

On The Level

Disproportionate Minority Contact in Minnesota's Juvenile Justice System

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DEPARTMENT OF PUBLIC SAFETY
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Introduction

Disproportionate Minority Contact^a

Disproportionate Minority Contact (DMC) describes a national phenomenon whereby youth from communities of color have contact with the juvenile justice system at rates different from those of white youth. Over a decade of DMC data collection at the national level support that youth of color are often *overrepresented* at stages of the justice system focused on accountability and sanctions while *underrepresented* at stages intended to curtail deeper system involvement or provide community-based services.¹ Minnesota shares in this problem with rates of disparity for youth of color in the justice system which are both higher than national levels and more severe in magnitude than those of many comparable states.

An assumption made, often erroneously, is that racial disparities exist because youth of color commit more crime than white youth.² While data suggest white youth and youth of color may have different rates of offending for some crimes, the levels of disparity observed are too great to be explained by differences in youth offending patterns alone.³ Furthermore, once youth of color are in the system, research reveals they receive harsher consequences than white youth with similar offenses and criminal histories.⁴

A host of factors potentially contribute to disparate rates of justice system contact for youth of color. These include the inequitable distribution of resources in communities, bias within the policies and practices of juvenile justice agencies, and underlying social conditions of communities, particularly poverty.⁵ DMC results from a complex interplay of these factors, rather than a single cause. Therefore, each unique state and jurisdiction must investigate which factors most contribute to disparate outcomes for youth of color and engineer an appropriate local response to reduce racial disparities.

Juvenile justice is not the only system in Minnesota in which there are inequities for youth of color. Health and income data show youth of color are more likely to live in poverty,⁶ less likely to have health insurance,⁷ and are more likely to have serious health problems in adulthood than white youth.⁸ Youth of color are overrepresented in the child welfare system, are more likely than white youth to be reported as abused or neglected, and are more likely to be placed in out-of-home care.⁹ Furthermore, racial disparities are present in the education system where youth of color have higher rates of school discipline resulting in suspension and expulsion¹⁰ and lower graduation rates than white youth.¹¹ Each youth serving system must work internally and in collaboration with communities and other youth serving systems to effectively reduce disparate outcomes for youth.

^a The acronym “DMC” by definition requires the use of the term “minority” when describing non-white, non-Hispanic populations. When DMC data are presented in this report, the term minority will be used in accordance with federal data collection and reporting requirements. In non-data reporting contexts, the phrase “youth of color” will be used instead of minority terminology.

Why is DMC Important?

As it relates to the justice system, equitable application and outcomes for youth are important for a variety of reasons:

FUNDAMENTAL FAIRNESS

DMC is an important issue because United States culture values a system of justice based on fundamental fairness. A core presumption is that the justice system will respond to the legal issue at hand and not be influenced by extrajudicial factors such as income, education, gender, religion, race or national origin. Evidence of inequitable case handling or treatment of youth of color is contrary to our fundamental value of justice applied equally.

HISTORICAL RACISM

The *W. Haywood Burns Institute*, a national nonprofit involved in reducing racial disparities, published a report that chronicles historical racial and ethnic inequities in the United States juvenile justice system.¹² Racial segregation in juvenile facilities; harsher punishments for youth of color; inequitable distribution of rehabilitative resources; and a pervasive attitude that youth of color had unsalvageable characters (or were not worth the cost of taxpayer-funded rehabilitation) were commonplace during the early era of the justice system. During this time, youth of color were systematically arrested, institutionalized in youth homes, boarding schools and foster families, acculturated and exploited by the justice system.

In the words of another juvenile justice scholar, Geoff Ward, the juvenile justice system was established as a citizen-building institution that selectively invested in the development of white citizens. The white-focused justice system “not only systematically denied black youth access to its rehabilitative creed, but denied black communities influence in the administration of justice.”¹³ Ward uses the term “Jim Crow juvenile justice” to describe the stark difference in treatment and resources for white youth compared to African American youth.¹⁴

While the present juvenile justice system has overturned overtly race-based policies and practices, DMC persists because the entire system remains “steeped in the same legacy of structural racism.” Understanding the history of racial biases in the system, along with the ways in which certain present day policies and practices disparately affect communities of color, is an important step towards eliminating racial disparities.¹⁵

COLLATERAL CONSEQUENCES

Collateral consequences are the ways that contact with the justice system or a criminal record negatively affects individuals beyond formal sanctions.¹⁶ For youth, illegal acts committed while they are minors can obfuscate opportunities and long-term goals. Certain delinquent acts can affect employment opportunities; rental housing and federal food support; college admissions and loan eligibility; careers in law enforcement, human services, education and health care; owning a firearm; and enlisting in the armed services.^{17,18} If racial and ethnic minorities are overrepresented in the justice system, they will also be disproportionately affected by collateral consequences which can follow them well into adulthood.

Furthermore, not all juvenile records are private, nor are records always sealed when youth turn age 18.¹⁹ The vast amount of electronic data sharing, individuals and companies specializing in “data harvesting” for unofficial background checks, and other limitations to data privacy contribute to a greater chance that

records will be accessible by the public. The record of an arrest will remain accessible even if the case is ultimately declined, dismissed or results in a finding of not-guilty in court. Policing of “hot spots,” which are often low-income communities with larger populations of color, can contribute to a greater number of collateral consequences for minority communities.²⁰

Minnesota law also allows for collection of youth fingerprints at the time of gross misdemeanor or felony arrest and DNA samples following gross misdemeanor or felony adjudication.²¹ If youth of color are arrested or adjudicated in court for these offense levels at disparate rates, their identifying information remains permanently in justice system databases. Finally, in Minnesota, felony offenses committed as juveniles contribute to “adult criminal history points.” Criminal history points are used under *Minnesota Sentencing Guidelines* to calculate sanctions for adult offenders.²² As a result, youth offending contributes to more severe adult sanctions.

SOCIAL DISRUPTION AND CRIMINOGENIC ENVIRONMENTS

Contact with the juvenile justice system is known to interrupt positive social connections for youth. Detention and out-of-home placements specifically can disrupt family connections, schooling and involvement in positive activities.²³ In this manner, the very connection to organic protective factors that is so important to preventing future criminal behavior can be undermined by the system itself. Furthermore, the justice system is documented as a criminogenic environment whereby youth learn behaviors and attitudes from others who are more criminally sophisticated.²⁴ Best practices support preventing exposure of lower risk youth to higher risk youth, in part to minimize this transfer of antisocial and criminal attitudes.²⁵

JUSTICE SYSTEM SYNERGY

Research findings support that youth who come into contact with the juvenile justice system are more likely to sustain or increase their level of delinquent behavior. Furthermore, severe sanctions can result in increases in future delinquent or criminal involvement, rather than a decline.²⁶ Once youth are involved in the system, decisions made by justice system professions at early stages are shown to affect decisions made by professionals at later system stages.²⁷ For example, youth who experience secure detention are more likely to be detained again in the future and receive harsher consequences at sentencing than similar youth who are not detained.²⁸ Therefore, decisions made by professionals and considered independent and objective are unwittingly influenced by the decisions of others before them. In this manner, the system can self-perpetuate contact and escalating involvement and consequences for youth.

MORAL IMPERATIVE

Knowing that youth involvement in the criminal justice system can have negative collateral consequences, increase criminal attitudes and behaviors, draw individuals deeper into the system, and disconnect them from protective factors, *and* knowing that it impacts a larger proportion of youth of color than white youth, creates a moral imperative to address DMC. As stewards of public funds and purveyors of justice, system providers must rigorously assess the factors contributing to racial disproportionality and take meaningful steps toward correction.

Report Purpose

This report is intended to provide detailed information regarding the phenomenon of DMC in Minnesota's juvenile justice system. Included in this report is a description of how racial disparities are calculated, how disparity data are to be interpreted, and how they inform justice system practices. This report also describes factors known to contribute to racial disparities in the justice system as well as recommended aspects of DMC reduction strategies. In closing, the report summarizes Minnesota's response to evidence of racial disparities in the system and makes suggestions for strengthening the state response to DMC.

It is the hope that this report will provide education on the topic to those unfamiliar with DMC and ignite interest in reducing racial disparities at the state and local levels. Data such as these will ideally incite communities, practitioners and policy makers to collect additional information, identify underlying causes of disparity and dedicate resources to DMC abatement.

Part I

Measuring Disproportionate Minority Contact

Requirement to Monitor DMC

The requirement for states to monitor the juvenile justice system for DMC is born of the *Juvenile Justice and Delinquency Prevention Act of 1974 (JJDPA)*.²⁹ Under the JJDPA, states receive federal funding for juvenile justice activities in exchange for implementing certain safeguards for youth involved in the juvenile justice system.^{30,31} The JJDPA establishes three “Core Protections” that place specific limits on the use of secure facilities for youth and prohibit contact between juvenile and adult inmates. States that do not demonstrate compliance with the Core Protections risk losing portions of federal funding until policies and practices in violation are corrected.

DISPROPORTIONATE MINORITY CONFINEMENT

In 1988, the JJDPA was amended to include a requirement that states explore the issue of overrepresentation of youth of color in secure correctional facilities. At the time, DMC stood for Disproportionate Minority *Confinement* and focused exclusively on minority overrepresentation in secure detention facilities and secure correctional facilities. Under this amendment, states must demonstrate “specific efforts to reduce the proportion of the youth detained or confined in secure detention facilities, secure correctional facilities, jails and lockups who are members of minority groups if such proportion exceeds the proportion such groups represent in the general population.”³² In 1992, DMC was elevated to the fourth Core Protection of the JJDPA allowing federal funding to the state to be connected to addressing DMC.³³

DISPROPORTIONATE MINORITY CONTACT

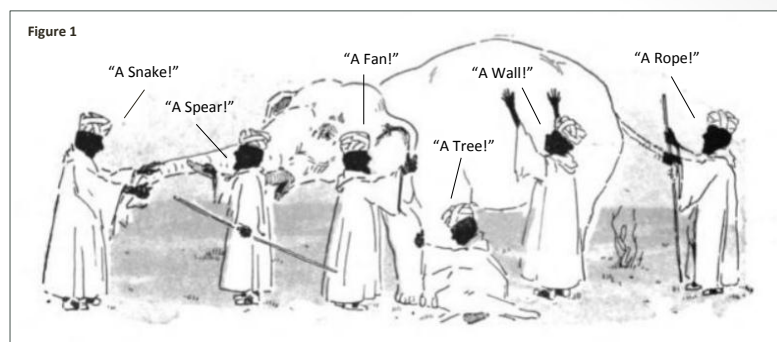
In 2002, DMC was amended to its current meaning: Disproportionate Minority *Contact*.³⁴ The revision acknowledges that racial disparities in the justice system occur not only at the points of secure detention and confinement, but also at other stages of the justice system. This amendment to the Act required that states expand DMC data collection to assess for racial disparities at the following nine key justice-system decision points:^{35,b}

1. Juvenile Arrests
2. Referral to the County Attorney’s Office
3. Cases Diverted by the County Attorney
4. Cases Involving Secure Detention
5. Cases Petitioned to Juvenile Court (Charges Filed)
6. Cases Resulting in Delinquent Findings (Adjudication)
7. Cases Resulting in Probation Placement
8. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities
9. Cases Transferred to Adult Court (Adult Certification)

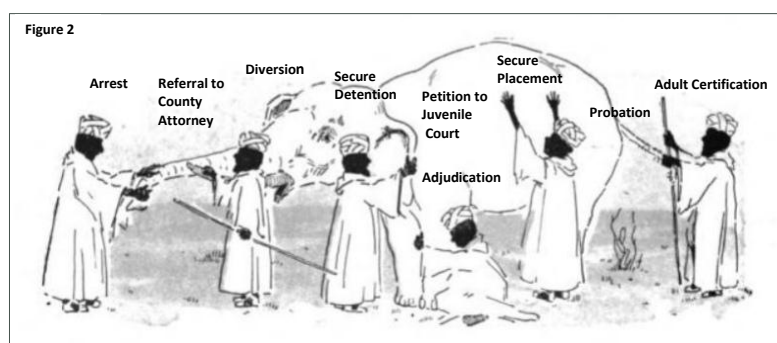
^b For federal definitions of each decision point, see Appendix B

DMC Decision Points

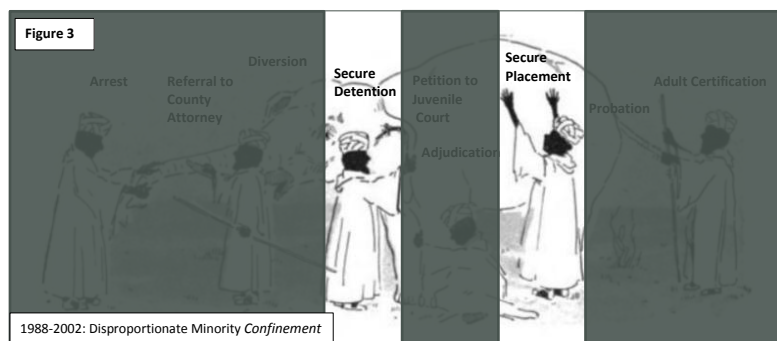
One way to conceptualize the need for monitoring for DMC at different decision points is to consider the Middle Eastern parable of six blind men who come across an elephant (Fig. 1). Each man touches a different part of the animal and, based on what he feels, makes a generalization about the elephant as a whole. One, touching the trunk, proclaims the elephant to be very like a snake; another, touching the ear, proclaims the elephant to be very like a fan.



The juvenile justice system is not unlike the elephant. Each system part—law enforcement, county attorneys, juvenile courts, correctional facilities and probation departments—is unique in its function, yet they are interconnected. Overlay the elephant with the nine major juvenile justice system decision points (Fig. 2) and it illustrates the importance of analyzing DMC at all major stages in order to see the entire elephant accurately.



Consider the initial requirement to explore *Disproportionate Minority Confinement*. From 1988 to 2002, there was no requirement to analyze DMC at stages other than secure detention and secure confinement (placement). Essentially, these stages were investigated in isolation, rather than in the context of the system as a whole (Fig. 3). There was no systemic way to investigate disparate decisions made at prior decision points.

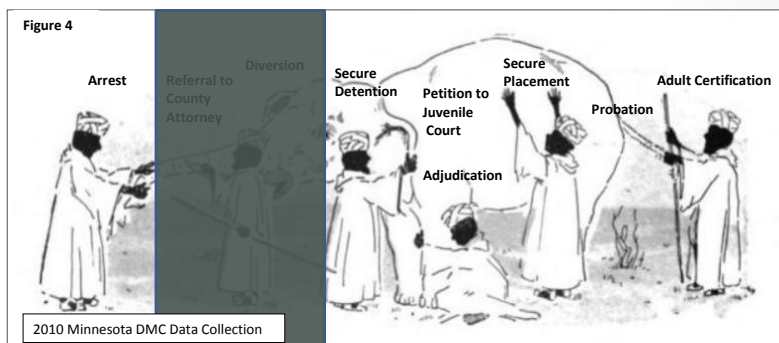


Minnesota DMC Data Collection

In Minnesota, data necessary to evaluate DMC are provided by many partners. Arrest data are provided by the Minnesota Bureau of Criminal Apprehension; petition, adjudication and certification data are provided by the Minnesota State Court Administrator's Office; and probation and secure facility admissions data are provided by the Minnesota Department of Corrections. In addition, numerous county-level agencies and individual departments provide supplemental data to enhance state-level datasets and explore DMC in local jurisdictions.

Unfortunately, statewide data are presently unavailable at two decision points: *Referrals to the County Attorney* and cases *Diverted*. While Minnesota has centralized databases for law enforcement, courts and corrections, there is no such database to document decisions made by Minnesota’s 87 county attorneys.

The lack of data at two decision points is comparable to an incomplete picture of Minnesota’s elephant (Fig. 4). While one can infer what the hidden section looks like based on what can be seen before and after, it is ultimately a hypothesis. Minnesota can make inferences about case handling at the *Referral to the County Attorney* and *Diversion* decision points based on the population of youth arrested as compared to population petitioned to court, but the specific attributes of youth referred for prosecution or diversion cannot be known for the state as a whole.



DMC is a Measure of Delinquency

While disparities exist in all aspects of the juvenile justice system, DMC specifically is a measure of disproportionality related to *delinquency level* offenses. Delinquency charges are brought for acts that would also be illegal if they were committed by an adult. System contacts for behavior unlawful only for youth such as curfew, tobacco, runaway, truancy and minor possession/consumption of alcohol are excluded from DMC calculations to the best ability of data systems. These behaviors are often termed “status offenses” because they are illegal only because of a youth’s status as a minor under age 18.

Minnesota also has petty misdemeanor offenses for both juveniles and adults. By Minnesota Statute, petty misdemeanors are not crimes³⁶ and are also excluded from DMC calculations to the best ability of data systems. A juvenile who commits a petty misdemeanor can be adjudicated as a petty offender, but not a delinquent.³⁷ Minnesota statute allows for most non-violent misdemeanor level offenses to be reduced to petty misdemeanors for juveniles. Examples of misdemeanors often charged as petty offenses for youth include: disorderly conduct, low-level theft or shoplifting, alcohol offenses, and possession of a small amount of marijuana or drug paraphernalia. Delinquency matters are those which can be charged as misdemeanors, gross misdemeanors or felony level offenses.

Status and petty offenses are excluded from DMC analysis in part because many laws and policies prevent low-level-offending youth from progressing deeper into the justice system. Because of this, it is not appropriate to include them when measuring DMC intended to track youth volume all the way through the system. That is not to imply that disparate rates of contact for non-delinquent behavior are not of concern—but they are not included in data collected for federal DMC measurements.

The Relative Rate Index (RRI)

The method required for measuring DMC is termed the Relative Rate Index, or *RRI*. This method involves comparing the rate of activity for youth of color at each major stage of the juvenile justice system to the rate of activity for white youth. The RRI provides a single index number that indicates the extent to which the volume of contact at each decision point differs for youth of color and white youth.³⁸

When collecting DMC data, the preferred methodology is to count events, not individuals. If the same youth is arrested five times, five distinct arrests are counted.³⁹ Likewise, if a youth is admitted to detention multiple times in a year, each new admission is counted. Jurisdictions exploring DMC must take care to use a consistent counting methodology across decision points, as well as year-to-year, in order to produce accurate and useful RRIs.

An RRI is calculated by dividing the rate of involvement of minority youth at a system decision point by the rate of involvement by white youth. For example, a relative rate at the point of arrest is calculated by dividing the minority arrest rate (total youth of color arrests ÷ total youth of color population) by the white arrest rate (total white youth arrests ÷ total white youth population).

$$\text{Arrest RRI} = \frac{\left(\frac{\text{Minority Youth Arrests}}{\text{Minority Youth Population}} \right)}{\left(\frac{\text{White Youth Arrests}}{\text{White Youth Population}} \right)}$$

Relative rates are calculated at each of the nine justice system decision points as youth progress through the justice system. The denominator in the RRI calculation changes based on the decision-making stage that immediately precedes it.⁴⁰ For example, when calculating the relative rate of arrest, the base population (denominator) is the number of youth in the total population who are of sufficient age to be arrested. At the next decision point, *Referral to the County Attorney* for charging, the base population becomes the number of youth arrested. We are not interested in what proportion of youth from the *entire population* are charged, we wish to know what proportion of youth *arrested* go on to be charged. Similarly, youth *Diverted* from prosecution are a subset of all youth *Referred* for charging, etcetera.

$$\begin{array}{ccccc} \text{Arrest} & & \text{Referral} & & \text{Diversion} \\ \text{RRI} = & \left(\frac{\text{Minority Arrests}}{\text{Minority Population}} \right) & \text{RRI} = & \left(\frac{\text{Minority Referrals}}{\text{Minority Arrests}} \right) & \text{RRI} = & \left(\frac{\text{Minority Diversions}}{\text{Minority Referrals}} \right) \\ & \left(\frac{\text{White Arrests}}{\text{White Population}} \right) & & \left(\frac{\text{White Referrals}}{\text{White Arrests}} \right) & & \left(\frac{\text{White Diversions}}{\text{White Referrals}} \right) \end{array}$$

The base populations used in the denominator of RRI calculations are predetermined by OJJDP.⁴¹ In the event data are not available for a certain decision point, the denominator shifts to the decision point that most closely precedes it where data are available.⁴² Because data are not available in Minnesota at the *Referral to County Attorney* and *Diversion* decision points, the denominator for both these RRI calculations shifts to *Arrests*.

RRIs for Unique Racial Populations

Thus far, the focus has been comparing rates of white youth contact to those of all youth of color combined. It is well documented, however, that unique racial and ethnic populations can have different levels of contact with the justice system at different stages. Federal DMC reporting requires states and local jurisdictions to look for disparities within the following racial subpopulations, categorized by the federal Office of Management and Budget, whenever they account for at least one percent of the total youth population.^{43,44}

- Black or African Americans
- American Indian/Alaska Natives
- Asians
- Native Hawaiian/Pacific Islanders
- Hispanic or Latinos

In Minnesota, Native Hawaiian/Pacific Islanders do not constitute at least one percent of the total youth population and are collapsed into the Asian youth category.

MULTIRACIAL YOUTH

Often local jurisdictions have methods to collect data on youth who identify as more than one race, using categories such as “multiracial, mixed race or other.” DMC reporting does have an Other/Mixed Race category for youth who do not identify as a single race. Minnesota localities vary widely in whether system professionals make the racial determination, or youth are asked to self-report their race. Likewise, jurisdictions may use different criteria for placing youth in mixed-race categories, creating a lack of uniformity across systems. Due to these data inconsistencies, Minnesota youth identified as mixed-race are represented in the total minority youth RRI calculation, but are not analyzed as a distinct population.

