

A Report of the New York City Working Group on Reducing Disproportionate Minority Contact in the Juvenile Justice System

The Vera Institute of Justice

April 20, 2012

FINAL VERSION

Supported by the New York State Division of Criminal Justice Services

Introduction

For decades, New York City, like most large, urban jurisdictions across the country, has experienced over-representation of youth of color in its juvenile justice system.¹ This phenomenon—known as “disproportionate minority contact,” or DMC—occurs when the percentage of youth of a certain race or ethnicity in the juvenile justice system exceeds the percentage of those same youth in the general population, and/or when the percentage of one group of youth increases at a disproportionate rate as cases progress deeper into the system. New York City’s juvenile justice system is populated almost exclusively by young people of color. Roughly 90 percent of youth arrested for delinquency offenses are either black (58 percent) or Latino (32 percent)—groups that constitute only 62 percent of the city’s youth population (28 and 34 percent, respectively). Youth of color constitute an even larger percentage of the population at later stages of the system: ninety-two percent of youth entering detention and 97 percent of youth entering state-operated youth placement facilities. These data raise important questions about fairness and equity in the city’s juvenile justice system, and compel city officials and community stakeholders to examine the data more closely to understand what is happening and why, and develop a meaningful and thoughtful response.

As part of New York State’s effort to address DMC in the juvenile justice system, the New York State Division of Criminal Justice Services (DCJS) awarded the Vera Institute of Justice a 12-month, \$100,000 grant in January 2011 to provide technical assistance and facilitation support to New York City officials—in partnership with the city’s Criminal Justice Coordinator’s Office (CJC)—in developing a strategic plan to reduce DMC in the local juvenile justice system. Under the terms of the grant, Vera and CJC were to collaborate with the nationally recognized leader in this field, the W. Haywood Burns Institute. Following the model established by national best practices, the grant mandated that a cross-agency working group including youth and community representatives [hereinafter, the “Working Group”] be formed to review data and develop recommendations to reduce DMC. This report—summarizing the key discussions, research findings, and policy recommendations of the Working Group—is the primary grant deliverable.

The goals of the Working Group were not just to identify *over-representation* of youth of different races and ethnicities at various stages of the juvenile justice system, but to dig deeper into differences revealed by the data to (1) identify any potential *disparities* that may exist in the treatment of, or response to, individuals who are similarly situated or who have common characteristics, and (2) make recommendations that will promote fair and equitable decision-making and reduce the profound impact of DMC on communities of color. With these goals in mind, the Working Group approached the findings and recommendations for each system point through a three-step process:

- First, identify through data analysis whether a potential disparity in the processing of white youth and youth of color exists at the system point;
- Second, where a disparity may exist, make recommendations to system practitioners and/or policymakers on how to address it; and

¹ In New York State, the line of juvenile jurisdiction is drawn at age 16; youth alleged to have committed a crime at age 16 or older are handled by the adult criminal justice system. Throughout this report, “youth” therefore refers to young people who were arrested for delinquent activity allegedly committed prior to their sixteenth birthday.

- Third, where it was not possible to determine whether a disparity may exist based on the data available to the Working Group, make recommendations as to the further collection and/or examination of data to better understand system practice.

Given the tight timeline of the grant period, the Working Group focused its attention on four initial entry points into the city's juvenile justice system—arrest, admission to detention at arrest, probation adjustment (diversion of the case by probation from formal court proceedings to alternative services), and detention at family court arraignment. At the guidance of the Burns Institute, and based on the richness of the data available, the group spent most of its energy on findings and recommendations related to detention.

Report Roadmap

This report represents the culmination of the city's work with Vera and the Burns Institute over the past 12 months, documenting what the Working Group learned about DMC in New York City's juvenile justice system from months of research, data analysis, interviews, and group discussions, and setting forth findings and recommendations that form a strategic plan for addressing DMC in the city's system moving forward. As context for this work, the report begins with a brief history of the issue of DMC as a national concern. The report then explains the methodology used to develop the findings and recommendations presented, detailing the organization, process, and limitations of the programmatic and research activities. Finally, the heart of the report sets forth the Working Group's data findings and recommendations, addressing each of the four system points individually.² (Note that the recommendations presented here are broad; the operational details on how to implement each will need to be decided by city officials.) In the course of presenting the findings, we highlight relevant reforms that the city undertook prior to the launch of the Working Group and those that have been initiated since the launch of the group. We conclude briefly by recommending next steps to New York City officials to continue this work. The information presented here is limited to what was shared and discussed during the course of the Working Group meetings.

