition at intake on a later date
    - b. Call intake to request or ask about immediate overnight juvenile detention and the juvenile is not ordered detained and you then release the juvenile to a parent or guardian and charge the juvenile at a later date at intake; **OR**
    - c. Call intake to request or ask about immediate overnight juvenile detention and intake, orders the juvenile detained and issues charges against the juvenile on the same day without a later intake appointment?
  5. What factors determine whether you detain a juvenile?

Now I want to talk to you about how HB242 (Juvenile Justice Reform Bill) has affected the way you police juvenile criminal activity.

1. Were you working as a law enforcement officer before the passage of HB242, better known as the Juvenile Justice Reform Bill that went into effect in January of 2014? [If yes, continue. If no, please skip this session]
2. Has the Juvenile Justice Reform Legislation affected your decision making?
  - a. If so, how?
3. What improvements, if any, has the Juvenile Justice Reform Legislation had on your current role?
4. What improvements, if any, would you still like to see be addressed in Juvenile Justice?

Now I want to talk to you about your impressions about how different racial or ethnic groups of youth interact with the juvenile justice system in your area.

1. Based on your experience as a law enforcement officer, is there a racial or ethnic group that is arrested more frequently than others in this geographic area?
  - a. The Same
  - b. More frequently
    - i. Black,
    - ii. Hispanic, or
    - iii. White juveniles.
  - c. Don't Know
  - d. If one group is arrested more often, why do you think that may be the case?
2. Based on your experience as a law enforcement officer, is there a racial or ethnic group that is referred to the juvenile justice system more frequently than others in this geographic area?
  - a. The Same
  - b. More Frequently
    - i. Black,
    - ii. Hispanic, or
    - iii. White juveniles.
  - c. Don't Know
  - d. If one group is referred more often, why do you think that may be the case for that group?
    1. Where are these referrals coming from?
      - a. Schools

- b. Police
    - c. Parents
- 3. Do you see that one racial or ethnic group is more frequently involved in criminal activity as compared to others in and around your geographic area?
  - a. The Same
  - b. More Frequently
    - i. Black,
    - ii. Hispanic, or
    - iii. White Juveniles.
  - c. Don't Know
  - d. If one group is more frequently involved in criminal activity, why do you think that may be the case for that group?
- 4. Do you think that that one racial or ethnic group is more frequently involved in severe or violent criminal activity as compared to others in your geographic area?
  - a. The Same
  - b. More Frequently
    - i. Black,
    - ii. Hispanic, or
    - iii. White juveniles.
  - c. Don't Know
  - d. If one group is more frequently involved in severe or violent criminal activity, why do you think that may be the case for that group?
- 5. Do you believe that differences in social class or poverty is related to teens becoming involved with the juvenile justice system?
  - a. If so, why do you think that may be the case for that group?
- 6. Is there anything that you believe we have missed with these questions that you would like to add?

[INTERVIEWER]: Thank you for your assistance in this research. Please don't hesitate to contact me with any questions which you may have.

Interview Question Sheet  
DMC Qualitative Analysis  
Prosecutor

Date: \_\_\_\_\_ Time Started: \_\_\_\_\_ Time Ended: \_\_\_\_\_

ID: \_\_\_\_\_ DOB: \_\_\_\_\_ Gender: \_\_\_\_\_

Race: \_\_\_\_\_

Town of Residence: \_\_\_\_\_

Hi, my name is \_\_\_\_\_. I am an interviewer working on behalf of the Criminal Justice Coordinating Council. We are conducting a series of interviews with probation officers, judges, police officers, prosecutors, and others to examine the decision-making process within the juvenile justice system. We are particularly interested in learning about the things that may have an impact on whether a juvenile enters the system and how far they penetrate the system once they enter it. We want to gain a better understanding of the process and we believe that your input and expertise on the issue is vital.

We are grateful for your willingness to participate in our efforts to improve the system. This will be an informal discussion in which we will ask you a series of questions. Please let us know if there is any question you prefer not to answer or if you would like to stop the interview, you may do so at any time. With your permission, we would like to record the interview. The recording will be used to make sure that we understand exactly what you are telling us. No one beyond the interviewers will be listening to this recording. Everything you tell us will be kept anonymous. Your name will not be associated with any of your comments. Results from all our interviews will be reported in aggregate, so that no person's opinion can be individually identified.

Do you have any questions before we begin?

DEMOGRAPHICS

1. Please give a brief overview of your job position and duties.
2. Please briefly describe your educational background.
3. Please briefly describe how you have come to be an expert in juvenile law?
  - a. Any juvenile or child development training?
4. How long have you been employed at your current job?
5. How long have you worked as a prosecutor?
6. Have you worked within criminal law in any other capacity?
  - a. If so, please briefly describe position, length, and location.
  - b. Have you worked with juveniles in any other capacity?