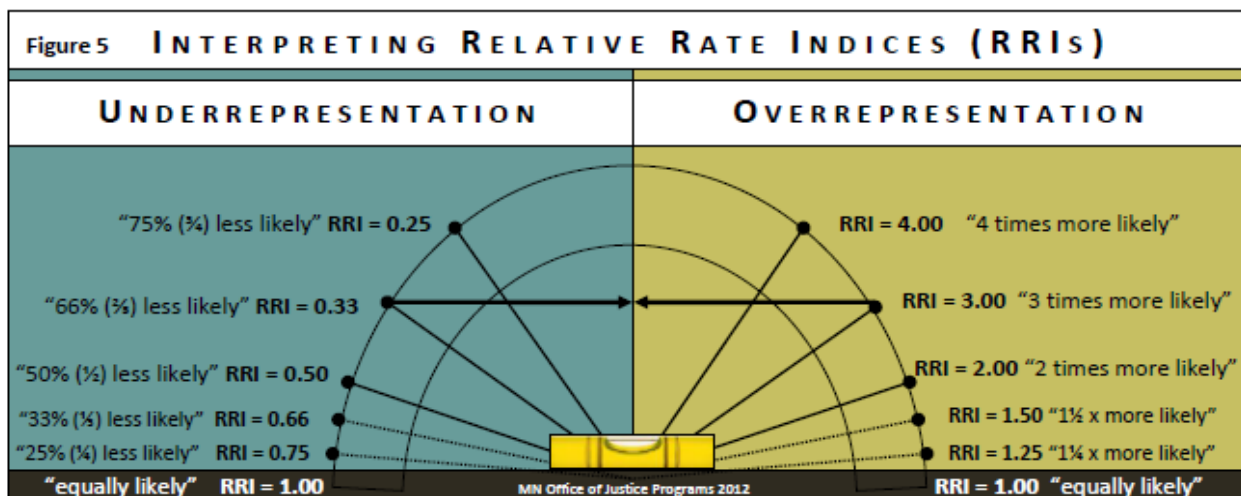
CULTURAL SUBPOPULATIONS

States and localities may also be interested in DMC related to unique cultural groups. As an example, Minnesota has American Indian populations with unique tribal affiliations; Somali and other East African immigrant populations; and Hmong, Lao and Vietnamese populations, to name a few. A jurisdiction may wish to explore justice system contact with newer East African populations as compared to established African American populations. At this time, however, national DMC reporting does not assess disparities among unique cultural subpopulations. In Minnesota, there is a lack of data uniformity around the state, prohibiting analysis at the state level. At this time, only individual counties or cities would be able to explore DMC among their unique populations.

Interpreting Relative Rate Indices

An RRI is used to measure the severity of a disparity. **An RRI of 1.00 means no disproportionality exists** and the rate of system involvement is the same for youth of color as it is for white youth at that decision point. Recall that any number divided by the same number will equal 1.00. The closer a RRI is to 1.00, the closer to parity are the white and youth of color rates of contact.

An RRI can be either above or below 1.00. An **RRI over 1.00 shows an overrepresentation** of youth of color, while an **RRI below 1.00 shows an underrepresentation** of youth of color. It is important to remember that overrepresentation and underrepresentation are both potentially of concern. The following graphic (Fig. 5) illustrates how to interpret an RRI.



The right side of the graphic illustrates overrepresentation. An RRI of 2.00 implies that a minority population is two times, or twice as likely, to be present at that system stage as are white youth. With each incremental RRI integer (3.00, 4.00, etc.) the severity of the disparity increases: *three times more likely*, *four times more likely*, etc. While whole numbers are featured in the illustration, RRIs often include decimals. An RRI of 3.50 would be interpreted as *three and a half times more likely* and an RRI of 1.50 would be *one and a half times more likely*.

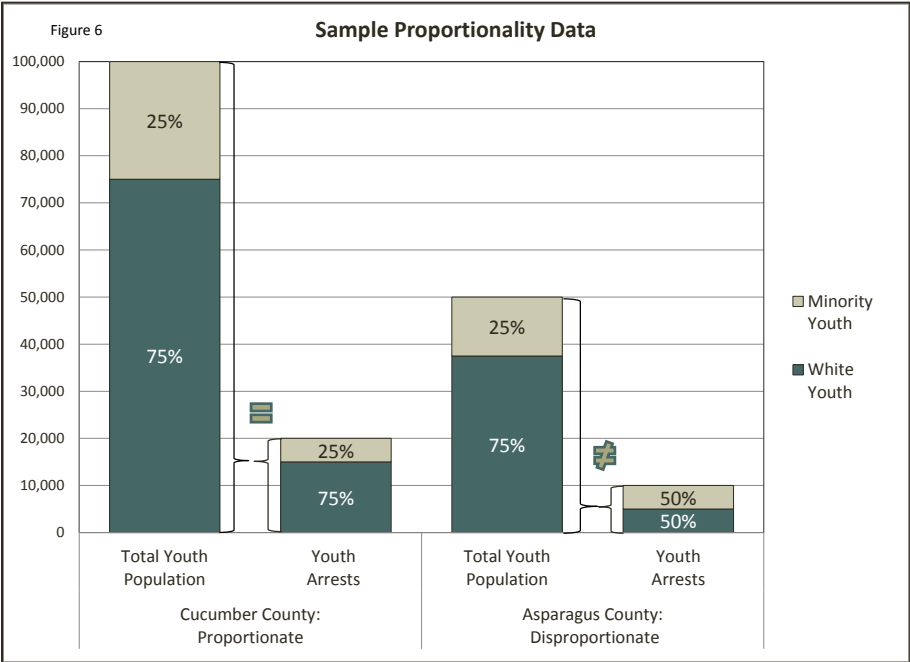
The left side of the graphic illustrates underrepresentation because the RRI calculation is less than 1.00. These rates are interpreted as a fraction of the prevalence of the white population. Rather than whole numbers, underrepresentations are expressed in decimal values (0.75, 0.66, 0.50, etc.). These rates would be interpreted as youth of color being *one-quarter less likely*, *one-third less likely*, and *half as likely* as white youth to be at that justice system decision point, respectively.

Somewhat confusing is this fact: Underrepresentation, expressed in decimals, is as severe in magnitude as overrepresentation expressed in integers. In the figure above, an RRI of 0.33 and 3.00 are the same magnitude of disparity, only the directionality is different. To illustrate this point, rather than saying "youth of color are one-third as likely as white youth to be diverted" one could flip the population of reference and say "white youth are three times more likely to be diverted than youth of color." Investigation into the reasons for underrepresentation is as important as investigation into the reasons for overrepresentation.

DMC Case Study

The following case study uses two fictitious data sets to illustrate how to measure, calculate and interpret RRIs. Understanding the process and meaning of RRI calculations will help to create a better understanding of Minnesota’s DMC data presented in the next section of this report.

Consider two jurisdictions, Cucumber County and Asparagus County, both of which have decided to explore DMC at the point of arrest in response to concerns raised by community leaders. As illustrated in Figure 6, Cucumber County has a youth population of 100,000 of which 75 percent are white and 25 percent are youth of color. In the past year, Cucumber County documented 20,000 juvenile delinquency arrests. The racial breakdown of youth arrested reflects the racial composition of the youth population: 75 percent white youth and 25 percent youth of color.



Asparagus County has a smaller youth population (50,000) which is also 75 percent white and 25 percent youth of color. In this county 10,000 juvenile arrests are recorded but the youth arrested were 50 percent white and 50 percent youth of color. This is an observed *disproportionality*, as the percentage of youth of color arrested exceeds their representation in the overall youth population.

Cucumber County calculates their arrest rates and finds no disparity as both white youth and youth of color are arrested at a rate of 200 per 1,000 youth in the population (Fig. 7). Conversely, Asparagus County has disparate rates of arrest: Among white youth there are 133 arrests for every 1,000 white youth, whereas among youth of color there are 400 arrests for every 1,000 youth of color in the population.

Figure 7 DMC Case Study Arrest Rates					
Jurisdiction	Racial Group	Juvenile Population	Juvenile Arrests	Arrest Rate (Arrests ÷ Population) x 1,000	Conclusion
Cucumber County	All Youth	100,000	20,000	200 arrests per 1,000 youth	No Disparity. The arrest rate for white youth and youth of color is equal.
	White Youth	75,000 (75%)	15,000 (75%)	200 arrests per 1,000 white youth	
	Youth of Color	25,000 (25%)	5,000 (25%)	200 arrests per 1,000 youth of color	

Figure 7 Con't. DMC Case Study Arrest Rates					
Jurisdiction	Racial Group	Juvenile Population	Juvenile Arrests	Arrest Rate (Arrests ÷ Population) x 1,000	Conclusion
Asparagus County	All Youth	50,000	10,000	200 arrests per 1,000 youth	Disparate Arrest Rates. The arrest rate for white youth and youth of color is not equal.
	White Youth	37,500 (75%)	5,000 (50%)	133 arrests per 1,000 white youth	
	Youth of Color	12,500 (25%)	5,000 (50%)	400 arrests per 1,000 youth of color	

APPLYING THE RRI

When the RRI calculation is applied to the two example counties, the magnitude of the disproportionality is illuminated. Cucumber County has equal arrest rates for white and youth of color, which translates to an RRI of 1.00. In Asparagus County, the RRI calculation shows that the arrest rate for youth of color is *three times higher* (3.01) for youth of color than for white youth.

$$\text{Cucumber County Arrest RRI} = \frac{\left(\frac{5,000}{25,000} \right)}{\left(\frac{15,000}{75,000} \right)} = \frac{0.20}{0.20} = \mathbf{1.00}$$

$$\text{Asparagus County Arrest RRI} = \frac{\left(\frac{5,000}{12,500} \right)}{\left(\frac{5,000}{37,500} \right)} = \frac{0.40}{0.133} = \mathbf{3.01}$$

UNCOVERING HIDDEN DISPARITIES

Asparagus County progresses to the next step by exploring for disparities among unique racial populations. When separate RRIs are calculated for each racial group, it is revealed that arrest rates are not uniform across racial populations (Fig. 8). Black or African American youth in Asparagus County are just over three times more likely to be arrested than white youth (RRI=3.11) and Hispanic youth are three-and-a-half times more likely to be arrested (RRI=3.54). American Indian youth experience the greatest disparity; they're nearly four times more likely to be arrested than white youth (RRI=3.95). Conversely, Asian/Pacific Islander youth have the lowest level of disparity and are one-and-a-half times more likely to be arrested than white youth (RRI=1.63).

Figure 8 Asparagus County: RRIs by Race				
	Population	Arrests	Arrest Rate	Relative Rate Index
White Youth	37,500	5,000	133 per 1,000 White Youth	
All Youth of Color	12,500	5,000	400 per 1,000 Youth of Color	3.01
Black/African American Youth	4,000	1,650	413 per 1,000 Black Youth	3.11
Hispanic Youth	3,500	1,650	471 per 1,000 Hispanic Youth	3.54
Asian/Pacific Islander Youth	3,000	650	217 per 1,000 Asian Youth	1.63
American Indian Youth	2,000	1,050	525 per 1,000 American Indian Youth	3.95

Asparagus County data illustrates a common phenomenon whereby disparities can be the greatest for populations that are not the largest. American Indians in Asparagus County are the smallest youth population (2,000); have the second lowest number of arrests (1,050), but have the greatest arrest rate of all minority groups (525 per 1,000).

In Cucumber County, a deeper look into arrest data reveals that rates are not uniform or equitable across all racial groups (Fig. 9). The arrest rate for black or African American youth turns out to be twice that of white youth (RRI=1.99), whereas all other racial groups are *underrepresented* at the point of arrest (RRIs less than 1.00). The combined RRI for all youth of color creates the perception of parity when that is not the case. Cucumber County must also now look deeper into the contributing factors to DMC in their county.

Figure 9 Cucumber County: RRIs by Race				
	Population	Arrests	Arrest Rate	Relative Rate Index
White Youth	75,000	15,000	200 per 1,000 White Youth	
All Youth of Color	25,000	5,000	200 per 1,000 Youth of Color	1.00
Black/African American Youth	8,300	3,300	395 per 1,000 Black Youth	1.99
Hispanic Youth	8,000	700	88 per 1,000 Hispanic Youth	0.44
Asian/Pacific Islander Youth	6,000	800	133 per 1,000 Asian Youth	0.67
American Indian Youth	2,700	200	74 per 1,000 American Indian Youth	0.37

NEXT STEPS

For both counties, identifying arrest disparities is only the first step. To understand DMC fully, each county would need to gather data at the nine decision points, calculate RRIs, and investigate factors contributing to racial disparities in their jurisdictions. These data would in turn inform intervention.

Factors Contributing to DMC

The drivers of DMC are complex and involve many factors which may be working together to generate disparity. The federal Office of Juvenile Justice and Delinquency Prevention (OJJDP) identifies multiple contributing factors for jurisdictions to consider when diagnosing DMC. Honing in on the extent to which these factors contribute to DMC requires rigorous assessment of data, as well as assessment of justice system policies and practices, resource distribution, and the characteristics of the social environment. OJJDP requires each state to complete a DMC assessment that names the factors most contributing to DMC in their jurisdiction and informs intervention strategies. The following is a partial list of factors identified by OJJDP as contributors to DMC.⁴⁵

DIFFERENTIAL BEHAVIOR

One factor jurisdictions must investigate is whether different populations of youth have different rates of offending or more involvement in certain types of offenses. If specific racial groups are more likely to engage in more severe offenses, such as interpersonal violence or use of weapons, they may have more contacts or progress deeper into the justice system than another group.

DMC calculations typically look at all delinquency offenses combined. Measuring differential behavior requires detailed information about offenses, including the offense type and severity. Offenses can be isolated as person-, property- or drug-related; felonies, gross misdemeanors or misdemeanors; or new charges versus probation violations. Distinctions such as these in data reporting may shed light on differential youth-offending patterns or system responses.

INDIRECT EFFECTS

Indirect effects is a broad term that references economic status, education, geography, and a host of risk factors associated with delinquency as related to race and ethnicity. As an example, living in a neighborhood with a high crime rate is a risk factor for youth to engage in delinquency; lower economic status communities are more likely to have higher crime rates; and a greater percentage of youth of color experience economic hardship or poverty than white youth.

As another example, youth in the justice system are more likely than youth in the general population to experience mental health problems. At times, a court order from the juvenile justice or child protection system is the only method by which poor or uninsured families can access mental health services. Again, income, which is often connected to race, becomes a factor in families' ability to address mental health issues that contribute to delinquency. Education, employment, housing, health and social services are other systems that can affect delinquency and should be evaluated for racial disparities.

DIFFERENTIAL OPPORTUNITIES FOR PREVENTION AND TREATMENT

Prevention and treatment resources within communities are seldom uniformly distributed or universally accessible. In some instances, those allocations create a disadvantage for youth of color. Access may be limited by geography, hours of operation, or other means including lack of public transportation. Eligibility criteria such as excluding youth with a prior record may work to the disadvantage of youth of color. Furthermore, services may not have culturally competent characteristics that encourage youth of color participation and retain youth of color over time. Many prevention and treatment modalities have been designed and normed for use with white youth. Related to DMC, the issue for examination is whether program outcomes are accomplished at equal rates for youth of differing racial and cultural backgrounds.

DIFFERENTIAL PROCESSING OR INAPPROPRIATE DECISION-MAKING CRITERIA

Differential processing or inappropriate decision-making criteria can be an issue when justice system practitioners make determinations regarding individual cases. Examples include criteria regarding diversion, release from custody or referral to programs. The fundamental question is whether decisions are made based on objective criteria; whether the criteria are applied consistently across all groups of youth; and whether they place some groups at a disadvantage. As an example, if criteria for releasing youth from custody require a parent or guardian custodian, then single-parent families are at a structural disadvantage as compared to two-parent families. In Minnesota, youth of color are more likely to report living in single-parent households than white youth.⁴⁶ Therefore, a policy that is intended to be race-neutral may have a disparate effect on some populations of color due to differences in family structure.

It is also in the area of differential processing that the racial biases of individual practitioners or agencies can affect decision-making. Discrimination occurs when justice system decision-makers treat one group of youth differently from another based wholly, or in part, on their gender, race or ethnicity.⁴⁷ Structural racism refers to the unfair treatment of persons of color or preferential treatment of whites that may be embedded in the operating procedures, policies, laws, or objectives of organizations and culture at large. These policies and

practices contribute to and legitimize inequitable racial outcomes.⁴⁸ Individuals and organizations are often unaware of their own biases or the subtle ways that their policies can negatively affect youth of color.

JUSTICE BY GEOGRAPHY

Justice by geography expresses the concept that youth in general, and youth of color in particular, may be processed or handled differently in one jurisdiction than in another within the same state. Differing responses may occur based on whether the youth was processed in an urban versus a rural setting; differences in resources (availability of diversion services); or differences in operating philosophies between jurisdictions about how to respond to delinquency. Studies have shown that urban settings, which are more diverse, tend to have more formal justice procedures that are associated with greater severity in pre-trial detention and sentencing. Rural settings tend to be more homogenous and procedurally less formal, including more leniencies. Because youth of color are more likely to live in urban communities, they are more likely to receive harsher consequences contributing to DMC.⁴⁹

LEGISLATION, POLICIES AND LEGAL FACTORS WITH DISPROPORTIONATE IMPACT

Policies enacted through legislation or through administrative action may contain elements that create a disadvantage for youth of color. These disadvantages may occur for a variety of reasons, but the most common are those that target a specific aspect of delinquent behavior (i.e. gang-related activity), those that target specific locations (school zones or public housing areas), and those that use prior delinquent or criminal history as an element of the policy (i.e. three strikes policies).

As an example, policing strategies such as targeted patrols in lower-income neighborhoods, or “hot spot” policing, may be more likely to target neighborhoods with more youth of color.⁵⁰ The presence of law enforcement in certain communities and schools can contribute to drawing more youth in general, and more youth of color specifically, into the justice system.

ACCUMULATED DISADVANTAGE

DMC issues tend to accumulate, rather than dissipate, as youth progress through the system. Accumulation occurs when there is a higher rate of arrest for youth of color, followed by a lower rate of diversion, followed by higher rates of formal processing, etcetera. Although the differential treatment at any particular stage may be small, the cumulative impact across the entire juvenile justice system may be large.

Another instance where race works indirectly through factors that influence decision-making is the impact of earlier stages of the justice system on later decision stages. Studies support that use of detention strongly predicts more severe treatment at disposition. Because minorities are more likely to be detained, they are likely to receive more severe dispositions than white youth with a comparable offense who were not held in detention. Also, judicial decisions are often made, at least in part, based on prior criminal history. Because prior offenses affect present dispositions, every previous discretionary or disparate outcome can affect current proceedings.

Part II

Disproportionate Minority Contact in Minnesota

Minnesota Youth Population Characteristics

The first step in assessing DMC in any state or jurisdiction is to understand the attributes of the youth population. In 2010, youth under age 18 accounted for roughly 1.28 million (24%) of Minnesota's 5.3 million residents (Fig. 10).⁵¹ DMC is specifically concerned with the number of youth who can be processed in the juvenile justice system. In Minnesota, statute dictates that only youth ages 10 to 17 may be charged with a delinquency offense, as a youth under 10 is handled as a Child in Need of Protection or Services (CHIPS).⁵² According to 2010 data, 573,023 youth ages 10 to 17 reside in Minnesota. The population in this age cohort has declined just over 5 percent since the 2000 census. Population changes such as these are one factor to consider when examining juvenile justice trends and DMC rates over time.

Figure 10 Population	2000 Census	2010 Census	Numeric Change	Percent Change
Total MN Population	4,919,429	5,303,925	+ 384,496	+ 7.8%
MN Population Under Age 18	1,286,894	1,284,063	+ 668	+ .05%
MN Population Ages 10-17⁵³	604,198	573,023	- 31,175	- 5.2%
Youth as a Percentage of Total Population	26.0%	24.2%	- 1.8%	- .07%

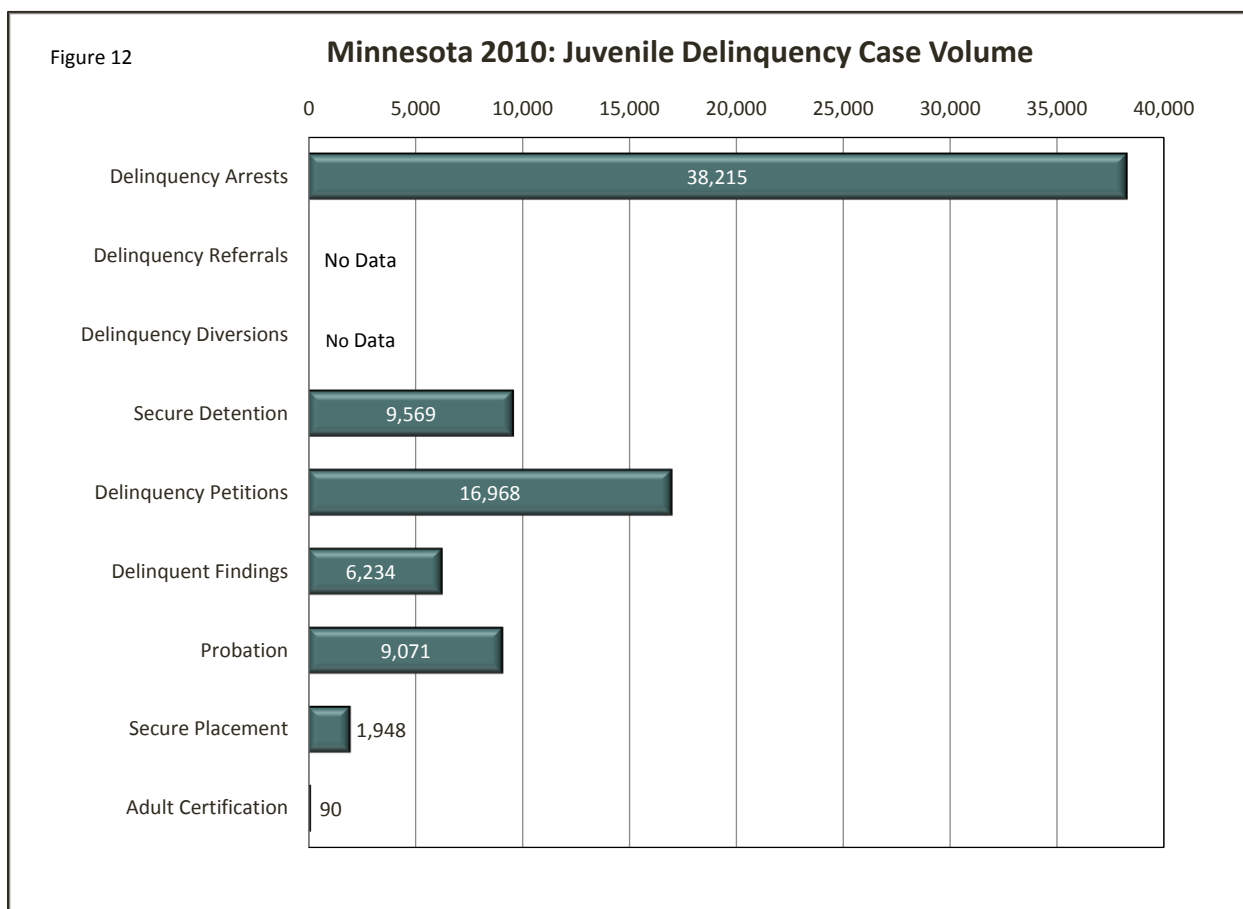
Minnesota's youth population is more diverse than the adult population. According to 2010 U.S. Census Bureau figures, 27 percent of Minnesota youth under age 18 represent diverse racial or ethnic groups, which is true of just 14 percent of adults.⁵⁴ Of Minnesota youth ages 10 to 17 (Fig. 11), 78 percent are white, non-Hispanic. Black or African American youth account for 8 percent of this age cohort followed by Hispanic youth of any race (7%). Asian youth (5%) and American Indian youth (2%) are the two smallest minority populations in the target age group.⁵⁵

Figure 11 Race/Ethnic Group	2010 Minnesota Population Ages 10 to 17	Percent of Minnesota Population Ages 10 to 17
White, Non-Hispanic	449,373	78%
Black or African American, Non-Hispanic	45,442	8%
Asian/Pacific Islander, Non-Hispanic	31,183	5%
American Indian, Non-Hispanic	9,030	2%
Hispanic of Any Race	37,995	7%
Total	573,023	100%

Volume of Delinquency Cases

For DMC analysis jurisdictions must count, by race, the number of youth moving through the juvenile justice system in a given year. The data presented in Figure 12 are those used for Minnesota's 2010 DMC calculations.^c Again, to the degree possible, DMC calculations include only new, delinquency level offenses. As such, data in this report do not match other published data, which include lesser offenses and probation violations. As was explained previously, data at the *Referral to County Attorney* and *Diversion* decision points are unavailable at the state level.