Background: DMC as a National Concern

Reformers, practitioners, policymakers, advocates, and communities nationwide have long shared concern about the prevalence of DMC in the juvenile justice system, the serious questions it raises about the fairness of that system, and its profound impact on communities of color. Many became aware of DMC as a national juvenile justice policy issue in 1988 when the Coalition for Juvenile Justice described the phenomenon in its annual report to Congress. The same year, Congress reauthorized the Juvenile Justice Delinquency and Prevention Act (JJDPA). As part of the amended legislation, the federal government for the first time mandated states receiving funding from its Formula Grants Program to address disproportionate minority confinement in their state plans. In the years since, the JJDPA has strengthened and broadened this mandate, making addressing disproportionate minority contact one of its core requirements for states to receive federal funding under JJDPA, and expanding the mandate beyond its original focus on confinement—secure detention only—to include contacts across the juvenile justice system. Simultaneously, organizations and individuals across the non-profit and private sectors have

² As a supplement to the findings that informed the recommendations and strategic plan, an addendum to the report describes the findings of focus groups conducted under the grant.

taken an interest in DMC, galvanizing resources and organizing synergistic efforts to address it. The Burns Institute has been the preeminent organization in this field, providing technical assistance and guidance to jurisdictions looking to effectively address the issue of racial and ethnic disparities in their systems. In addition, the Annie E. Casey Foundation's Juvenile Detention Alternatives Initiative (JDAI) has made DMC reduction one of its core objectives, while the MacArthur Foundation has invested heavily in assisting jurisdictions with DMC reduction strategies through its *Models for Change* initiative.

Despite wide attention, interest, and resources now devoted to assessing and addressing DMC in juvenile justice systems across the country, jurisdictions nationwide continue to struggle with identifying the causes of DMC, and implementing successful responses to reducing it. Researchers, policymakers, and advocates have posited various causes of DMC among juvenile justice systems—including differential offending (more offending and more serious offending by youth of color) and differential system-processing (differential treatment of youth of color by system actors at various decision-making points). Still others argue that DMC is, in part, produced by risk factors for delinquency that are also correlated with race. While stakeholders are working to find common ground to understand the problem and develop solutions, the impact on youth, families, and communities of color continues to be devastating. As the efforts of groups to address the issue in jurisdictions nationwide have demonstrated, in order to effectively tackle a challenge so pervasive and complex, collaboration and support among all stakeholders, and public and private investments, are necessary.

Methodology

Vera—in coordination with CJC and the Burns Institute—designed a strategy that would position the city to analyze local data and draft an informed DMC reduction plan within the 12 months allotted by the grant. The three key components of our methodology included:

- *Launching a Diverse DMC Working Group.* Vera worked with the city and Burns to form a working group charged with examining juvenile justice policies and practices and developing DMC reduction recommendations.
- *Conducting Research.* Vera conducted research for the Working Group, including the identification, collection, and analysis of pertinent New York City data. To support this effort, we secured a \$40,000 grant from the Prospect Hill Foundation to supplement the \$100,000 awarded by DCJS and to enable Vera to perform higher-level research analyses and carry out additional activities such as focus groups with young people and community members.
- *Facilitating the Development of Recommendations.* As the final component of the work, Vera worked with the city to develop and draft a strategic plan to reduce system disparities that may exist between youth of color and white youth in New York City's juvenile justice system.

Below, we provide more detail on the first and second components—namely, the composition and process of the Working Group and the types of research we conducted.

DMC Working Group

The expertise, diversity, and passion of its members drove the course of the Working Group's deliberations and propelled the development of strategies to address DMC. The group included representatives from the judiciary; the New York City Police Department (NYPD); the Department of

Probation (DOP); prosecution; the defense bar; the Administration for Children's Services (ACS), the Department of Education; youth and families; alternatives to detention and placement programs; advocates; researchers; and DCJS. (*See Appendix A* for a complete list of Working Group members.) Members met seven times over the course of the grant period. Working together with CJC and Burns, Vera constructed a focused agenda for each meeting that aimed to build on the previous meeting's discussion and momentum, capitalizing on the group's growing synergy and increasing knowledge of the system. Absent from the Working Group were victim advocates, important stakeholders in crime reduction and enforcement strategies.

The first meeting set the stage for the course of the work, serving four main purposes: (1) to familiarize the members of the Working Group with the goals and expectations of the grant; (2) to introduce the group to the methodology of the Burns Institute; (3) to present and discuss preliminary DMC data in New York City's juvenile justice system; and (4) to select key points of the system on which to focus. Over the next six meetings, the Working Group examined the four selected system points, reviewing practice and data at each point to develop recommendations. Below is a list of the seven DMC Working Group meetings and general descriptions of the topics covered:

- Meeting 1: Introduction to the Grant and General Data Overview
- Meeting 2: Detention at Arraignment
- Meeting 3: Police Admission to Detention
- Meeting 4: Defining the Purpose of Detention/Probation Intake/Adjustment
- Meeting 5: Probation Intake/Adjustment
- Meeting 6: Arrest
- Meeting 7: Final Research Presentation & Review of Findings & Recommendations

The first six meetings followed the same general formula: the relevant agency or agencies delivered a presentation of the data available for that particular system point; the group asked questions, had a lengthy discussion, and offered recommendations based on the presentation and discussion. Vera took notes at each meeting, composed summaries of the main points made by the group at key intervals, and made those summaries available to all Working Group members. The group was able to review findings and recommendations made during previous meetings as it progressed to examination of new system points. This approach allowed the group to scrutinize multiple points of the system in a short period of time.