PETITION

1. At what point do you first come into contact with a juvenile offender?
  - a. At what point are you assigned a case?

- b. Are you involved in circumstances where an intake appointment occurs, but no petition is filed?
      - i. Are you involved in deciding whether a case is diverted?
      - ii. Does this happen before a petition is filed?
- 2. What are the determining factors for a youth to be diverted?
- 3. What are the circumstances under which a petition is filed, but an adjudication hearing does not occur?
  - a. Are you involved in deciding whether an adjudication hearing occurs?
    - i. What factors influence your decision?
    - ii. Is anyone else involved in making this decision?
  - b. Are there any other circumstances where a petition is filed and an adjudication hearing does not occur?
- 4. The following questions address when a petition is filed and the case does go to an adjudicated hearing:
  - a. When a petition is filed, who determines how many charges will be brought against a juvenile offender?
    - i. Is there anyone else involved in making this decision?
    - ii. Are there factors (mitigating or otherwise) that might influence whether you decide to add, keep, or drop charges?
    - iii. Are there guidelines (or a protocol) for determining how many charges should be brought?

#### DETENTION HEARING

- 1. Are you involved at all with pre-adjudication detainment?
  - a. If so, in what capacity?
  - b. What are the factors that influence your recommendations to detain or not detain?

#### ADJUDICATION HEARING

- 1. How often do you file a petition for a case that gets to the adjudication hearing, but the case gets dismissed?
- 2. Are there circumstances under which a case may have been diverted but for the fact that the judge has issued a mandate that all cases under a certain category must be adjudicated before them?
  - a. For example with certain drug cases?
    - i. If so, how often does this occur?
- 3. Please describe the discovery process including how freely information is shared between your office and the office of the opposing attorney.

#### SENTENCING

- 1. How do you determine the most appropriate course of action for kids?
- 2. Who is involved in making sentencing recommendations (probation, case managers, social workers, defense)?
  - a. How often do you agree with others' sentencing recommendations?
    - i. If you do not agree, what happens next?
    - ii. Please describe the last time you disagreed and why?

- b. Are there factors that might influence your decision (need for services, school performance, compliant behavior, parental response)?

HB242 (Juvenile Justice Reform Bill)

1. Were you employed before HB242, better known as the Juvenile Justice Reform Bill that went into effect in January of 2014? [If yes, continue. If no, please skip this session]
2. Has the Juvenile Justice Reform Legislation impacted your decision making?
  - a. If so, how?
3. What improvements, if any, has the Juvenile Justice Reform Legislation had on your current role?
4. What improvements, if any, would you still like to see be addressed in Juvenile Justice?

YOUR IMPRESSIONS

Now I want to show you the relative rate indices for your judicial circuit. These figures demonstrate whether there is disproportionate minority contact occurs at each outcome in the juvenile justice process. [Explain what relative rates mean with respect to disproportionality.]

1. What do you think may explain or contribute to these figures for your area?
2. What do you think may contribute to lowering disproportionate minority contact in your area?

[INTERVIEWER]: Thank you for your assistance in this research. Please don't hesitate to contact me with any questions which you may have.

Interview Question Sheet  
DMC Qualitative Analysis  
Service Providers

Date: \_\_\_\_\_ Time Started: \_\_\_\_\_ Time Ended: \_\_\_\_\_

ID: \_\_\_\_\_ DOB: \_\_\_\_\_ Gender: \_\_\_\_\_

Race: \_\_\_\_\_

Town of Residence: \_\_\_\_\_

Hi, my name is \_\_\_\_\_. I am an interviewer working on behalf of the Criminal Justice Coordinating Council. We are conducting a series of interviews with probation officers, judges, police officers, prosecutors, and others to examine the decision-making process within the juvenile justice system. We are particularly interested in learning about the things that may have an impact on whether a juvenile enters the system and how far they penetrate the system once they enter it. We want to gain a better understanding of the process and we believe that your input and expertise on the issue is vital.

We are grateful for your willingness to participate in our efforts to improve the system. This will be an informal discussion in which we will ask you a series of questions. Please let us know if there is any question you prefer not to answer or if you would like to stop the interview, you may do so at any time. With your permission, we would like to record the interview. The recording will be used to make sure that we understand exactly what you are telling us. No one beyond the interviewers will be listening to this recording. Everything you tell us will be kept anonymous. Your name will not be associated with any of your comments. Results from all our interviews will be reported in aggregate so that no person's opinion can be individually identified. If we quote something you say directly, none of your identifying information would be used as an attribute. We would simply attribute the quote to "A service provider from an urban/rural/suburban county."