In 2010, Minnesota recorded 38,215 delinquency arrests (Fig. 12). Of those, approximately 25 percent (9,569) included use of a secure detention setting following arrest or court, and 44 percent resulted in a petition in juvenile court (16,968). In the absence of data at the *Referral to County Attorney* and *Diversion* stages, it must be presumed that the other 56 percent of arrests were diverted from prosecution by law enforcement or the county attorney. Cases diverted may include those that the county attorney declines to prosecute; youth referred to a formal diversion program; or delinquency matters reduced to petty offenses at the time of charging.



^c For Minnesota data sources/definitions, see Appendix B.

According to DMC data, roughly 37 percent of delinquency cases filed resulted in adjudication (6,234). Youth appearing in court may be found not guilty or have delinquency level charges reduced to petty misdemeanors as a plea negotiation or judicial ruling. Furthermore, youth may be diverted following a court appearance in Minnesota through a court-ordered *Continuance for Dismissal* or a *Stay of Adjudication*.⁵⁶ These orders provide youth an opportunity to complete certain conditions and remain law abiding without having a formal adjudication on their records.

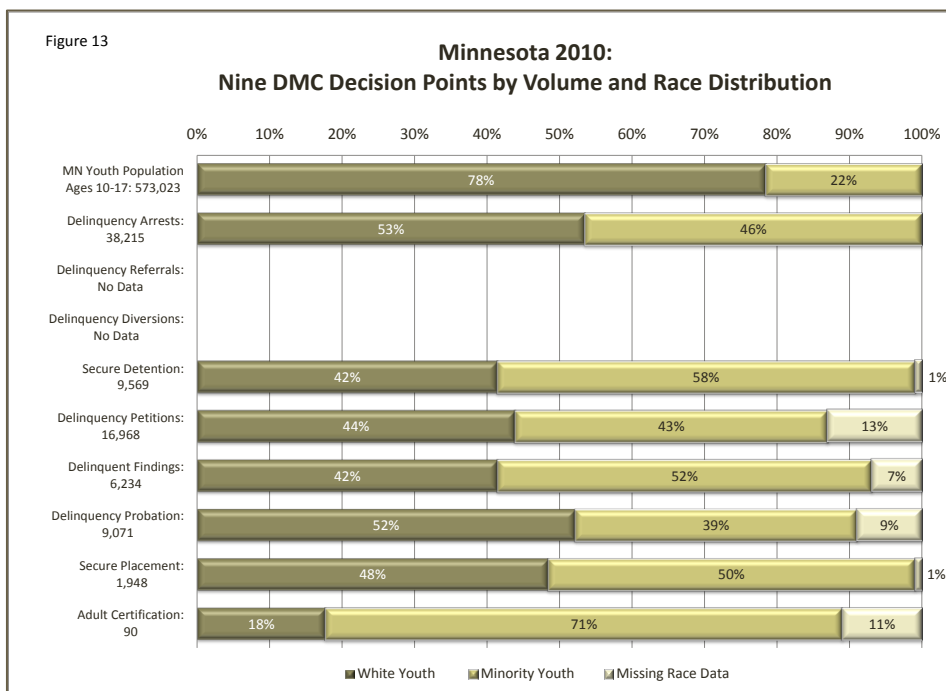
Cases resulting in *Probation* and *Secure Placement* are a subset of cases adjudicated delinquent. Youth may be placed on probation as a part of a *Stay of Adjudication* or *Continuance for Dismissal*, which is why the number of youth on probation for delinquency offenses (9,071) exceeds the number of cases in which youth have been adjudicated delinquent (6,234).

Regarding *Secure Placement*, Figure 12 suggests that approximately 31 percent of youth who are found delinquent receive an out-of-home placement in a secure setting (1,948). Secure placements can range from weekend consequence programs to lengthy treatment interventions. No information is presently gathered regarding the length, location or goals of treatment in relationship to DMC.

Minnesota statute specifies which youth are eligible for adult certification based on age and offense characteristics; at minimum, a youth must be at least 14 years old and have committed a felony-level offense.⁵⁷ A small percentage of juvenile petitions result in *Certification* to criminal court to stand trial as an adult. In 2010, 90 adult certifications were recorded in Minnesota (0.5% of petitions filed).

Racial Distribution by Decision Point

Figure 13 represents Minnesota's distribution of white and youth of color at each available justice system decision point. A graph such as this provides a first glimpse into potential disparities by visually comparing the racial distribution of youth between stages. For example, youth of color are 22 percent of the Minnesota total youth population ages 10 to 17, but represent 46 percent of juvenile delinquency arrests. Clearly issues of overrepresentation are present. The racial distributions in Figure 13 will be explored in greater detail in the following sections.



Minnesota's DMC Data by Decision Point

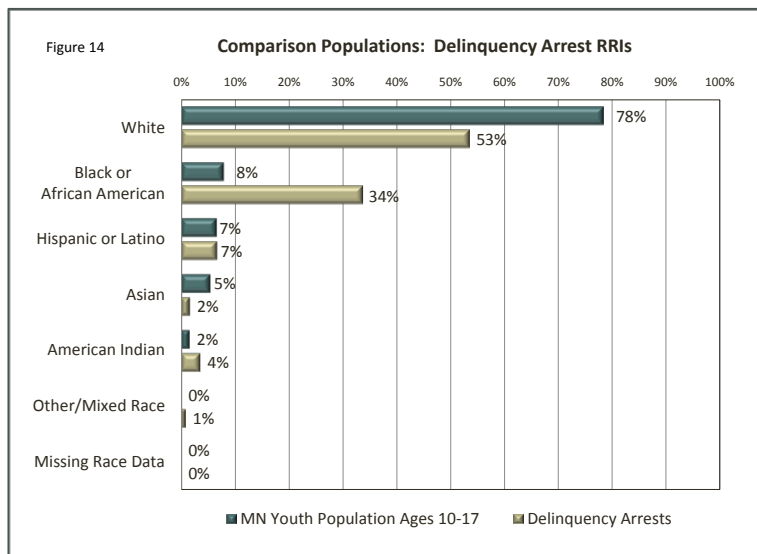
Disproportionality in Delinquency Arrests

RACIAL DISTRIBUTION

Arrest disproportionality is calculated by comparing the rate of minority youth arrests to white youth arrests. Preliminary examination of arrest by racial group (Fig. 14) illustrates that while minority youth are 22 percent of the youth population, they account for 47 percent of delinquency arrests.

The greatest observable disproportionality exists for black or African American youth, who comprise just 8 percent of the youth population but are 34 percent of juvenile delinquency arrests. On a smaller scale, American Indian youth are 2 percent of the youth population but account for 4 percent of juvenile delinquency arrests.

Conversely, Asian youth in Minnesota are 5 percent of the population but comprise just 2 percent of arrests. Because the proportion of Asian youth arrested is smaller than their presence in the overall population, it is likely they will be underrepresented at the point of arrest.



VOLUME AND ARREST RATES

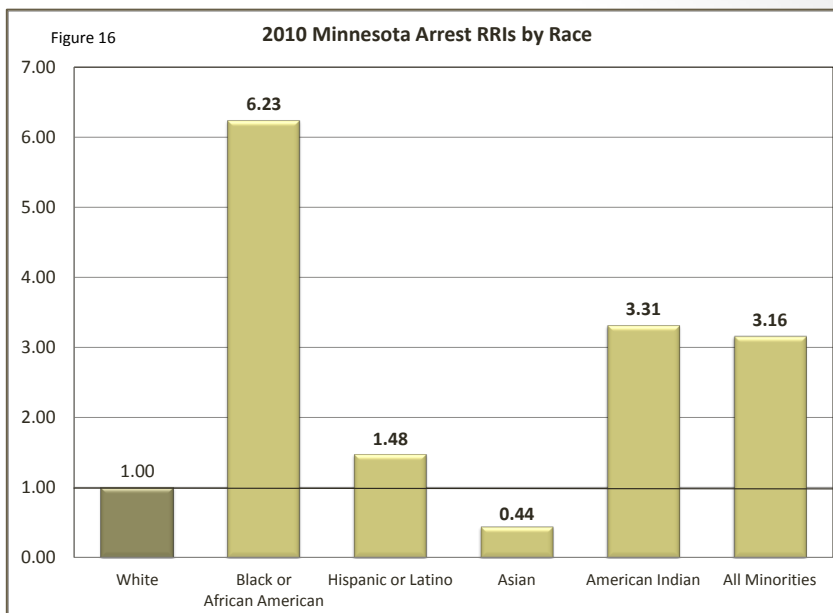
Figure 15 reflects the data used by the state of Minnesota to calculate DMC at the stage of arrest. Arrest rates for black or African American and American Indian youth (283.6 and 150.7 per 1,000 youth, respectively) are significantly higher than the arrests rate for white youth (45.5 per 1,000). The arrest rate for Asian youth is lower than that of white youth (20.1 per 1,000). The Hispanic youth arrest rate is closest to that of white youth (67.2 per 1,000).

Figure 15 Minnesota Arrest RRI Calculations	Total Youth	White	Black or African American	Hispanic or Latino	Asian/ Pacific Islander	American Indian/ Alaska Native	All Minorities*
Population at Risk (Age 10 Through 17)	573,023	449,373	45,442	37,995	31,183	9,030	123,650
Juvenile Arrests	38,215	20,444	12,887	2,552	627	1,361	17,759
Arrest Rate per 1,000 Youth in Population	66.7	45.5	283.6	67.2	20.1	150.7	143.6
Relative Rate Index (RRI)		1.00	6.23	1.48	0.44	3.31	3.16
*Total includes youth identified as "Other or Mixed Race." RRIs in bold are statistically significant compared to white youth.							

RELATIVE RATE INDICES (RRIs)

When the RRIs on the last line of Figure 15 are graphed, arrest disparities can be seen more clearly. Recall that an RRI of 1.00 indicates parity between a minority population and the white population. The RRIs in Figure 16 demonstrate that black or African American youth in Minnesota are arrested at a rate over *six times* that of white youth (6.23). Similarly, American Indian youth are arrested at a rate over *three times* that of white youth (3.31).

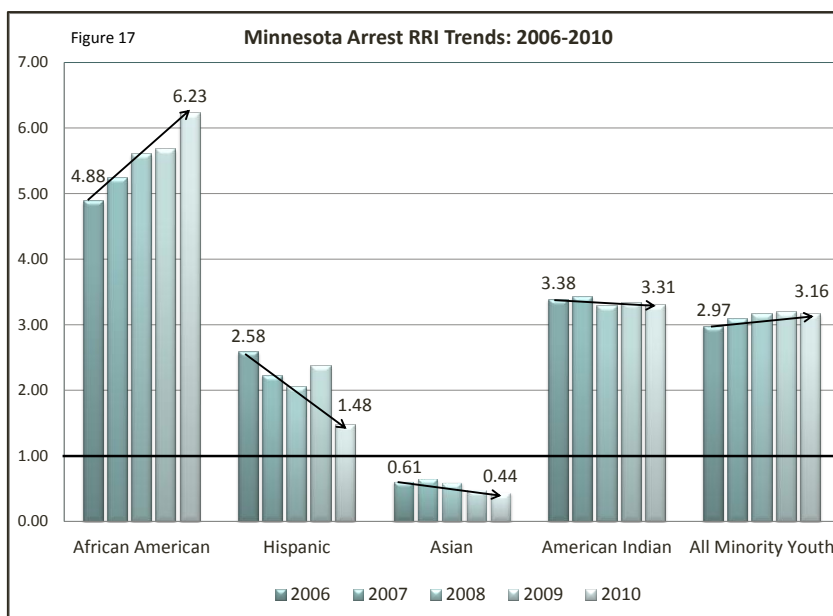
While the RRI for all minority youth combined is also high (3.16) it is tempered downward by the arrest rate for Asian youth, which is less than half of that of white youth (0.44). The Hispanic population has an RRI closest to parity (1.48) but data nevertheless indicate Hispanic youth are nearly *one and a half times more likely* to be arrested for delinquency than white youth in Minnesota.



RRI TRENDS: ARRESTS

A look at arrest RRIs since 2006 shows a trend whereby disparities are increasing for black or African American youth and decreasing for Hispanic youth (Fig. 17). Technically the disparity is also increasing for Asian youth but the directionality is different. Asian youth are increasingly underrepresented at the point of arrest. Arrest RRIs for American Indian youth in Minnesota have remained largely unchanged.

Arrest is the decision point in Minnesota where the greatest racial and ethnic disparities are observed. In addition, as the entry point into the juvenile justice system, arrest affects the greatest number of youth. Exploration of arrest rates for different offense categories (person, property, drug crimes) are needed to help determine if there is differential offending or enforcement patterns for different racial populations.



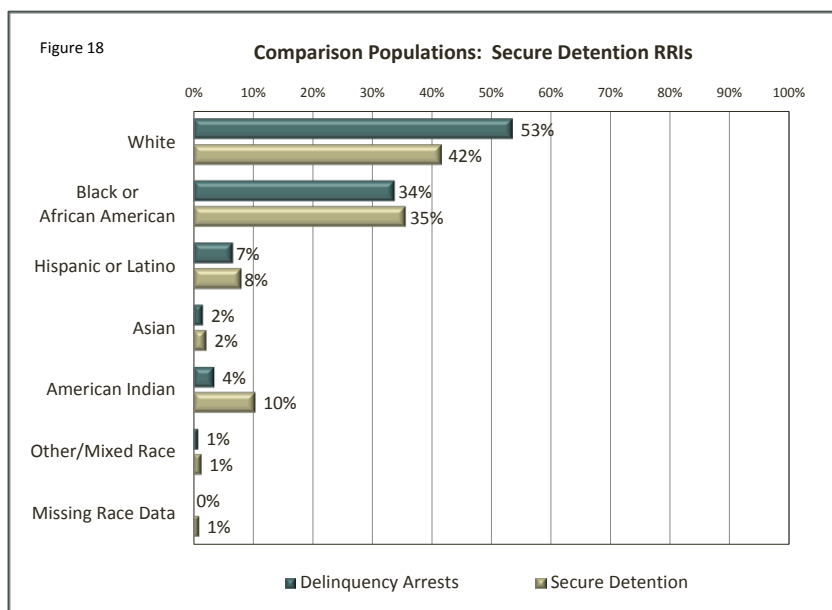
Disproportionality in Admission to Secure Detention

RACIAL DISTRIBUTION

When calculating disproportionality related to the use of secure detention, the rate at which youth are detained is compared to the rate at which youth are referred to the county attorney for prosecution. Because *Referral to County Attorney* is a missing data point in Minnesota, the next-best base population for calculating DMC is *Arrests*.

Figure 18 demonstrates that for several racial groups, the percentage of youth detained is comparable to the percentage of youth arrested. Black or African American youth make up 34 percent of arrests and 35 percent of detention admissions; Hispanic youth are 7 percent of arrests and 8 percent of detention admissions; and Asian youth are 2 percent of arrests and 2 percent of admissions.

The largest disproportionality exists for the American Indian population which is 4 percent of arrests but 10 percent of detentions admissions.



VOLUME AND SECURE DETENTION RATES

Figure 19 reflects the data used to by the state of Minnesota to calculate DMC at the stage of secure detention. While white youth have a secure detention rate of roughly 19 per 100 arrests, the rates for all other racial minorities are significantly higher. Detention rates among minority youth range from 26.4 per 100 arrests for black or African American youth to as high as 73.3 per 100 arrests for American Indian youth.

Figure 19 Minnesota Secure Detention RRI Calculations	Total Youth	White	Black or African American	Hispanic or Latino	Asian/ Pacific Islander	American Indian/ Alaska Native	All Minorities*
Juvenile Arrests	38,215	20,444	12,887	2,552	627	1,361	17,759
Cases Involving Secure Detention	9,569	3,974	3,396	773	211	997	5,510
Secure Detention Rate per 100 Youth Arrested	25.0	19.4	26.4	30.3	33.7	73.3	31.0
Relative Rate Index (RRI)		1.00	1.36	1.56	1.73	3.77	1.60
*Total includes youth identified as "Other or Mixed Race." RRIs in bold are statistically significant compared to white youth.							

RELATIVE RATE INDICES (RRIs)

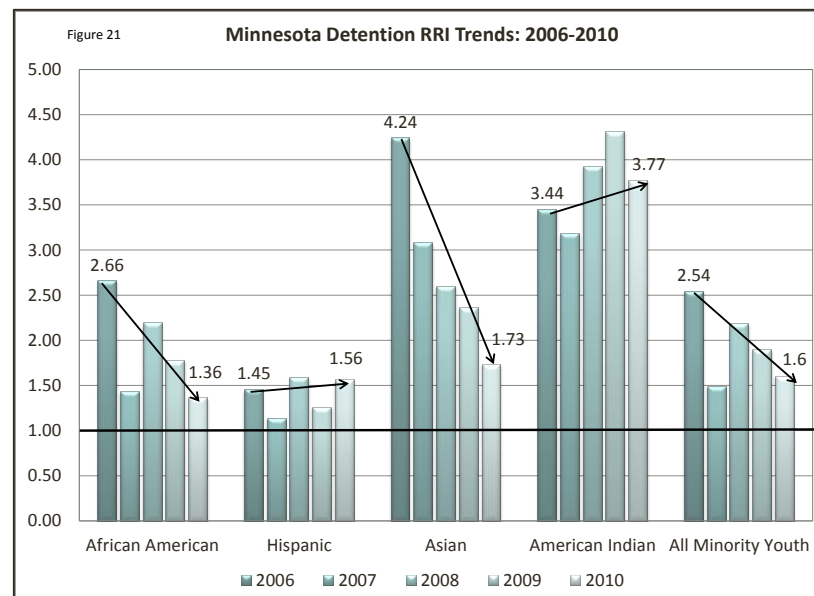
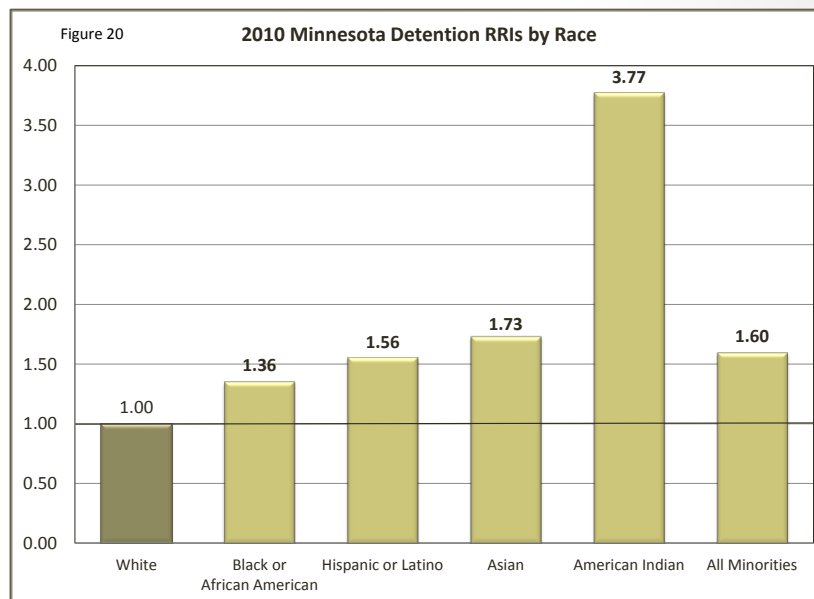
The RRIs on the bottom line of Figure 19 are graphed in Figure 20. The RRIs depict overrepresentation for all minority groups at the stage of secure detention. Specifically, the detention RRI for American Indian youth is approaching *four times* that of white youth. Black or African American youth presently have the secure detention rate closest to that of white youth (1.36).

As youth progress through the system, it is appropriate to consider the different decision-point stages in relation to one another. Black or African American youth may be somewhat overrepresented in detention compared to the number arrested, but the number arrested is severely disproportionate compared to their percentage of the total population. Asian youth, on the other hand, who are the least likely of any youth population to be arrested, have one of the highest detention rates when they are arrested.

RRI TRENDS: SECURE DETENTION

Trend data reflect an overall reduction in disproportionality at the point of secure detention for Minnesota youth (Fig. 21). Disproportionalities have declined from RRIs as high as 4.24 for Asian youth and 2.66 for black or African American youth in 2006, to below 2.00 for both populations in 2010. While a secure detention disproportionality two times higher than white youth is still of great concern, it may confirm that concerted efforts to reform the use of secure detention are having the desired effect.

Several Minnesota counties (Dakota, Hennepin, Ramsey and St. Louis) have implemented a detention reform model using deliberate policies and objective risk-assessment instruments to reduce racial disparities at the detention decision point. These will be described in greater detail later in the report. Regrettably, American Indian youth have not seen the same level of improvement in secure detention RRIs, possibly because detention-alternative initiatives have not historically occurred in jurisdictions with the largest American Indian populations.