Several Working Group members expressed an interest in continuing to meet beyond the grant period to further discuss and refine the recommendations and begin to explore other points of the system. While additional meetings were not feasible under the current grant, Vera encouraged the city to foster the continued convening and discussions of the Working Group beyond this report.

Data and Research

At each convening, the Working Group reviewed data to ascertain if, and at what point in the system, differences between various racial and ethnic groups of youth were most pronounced. The researchers combined various data sources and types of research analyses in order to look at trends in a number of ways. These included:

- 1) *Population descriptions*: comparisons of the percentages of youth—by racial/ethnic categories—at different points of the juvenile justice system with their compositions in the general population
- 2) *Relative rate indices (RRI)*: rates that control for the population of youth *at risk* for a certain outcome (e.g., probation adjustment, detention at arraignment) by measuring the flow of youth from the previous system point (rather than using youth in the general population as the “at-risk” pool). The RRI compares the rate of activity—the volume of activity relative to the total population at risk of such activity—within each stage for white youth to the rates of activity within each stage for youth of other races and ethnicities.
- 3) *Exploratory analysis*: assessments of the relationship between two or more factors at one time. Specifically, these analyses looked at factors that may have influenced decision-making—such as charge severity or the risk of rearrest and their interaction with race/ethnicity.
- 4) *Logistic regression*: a statistical technique that allows for the measurement of independent effects of race on various decision points, while controlling for other factors known to play a role in these decisions.
- 5) *Focus groups*: group meetings to hear about the decision-making process from the perspective of those who experience the justice system directly—youth and adult community leaders, advocates, and parents (to supplement the more quantitative approaches, outlined above).

Below, we outline the data sources used and provide a more detailed description of the first, second, and third data analysis strategies. A discussion of the focus groups and logistic regression can be found in Appendices B and C, respectively. (Because we were unable to conduct the focus groups until near the end of the Working Group’s deliberations, the findings were not incorporated directly into the group’s recommendations; however, we are hopeful local officials and stakeholders can use the findings to inform ongoing conversations and work.)

Data Sources

Our primary source of data was the New York City Juvenile Justice Research Database (JJRDB). As part of its recent detention reform efforts (described in more detail on page 11), New York City—in partnership with Vera and Bennett Midland, LLC—designed a city-specific database that tracks youth from the early stages of system involvement through the court’s final decision. This type of information has enabled officials to assess the performance, effectiveness, and validity of the city’s juvenile detention Risk Assessment Instrument (RAI), which measures a young person’s risk of rearrest or failure to appear in court during the pendency of the case, and is available to all parties at the time of a court arraignment. The use of the JJRDB has since been expanded to help inform a number of city-wide projects. The database provides a wealth of information about the case processing and outcomes of all youth charged with delinquency offenses in the city since 2008.³ We specifically focused our attention on the following categories of data within the JJRDB:

³ The database does not contain information about Juvenile Offenders,—youth under the age of 16 who are processed in the criminal justice system due to the severity of the offense—Violations of Probation, or Adjustments.

- **RAI** – Scores for each individual item on the detention RAI and total risk scores (low, mid, and high).
- **Arraignment** – Information about the outcome of the arraignment, including the decision to release, detain, or refer a youth to an alternative to detention program.
- **Probation intake as a proxy for arrest** – Charge type, severity and description, as well as the date and time of arrest. Note that in much of this report, we use probation intake as a proxy for arrest—in other words, when we refer to “arrest,” the data we are using applies directly to probation intake. We did this for two reasons. First, because each arrest eventually ends up at probation intake, this number closely matches the universe of juvenile arrests in New York City annually—there were a total of 12,204 probation intakes entered into the JJRDB in 2010; the NYPD reported a total of 12,519 juvenile arrests that same year. Second, detailed and disaggregated information about probation intakes is readily available in the JJRDB and is matched to other sources of data—for example, charge severity and type; therefore, we were able to breakdown arrests in a number of interesting ways. (However, there is one finding in the arrest section of the report that draws directly from NYPD aggregate data; we have flagged those findings accordingly.)