Do you have any questions before we begin?

DEMOGRAPHICS

1. Please give a brief overview of your job position and duties.
2. How long have you been employed at your current position?
3. Have you previously held any other positions where you were providing therapeutic, education, or case management services to youth?
  - a. If so, please describe job position, duties, and length of service.

EDUCATION & TRAINING

1. Please briefly describe your educational background.
2. What specific training have you received about providing direct services to juveniles with a history of criminal or delinquent offending, if any?
  - a. Have you found this training to be helpful?
  - b. Do service providers receive adequate training to serve youth from different racial/ethnic backgrounds?
  - c. Is there any additional training that you think would be helpful?

## SERVICE

1. Based on the youth you have served in this community, what would you describe as the “typical youth profile”?
2. Thinking about the youth you serve and the community in which they live, have you observed that there racial or ethnic groups of youth who are treated differently?
  - a. At their schools?
  - b. In the community?
  - c. By public officials or other adults they come into contact with?
  - d. How are decisions about referral to services for youth who are involved in the juvenile justice system made in this community?
3. What kinds of services are kids referred to most often?
  - a. What services do you think are the most effective?
  - b. What services do you think are the least effective?
  - c. Are any of the services out of county?
4. Are the service options available to your clients appropriate for youth from minority cultural or racial groups?
5. In your experience, what type of youth is the most successful in using services?
6. Based on your experience, when you fail to complete services, why do they do so?]
7. When helping your clients, from which sector of the juvenile justice system do you receive the most support?
  - a. From probation?
  - b. The Courts?
  - c. From parents?
  - d. Other?
8. When helping your clients, from which sector of the juvenile justice system do you receive the least support?
  - a. From probation?
  - b. The Courts?
  - c. From parents?
  - d. Other?
9. Is there any one type of youth that is more difficult to serve?
  - a. If so, are there things you believe would be helpful to have/know/understand that would make serving this type of youth easier?
10. What do you think your biggest challenge in serving youth in your area has been over the last year or two?
11. What do you think your greatest success in serving youth in your area has been over the last year or two?
12. What are three things that would allow you to be more successful in serving your clients?

## Now I want to talk to you about how HB242 (Juvenile Justice Reform Bill) has affected the way you serve youth involved in criminal activity.

1. Were you working in service provision for juveniles before HB242, better known as the Juvenile Justice Reform Bill that went into effect in January of 2014?
  - a. If yes, continue. If no, please skip this session

2. Has the Juvenile Justice Reform Legislation affected your decision making? If so, how?
3. What improvements, if any, has the Juvenile Justice Reform Legislation had on the services you currently provide?
4. What improvements, if any, has the Juvenile Justice Reform Legislation had on your current role?
5. What improvements, if any, would you still like to see be addressed in Juvenile Justice?

Now I want to talk to you about your impressions about how different racial or ethnic groups of youth interact with the juvenile justice system in your area.

7. Based on your experience, is there a racial or ethnic group that is arrested more frequently than others in this geographic area?
  - a. The Same
  - b. More frequently
    - i. Black,
    - ii. Hispanic, or
    - iii. White juveniles.
  - c. Don't Know
  - d. If one group is arrested more often, why do you think that may be the case?
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  - b. More Frequently
    - i. Black,
    - ii. Hispanic, or
    - iii. White juveniles.
  - c. Don't Know
  - d. If one group is referred more often, why do you think that may be the case for that group?
    1. Where are these referrals coming from?
      - a. Schools
      - b. Police
      - c. Parents
9. Do you see that one racial or ethnic group is more frequently involved in criminal activity as compared to others in and around your geographic area?
  - a. The Same
  - b. More Frequently
    - iv. Black,
    - v. Hispanic, or
    - vi. White Juveniles.
  - c. Don't Know
  - d. If one group is more frequently involved in criminal activity, why do you think that may be the case for that group?
10. Do you think that that one racial or ethnic group is more frequently involved in severe or violent criminal activity as compared to others in your geographic area?

- a. The Same
  - b. More Frequently
    - vii. Black,
    - viii. Hispanic, or
    - ix. White juveniles.
  - c. Don't Know
  - d. If one group is more frequently involved in severe or violent criminal activity, why do you think that may be the case for that group?
11. Do you believe that differences in social class or poverty is related to teens becoming involved with the juvenile justice system?
- a. If so, why do you think that may be the case for that group?
12. Is there anything that you believe we have missed with these questions that you would like to add?

[INTERVIEWER]: Thank you for your assistance in this research. Please don't hesitate to contact me with any questions which you may have.



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