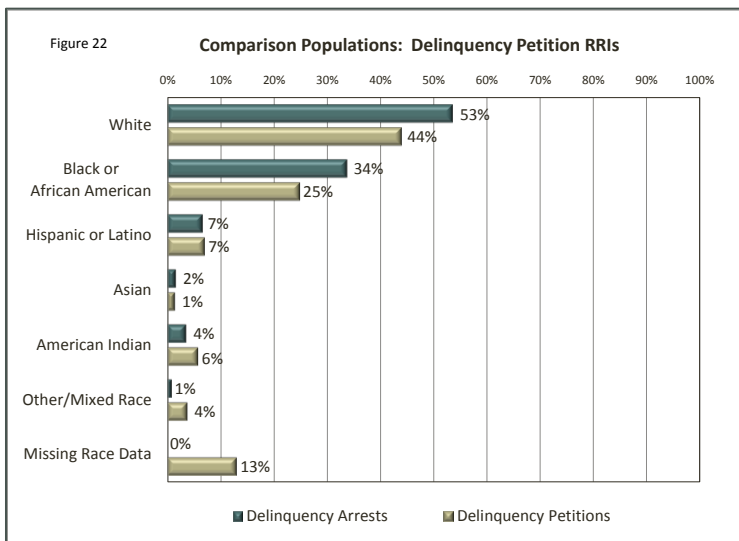


Disproportionality in Delinquency Petitions

RACIAL DISTRIBUTION

When calculating disproportionality related to the filing of delinquency petitions, the rate of petitioning is compared to the rate of referral to the county attorney. Because *Referral to the County Attorney* is a missing data point in Minnesota, the next-best base population for comparison is *Arrests*.

With the exception of black or African American youth, racial distributions at *Arrest* and *Petition* (Fig. 22) show somewhat comparable percentages of youth arrested as are petitioned. Black or African American youth are 34 percent of youth arrested, but are 25 percent of cases petitioned. It is possible that the petition decision tempers some of the disparity from the point of arrest. In order to understand why black or African American youth are petitioned at a lower rate than white youth, additional information would be needed regarding the reason cases are not charged.



Note that race and ethnicity data are missing in a significant amount of data provided by the Minnesota State Courts. The current data collection practice is to ask defendants to self-identify race on a form at the time of appearance. While this is a best practice in race data collection, it presently results in missing data in 13 percent of juvenile cases. It is unknown how or whether petitioning rates would be affected if these data were available.

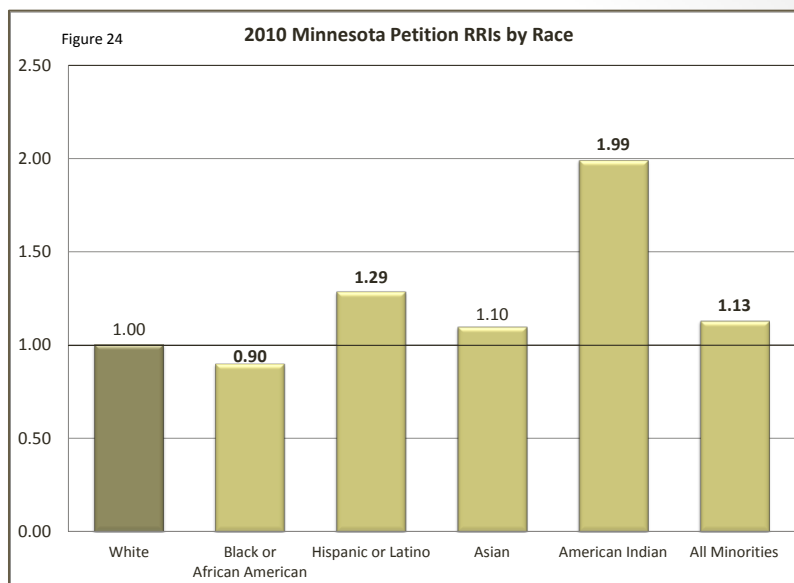
VOLUME AND RATES OF PETITION

Figure 23 reflects the data used by the state of Minnesota to calculate DMC at the point of petition to court. The data suggest that approximately 44 in 100 of all delinquency arrests are petitioned to court, ranging from 32.7 for black or African American youth to 46.7 for Hispanic youth. The greatest rate of petitioning occurs for American Indian youth, of which 72.3 of 100 arrests result in delinquency petitions filed.

Figure 23 Minnesota Petition RRI Calculations	Total Youth	White	Black or African American	Hispanic or Latino	Asian/ Pacific Islander	American Indian/ Alaska Native	All Minorities*
Juvenile Arrests	38,215	20,444	12,887	2,552	627	1,361	17,759
Cases Petitioned to Court	16,968	7,429	4,212	1,193	250	984	7,283
Petition Rate per 100 Youth Arrested	44.4	36.3	32.7	46.7	39.9	72.3	41.0
Relative Rate Index (RRI)		1.00	0.90	1.29	1.10	1.99	1.13
*Total includes youth identified as "Other or Mixed Race." RRIs in bold are statistically significant compared to white youth.							

RELATIVE RATE INDICES (RRIs)

Available data regarding cases petitioned to delinquency court suggests that American Indian youth are *two times more likely* to have their cases petitioned to court than white youth (1.99). In addition, Hispanic youth are overrepresented with a relative rate of 1.29 (Fig. 24). Asian youth are the only population not petitioned to court at a rate statistically different from white youth. Conversely, black or African American youth are slightly *less likely* to be petitioned to juvenile court than white youth (0.90).

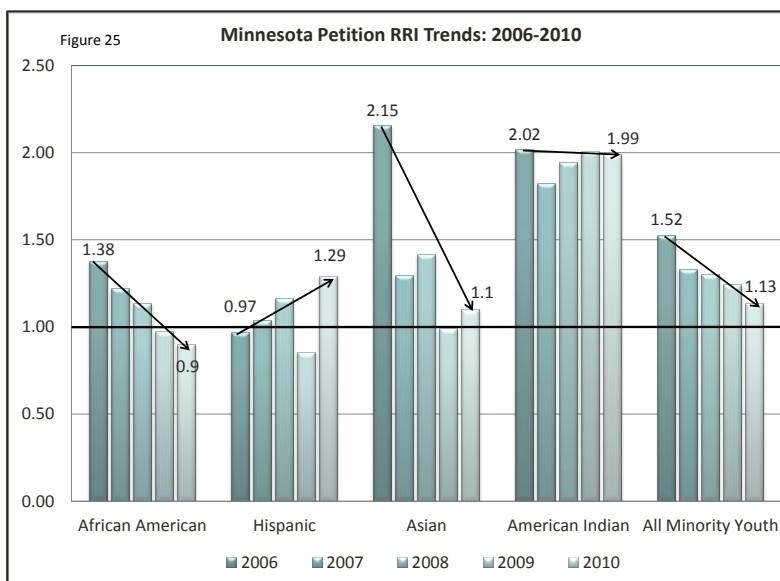


Again, the lack of data at the two decision points that precede petitioning; *Referral to the County Attorney* and *Diversion* would result in more accurate RRIs at the point of *Petition*. It is unknown whether minority youth are more or less likely than white youth to be referred for prosecution following arrest than white youth, or if any population is more or less likely to receive a diversion opportunity. Data such as these may inform the quality of arrests in meeting charging criteria or the availability and use of pretrial diversion programming in Minnesota.

RRI TRENDS: DELINQUENCY PETITIONS FILED

Since 2006, petition RRIs suggest a range of experiences for unique racial populations (Fig. 25). Black or African American youth experienced overrepresentation between 2006 and 2008, but experience underrepresentation as of 2010 (0.90). Likewise, Asian youth experienced an overall decline in disparity and were not petitioned at a rate statistically different than white youth in 2010 (1.10). Conversely, Hispanic youth did not have a statistically different rate of petitioning in 2006 but have risen to a disparate level over time.

There appears to be virtually no change in the relative rate of petitioning of American Indian youth compared to white youth over the past five years. American Indians generally experience the greatest disproportionality of any racial group at the decision to file charges (*Petition*). Again, greater detail regarding the offenses for which youth are petitioned by racial group would lend critical insight into the petitioning decision.

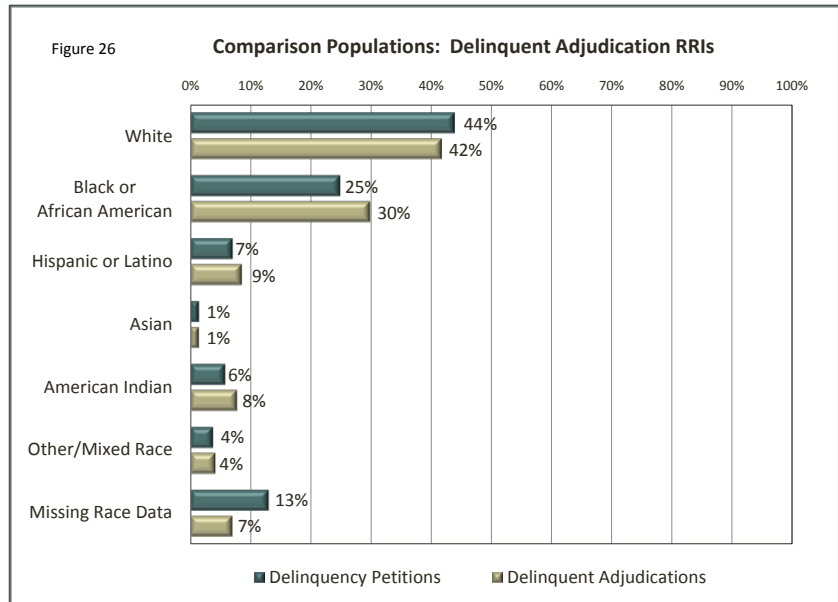


Disproportionality in Delinquent Adjudications

RACIAL DISTRIBUTION

Cases resulting in adjudication are those in which the youth or the court enters an official finding of guilt. For DMC calculations, these are a subset of all cases petitioned to juvenile court on delinquency charges.

Cases resulting in delinquent findings are fairly comparable to the racial distribution of cases petitioned (Fig. 26). Minority populations do appear to be overrepresented, but there is less missing data at the point of adjudication than at the point of charging. Higher proportions of youth found delinquent could be the result of more complete data at the adjudication decision point.



VOLUME AND DELINQUENT ADJUDICATION RATES

Figure 27 reflects the data used by the state of Minnesota to calculate DMC at the point of delinquent adjudications. For most populations, youth are adjudicated at a rate between 35 and 45 per 100 petitions filed. The exception is the rate of adjudication for American Indian youth, which is closer to 50 out of every 100 petitions filed (49.3).

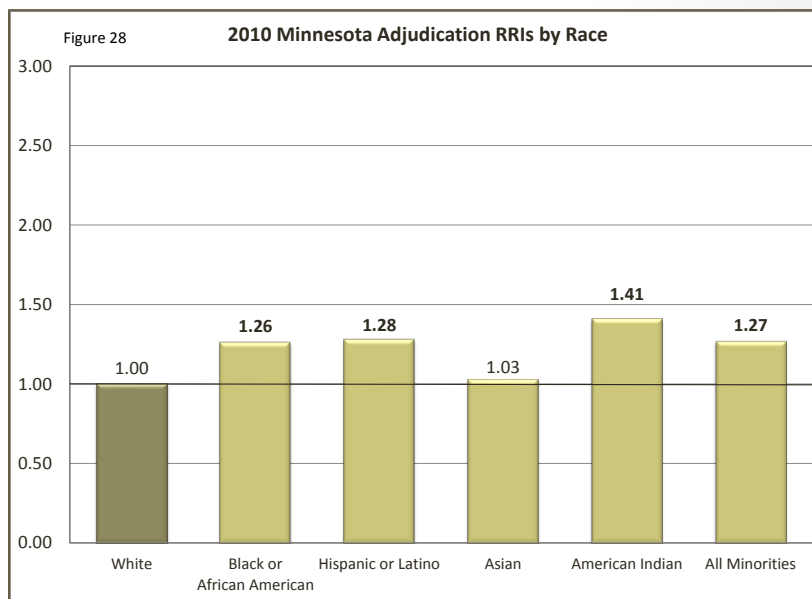
Cases that do not result in adjudication are presumed to include those where youth are found not guilty, and those where youth are given a post-appearance diversion opportunity. In Minnesota post-appearance diversions include *Continuance for Dismissals* or *Stays of Adjudication*. In both instances, youth must remain law abiding and are given court conditions to abide by, but no formal adjudication is entered. This prevents a delinquency offense from appearing on a youth's criminal history.

Figure 27 Minnesota Adjudication RRI Calculations	Total Youth	White	Black or African American	Hispanic or Latino	Asian/ Pacific Islander	American Indian/ Alaska Native	All Minorities*
Cases Petitioned to Court	16,968	7,429	4,212	1,193	250	984	7,283
Cases Adjudicated Delinquent	6,234	2,600	1,858	534	90	485	3,228
Petition Rate per 100 Youth Arrested	36.7	35.0	44.1	44.8	36.0	49.3	44.3
Relative Rate Index (RRI)		1.00	1.26	1.28	1.03	1.41	1.27
*Total includes youth identified as "Other or Mixed Race." RRIs in bold are statistically significant compared to white youth.							

RELATIVE RATE INDICES (RRIs)

Generally, the *Adjudication* decision point is where disproportionality is at its lowest for all racial groups in Minnesota. Asian youth have an RRI very close to parity with the white population (1.03) and African American and Hispanic youth have a slight overrepresentation at 1.26 and 1.28, respectively (Fig. 28).

American Indian youth have the greatest disparity in delinquency level adjudications compared to white youth. An RRI of 1.44 suggests that American Indian youth are just under *one and a half times more likely* to have their case result in delinquent findings than white youth.

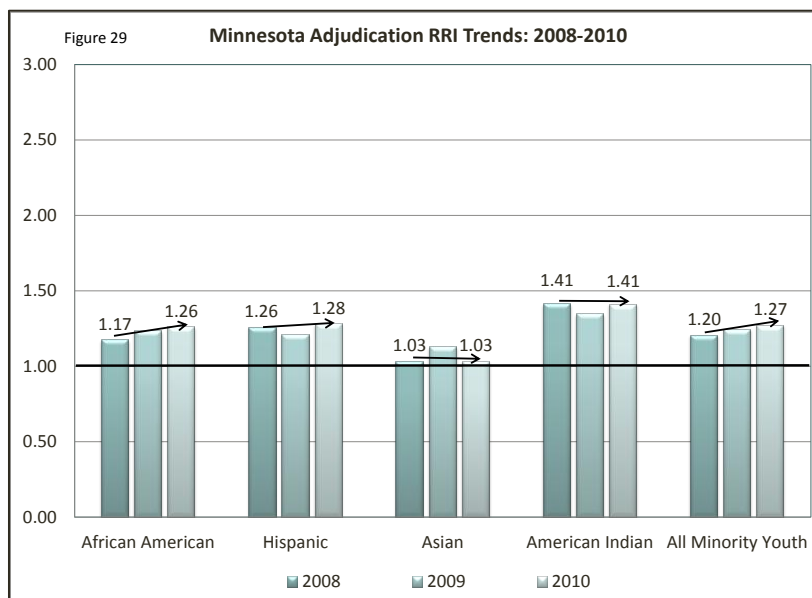


RRI TRENDS: DELINQUENCY ADJUDICATIONS

Due to a conversion of the statewide data management system for Minnesota courts, reliable data on delinquency adjudications has been available for only the past few years. As such, it is somewhat premature to establish a trend for this decision point. Additional years of data collection are necessary.

While relative rates of disparity in are smallest in Minnesota at the *Adjudication* decision point illustrated in Figure 29, they are by no means insignificant. This stage looks promising in part because Minnesota's rates of disparity at other decision points are so severe. An exploration of Minnesota's rates of disparity compared to the national average and those of similar states will reveal that Minnesota's disparities at *Adjudication* are still concerning.

While it is heartening to know that that adjudication is minimally contributing to overall system disparity, it also may not be counteracting the racial imbalances evident at the front end of the justice system.



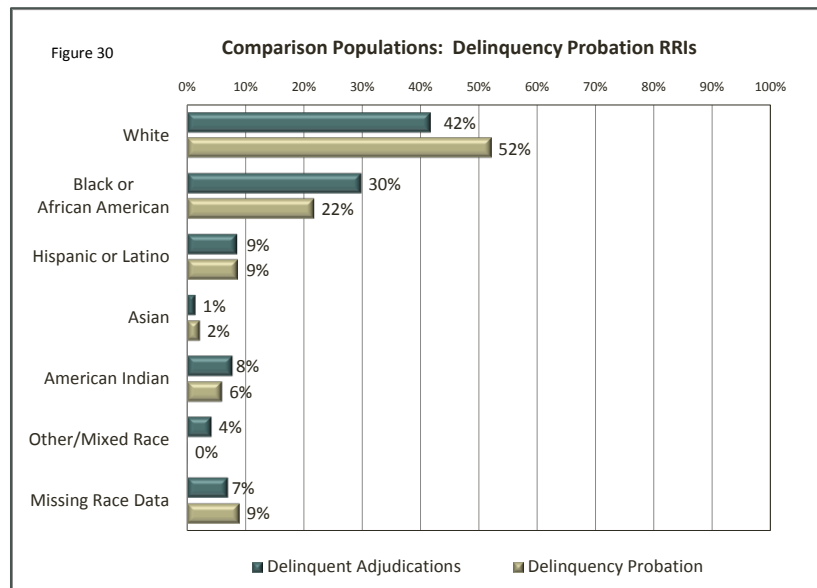
Disproportionality in Delinquency Probation

RACIAL DISTRIBUTION

For DMC calculations, youth court-ordered to probation are to be a subset of youth adjudicated delinquent in court. Presently, Minnesota probation data reflect all youth court-ordered to probation for a delinquency matter, whether or not there is a formal adjudication.

Figure 30 illustrates that while white youth are 42 percent of youth adjudicated delinquent, they are over half (52%) of youth placed on probation for a delinquency matter.

Minority youth are as a whole are underrepresented in the probation population. The exception is Asian youth, who account for a larger percentage of probationers (2%) than of youth adjudicated (1%), and Hispanic youth who appear to be approximately equally represented among youth adjudicated and youth on probation.



The largest observable disproportionality at the point of *Probation* applies to black or African American youth who represent 30 percent of delinquency adjudications but 22 percent of youth on probation.

VOLUME AND PROBATION RATES

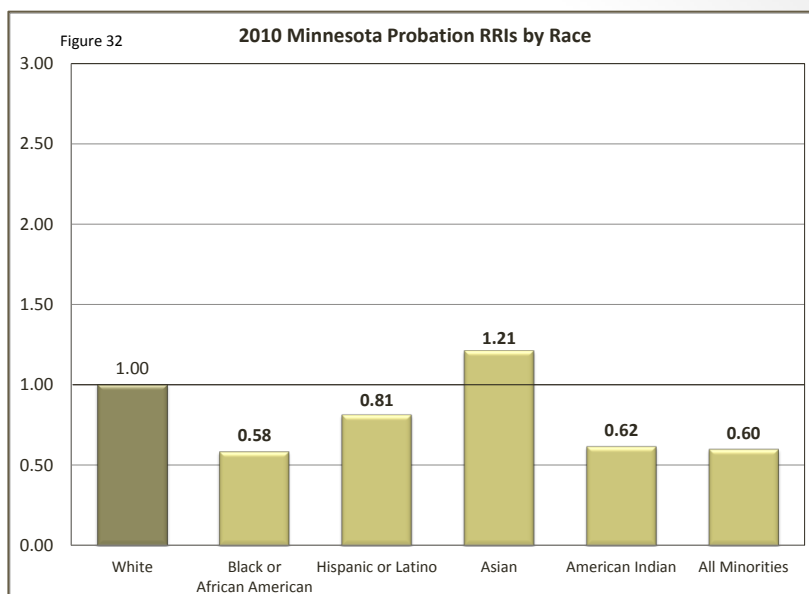
Figure 31 reflects the data used by the state of Minnesota to calculate DMC at the point of *Probation*. The rate calculations alone are not as useful because the number of probationers exceeds the number of youth adjudicated. Nevertheless, the relative rate calculation has utility. RRIs confirm that the only population more likely to receive probation than white youth is Asian youth (1.21).

Figure 31 Minnesota Probation RRI Calculations	Total Youth	White	Black or African American	Hispanic or Latino	Asian/ Pacific Islander	American Indian/ Alaska Native	All Minorities*
Cases Adjudicated Delinquent	6,234	2,600	1,858	534	90	485	3,228
Cases Resulting in Probation	9,071	4,728	1,973	789	198	543	3,515
Probation Rate per 100 Youth Adjudicated	145.5	181.8	106.2	147.8	220.0	112.0	108.9
Relative Rate Index (RRI)		1.00	0.58	0.81	1.21	0.62	0.60
* Total includes youth identified as "Other or Mixed Race." RRIs in bold are statistically significant compared to white youth.							

RELATIVE RATE INDICES (RRIs)

The RRIs in Figure 32 illustrate that, with the exception of Asian youth, who are *one and one-quarter times more likely* to receive probation, all minority populations are *less likely* than white youth to receive community probation for a delinquency matter.

Hispanic youth have the probation rate closest to white youth (0.81) and both black or African American youth and American Indian youth are more than *one-third less likely* to receive probation than white youth. (0.58 and 0.62, respectively).

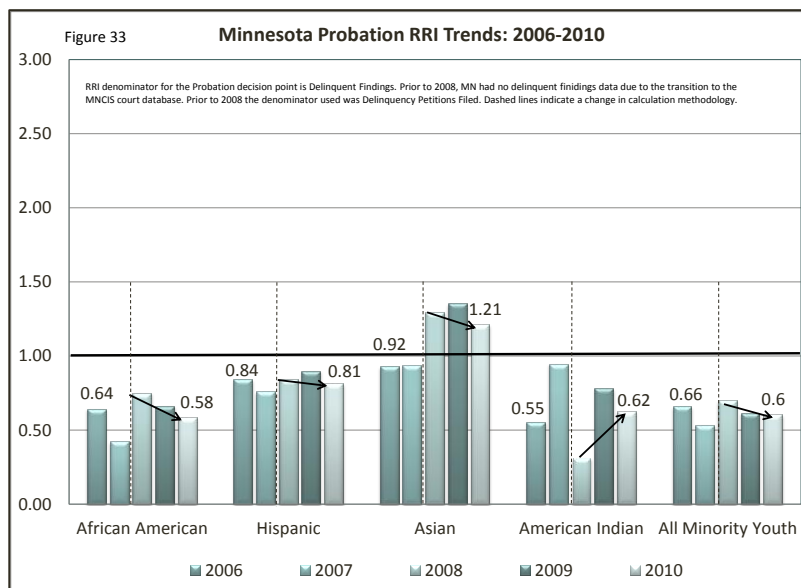


RRI TRENDS: DELINQUENCY PROBATION

A state-level change to court data completed in 2008 allows Minnesota to calculate *Probation* RRIs in accordance with federal guidelines. Prior to 2008, the denominator for *Probation* RRIs was *Petitions Filed*, not *Adjudications*, as this was the only data point available. Figure 33 includes this change in methodology marked by dashed lines between data years.