Vera also requested and obtained additional data from several city agencies, including adjustment data from DOP, and police admissions to detention from ACS.⁴ Representatives from DOP prepared and presented the agency’s data, while Vera researchers calculated, computed, and presented on the ACS data. Finally, the NYPD gave a presentation to the group, which included a description of the department’s various youth engagement programs, an overview of police processing for both diverted and arrested youth, and aggregate trend data detailing juvenile arrests by racial breakdowns, charge, and county.

Population Descriptions

The most basic way to begin to investigate DMC is by comparing the percentages of each racial and ethnic group at certain stages of the system—for example, detention—to the representation of those same groups in the general population. So, for example in jurisdiction X, Latino youth might represent 60 percent of the detained population while they only account for 25 percent of the general population. Such population descriptions focus solely on the proportions of youth in the system, allowing for practitioners to identify whether there is an over-representation at any one point.

Relative Rate Indices (the RRI)

The RRI allows for a somewhat more nuanced analysis of over-representation, although it too is only a descriptive statistic. As opposed to the above method, which uses the general population as the point of comparison when looking at each and every system point, the Relative Rate Index defines the population of youth *at risk* of entering a certain system point (for example, detention) as those youth who were present in the previous system point (in this example, arrest). By doing so, the RRI is cumulative, allowing researchers, practitioners, and policy-makers to assess how much each decision point contributes to the overall over-representation of youth of color.⁵ If you think of the juvenile justice system as a set of

⁴ We received aggregate data, with no case or individual level data.

⁵ The RRI is, at each decision point, a cumulative measure that incorporates the RRI from the previous decision point into it.

individual decisions, the RRI concept can be used to assess the level of racial disproportionality introduced at each decision point. Although the RRI has certain limitations—mainly, it does not account for other factors, such as differential offending, that may also contribute to these differences—computing it at each major point of system contact allows jurisdictions to identify the main points at which over-representation is greatest, paving the way for further investigation and more tailored data collection and analysis.

You can interpret an RRI by determining whether it is greater than, less than, or equal to one. If the RRI is equal to one, this means that there is no difference between the rates of white youth and youth within the racial/ethnic group in question (e.g., black, Latino). If the RRI is greater than one, this means that there is a greater rate of occurrence for black and Latino youth than there is for white youth. Finally, if the RRI is less than one, then the rate of occurrence for black and Latino youth is less than that for white youth.

You can find a more detailed description of the RRI method and stages of calculation in Appendix D.

Exploratory Analysis

Once these more basic calculations of over-representation were complete and areas for further examination identified, researchers examined breakdowns of youth by race/ethnicity, charge severity, and risk for the four selected areas of the juvenile justice system. These analyses allowed us to go beyond descriptions of proportionality to investigate the likelihood of each racial/ethnic group receiving a certain outcome (e.g., arrest, detention) after controlling for other factors that influence decision-making in the system, such as charge type and risk level. Analyses included:

- Rates of arrest by
 - Top arrest charge and race; and
 - Top arrest charge severity and race
- Rates of detention at arraignment by
 - RAI risk level and race;
 - Charge severity and race;
 - Top arrest charge and race; and
- Rates of police admission to detention by
 - Top arrest charge and race; and
 - Time in detention and race
- Rates of cases opened for adjustment services by
 - RAI risk level and race;
 - Top arrest charge and race; and
 - Success (or completion) rate and race

The limitation with this type of approach is that it is often only equipped to handle a few factors at one time and becomes cumbersome if looking at several at the same time—interpretations become difficult because numbers begin to decrease and become too small to be meaningful. This happened often with cases of white youth, who disappeared in finer breakdowns of the data. Furthermore, this type of approach does not control for additional factors that may be influencing outcomes or decisions, nor does it explain cause and effect. Due to some of these limitations, researchers conducted a logistic regression

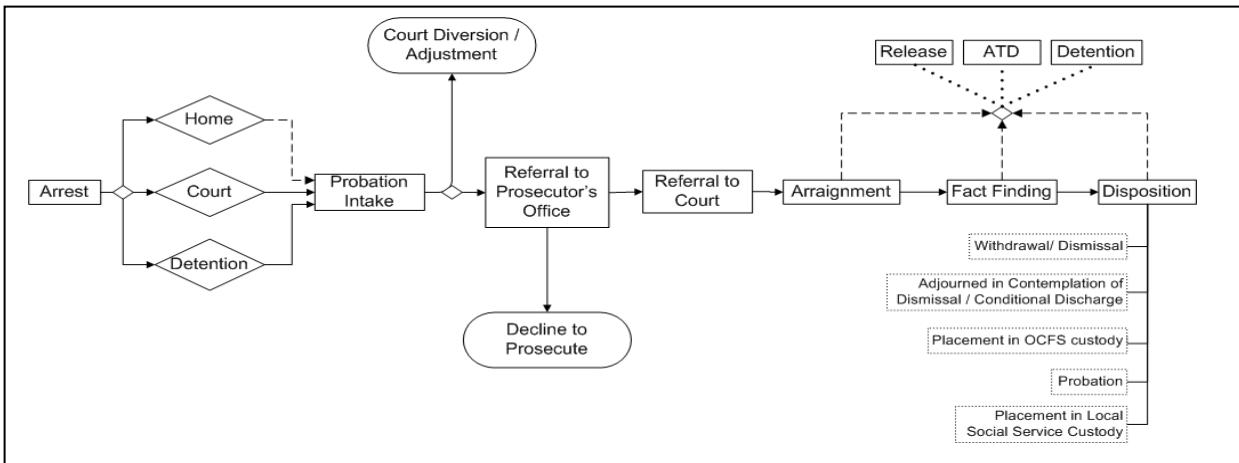
that statistically controlled for several factors in order to assess racial differences at several key decision-points. As stated previously, this approach is discussed in Appendix B.