Using either calculation methodology, minority youth are underrepresented among probationers. Recall that a disparity of 0.5 (*half as likely*) is as severe a disparity as 2.00 (*twice as likely*). Black or African American youth and American Indian youth are showing significant levels of underrepresentation at the point of *Probation* (0.58 and 0.62, respectively).

One perspective is that it is better to not be on probation, so why be concerned that minority youth are underrepresented? While youth on probation have increased accountability, probation officers also broker other services that benefit youth and families. Well implemented probation is strength-based; coordinates chemical and mental-health assessment and referral; utilizes cognitive-behavioral interventions and goals; and engages family systems. These interventions and services are beneficial to building protective factors for youth and addressing underlying drivers of delinquent behavior in a community-based setting.

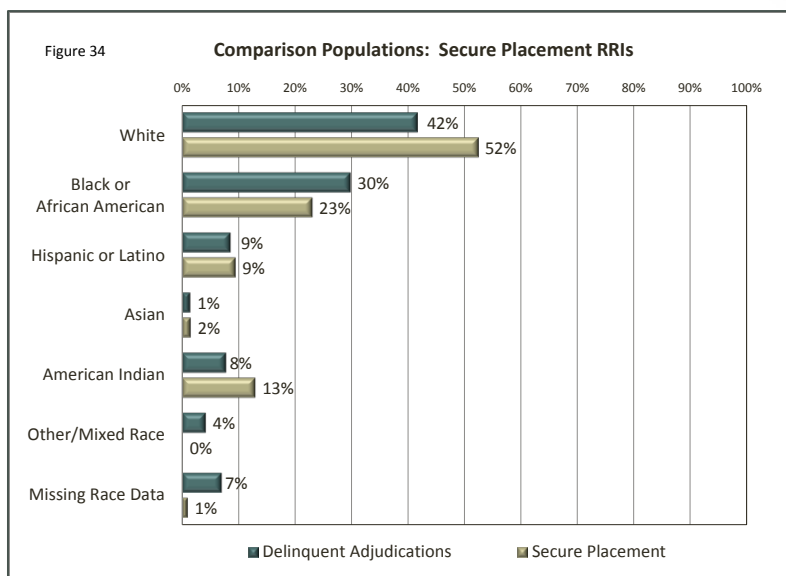


Disproportionality in Admission to Secure Placement

RACIAL DISTRIBUTION

Youth court-ordered to secure placement in a juvenile facility are a subset of those adjudicated delinquent in court (Fig. 34). Among minority populations, only American Indians make up a larger percentage of youth placed securely out of the home than youth adjudicated delinquent (13% and 8%, respectively).

The remaining minority populations are likely to show underrepresentation at the point of *Secure Placement* or rates comparable to those of white youth.



VOLUME AND SECURE PLACEMENT RATES

Figure 35 reflects the data used by the state of Minnesota to calculate DMC at the stage of *Secure Placement*. The overall secure placement rate suggests that approximately 30 out of every 100 youth adjudicated delinquent receive a secure placement. The highest rates of placement exist for white youth (36.3) and Hispanic youth (47.6). For two populations, Asian youth (0.91) and Hispanic youth (1.07), the rates of secure placement are not statistically different from white youth.

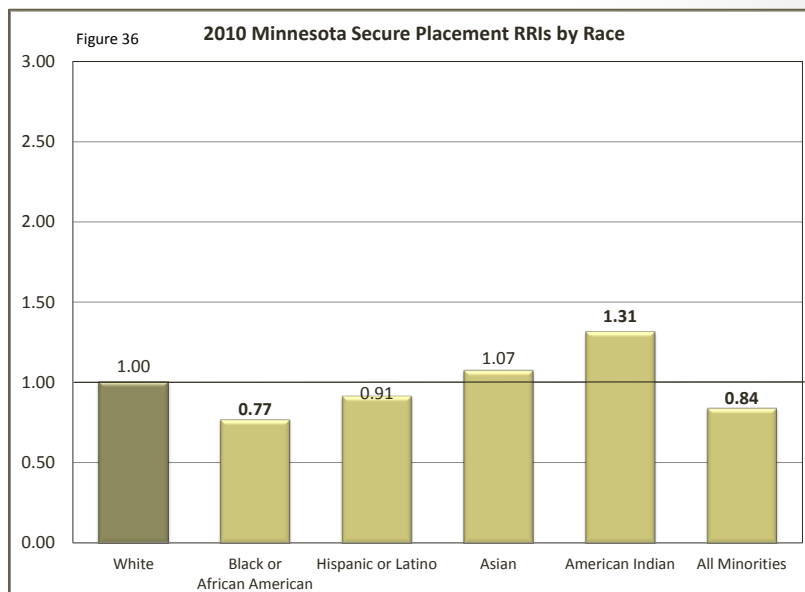
Data collected for DMC calculations do not provide detail regarding the length of placement. Post-adjudication placements can range from a few days to more than a year, depending on a youth's offense and prior history. Similarly, secure placements may have different objectives such as short-term consequences or long-term treatment. Racial differences in the length and purpose of placement requires further investigation.

Figure 35 Minnesota Secure Placement RRI Calculations	Total Youth	White	Black or African American	Hispanic or Latino	Asian/Pacific Islander	American Indian/Alaska Native	All Minorities*
Cases Adjudicated Delinquent	6,234	2,600	1,858	534	90	485	3,228
Secure Placements	1,948	943	517	177	35	231	981
Placement Rate per 100 Youth Adjudicated	31.2	36.3	27.8	33.1	38.9	47.6	30.4
Relative Rate Index (RRI)		1.00	0.77	0.91	1.07	1.31	0.84
*Total includes youth identified as "Other or Mixed Race." RRIs in bold are statistically significant compared to white youth.							

RELATIVE RATE INDICES (RRIs)

The *Secure Placement* RRIs depicted in Figure 36 show the close proximity of Hispanic and Asian RRIs to the white youth rate of placement. Black or African American youth are nearly *one-quarter less likely* to receive secure placement (0.77) whereas American Indian youth are nearly *one-third more likely* (1.33).

The reasons youth populations experience secure placement at rates different from one another, as well as with different directionality, warrants further investigation. The length, nature and location of secure placements may provide additional information necessary to understand DMC at this decision point.



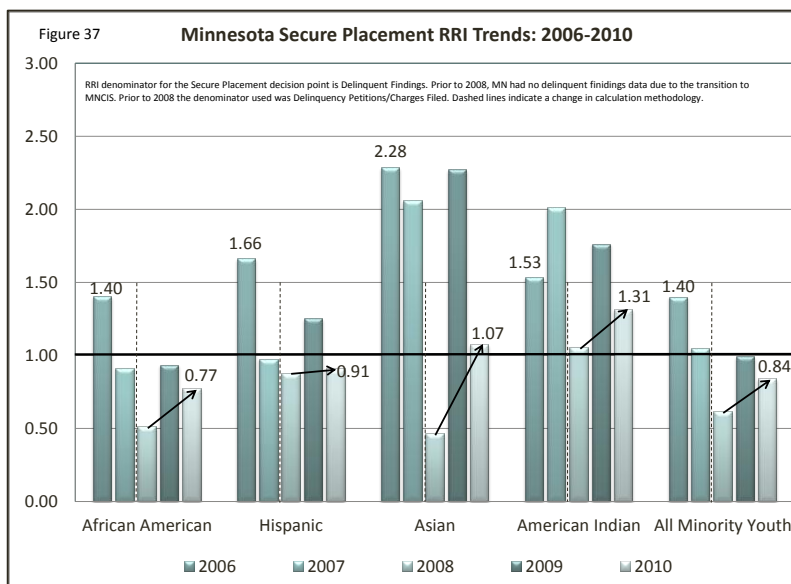
RRI TRENDS: SECURE PLACEMENT

Not unlike the *Probation* decision point, RRI calculations for *Secure Placement* underwent a methodological change in 2008. *Secure Placement* RRIs from 2006 and 2007 use *Petitions* as the base population, whereas those since 2008 use *Adjudications*. The change in methodology is marked on Figure 37 with dashed lines between data years.

Secure Placement RRIs have been somewhat erratic, with no clear trend line for any population. While 2010 data show issues of underrepresentation, this has not always been the case. Further investigation as to why minority youth are underrepresented at the *Secure Placement* stage is warranted.

As with probation, one might contend that it is better for youth *not* to experience secure placement. While community-based treatment is preferable, secure placement is a setting where intensive treatment is provided. Cognitive-behavioral

interventions, problem-solving, chemical dependency, emotional regulation and victim empathy are hallmarks of secure treatment. In addition, secure placement is costly. If certain groups are excluded from placement because of cost or other factors not related to risk, disparate application of services may result.



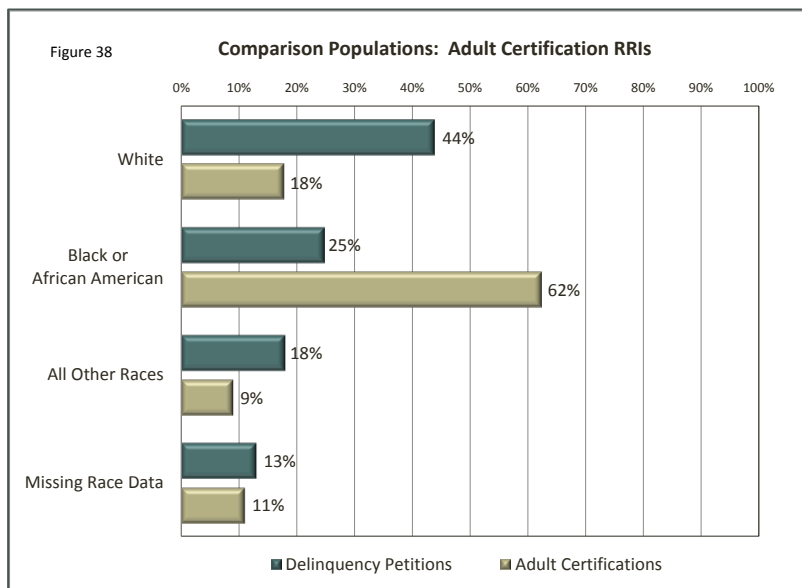
Disproportionality in Adult Certification

RACIAL DISTRIBUTION

Juveniles certified to stand trial as adults are to be a subset of all youth petitioned to juvenile court. Figure 38 clearly depicts that while white youth account for 44 percent of all delinquency petitions filed, they are just 18 percent of youth certified to adult court.

Black or African American youth are disproportionately present at the *Certification* decision point. Black or African American youth are 30 percent of delinquency petitions filed and 62 percent of certifications to adult court.

Due to a small number of cases, all other minority populations are combined and represent 9 percent of certifications in 2010, as compared to 18 percent of all *Petitions*.



VOLUME AND ADULT CERTIFICATION RATES

Figure 39 reflects the data used by the state of Minnesota to calculate DMC at the stage of *Adult Certification*. Due to a small number of cases in categories other than white youth and black or African American youth, the individual count and rate of certification is suppressed for other populations.

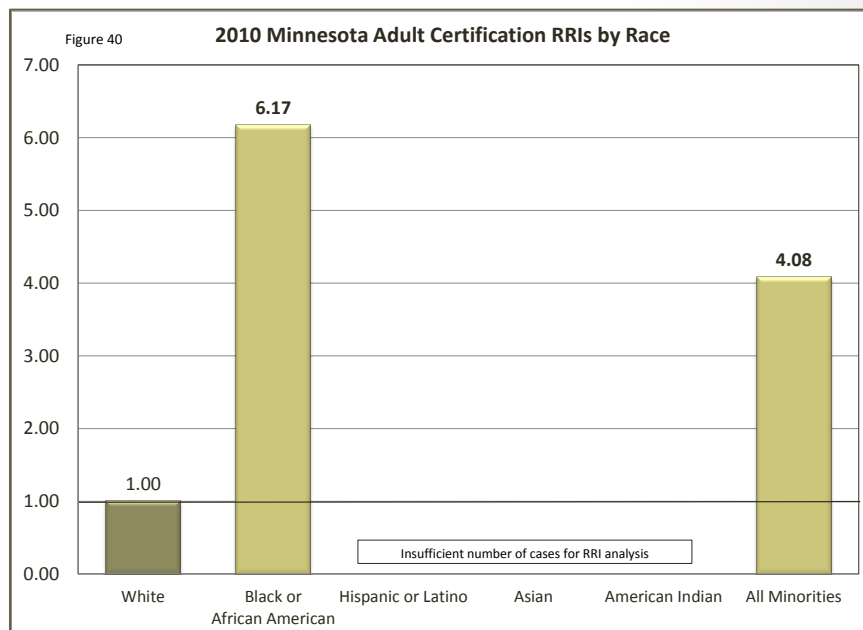
The rate at which youth are certified to adult court in Minnesota is small; for all youth combined, the rate is one-half of 1 percent (0.5 per 100 youth petitioned). When all minority youth are combined, the rate of certification nears 1 percent of all delinquency cases petitioned. Black or African American youth have the highest rate of certification at 1.3 per 100 delinquency petitions filed.

Figure 39 Minnesota Adult Certification RRI Calculations	Total Youth	White	Black or African American	Hispanic or Latino	Asian/ Pacific Islander	American Indian/ Alaska Native	All Minorities*
Cases Petitioned to Court	16,968	7,429	4,212	1,193	250	984	7,283
Adult Certifications	90	16	56	**	**	**	64
Certification Rate per 100 Youth Petitioned	0.5	0.2	1.3	**	**	**	0.9
Relative Rate Index (RRI)		1.00	6.17	**	**	**	4.08
*Total includes youth identified as "Other or Mixed Race." RRI's in bold are statistically significant compared to white youth. **Data are suppressed due to a small number of cases.							

RELATIVE RATE INDICES (RRIs)

In order for RRI calculations to be accurate and meaningful, a minimum number of cases must exist. Asian, Hispanic and American Indian youth do not have a sufficient number of certification cases for analysis and are therefore not graphed in Figure 40.

Black or African American youth are certified at a rate more than *six times* that of white youth. All minority youth combined have a certification rate more than *four times* greater than white youth (4.08).

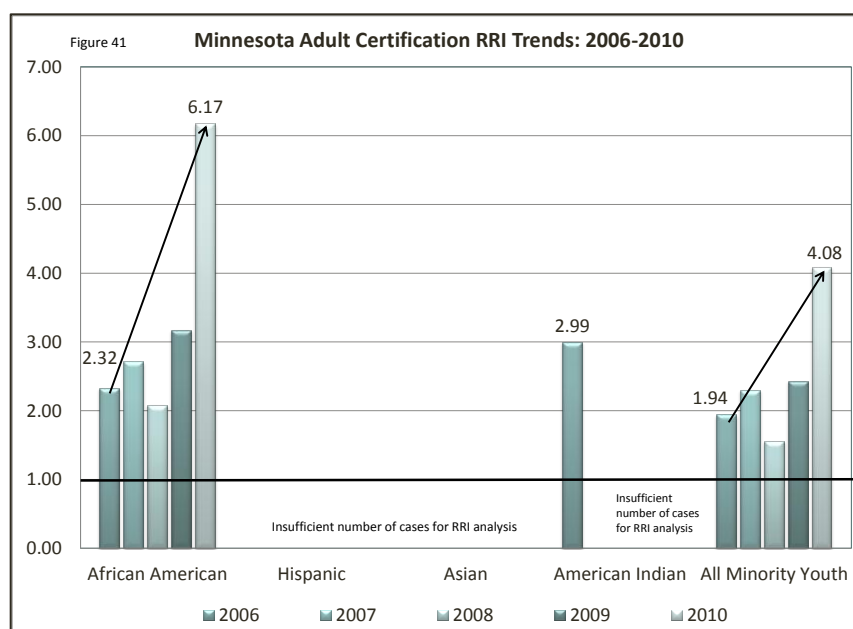


In order to be certified to adult court in Minnesota, youth must have committed a felony level offense and been at least age 14 at the time. The type of offense committed, the degree of harm done to the victim or community, and other factors relevant to individual cases are considered. Only one offense—murder in the first degree—requires automatic transfer of youth to adult court for trial and disposition. Youth charged with first degree murder are not captured among these data, as the petition is not filed in juvenile court. As such, the actual number of youth certified as adults in Minnesota may be higher (as might be the disproportionality) than is captured by juvenile court data alone.

RRI TREND: ADULT CERTIFICATION

The only population with a sufficient number of certification cases to warrant RRI analysis year-to-year is black or African American youth. The level of disproportionality has been increasing over the past five years (Fig. 41).

While American Indian youth were *three times* more likely to be certified as adults than white youth in 2006, the number of cases is no longer sufficient for individual analysis.



Minnesota DMC Decision Points Summary

Data collected at each available decision point illustrate serious issues of racial disparity in Minnesota:

- **Youth of color in Minnesota are more than three times more likely to be arrested for a delinquency offense than white youth (3.16).** Specifically, black or African American youth are more than six times more likely to be arrested (6.23).
- **Youth of color in Minnesota are more than one-and-a-half times more likely to be securely detained than white youth (1.6).** American Indian youth have the highest rate of disparity, approaching four times that of white youth (3.77).
- **The lowest level of disparity in Minnesota occurs at petition to juvenile court (1.13). Nevertheless, youth of color are still statistically overrepresented.** The greatest disparity exists for American Indian youth who are twice as likely to be petitioned to court for a delinquency matter as white youth (1.99).
- **Youth of color are statistically more likely to be adjudicated delinquent than white youth in Minnesota (1.27).** This is the justice-system stage in Minnesota where the lowest level of overrepresentation exists for youth of color across all populations.
- **In Minnesota, youth of color are less likely than white youth to receive probation (0.60).** All minority populations except Asian youth are underrepresented in the probation population. Black or African American youth are between one-third and half as likely to receive probation as white youth (0.58).
- **Youth of color as a whole are statistically less likely to receive secure placement following adjudication than white youth (0.84).** Black or African American youth are approximately one-quarter less likely to receive secure placement (0.77), whereas American Indian youth are approximately one-third more likely to receive secure placement (1.31).
- **Youth of color in general, and black or African American youth specifically, are highly overrepresented among the population certified to adult court in Minnesota.** Youth of color overall are more than four times more likely to be certified (4.08). Black or African American youth are more than six times more likely to be certified to adult court than white youth (6.17).

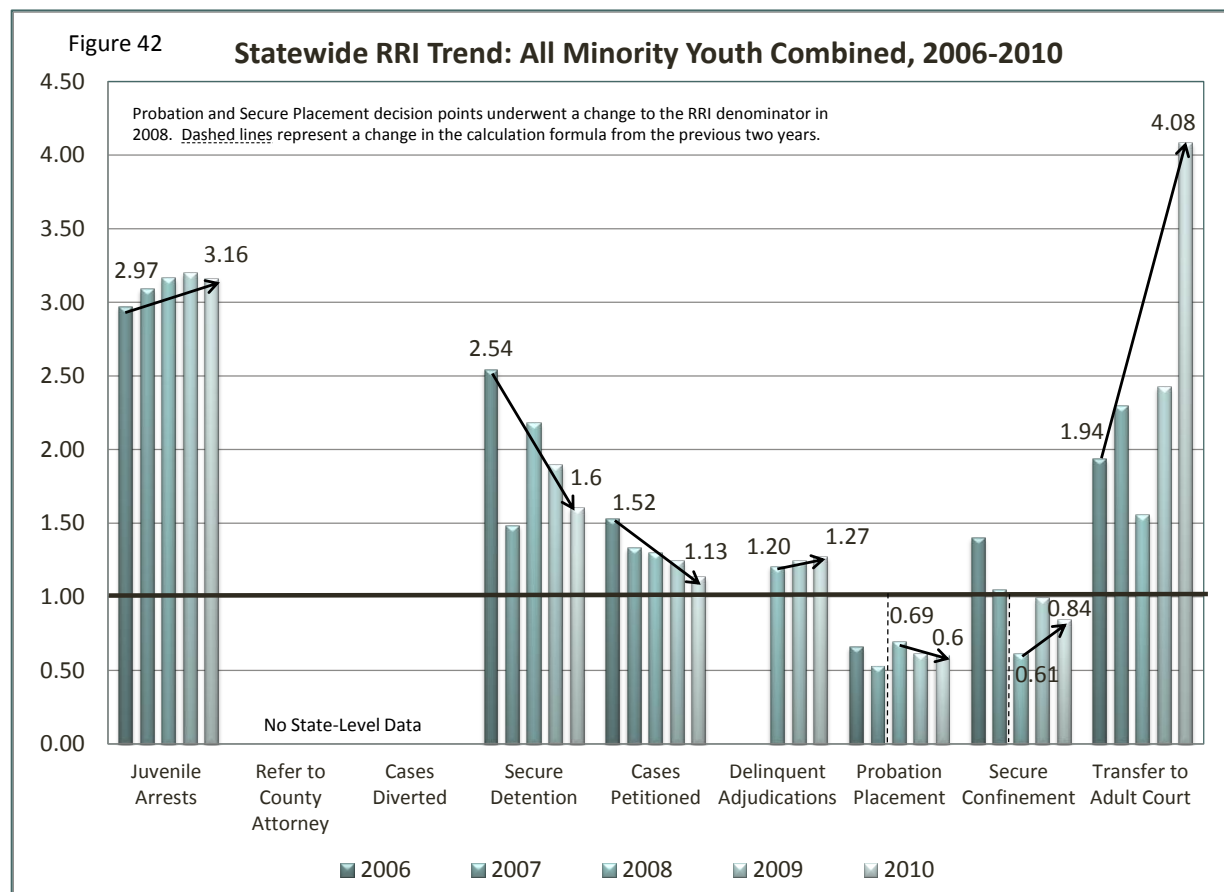
DMC Trends

The following graph (Fig. 42) summarizes Minnesota RRIs for all minority youth combined at each available decision point between 2006 and 2010.⁵⁸ Trend analysis assists in determining where the greatest issues of disproportionality occur and whether disparities are increasing, decreasing or holding constant. Historically, the most significant disparities in Minnesota occur at the point of *Arrest*.

While the relative rate of *Detention* for minority youth has been declining, youth of color are still over *one-and-a-half times* more likely to be securely detained as white youth in Minnesota (1.60). Significant reductions in detention disparities over time are attributable largely to detention reform among several large Minnesota counties.^d

Cases *Petitioned* to juvenile court and cases resulting in delinquent *Adjudication* are those where minority youth are closest to parity with white youth at 1.13 and 1.27, respectively. Following *Adjudication*, minority youth are less likely than white youth to receive court-ordered *Probation* or *Secure Placement*. While arguments can be made about the benefit of not receiving these sanctions, they are two dispositions whereby youth and families typically receive services and interventions that address the underlying drivers of delinquent behavior.

Finally, while a small number of youth are certified to adult court each year for delinquency offenses, Minnesota consistently documents the overrepresentation of youth from communities of color at this decision point.

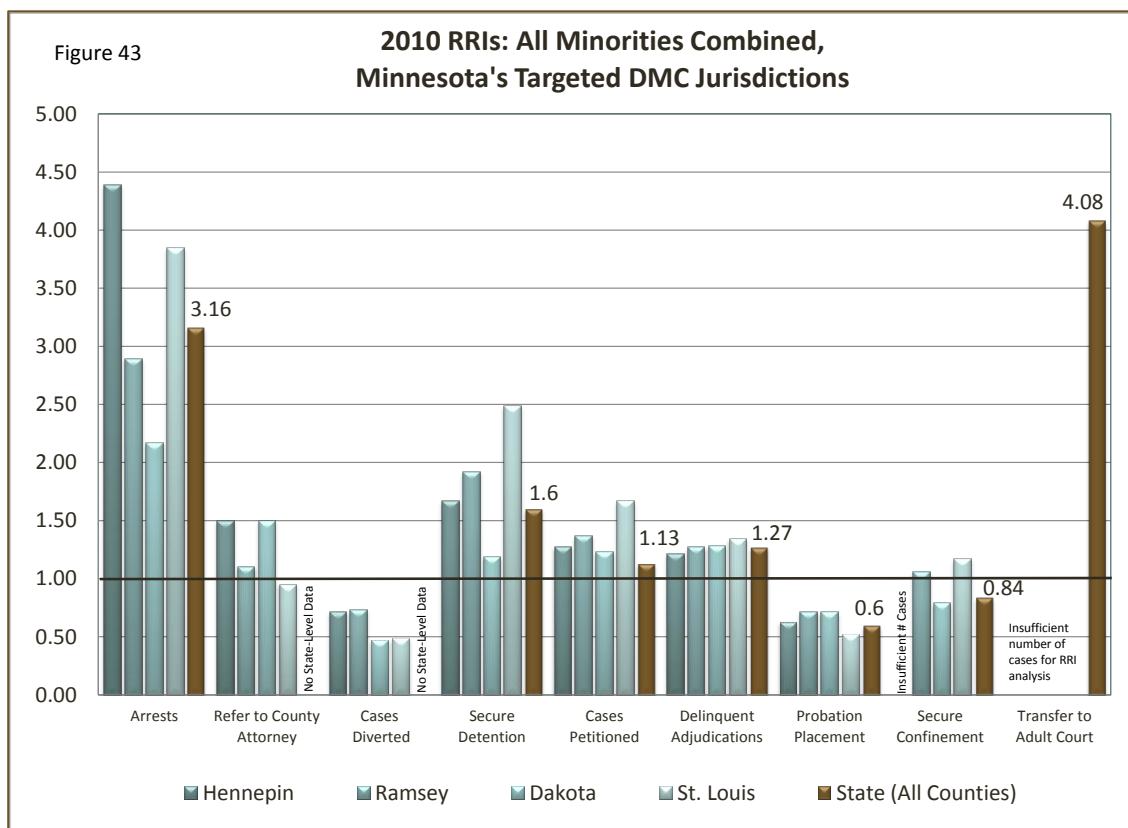


^d See the *Juvenile Detention Alternative Initiative (JDAI)* section, page 48

Targeted DMC Jurisdictions

An additional requirement of OJJDP is that states submit DMC data for, at minimum, three additional jurisdictions in the state with the greatest numbers and proportions of minority youth.⁵⁹ In Minnesota, these jurisdictions have historically been Hennepin, Ramsey and Dakota Counties. Minnesota has been collecting DMC data for these counties since 2002. In addition, St. Louis County began submitting data for DMC analysis in 2008. In total, youth residing in these four target counties represent 40 percent of Minnesota youth ages 10 to 17.

Figure 43 displays 2010 RRIs calculated in each of the four target counties for all minority youth combined using federal data collection requirements.^e In each county, minority youth have the highest level of overrepresentation at the points of *Arrest* and *Secure Detention*. In addition, all four jurisdictions have *Probation* RRIs that show underrepresentation for youth from communities of color. The greatest contribution of county level data is that the *Referral to County Attorney* and youth *Diverted decision points* are available. While the RRIs regarding *Referral* are mixed, *Diversions* RRIs illustrate that minority youth are underrepresented at the point of diversion in all four jurisdictions.



DMC data collected from individual counties can help to understand if issues are consistent across jurisdictions or are affected by local factors. It may also highlight where certain jurisdictions need support or provide baseline DMC data before a reduction effort is implemented. Additional DMC data collection sites across a wider state geography are needed to better understand DMC in all regions of Minnesota.

^eData reported by individual counties and jurisdictions may differ from those collected for federal reporting purposes. Local-level data systems may have a superior ability to isolate new delinquency offenses than exists in state-level databases.

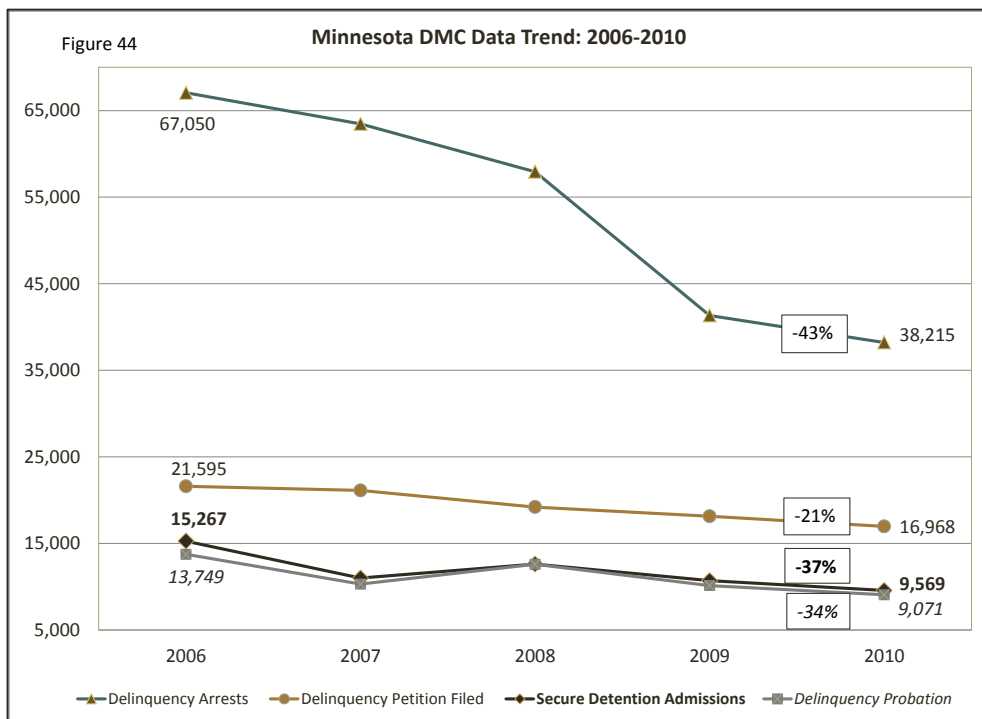
Fewer Contacts, Increasing Disparities

A final, important phenomenon to understand related to DMC is that the number of youth having contact with the system can be decreasing, while rates of racial disparity can be increasing. This happens when the reduction in the number of contacts is greater for white youth than for youth of color. This issue is relevant in Minnesota.

Figure 44 depicts select data collected between 2006 and 2010 for the purpose of DMC reporting. Clearly, the number of juvenile arrests for delinquency matters has decreased significantly (-43%) during that time. Nearly 30,000 fewer delinquency arrests were recorded in 2010 as compared to 2006. Nevertheless, the state RRI trend shown previously in Figure 42 illustrates that during that same period, the arrest disparity for all minority youth combined increased from 2.97 to 3.16. While the number of delinquency arrests decreased for minority youth, a greater decline occurred for white youth, making minorities are larger percentage of total juvenile arrests.

The number of contacts has decreased at most decision points in Minnesota over the past 10 years. Fewer arrests have resulted in fewer petitions to court, fewer secure detention events, and fewer youth on probation. The decrease in petitions and detention admissions has had an accompanying decrease in disparities for minority youth over all.

Probation is another decision point in Minnesota where the number of contacts has decreased significantly, (-34% or nearly 4,700 cases) but the level of disparity has grown. In 2006, minority youth were less likely than white youth to receive probation (RRI=0.69) but in 2010 the underrepresentation is greater still (RRI=0.60).



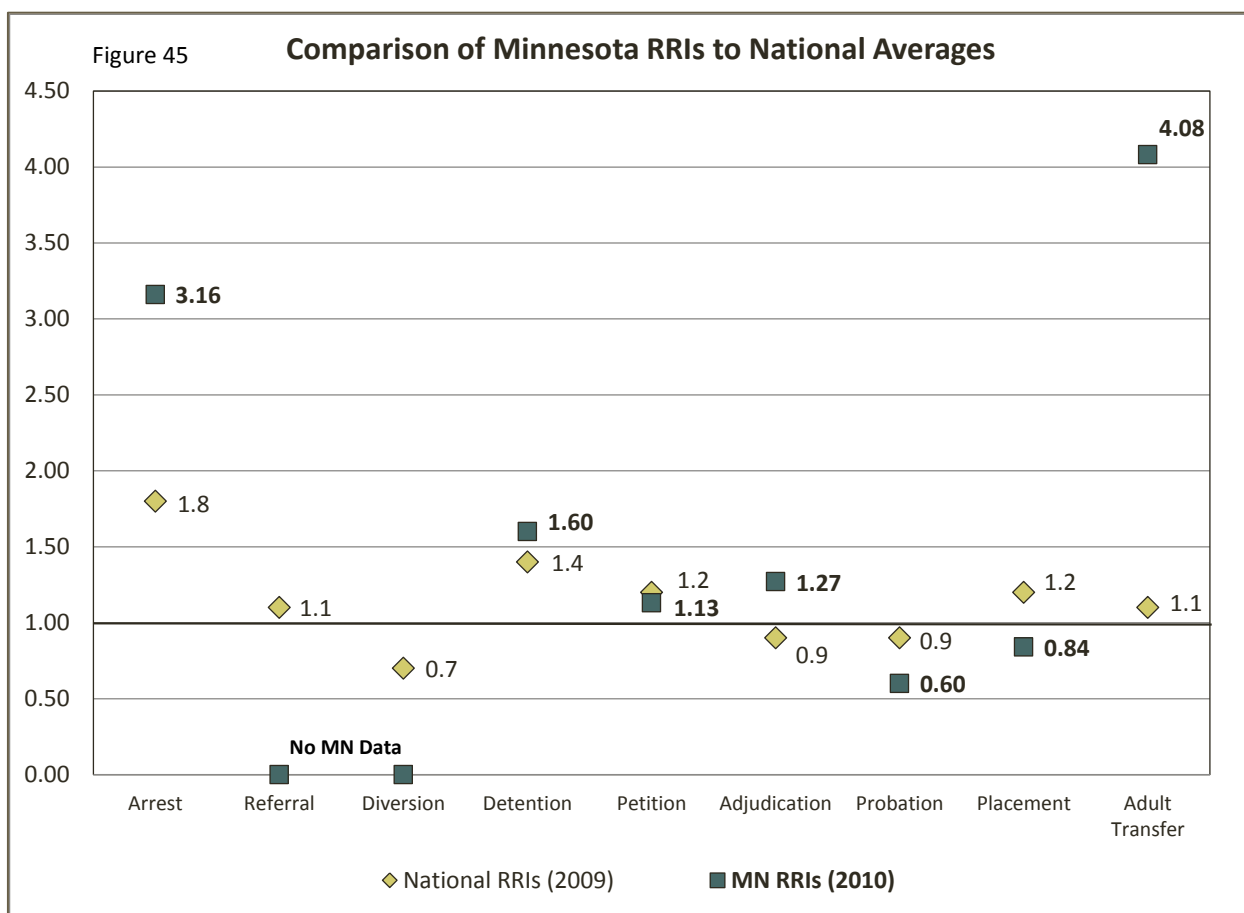
These data illustrate a key challenge related to DMC intervention strategies. Presumably, reducing the number of contacts youth have at any stage of the system is beneficial to youth in light of the collateral consequences of system involvement. However, should a jurisdiction implement a new program or policy if the activity benefits one population significantly more than another? Can increasing disparities be tolerated if overall there are reduced contacts for all populations? These are some of the issues that must be addressed when planning DMC abatement strategies.

National RRI Comparisons

As the national repository for DMC data, the federal Office of Juvenile Justice and Delinquency Prevention (OJJDP) makes both national and state-level data available.⁶⁰ In the following graph (Fig. 45), Minnesota's 2010 DMC rates for all minority youth combined are plotted against 2009 national RRIs for all minority youth. 2009 data are the most recent national averages available.

Figure 45 illustrates that Minnesota RRIs are more severe in magnitude at multiple DMC decision points than the national average. Minnesota has greater issues of overrepresentation at the stages of *Arrest*, *Detention*, and *Adult Certification*. Conversely, Minnesota shows greater underrepresentation at the *Probation* decision point.

At two decision points, *Adjudication* and *Placement*, Minnesota's data are the opposite of the national average. Nationally, minority youth are underrepresented at the point of *Adjudication* whereas in Minnesota they are overrepresented. In Minnesota, minority youth are underrepresented in *Secure Placement* whereas they are overrepresented nationally. The decision point closest to the national average for Minnesota, and closest to parity with white youth, is cases *Petitioned* to court.



State RRI Comparisons

Comparing DMC data directly to other jurisdictions can be somewhat difficult. The best comparisons are those that have a similar-sized youth population, comparable racial and ethnic demographics, and represent a similar region or geographic size. In addition, other factors can influence the comparability of two states, including political ideologies; stated and perceived purpose of the juvenile justice system; the number of jurisdictions; and whether the juvenile justice system is highly centralized or subject to local control.

Figure 46 illustrates the characteristics of Minnesota's neighboring states, as well as several other states that have the most overall similarities to Minnesota based on geographic size, total number of youth, and the percentage of minority youth in the population.⁶¹ These comparison states include Wisconsin, Kansas, Nebraska, Utah and Washington. Perhaps not surprisingly, Wisconsin has attributes most similar to Minnesota across the greatest number of categories.

Figure 46 DMC: State Comparisons									
State	MN	WI	IA	ND	SD	KS	NE	UT	WA
Geographic Size Sq./Mi.	79,600	54,300	56,300	70,700	77,400	81,800	77,400	84,800	71,300
Number of Counties	87	72	99	53	66	105	93	29	39
Total Youth Population Ages 10-17	573,023	589,364	325,224	88,585	196,944	304,233	146,290	331,253	689,812
Total Minority Population Ages 10-17	123,650	124,175	48,635	14,910	42,854	74,267	36,059	69,613	204,155
% Minority Youth	21.6%	21.1%	15.0%	16.8%	21.8%	24.4%	24.6%	21.0%	29.6%

Figure 47 represents DMC data submitted in 2010 by states sharing similar attributes to Minnesota.^f RRIs in bold font represent overrepresentation of minority youth; RRIs in italics represent underrepresentation of minority youth. Boxes shaded light gray reflect no statistical difference between minority youth and white youth case handling in that state. Bolded boxes, shaded brown denote the state with the most severe level of disparity as compared to the others.

From a data-comparability standpoint, it is important to select states that use a similar methodology to calculate DMC. If a comparison state uses different data definitions or counting methodologies, or has a different set of DMC decision points available, the quality of the RRI comparison can be affected. As was previously mentioned, Wisconsin is the best comparison state for Minnesota. Regrettably, Wisconsin only reports state-level data at two of nine decision points as compared to Minnesota's seven decision points. As such, little can be learned from Wisconsin without delving deeper into data collected at the county level.

^f Data for South Dakota and Washington State are 2009, the most recent year for which data are available.

In nearly every state selected for comparison, minority youth are overrepresented at the point of *Arrest*, *Secure Detention*, and cases *Petitioned* to juvenile court. In this manner, Minnesota is not unlike other states. As is indicated by the bolded box in Figure 47, Minnesota has the greatest disparity at the point of *Arrest* compared to surrounding states and those with similar characteristics.

Conversely, minority youth are consistently underrepresented across comparison states at the point of *Diversion*. While Minnesota does not have state-level data at this point, data collected in the four target DMC reduction counties suggest that this is likely true in Minnesota as well.

Figure 47 Relative Rate Indices (RRI): All Minority Populations Combined									
DMC Decision Point	MN	WI	IA	ND	SD (2009)	KS	NE	UT	WA (2009)
1. Juvenile Arrests	3.16	1.76	3.02	1.94	2.66	2.34	2.02	1.91	<i>0.48</i>
2. Refer to Juvenile Court	*	*	<i>0.86</i>	<i>0.94</i>	<i>0.97</i>	<i>0.83</i>	1.13	1.17	3.20
3. Cases Diverted	*	*	<i>0.83</i>	<i>0.93</i>	<i>0.54</i>	<i>0.68</i>	<i>0.92</i>	<i>0.85</i>	<i>0.75</i>
4. Cases Involving Secure Detention	1.60	2.39	1.53	2.18	1.14	1.65	2.21	1.13	1.12
5. Cases Petitioned (Charge Filed)	1.13	*	1.19	1.23	1.09	<i>1.00</i>	1.29	1.08	1.25
6. Cases Resulting in Delinquent Findings (Adjudication)	1.27	*	1.14	<i>1.01</i>	<i>0.88</i>	1.15	<i>0.87</i>	<i>1.00</i>	<i>0.99</i>
7. Cases Resulting in Probation	<i>0.60</i>	*	<i>0.84</i>	<i>0.83</i>	<i>0.81</i>	1.18	1.20	1.09	*
8. Cases Resulting in Secure Confinement (Placement)	<i>0.84</i>	**	<i>0.92</i>	1.98	1.22	1.37	2.04	1.97	<i>1.02</i>
9. Cases Transferred to Adult Court (Certification)	4.08	*	<i>0.87</i>	<i>0.53</i>	*	2.39	<i>0.82</i>	2.26	1.33
Legend									
* No state-level data available	Statistically Significant Overrepresentation of Minority Youth								
**WI Adjudications= 4.77 (significantly different computation methodology compared to other states presented)	<i>Statistically Significant Underrepresentation of Minority Youth</i>								
	<i>No Statistically Significant Difference Between White Case Handling and Minority Case Handling</i>								
	Greatest Disproportionality Observed Among States Presented (Over- or Underrepresentation)								

Levels of disproportionality at other stages of juvenile justice system vary from one state to another. Overall, states appear to have case-handling outcomes that are closest to parity at the point of *Adjudication*

(*Delinquent Findings*). Again, Minnesota has the greatest disproportionality at the stage of *Adjudication* (1.27) as compared to comparable states.

Among comparable states, Minnesota has the greatest magnitude of disproportionality among youth ordered to *Probation* (0.60), and Minnesota is the only state in this sample where minority youth are underrepresented at the point of *Secure Placement* (0.84). Finally, Minnesota has the greatest disproportionality among comparable states for youth *Certified* to adult court.

These data further illuminate DMC as a significant issue in Minnesota. Exploration of systems and DMC initiatives operating in other states with similar characteristics to Minnesota may help inform underlying drivers of DMC and generate effective interventions.

Summary of State and National DMC Comparisons

NATIONAL LEVEL

- Minnesota collects DMC data at seven out of nine decisions points collected nationally. Of the seven decision points available in Minnesota, racial disparities are more severe than the national average at four points: *Arrest*, *Secure Detention*, *Probation* and *Adult Certification*.
- At two decision points, *Adjudication* and *Secure Placement*, Minnesota's RRIs are the opposite direction than the national averages: Youth of color are more likely than white youth to be *Adjudicated* in Minnesota (compared to an underrepresentation nationally), and youth of color are less likely to *receive Secure Placement* in Minnesota than white youth (compared to an overrepresentation nationally).
- Minnesota has no state-level data at the *Referral to County Attorney* or *Diversion* decision points for national comparison.

STATE LEVEL

- Compared to neighboring states and states with similar attributes, Minnesota has the most severe RRIs at four of seven decision points: *Arrest*, *Adjudication*, *Probation* and *Adult Certification*.
- Data collected at the county level suggest that Minnesota could also have the greatest disparities at the points of *Referral to the County Attorney* and *Diversion* as well.

Part III

Disproportionate Minority Contact Reduction Strategies

Federal Strategy

According to the federal Office of Juvenile Justice and Delinquency Prevention (OJJDP), DMC results from many factors and is often present at more than one decision point. As such, states and jurisdictions must develop multiple strategies and implement them concurrently at multiple decision points. OJJDP identifies three primary strategies for addressing DMC: direct services, training and technical assistance, and system change.⁶² The following section summarizes the components of each of these intervention strategies as presented in the *DMC Technical Assistance Manual for States*. In addition, OJJDP recommends that each state staff a DMC Coordinator position to educate stakeholders and implement state DMC reduction plans.

DIRECT SERVICES

Direct services are those that target at-risk or system-involved youth, families and communities. Direct services with the potential to positively affect DMC include:

- **Prevention and Early Intervention:** Prevention programs generally are proactive and aimed at youth who exhibit risk factors for delinquency but have not been adjudicated delinquent. They address the recognized factors that can lead to delinquency.
- **Diversion:** Diversion programs are a specialized subset of interventions that typically serve youth who have been arrested or referred to the juvenile court for status or non-serious delinquent offenses. To reduce minority overrepresentation, diversion programs divert youth from formal court processing while still providing accountability for actions.
- **Alternatives to Secure Confinement:** Alternatives to secure confinement assess whether youth qualify for less restrictive treatment or sanctions, reserving secure beds for the most serious and violent offenders. Detention and corrections alternatives provide youth with the benefit of remaining in the community, with greater access to resources, without endangering public safety.
- **Advocacy:** Youth of color and their families may benefit from assistance navigating the complex procedures and multitude of service agencies that comprise a juvenile justice system response to a young offender. Advocacy connects youth and families with a variety of networks and service providers to integrate services and have a voice in justice system proceedings.