Note, there are varying degrees of missing data within the JJRDB and across other agency data sources. For example, fourteen percent of juvenile arrests (again, with probation intakes as a proxy) and RAIs were missing race/ethnicity information. This number varies depending on the factors under examination (for example, charge severity, top charge, or risk)m which is often the reason for variations in total numbers across charts, graphs, and data sources that are examining different aspects of the system. In addition, the JJRDB does not include (and other agencies were not able to provide) matched data that would allow an analysis of relationships between the above factors and other important variables in the front-end decision-making process, such as the existence and number of accomplices or victims, the relationship between the victim and the youth charged with an offense, prior police contacts that did not result in an arrest, prior absconding behavior, and whether or not a parent/guardian was willing to assume supervision of the youth. Youth-level data would need to be merged with data from the JJRDB and DOP to allow for more nuanced analyses in the future.

Findings and Recommendations by System Point

The findings and recommendations presented in this section represent the fundamental analyses and ideas for reform discussed by members of the Working Group over the course of its seven meetings. Not all of the data introduced, or suggestions made by individual stakeholders have been included. Where recommendations made by *some* but not all of the Working Group members have been included, we have so indicated.

As context for the findings and recommendations, it is important for the reader to understand the structure and process of the New York City juvenile justice system—specifically, the pathways youth take into and through the system, and the various decision-making points that influence their continued involvement in the system. Over the last decade, NYC officials have implemented a series of initiatives to transform the city’s juvenile justice system—with a focus on increasing objective decision-making, and providing alternatives to detention and placement for youth who do not pose a significant risk to the community, and may be diverted from such facilities. The below flowchart and narrative depict an *abbreviated* version of the New York City juvenile justice system and its key decision-making points. Where applicable, we have inserted into the system narrative below brief highlights of some of the impressive juvenile justice reforms undertaken by the city prior to the launch of the Working Group.



The entry point into the juvenile justice system occurs when a minor who has allegedly engaged in criminal conduct becomes known to law enforcement officials. Police officers may take a juvenile into custody where reasonable cause to believe the youth committed a crime exists. In New York City, field officers' determinations regarding probable cause to arrest are immediately verified by a patrol supervisor. For certain low-level offenses, police officers have discretion about whether to arrest or to issue a warning via a "youth report."⁶ This decision is made after a conferral with experienced crime analysts staffing the central youth desk. If the determination is made to arrest a young person, the arresting police officer, in conjunction with the crime analyst, determines whether to bring the youth to detention, or issue a Family Court Appearance Ticket (FCAT), which allows the youth to remain at liberty, but requires the youth to report to Probation intake and appear in court on a certain date. This determination is made by analyzing several factors, including the severity of the charges, the circumstances surrounding the incident, the minor's prior legal history and the availability and suitability—as assessed by the NYPD—of the parent or legal guardian. The bases for the officers' determinations are captured on an investigation report provided to staff at the youth detention facility for those minors lodged with ACS. The document details police notification efforts, including the names of relatives and telephone contacts and serves as a starting point for the follow up work of detention staff. Under New York law, detention staff are authorized to release youngsters with a FCAT, absent special circumstances.⁷

Whether a youth is brought to detention by the police officer, or appears at Probation intake and in court at a later date, Probation next conducts intake with the youth, which involves interviews with the youth, family, arresting officer, and complainant/victim, if applicable, and the completion of an objective detention risk assessment instrument (RAI). Considering all of this information, together with the severity of the presenting charge(s), Probation makes a determination as to whether the youth is appropriate for adjustment—diversion from formal court proceedings to alternative services such as restitution, mediation, community service, and/or community-based services. (There are certain cases that fall outside the discretion of the probation department and are required to be referred immediately to the prosecutor's

⁶ Misdemeanors that may be diverted include such crimes as Assault 3, Criminal Possession of Marijuana 5, Criminal Trespass and Petit larceny.