TRAINING AND TECHNICAL ASSISTANCE

Justice system practitioners who routinely interact with system-involved youth can be trained to gain the knowledge and skills they need to work effectively with culturally diverse, youth of color. In addition, these trainings can address indirect and unintentional racial bias. Cultural competency training and technical assistance is the most common method for disseminating these tools.

- **Cultural Competency Training and Program Development:** Cultural competency training can engender a deeper awareness of cultural factors (e.g., differences in communication styles, body language and demeanor, language use, beliefs about the family, attitudes toward authority figures) that typically influence decision making about youth. Such training seeks to increase knowledge about different cultures, address cultural biases and stereotypes, and produce changes in the practices of individuals and organizations.
- **Culturally Appropriate Services and Staffing:** Providing culturally appropriate services grounded in the culture and traditions of the population being served is another way that communities can improve the cultural competence of agencies. This approach is based on the assumption that cultural values and traditions, when incorporated into a program, improve the integrity of intervention. Staffing practices can also strengthen an organization's capability to deliver culturally competent services. Juvenile justice agencies can hire, promote, and retain at all levels qualified, culturally competent personnel who belong to the minority groups that agencies serve.

SYSTEM CHANGE

System change strategies seek to alter the basic procedures, policies, and rules that define how a juvenile justice system operates to address DMC. Because such strategies aim to transform the system itself, they have the potential for producing pervasive, fundamental, and lasting change in a system's ability to respond effectively to youth of color. These strategies are especially critical in jurisdictions where factors influencing minority overrepresentation may be embedded in the cultural, policy, procedural, and legislative framework of the juvenile justice system.

- **Legislative Reforms:** Legislative reforms can be an effective strategy for addressing DMC because they have enormous potential for producing broad-based change in every aspect of the system. It is important to monitor bills concerning juvenile justice issues, and children and families to be sure they do not result in statutes that could fuel overrepresentation or bias justice officials' decision making.
- **Administrative, Policy, and Procedural Changes:** Legislative reforms that significantly alter the way an organization operates often provide the impetus for administrative, policy, and procedural changes that can reduce DMC. State-level legislation includes the adoption of standards for prosecuting juvenile offenders; development of experimental programs implementing prosecutor guidelines to reduce racial inequality in the prosecution of juveniles; a requirement that state agencies supervising youth report annually on minority representation; and establishment of local juvenile justice advisory committees to monitor and report annually on proportionality.
- **Structured Decision Making:** In many juvenile justice systems, practitioners make decisions based on their experience and knowledge of a youth's background, without using research-based tools. However well-intentioned, such clinical predictions can be rife with unintentional racial bias that results in DMC. One of the most powerful system reforms for reducing and preventing DMC is the implementation of structured decision-making using an empirically based, standardized risk assessment instrument to evaluate a youth's background and current situation.

DMC COORDINATION

OJJDP recommends that each state have a DMC Coordinator position responsible for providing leadership in addressing racial disparities. According to the DMC Technical Assistance Manual, the DMC Coordinator is primarily responsible for facilitating the state's DMC Compliance Plan and providing administrative support to the DMC Subcommittee. The DMC Coordinator position is to develop and implement the state's DMC Compliance Plan; monitor progress on DMC goals, objectives and outcomes; and track and submit required DMC data. In addition, the DMC Coordinator is to disseminate information about DMC in the state, and provide technical assistance to state and local jurisdictions. This includes training, planning and coordination of DMC efforts in support of the State Plan.⁶³

Critique of Federal DMC Requirements

The requirement that states examine the juvenile justice system for racial disparities has been in effect in some iteration or another for over 20 years. During this time, many states have made headway in understanding DMC and implementing programs and policies to reduce racial disparities. The absence of a specific methodology requirement by OJJDP allows states and local jurisdictions to respond creatively to the unique needs of their communities, at the decision points where they are most apt to be successful. A key benefit of the Juvenile Justice and Delinquency Prevention Act (JJDP) has been bringing the issue of racial disparities to the forefront of discussions; the development of theoretical frameworks to explain DMC; and research that tests these theories regarding drivers of DMC. Regardless, actual rates of disparity for youth of color in the system remain high.⁶⁴

Critiques of the JJDP and OJJDP's enforcement thereof cite many missed opportunities for meaningful progress in reducing DMC. While various amendments to the JJDP have strengthened DMC as a priority and a core protection, it has been suggested that OJJDP has done little to hold states accountable. Critics note that the vague requirement that states "address" DMC without having any criteria related to how a state is in or out of compliance with the core protection has essentially meant no states are truly in jeopardy of losing federal juvenile-justice funding related to DMC.⁶⁵

According to the W. Haywood Burns Institute, states have been left to their own devices to develop plans to reduce DMC due to a lack of established methodologies, incentives, and accountability based measures.⁶⁶ The Burns Institute contends that "by failing to establish uniformly structured and intentional guidelines, the federal government set the bar so low that nearly anything done in the name of DMC is adequate."⁶⁷ As such, DMC reduction efforts have been well-intentioned but poorly evaluated and not comprehensive in nature.

States often develop plans that focus solely on data collection, mentoring, and cultural competency training for staff, which alone do not translate into measureable reductions in DMC.⁶⁸ Again, the *W. Haywood Burns Institute* contends that these strategies wrongly place the focus of DMC on working with youth and not addressing the "structural biases inherent in the system's operation."⁶⁹ OJJDP also acknowledges that states can overly focus on youth and families, or the "demand side" of DMC and not how laws, policies and practices affect the supply of youth of color into the system.⁷⁰ Many states focus heavily on delinquency prevention and intervention programs which generally do not lead to sustainable reforms of policies and practices that lead to racial disparities.⁷¹

An additional critique by the Center for Children's Law and Policy supports changes to the DMC requirement of the JJDP. They assert that the DMC core protection should be strengthened by "requiring States to take

concrete steps to reduce racial and ethnic disparities in the juvenile justice system.” To this end, states should be required to do the following:⁷²

- Establish coordinating bodies to oversee efforts to reduce disparities
- Identify key decision points in the system and the criteria by which decisions are made
- Create systems to collect local data at every point of contact youth have with the juvenile justice system (disaggregated by descriptors such as race, ethnicity and offense) to identify where disparities exist and the causes of those disparities
- Develop and implement plans to address disparities that include measurable objectives for change
- Publicly report findings
- Evaluate progress toward reducing disparities

OJJDP has recently developed a Compliance Determination Assessment Instrument (CDAI) to objectively determine if states are in compliance with the DMC Core Protection.⁷³ This tool assesses whether states are in compliance with the DMC process requirements such as data collection, development of a DMC plan, and submission of a DMC assessment report. It does not hold states accountable to meet specific goals, require the use of any particular DMC reduction strategy, or require specific outcomes. Scholars note that while 20 years have passed, relatively few known evaluations of strategies have been created and implemented to reduce minority overrepresentation.⁷⁴

The national Coalition of Juvenile Justice, in response to a state-based survey of all Juvenile Justice Specialists, Compliance Monitors and DMC Coordinators, put forth a recommendation to the President and Congress of the United States to: “Direct OJJDP, and provide meaningful resources to OJJDP and the states, to develop and implement a national, research-informed strategy to reduce the disproportionately high contact that minority youth have with state and local juvenile justice systems” in acknowledgement that states are eager to achieve meaningful reductions in DMC but require leadership and assistance from the federal level.⁷⁵

Diminishing Support to States

Regardless of whether one supports or finds fault with OJJDP's DMC requirements, what can be agreed upon is that states are expected to do progressively more with progressively fewer resources. States receive funding in connection with the JJDPA from three different federal sources: Title II, Title V and Juvenile Accountability Block Grant (JABG) funds. Congress determines the total level of funding to be available and awards are passed on to states. In turn, states pass funding through to local units of government, non-profits and tribal governments for juvenile justice initiatives. The level of federal funding allocated to states has been steadily declining. Figure 48 summarizes the total amounts allocated to Minnesota since 2002.⁷⁶

Figure 48 TOTAL ALLOCATIONS FOR MINNESOTA 2002-2012
(Title II Formula Grants, Title V Community Delinquency Prevention, Juvenile Accountability Block Grants)

Federal Fiscal Year	Amount	Percentage Change From Previous Year
2002	\$6,152,300	+ 3%
2003	\$5,213,200	- 15%
2004	\$3,916,600	- 25%
2005	\$2,197,085	- 44%
2006	\$1,683,550	- 23%
2007	\$1,722,489	+ 2%
2008	\$1,674,760	- 3%
2009	\$1,841,786	+ 10%
2010	\$1,814,245	- 1%
2011	\$1,441,803	-20.5%
2012	\$ 836,490	- 42%

Since 2002, when the expansion of DMC was adopted, Minnesota has seen an 86 percent reduction in federal funding to support compliance with the four Core Protections of the JJDPA. These funds are largely passed through to fund community and government-based programs and interventions around the state. This has affected the amount of money available to fund staff positions in support of the JJDPA and reductions in the number of juvenile justice programs and initiatives in Minnesota. Due to the current economic and political environment, it is not anticipated that state funding allocations will increase in the short term.

Part IV

Minnesota's Response to DMC

The final section of this report explores Minnesota's state-level response to racial disparities in the juvenile justice system, highlights the work of non-government agencies, and provides suggestions for strengthening Minnesota's response to DMC.

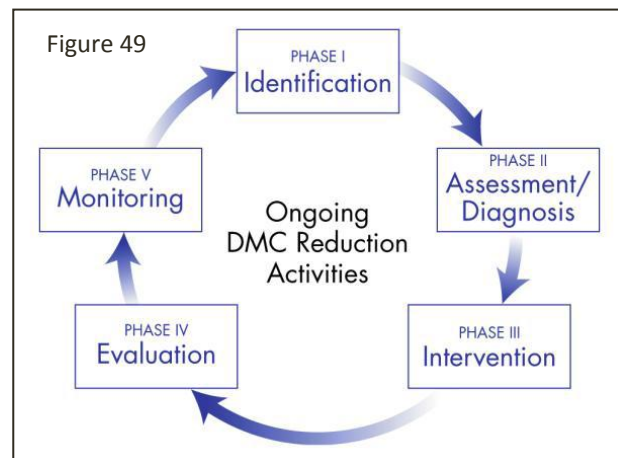
The Minnesota Juvenile Justice Advisory Committee

The JJDA requires each state to establish an advisory group to monitor compliance with the four Core Protections. In Minnesota, the body responsible for demonstrating compliance with the JJDA and allocating the accompanying federal funds in support of juvenile justice-related activities and initiatives is the Minnesota Juvenile Justice Advisory Committee (JJAC).

JJAC is a body of 18 governor-appointed members who represent justice system practitioners, private non-profits, and community members from around the state.⁷⁷ In addition to monitoring the four Core Protections of the JJDA, JJAC makes recommendations to the governor and the Minnesota Legislature on issues, trends, practices and concerns in regard to all aspects of juvenile justice.⁷⁸ JJAC partners with the Minnesota Department of Public Safety Office of Justice Programs to distribute federal funds and staff key positions related to JJDA compliance.

State advisory groups must triennially develop a *Three-Year Plan* that articulates state-level goals related to juvenile justice system monitoring and improvement. Part of the *Three-Year Plan* must include goals and objectives specific to the DMC Core Protection.⁷⁹ Minnesota JJAC recently completed the *Three-Year Plan* for Minnesota with goals and objectives for 2012 through 2014. Presently, JJAC is engaging in committee work to prioritize and fund projects related to implementation of the DMC component of the *Three-Year Plan*.

While compliance with the first three Core Protections is based on a numeric count of violations, the DMC requirement cannot use this method of enforcement. The JJDA clearly states that measuring the disproportionality must be done "without establishing or requiring numerical standards or quotas."⁸⁰ Instead, states generally must demonstrate progress on the identification of DMC or the implementation of activities intended to reduce DMC. To this end, OJDP guides strategies to reduce DMC by requiring states to report progress at five stages depicted in Figure 49.⁸¹ Once the existence of racial disparities has been identified using data and RRI analyses, the next step for jurisdictions is to assess and diagnose which factors most contribute to DMC.



JJAC Supported Activities

Since the scope of DMC was expanded in 2002, JJAC has primarily focused on goals related to DMC data collection and improvement; supporting alternatives to secure detention; and funding programs providing direct services to youth from communities of color. More recently, JJAC has supported specific trainings and events related to DMC. The following highlight JJAC supported activities occurring between 2003 and 2011. These activities cross the reduction areas of direct services, training and technical assistance, and system change.

IDENTIFICATION OF CONTRIBUTING FACTORS

- Annual DMC data collection and reporting at the federally required decision points (2003 to present).
- Convened a DMC data workgroup to improve DMC decision point definitions, data collection and consistency across state agencies (2006).⁸²
- Submitted DMC Assessment (2010).⁸³

DIRECT SERVICES

- Funded programs directly serving at-risk or system-involved youth of color (on-going).
- Funded implementation of the Annie E. Casey *Juvenile Detention Alternatives Initiative* in Hennepin, Ramsey, and Dakota counties (2005-2008).⁸⁴
- Funded expansion of JDAI to *Arrowhead Regional Corrections* in St. Louis County (2009 to present).⁸⁵
- Funded a detention alternative program within the Leech Lake Tribal Court in collaboration with the Ninth Judicial District (2010 to present).⁸⁶

TRAINING AND TECHNICAL ASSISTANCE

- DMC training for law enforcement officers contracted through Metro State University (2009).⁸⁷
- Four regional trainings for School Resource Officers through the Minnesota Juvenile Officer's Association (2011).⁸⁸
- Funding to Arrowhead Regional Corrections to hire culturally competent Community Coaches (2011).⁸⁹
- Focus groups and community forums in collaboration with the University of Minnesota's Urban Research and Outreach Engagement Center in response to youth violence in North Minneapolis (2011-present).⁹⁰

SYSTEM CHANGE

- Funding for *W. Haywood Burns Institute* "DMC Readiness Assessments" in Ramsey, Dakota, St. Louis, Hennepin and Nobles counties (2006-2007).⁹¹
- Establishment of a statewide DMC legislative policy to "identify and eliminate barriers to racial, ethnic, and gender fairness within the criminal justice, juvenile justice, corrections, and judicial systems" in Minnesota (2009).^{92,93}
- Funding for Hennepin County Attorney's Office to contract research regarding prosecutorial decisions (2011).⁹⁴

In support of DMC reduction, JJAC established a DMC Subcommittee in 2003, which continues to meet regularly.⁹⁵ Also, JJAC funded a part-time DMC coordinator position between 2004 and 2010.⁹⁶ The aforementioned reductions in federal funding have contributed to the loss of the DMC position. DMC duties have been reassigned to the duties of other staff.

The Juvenile Detention Alternatives Initiative

To date, the Annie E. Casey Juvenile Detention Alternatives Initiative (JDAI) has been a cornerstone of Minnesota's DMC reduction plan. Minnesota is one of 38 states participating in the Annie E. Casey Detention Alternatives Initiative and is considered a "state site" with multiple JDAI jurisdictions as well as a state JDAI coordinator.⁹⁷ JJAC continues financial support to St. Louis County with JDAI implementation, whereas Hennepin, Ramsey, and Dakota counties have secured other federal, state and local funding sources.

Some activities connected with Minnesota JDAI include: the development and use of Risk Assessment Instruments (RAIs) to objectify detention admission criteria; use of curfew and after-hours reporting centers; reassessment of low-level offense warrants; expansion of probation caseload availability; funding for community coaches for extra supervision and assistance with court appearances and community support; community liaisons to coordinate resources and educate about JDAI; expanded use of non-secure shelter beds;⁹⁸ Juvenile Court Outreach Workers to assist families in rescheduling court appearances; and Detention Review Specialists to expedite early release and identify cases appropriate for detention alternatives.⁹⁹

JDAI has contributed to significant declines in overall detention admissions, and a decrease in youth of color as a percentage of the overall detention population. JDAI has also reduced average daily populations and average lengths of stay resulting in revisions to secure-bed expansion and closing of some secure units within facilities.¹⁰⁰

Overall, care must be taken to ensure that diversion and detention alternatives are equitably applied and that there is sufficient access to system alternatives across Minnesota. The use of risk assessment tools at the points of diversion and detention can help assure that diversion decisions are being made objectively, based on criteria that are truly related to a youth's likelihood of reoffending or public safety concerns.

While JDAI has been implemented in several counties, there are others that operate large regional detention centers that might benefit from evaluating their policies and admission criteria to reduce DMC. Presently, Carlton County in northeastern Minnesota is slated to be a JDAI expansion county. Carlton County borders St. Louis County and is part of the Arrowhead Regional Corrections collaborative. Also, Scott County, neighboring both Hennepin and Dakota counties, formally requested to be a JDAI jurisdiction, but financial limitations at the state level have prevented expansion of the initiative.

Minnesota's 2012-2014 DMC Reduction Plan

Minnesota JJAC recently completed the *Three Year Plan* for Minnesota which is in effect from 2012 to 2014. The following are the stated goals and objectives for compliance with the DMC Core Protection.¹⁰¹ JJAC is presently discussing implementation strategies related to these objectives.

- Increase funding for community-based systems and programs that are focused on the diminution of DMC.
- Expand juvenile detention reform.
- Engage law enforcement in meaningful conversations and trainings regarding DMC.

- Fund additional regional trainings for School Resource Officers.
- Engage community partners to (a) address DMC by targeting overrepresented populations and (b) develop innovative solutions to take the place of detention.
- Engage policy makers in taking an active role to address DMC.
- Meet with local professionals in each of Minnesota's 10 Judicial Districts to explore individualized responses to DMC.
- Continue efforts to expand the statewide policy with specific, inclusive and meaningful procedural requirements.
- Explore ways that counties and jurisdictions will be able to effectively collect and report DMC data.
- Improve uniformity of data definitions and race and ethnicity codes across systems, and other data improvement strategies.
- Earmark funding for a DMC Coordinator.

Additional DMC Activities

Minnesota is fortunate to have numerous community-based agencies and state partners that focus, in part, on the effective, equitable application of juvenile justice. The research units of the *Amherst H. Wilder Foundation* and the *Minnesota Council on Crime and Justice* in particular have both assisted individual counties in identifying racial disparities and exploring underlying factors unique to their jurisdictions.

The Wilder Foundation also maintains *Minnesota Compass*, an online collection of social indicators in the state including population demographics, poverty, education, health, housing and public safety. Users can explore a wide range of indicators with a specific focus on youth and on racial disparities.¹⁰² *The Wilder Foundation* also assisted a collaborative of state agencies in compiling youth disparity data across disciplines to support cross-agency planning and goal setting.¹⁰³

Between 2000 and 2006, the *Council on Crime and Justice* published 17 separate studies exploring racial disparities in Minnesota's justice system as a part of their *Racial Disparities Initiative*.¹⁰⁴ While the studies varied in terms of the system stages evaluated; whether the focus was on adults or juveniles; and whether the scope was local jurisdictions or statewide, key themes emerged nevertheless. In their final report, the *Council* names "a lack of consistent, effective dialogue between the justice system and communities of color" and disparities that predominantly originate at the point of first contact with law enforcement as themes across their studies.¹⁰⁵ The *Council on Crime and Justice* supports using community-based responses to low level offenses in communities and schools to reduce overreliance on the justice system; greater scrutiny of misdemeanor level charges by the county attorney; and removing barriers to employment and housing for persons with criminal records.¹⁰⁶

In addition, the *Council on Crime and Justice* published a collection of essays authored by experts in Minnesota's criminal and juvenile justice systems (*Justice, Where Art Thou? A Framework for the Future*) related to changes in justice system policies, practices and priorities over the past 50 years. Specialists from both the field and academia repeatedly emphasize the effects of disparate policies and enforcement on communities of color in this compilation.¹⁰⁷

With regard to policy and practice evaluation, the *Minnesota Second Chance Coalition* has identified and disseminated information regarding the collateral consequences of justice system involvement for youth. In 2010, the *Minnesota Second Chance Coalition* proposed a legislative policy whereby all new legislation related to juvenile justice would first require a Racial Impact Statement to "estimate the disparate outcomes

of proposed legislation” and “anticipate unwarranted racial impact” of new legislation before it is implemented.¹⁰⁸ While this legislation did not pass, it is evidence of a commitment to predict and stem certain drivers of racial disparities in the state.

Finally, in 1993, the Minnesota Judicial Council established the *Racial Fairness Committee* to “identify and eliminate barriers to racial and cultural fairness in all components of the Minnesota judicial system and create action plans to ensure public trust and confidence in the courts.” In 2010, this committee was reestablished as the *Committee on Equality and Justice (CEJ)*. The mission of the CEJ is to “advance the Judicial Branch’s efforts to eliminate from court operations bias that is based on race, gender, ethnicity, age, disability, socioeconomic status, religion, sexual orientation, and any other status protected by law.”¹⁰⁹ Race data collection, community dialogues, education and training of the judiciary regarding race bias were some key activities of the former *Racial Fairness Committee* which will be carried into the future of the CEJ.¹¹⁰

State and community partners such as these keep DMC at the forefront of conversations and provide guidance for practitioners to make meaningful changes in their policies and practices.

Strengthening Minnesota’s Response to DMC

In its latest edition of the *DMC Technical Assistance Manual for States*, OJJDP summarizes eight key lessons learned about the phenomenon of DMC.¹¹¹ These are helpful guides to determine what additional components are needed in a state’s DMC response.

8 Lessons in DMC

Lesson 1: Disproportionality can occur at all contact points of the juvenile justice system. Moreover, what happens to youthful offenders during their initial contacts with the juvenile justice system influences their outcomes at the later stages.

Lesson 2: Many factors contribute to DMC at different juvenile justice system contact points, and a multi-pronged intervention is necessary to reduce disproportionality. DMC is the result of a number of complex decisions and events, and only through a comprehensive, balanced, and multidisciplinary approach can states and localities reduce DMC.

Lesson 3: Data are powerful, and DMC intervention strategies need to be data-based. Data are essential to determine whether minority youth come into contact at disproportionate rates with the juvenile justice system, at which decision points, and to what extent. States must further determine the factors/mechanisms that contribute to the observed disproportionality.

Lesson 4: DMC reduction requires support from the top. OJJDP must diligently enforce the core requirement by setting uniform standards in determining states’ DMC compliance status. At the state level, support from governors and state agencies can contribute to significant leadership and investment in DMC reduction activities.

Continued on next page.

8 Lessons in DMC Continued

Lesson 5: DMC reduction needs to occur at the local level. DMC reduction efforts must be based on data collected on the existence, extent and nature of DMC at the local level coupled with assessment of resource availability versus gaps. The result will be a locally developed, comprehensive DMC reduction plan.

Lesson 6: DMC reduction requires strong partnerships. DMC reduction requires a multidisciplinary approach with a partnership of all stakeholders, public and private, at the local, state, and federal levels.

Lesson 7: DMC reduction demands sustained efforts. The Office of Juvenile Justice and Delinquency Prevention, states and localities must sustain the top-down and bottom-up support and establish horizontal and vertical partnerships to enable continuous DMC reduction efforts.

Lesson 8: Evidence-based DMC reduction efforts are scarce. The ultimate success of the DMC initiative is measured by the effectiveness of the DMC activities in reducing minority overrepresentation. Measuring or evaluating outcomes must be an integral part of all DMC reduction activities.

In light of the 8 Lessons and aforementioned significant decreases in state funding to support DMC, it is all the more important that the interventions supported have the greatest potential benefit to youth and produce the outcomes intended. The following are strategies that can assist in developing Minnesota's overall understanding of DMC, support the most effective interventions, and promote system-level change.

DMC COORDINATION

Minnesota is presently without a dedicated DMC Coordinator to implement the state reduction plan or serve as a state leader. Currently, a single staff person fills the role of three federally recommended positions under the JJDP: Juvenile Justice Specialist, State Compliance Monitor, and State DMC Coordinator. According to OJJDP, DMC is a complex topic requiring an intentional, sustained response. OJJDP dedicates an entire chapter of *DMC Technical Assistance Manual for States* to the role of a DMC Coordinator in implementing the state's DMC reduction plan; collaboration across justice system decision points and agencies; and coordinating training and data dissemination related to DMC.¹¹² Historically, the DMC coordinator has also assisted local jurisdictions in developing and implementing DMC reduction activities in a strategic and purposeful manner. JJAC has articulated the intention to designate funding for a DMC Coordinator as a portion of the *2012-2014 Three Year Plan*.

COMMUNITY INVOLVEMENT

A key lesson learned regarding DMC is that reduction efforts must occur at the local level. To do this effectively, a wide range of partners, including "nontraditional stakeholders" should be included in planning and implementation. These non-traditional workgroup members include community leaders, community-based agencies, civil rights organizations, child and parent advocates, and youth and families who have been affected by the juvenile justice system.¹¹³ As Minnesota explores DMC and expands to new regions and

localities, community partners representing the local demographics must be invited to participate. Specifically, greater Minnesota must engage Hispanic and American Indian communities in dialogues about DMC. Together with traditional stakeholders such as police, judges, county attorneys and probation departments, communities can reach consensus on the goals of a DMC initiative and how to define success.¹¹⁴

DATA IMPROVEMENT

OJJDP asserts that data collection is essential in understanding DMC. Historically, DMC data have been missing in Minnesota at two key decision points: *Referral to the County Attorney* and cases *Diverted* by the county attorney. State-level data at these decision points would allow Minnesota to assess youth flow through the entire juvenile justice system and issues of disparity with a greater degree of accuracy. Ideally, a centralized data repository for youth referred to the county attorney and diverted from formal processing would be created. Presently, there is no known initiative to develop a state-level county attorney database.

In the interim, county attorneys can collaborate to establish uniform data collection strategies. A specific need is for county attorneys to track the race and ethnicity of youth referred and diverted. Previous exploration of Minnesota data show inconsistent collection of race data at the county attorney decision point, as well as widely varying data categories.¹¹⁵ In addition, a reduction in missing race data collected by the state courts would contribute to a more accurate understanding of racial disparities at *Petition*, *Adjudication* and *Certification*.

Across all systems, reliable race, ethnicity, gender, geography and offense data are needed to explore for gender and geographic disparities as well as racial disparities.¹¹⁶ Not all of these recommended data fields are consistently collected in Minnesota. In addition, exploration into differential offending among youth; differential enforcement by law enforcement; and differential prosecution or disposition requires that data be collected by offense type and severity. Understanding DMC for all delinquency offenses collectively is useful as a primary measure but does not provide enough detail to create targeted reduction efforts.

DATA EXPANSION

Minnesota currently collects local DMC data in three counties surrounding the Twin Cities metropolitan area and one in greater Minnesota. Other regions of the state have unique youth demographics that have yet to be explored for DMC. Specifically, the experiences of Hispanic youth and American Indian youth in the justice system would be better understood with DMC data collected in a broader region of greater Minnesota. The lessons supplied by OJJDP support that change must occur at the local level. As such, different counties and regions in Minnesota could benefit from a priority to expand DMC data collection. These data can assist in supporting targeted interventions based on a demonstrated need in unique areas.

ASSESSMENT OF CONTRIBUTING FACTORS

Data collection identifies where and whether DMC exists, but data alone do not explain *why* DMC exists. Additional investigation into the underlying drivers of DMC must occur to isolate which factors most contribute to disparate outcomes. OJJDP requires each state to complete an assessment regarding the drivers of DMC and use the information to target disparity reduction activities. Minnesota submitted a DMC assessment to OJJDP in 2010 in compliance with the federal requirement. This report, however, focused largely on issues of data availability and quality, and did not identify or isolate drivers of DMC in Minnesota.

A more comprehensive DMC assessment could potentially investigate characteristics of offenders, offenses, justice system policies and application of sanctions for racial disparities. In addition, DMC assessments may explore certain jurisdictions to see whether they consistently apply their risk assessment tools; which youth receive an “override” into secure detention; use of secure warrants and probation violations; and how other decisions are made regarding the case handling of youth. Investigation into length of detention or placement, location of detention or placement, and the length and conditions of probation can all be assessed in greater detail for disparities. Many aspects of case handling can be investigated, which Minnesota has yet to do in a systemic manner.

Minnesota is a state rich in knowledge and resources related to DMC. State agencies, non-profit research groups, and myriad public and private academic institutions could potentially be utilized to conduct multivariate analysis on factors contributing to DMC around the state.

EVALUATE DMC REDUCTION ACTIVITIES

A key lesson shared by OJJDP is that states must measure or evaluate outcomes as “an integral part of all DMC reduction activities.” When a program or intervention is funded under the rubric of DMC reduction, there should be in place outcomes to demonstrate a reduction in specific risk factors for delinquency or reduced system involvement for youth of color. With regard to professional services, if the goal of a training or collaboration is to increase awareness of DMC or reduce the effects of DMC, methods to measure changes in attitude or practice as a result of interventions should be in place. Minnesota ought to implement or expand promising DMC reduction strategies and develop a manner of evaluating both direct services and professional trainings for desired effect.

STATE POLICY ASSESSMENT

System change is an important component of lasting DMC reductions. While legislation introduced in Minnesota requiring Racial Impact Statements before new legislation is enacted was unsuccessful, other states including Iowa and Connecticut have successfully enacted similar legislation.¹¹⁷ Such policy assessment is needed because new laws that affect juvenile case handling are often introduced. As an example, legislation is frequently introduced in Minnesota proposing that the minimum age of adult certification be lowered from 14 to 13. While it has not yet passed, DMC relative rates suggest a change such as this could disparately affect youth of color in Minnesota.

While the proposed Racial Impact Statement legislation did not pass in Minnesota, These states require assessment of potentially disparate applications of new justice system legislation before implementation.

Similarly, Minnesota has several juvenile statutes already in effect that have not recently been assessed for equal application at the state level. These include the required use of juvenile diversion programs;¹¹⁸ discretionary use of alternative dispositions (*Continuance for Dismissal* or *Stay of Adjudication*); and Extended Jurisdiction Juvenile sentencing (EJJ) where youth remain under juvenile court jurisdiction until age 21.¹¹⁹ Many current statutes and procedures could be assessed in Minnesota for potential racial disparities and revised, if necessary.

DIVERSION

Minnesota's DMC data support the assertion that disparate rates of justice system contact for white and youth of color are greatest at the point of arrest. In addition, youth of color appear to be underrepresented at the point of diversion based on data collected at the county level. Expanding diversion opportunities for use by law enforcement, county attorneys, and school officials can help stem the flow of youth into the system. To the greatest extent possible, youth who can be held accountable for actions and can have the underlying issues of delinquent behavior addressed in the community should be diverted from formal justice system involvement.

Law enforcement diversion programs prevent youth from being referred to the county attorney. As an example, Florida implemented a Civil Citation program in statute whereby police issue a civil citation to all first-time youth misdemeanants requiring participation in community programs and sanctions.¹²⁰ While Minnesota has law enforcement diversion in select departments, Florida has implemented a statewide intervention at the point of police contact.

Furthermore, a significant number of youth are referred to the juvenile justice system through schools. School administrators and School Resource Officers (SROs) must have conversations regarding the appropriate role of officers in schools and balance legal issues with school policy. SRO and Administrator trainings can help clarify these roles and develop restorative alternatives to the use of law enforcement whenever appropriate.

Diversion programs following referral to the county attorney also reduce front-end system contact for low-level or low-risk offenders. Typical diversion activities include community service, informal hearings, family group conferences, victim impact panels, victim-offender mediation, mentoring, teen courts, restitution, and other restorative justice strategies.¹²¹ In addition, direct services may target individual risk factors such as academic skills, vocational skills, family therapy, parent training, or afterschool recreation needs to intercede when youth have justice system contacts.¹²² Minnesota requires that every county have at least one diversion program for juveniles.¹²³ A recent study of diversion programs across the state concluded that juvenile diversion admission criteria and services vary.¹²⁴ Greater consistency will help to ensure a more equitable diversion experience across jurisdictions.

DETENTION ALTERNATIVES

Detention alternatives are those that allow youth to remain in the community pending a court appearance or trial outcome. Maintaining youth in the community is not only less harmful to the youth; it is also less costly when public safety can be adequately safeguarded. Detention alternatives include the use of house arrest or electronic home monitoring, shelter care or foster care, day or evening treatment or reporting centers, and intensive community supervision probation (ISP).¹²⁵

OBJECTIVE RISK ASSESSMENT TOOLS

Many processing decisions in the juvenile justice system are discretionary on the part of professionals. Law enforcement uses discretion to arrest and detain; facilities may use discretion to admit or release youth; prosecutors use discretion regarding diversion, charging or dispositional recommendations; and probation officers use discretion when enforcing supervision conditions or filing violations. In the absence of objective factors to help guide consistent and appropriate responses, discretion "augments opportunities for biased decision-making."¹²⁶

Objective risk assessment and decision-making tools identify specific criteria that will guide decisions.¹²⁷ These criteria should be based on offender characteristics and risk, not driven by outside factors including race, ethnicity, gender or class.¹²⁸ As an example, counties implementing the JDAI model have established Risk Assessment Instruments (RAIs) to objectively determine which youth should be admitted to secure detention. Some components of RAIs include: seriousness of alleged offense, past history of delinquency, and past compliance with detention alternatives or placements. Mitigating factors include no prior delinquency record; over age 16 at time of first offense; and a parent or guardian willing to take custody before court.

In addition, JDAI counties have created “graduated response grids” to assist probation officers in selecting from a uniform range of sanctions for youth violating the terms of their probation, based on their behavior and risk level. Tools such as these are intended to reduce unintentional bias on the part of practitioners and put into place tools that can be assessed for equal application and unintentional disparities.

While the vast majority of Minnesota counties have implemented objective risk-assessment instruments related to risk level and probation supervision, other assessment tools in use for youth vary by jurisdiction. Minnesota may benefit from the expansion of detention risk assessment tools in the state; the development of risk assessment tools for diversion; the expansion of probation sanction grids; and perhaps even juvenile sentencing guidelines. Exploration of objective instruments in use by other states for juveniles or those recommended by national leaders in the field may also generate new ideas for disparity reduction in Minnesota.

Summary of Suggested DMC Strategies

- Fund a dedicated DMC Coordinator to facilitate implementation of the State Plan and support DMC efforts at the local level.
- Involve community members and agencies representative of the populations in the justice system in discussions, planning and outcomes related to DMC.
- Improve data collection and establish uniform race data collection strategies among county attorneys. Collect data on race, ethnicity, gender, geography and offense at all system contact points.
- Expand DMC data collection to counties or regions in greater Minnesota with a focus on measuring DMC in the American Indian and Hispanic communities.
- Measure DMC in Minnesota using statistical analysis tools to identify, isolate and target underlying factors perpetuating DMC.
- Assess past and future legislation related to juvenile justice for the effects on youth populations of color.
- Evaluate the effectiveness of DMC reduction activities and support programs with demonstrated effectiveness.
- Expand juvenile diversion options for law enforcement and county attorneys. Develop consistent diversion criteria and resource availability around the state.
- Expand detention alternatives in the state to continue to reduce the use of secure detention following arrest.
- Implement assessment and decision-making tools to reduce practitioner bias and ensure objective responses to known risk-factors for delinquency and re-offense.

Conclusion

DMC data collected over the past 10 years show disparate rates of contact with youth from communities of color at all major stages of Minnesota's juvenile justice system. When compared to white youth, youth of color are overrepresented at arrest, secure detention, petition to court, adjudication, and certification to adult court. Conversely, youth of color are underrepresented at the stage of diversion, community probation and secure placement. Minnesota's racial disparities are greater than both the national average and those of similar comparison states.

Youth who are brought deeper into contact with the justice system are more likely to continue on a delinquent trajectory than those who are diverted away from formal system processing. In addition, collateral consequences associated with the justice system can impact youth's education, employment, housing, and eligibility for military service, even after all obligations to the court and victims have been satisfied. It is a moral imperative that system practitioners explore and ameliorate the underlying drivers of racial disparities in their jurisdictions in light of Minnesota's DMC data and the collateral consequences of system contact for youth.

In addition to the activities named in Minnesota's 2012-2014 DMC Plan, Minnesota has opportunities to gain additional insights into DMC and focus on system change activities statewide. Expanded and improved data collection; expansion of diversion and detention alternatives; assessment of the underlying drivers of DMC; assessment of justice system policies; and the use of objective risk assessment tools to minimize racial bias are all strategies Minnesota can use to further DMC reduction.

Ultimately, DMC reduction requires the sustained involvement of system practitioners and communities over an extended period of time. While the *Juvenile Justice and Delinquency Prevention Act of 2002* mandates that states pay attention to DMC, it is jurisdictions intrinsically motivated to correct DMC that have the greatest prospects for success. Through thoughtful, deliberate use of data; multimodal intervention strategies that include direct services, training, and system change; and on-going evaluation of effectiveness, Minnesota juvenile justice jurisdictions can make meaningful progress toward equitable outcomes for youth from communities of color.

Appendix A

DMC Resources

- OJJDP DMC Website: <http://www.ojjdp.gov/dmc/>
- OJJDP DMC Reduction Database: <http://www.ojjdp.gov/dmcbestpractices/>
- Annie E. Casey Foundation, Juvenile Detention Alternatives Initiative: <http://www.aecf.org/Home/MajorInitiatives/JuvenileDetentionAlternativesInitiative.aspx>
- The W. Haywood Burns Institute: <http://www.burnsinstitute.org/>
- MacArthur Foundation, Models for Change: <http://modelsforchange.net/index.html>
- MacArthur Foundation, DMC Action Network: <http://www.modelsforchange.net/about/Action-networks/Disproportionate-minority-contact.html>
- Center for Children’s Law and Policy: http://www.cclp.org/our_work.php
- Act 4 Juvenile Justice: <http://www.act4jj.org/>
- The Sentencing Project, Racial Disparity: <http://www.sentencingproject.org/template/page.cfm?id=122>
<http://www.sentencingproject.org/clearinghouse/>
- **Minnesota JDAI:**
 - State JDAI Coordination: http://www.mncounties.org/Affiliated_Organizations/jdai.html
 - Dakota County JDAI: <http://www.co.dakota.mn.us/LawJustice/CPCP/JDAI/default.htm>
 - Hennepin County JDAI: <http://www.hennepincountyjdai.org/>
 - Ramsey County JDAI: <http://www.ramseyjdai.org/>
 - St Louis County: <http://www.mncounties.org/Futures/Taskforce/june12/StLouisCountyJDAI.pdf>
- Minnesota Juvenile Justice Advisory Committee: <https://dps.mn.gov/entity/jjac/Pages/default.aspx>
- Minnesota Department of Public Safety, Office of Justice Programs: <https://dps.mn.gov/divisions/ojp/Pages/default.aspx>

Appendix B

DMC Data Definitions & Sources

Decision Point	Federal Decision Point Definition	Minnesota Data Collection
1. Juvenile Arrests	Youth are considered to be arrested when law enforcement agencies apprehend, stop, or otherwise contact them and suspect them of having committed a delinquent act. Delinquent acts are those that, if an adult commits them, would be criminal, including crimes against persons, crimes against property, drug offenses, and crimes against the public order.	Minnesota collects data on the number of youth arrested in the state from the Minnesota Bureau of Apprehension (BCA). The BCA prepares these data upon request specifically for DMC calculation and omits arrest codes for status level offenses. Arrests in the state database represent both custodial arrests and citations issued to juveniles. All but two police departments in the state submit their arrest records to the BCA. The two non-reporting police departments provide data directly to OJP annually for the purpose of DMC monitoring.
2. Referral	Referral is when a potentially delinquent youth is sent forward for legal processing and received by a juvenile or family court or juvenile intake agency, either as a result of law enforcement action or upon a complaint by a citizen or school.	Referral in Minnesota would include juvenile delinquency petitions or citations sent to county attorney for possible prosecution as a delinquency matter. Minnesota has no centralized state repository for county attorney data and no uniform standards for collecting referral data. As such, Minnesota is unable to collect state-level DMC data at this decision point.
3. Diversion	The diversion population includes all youth referred for legal processing but handled without the filing of formal charges. Youth referred to juvenile court for delinquent acts are often screened by an intake department (either within or outside the court). The intake department may decide to dismiss the case for lack of legal sufficiency, resolve the matter informally (without the filing of charges), or resolve it formally (with the filing of charges).	Diversion in Minnesota would include all decisions by a county attorney to not charge a juvenile delinquency case. This would include cases referred to juvenile diversion programs and those they decline to prosecute based on legal insufficiency or other prosecution issues or diversion opportunities. Again, Minnesota has no centralized state repository for county attorney data and no uniform standards for collecting diversion data. As such, Minnesota is unable to collect state-level DMC data at this decision point.

Decision Point	Federal Decision Point Definition	Minnesota Data Collection
4. Secure Detention	Detention refers to youth held in secure detention facilities at some point during court processing of delinquency cases (i.e., prior to disposition). In some jurisdictions, the detention population may also include youth held in secure detention to await placement following a court disposition. For the purposes of DMC, detention may also include youth held in jails and lockups. Detention should not include youth held in shelters, group homes, or other non-secure facilities.	Detention data in Minnesota is collected by the Minnesota Department of Corrections. Juveniles admitted to secure police departments, adult jails and secure juvenile detention facilities are recorded in the DOC's <i>Statewide Supervision System (S3)</i> . Admission codes are used to ensure the count is only for youth held securely on a pre-adjudication detention status. Two secure juvenile facilities in the state do not submit admissions data to S3. They report secure detention admissions data directly to OJP annually for the purpose of DMC monitoring.
5. Petition/ Charges Filed	Formally charged (petitioned) delinquency cases are those that appear on a court calendar in response to the filing of a petition, complaint, or other legal instrument requesting the court to adjudicate a youth as a delinquent or status offender or to waive jurisdiction and transfer a youth to criminal court. Petitioning occurs when a juvenile court intake officer, prosecutor, or other official determines that a case should be handled formally.	Data regarding delinquency petitions filed are provided by the Minnesota State Court Administrator's Office (SCAO). The SCAO prepares data for OJP regarding misdemeanor, gross misdemeanor and felony level juvenile charges filed in Minnesota courts. Charges related to petty misdemeanors or status level offenses are excluded.
6. Delinquent Findings	Youth are judged or found to be delinquent during adjudicatory hearings in juvenile court. Being found (or adjudicated) delinquent is roughly equivalent to being convicted in criminal court. It is a formal legal finding of responsibility. If found to be delinquent, youth normally proceed to disposition hearings where they may be placed on probation, committed to residential facilities, or receive various other sanctions.	Data regarding cases resulting in delinquency findings are provided by the Minnesota State Court Administrator's Office (SCAO). The SCAO prepares data for OJP regarding misdemeanor, gross misdemeanor and felony level juvenile charges resulting in formal adjudication in Minnesota courts. Cases that result in continuance for dismissal or stays of adjudication are not included.

Decision Point	Federal Decision Point Definition	Minnesota Data Collection
7. Probation	Probation cases are those in which a youth is placed on formal or court-ordered supervision following a juvenile court disposition.	Probation data in Minnesota is provided by the Minnesota Department of Corrections. All new probation cases for delinquency level offenses which are entered into the <i>Court Services Tracking System (CSTS)</i> are reported for DMC monitoring. Youth court-ordered to probation for lesser offenses are not included. One county does not use the CSTS system to track probation; they submit data directly to OJP annually for the purpose of DMC monitoring.
8. Secure Confinement	Confined cases are those in which, following a court disposition, youth are placed in secure residential or correctional facilities for delinquent offenders. The confinement population should not include all youth placed in any form of out-of-home placement. Group homes, shelter homes, and mental health treatment facilities, for example, would usually not be considered confinement.	Secure placement/confinement data in Minnesota is collected by the Minnesota Department of Corrections. Juveniles admitted to secure juvenile facilities are recorded in the DOC's <i>Statewide Supervision System (S3)</i> . Admission codes are used to ensure the count is only for youth held post-adjudication as a part of a court-ordered disposition. One secure juvenile facility in the state does not submit admissions data to S3. They report secure placement admissions data directly to OJP annually for the purpose of DMC monitoring.
9. Transfer to Adult Court	Waived cases are those in which a youth is transferred to criminal court as a result of a judicial finding in juvenile court. During a waiver hearing, the juvenile court usually files a petition asking the juvenile court judge to waive jurisdiction over the case. If the request is granted, the juvenile is judicially waived to criminal court for further action.	Data regarding juvenile cases transferred to adult court (Certification) are provided by the Minnesota State Court Administrator's Office (SCAO). The SCAO prepares data for OJP regarding the number of juvenile petitions certified to adult court annually. Not included in the transfer count are youth who are petitioned directly to adult court, which applies to juveniles accused of Murder in the first degree.

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