⁷ Special circumstances include: a substantial probability that the youth will fail to appear or re-offend, the instant allegations include the use or threatened use of violence, or there is a pending delinquency or criminal court case.

office. These include designated felonies, offenses in which the victim or arresting officer demands court access, and offenses in which the youth has previously received diversion services for the a prior offense in the same category.) If Probation adjusts the youth, the young person is released home with conditions that he or she must follow to complete adjustment successfully, avoiding court involvement in the case. If Probation determines that adjustment is inappropriate, the matter proceeds to the Office of the Corporation Counsel (OCC)—the city’s presentment agency responsible for juvenile prosecutions. The prosecutor then makes the decision of whether to move forward the case and file a petition or decline to prosecute. This decision is based on several factors including the strength of the facts of the case or whether or not the young person should be afforded some diversionary services instead of proceeding to court. If the prosecutor decides to file a petition the youth comes before the court for arraignment.

At arraignment, the court determines whether the youth will be detained pending the next court appearance, released to a parent or guardian with no formal court-ordered supervision, or released with an order to attend an alternative to detention program. As the court is making this decision, all parties in the court room have access to the youth’s RAI score (low, mid, or high). As the case progresses, the youth appears in court on a number of occasions; at any of these appearances, the court may revisit its decision to detain or not to detain the youth pending the resolution of his or her case. If the youth is adjudicated by the court—“found guilty” in the adult context—he or she will receive a disposition (sentence) by the court to one of a range of dispositional options. In New York City, the continuum of dispositional options includes dismissal,⁸ probation, intensive

Highlight: Detention Reform

In June 2007, the city created and began using the nation’s first ever empirically-designed risk assessment instrument (RAI) to inform detention decisions at the arraignment hearing, together with a new continuum of community-based alternatives to detention (ATDs). In combination, these innovations have led to a 28 percent reduction in the use of detention at arraignment and a 23 percent decline in rearrests of youth awaiting a court disposition. (Source: JJJRDB). The city has since expanded its ATD continuum in partnership with community service providers, to include new home-based support for caregivers of youth, respite programming, and a community step-down program for eligible detained youth.

Highlight: Placement Reform

In 2003, responding to high numbers of youth sent to state placement facilities, and the system’s lack of alternatives, the Department of Probation partnered with Vera to implement an objective decision-making tool to guide its dispositional recommendations to the court, and create a new, intensive home-based alternative-to-placement program (ATP)—Esperanza. Shortly thereafter, ACS created a second alternative-to-placement program in New York City—the Juvenile Justice Initiative (JJI)—which incorporates evidence-based practices, including Multi-Systemic Therapy (MST), Functional Family Therapy (FFT), and Multidimensional Treatment Foster Care (MTFC). Since the introduction of these alternatives, and as Probation has improved its objective assessment and recommendation process, there has been a 54 percent decrease in admissions of New York City youth to placement facilities under state custody. In 2005, the city recorded a total of 1,194 placements, compared to 650 in 2010. (Source: NYC Juvenile Justice Detention Indicator Reports by CJC).

⁸ The court may also issue an adjournment in contemplation of dismissal (ACD), which suspends court proceedings for a period of time (typically six months) during which the youth must comply with conditions in the court order, or a conditional discharge (youth is released without court supervision, but must comply with certain conditions for a specified period of time).

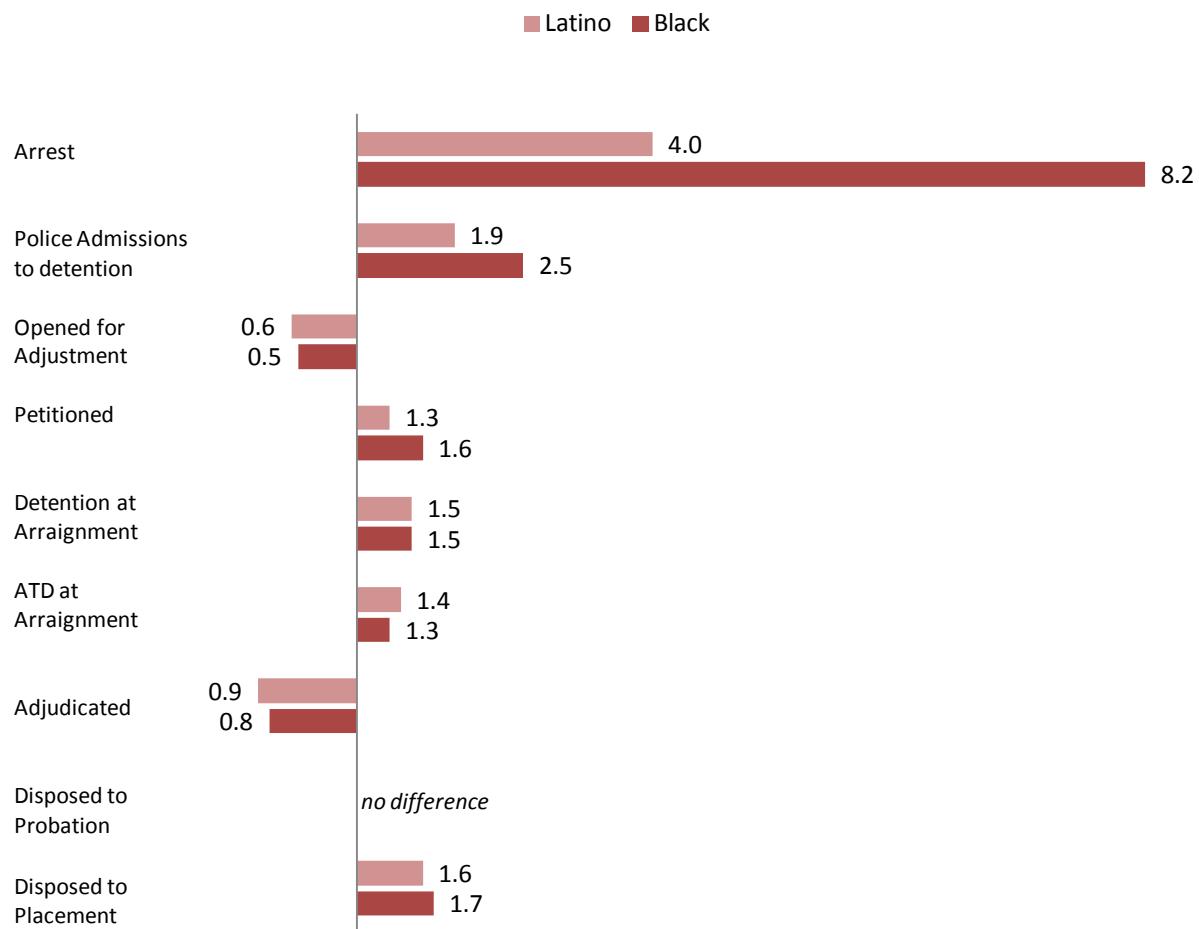
probation, probation with an alternative-to-placement (ATP), and placement in a private or state-operated residential facility.

Highlight: Weekend Arraignments

In May 2008, New York City instituted weekend arraignments for juveniles. Whereas in the past, youth who were detained during the weekend had to wait until Monday to be seen by a judge, now decisions about detention and release are made seven days a week. Nearly 70 percent of juvenile cases heard during the weekend are released from detention.

As stated previously, the Working Group focused on four specific system decision-making points—arrest, police admission to detention, probation adjustment, and detention at arraignment—and its findings and recommendations are organized and presented here by each system point examined. Prior to describing each point, however, Figure 1 below presents the RRI analysis for the entire system, from arrest to disposition, to offer a flavor for the flow of youth, and the related over-representation, as cases progress deeper into the system. Where applicable, the relative rate index for each point will then be discussed in relation to other types of analyses. It is important to note that the Working Group focused its analyses and discussion predominantly on black and Latino youth, as compared to white youth. The group did this with the understanding that these particular youth of color are most heavily represented in the system. In addition, throughout this report, when presenting findings, we use the racial/ethnic terminologies as reported in the data source in question. For that reason, the reader will see “Latino” and “Hispanic” used in different sections of the report.

Figure 1: City-wide Relative Rate Indices (RRI), 2010



System Point One: Arrest⁹

There were approximately 12,204 juvenile delinquency arrests in New York City in 2010, as recorded in the JJRDB.

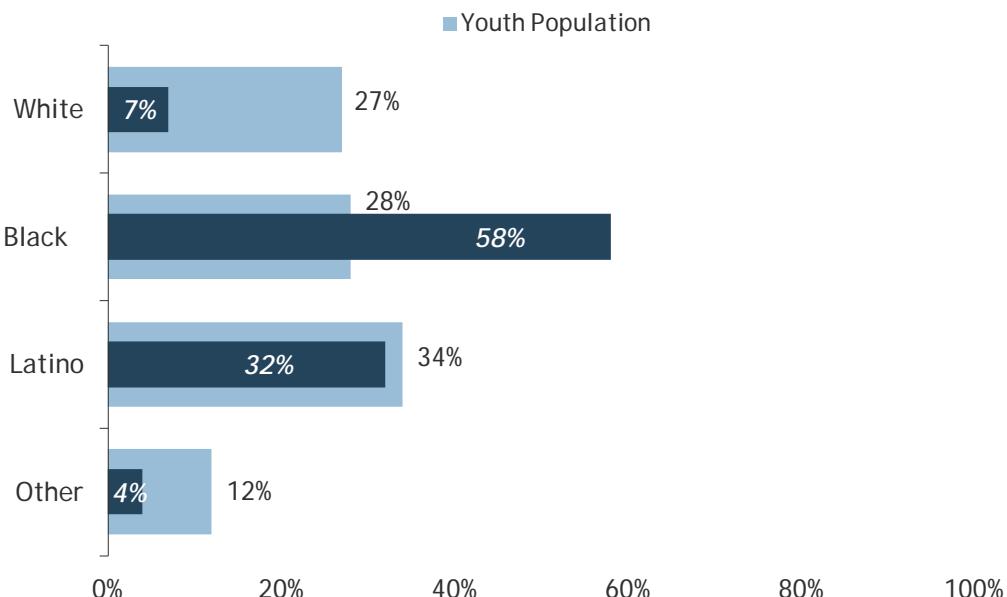
Finding 1-A: Black youth were significantly over-represented at the point of arrest.

Of the 12,204 total juvenile arrests city-wide in 2010, eighty-six percent included race data ($N=10,806$) and provided the base for our analysis. Ninety percent of these youth were black or Latino—58 percent ($N=6,225$) and 32 percent ($N=3,461$), respectively—compared with only seven percent white youth ($N=725$) and four percent youth categorized as “Other” ($N=395$). (Note: the remaining analyses in the report will not focus on the racial category of “other” because it is not clear which particular racial/ethnic groups “other” represents and the number is small, which creates problems later when breaking down these figures by various factors.)

⁹ Data Source for Section: New York City Juvenile Justice Research Database, 2010 and NYPD Crime and Enforcement Activity Report, 2011.

The Working Group compared these racial and ethnic breakdowns of arrested youth with the breakdown of youth between the ages of 10 and 15 in the general population (*see Figure 2*).

Figure 2: General Youth Population (age 10-15) and Juvenile Arrests by Race, 2010



As shown above, the principal disproportion between representation in the general city population and in the population of arrested youth was with black youth, who made up only 28 percent of the city-wide youth population, but represented 58 percent of all juvenile arrests.

Finding 1-B: Both black and Latino youth are more likely to be arrested than white youth.

The RRI allows us to look at the arrest data a bit differently—to see how the arrest *rate* of youth of color compared to that of white youth. As represented in *Figure 1*, black youth had an arrest rate that was eight times higher than the rate of arrest for white youth, and Latino youth had an arrest rate that was almost four times higher than that of white youth. While *Figure 2*, above, shows little to no distinction between the percentage of Latino youth who were arrested and the percentage of Latino youth in the general city population, when looking at these numbers as a *rate* via the RRI, a clear distinction emerges between Latino and white youth.

Both the population description and the RRI analyses highlight differences in the extent to which youth of color—compared to white youth—are entering the juvenile justice system at the point of arrest. However, neither form of analysis goes any further in explaining *why* such differences have

Note: The Working Group discussed whether using the general city population as the point of comparison for arrests in the above analyses is the most appropriate or meaningful approach. Some members were interested in using police stops as the point of comparison instead (looking then at which youth were arrested and which were diverted), while others were interested in somehow identifying the offending youth population as the point of comparison. However, due to data availability, the city population was the only option.

occurred—that is, what factors may be driving the disproportionate arrest rate for youth of color.

To begin to try to answer this question and explore the potential effects of associated factors at arrest, the Working Group analyzed available data on the characteristics of arrested youth—in particular, the types and severity of the offenses for which they were arrested, and how those offenses varied by racial and ethnic group—white, black, and Latino.

Finding 1-C: White, black and Latino youth were arrested for different types of offenses.

Table 1 presents the most common six charges for which youth were arrested in 2010 by race and ethnicity, in descending order of prevalence among arrested youth citywide. The top two charges for arrested youth citywide were Assault in the Third Degree (an A level misdemeanor) and Robbery in the Second Degree (a C level felony). Black youth who were arrested were most likely to have been charged with one of these offenses, while arrested white youth were most likely to have been charged with misdemeanor criminal mischief. Arrested Latino youth were just as likely as arrested black youth to be charged with assault, but less likely than black youth to be charged with robbery; instead, the percentage of Latino youth arrested for robbery is closer to that of white youth. For lower level offenses—criminal possession of stolen property and criminal possession of marijuana—proportions between the three groups do not differ greatly. The same is true for misdemeanor-level weapons charges.

It is critical that these analyses and the related findings be read with some caution since the volume of white arrested youth is much smaller than the volumes of black and Latino arrested youth (712 compared to 6,089 and 3,387). As with the “other” category, numbers this small at times make it difficult to interpret rates of activity when divided into various sub-groups and may make percentages in some areas take on more importance than they should. This is important to keep in mind when looking at some of the figures that will be presented throughout the report.

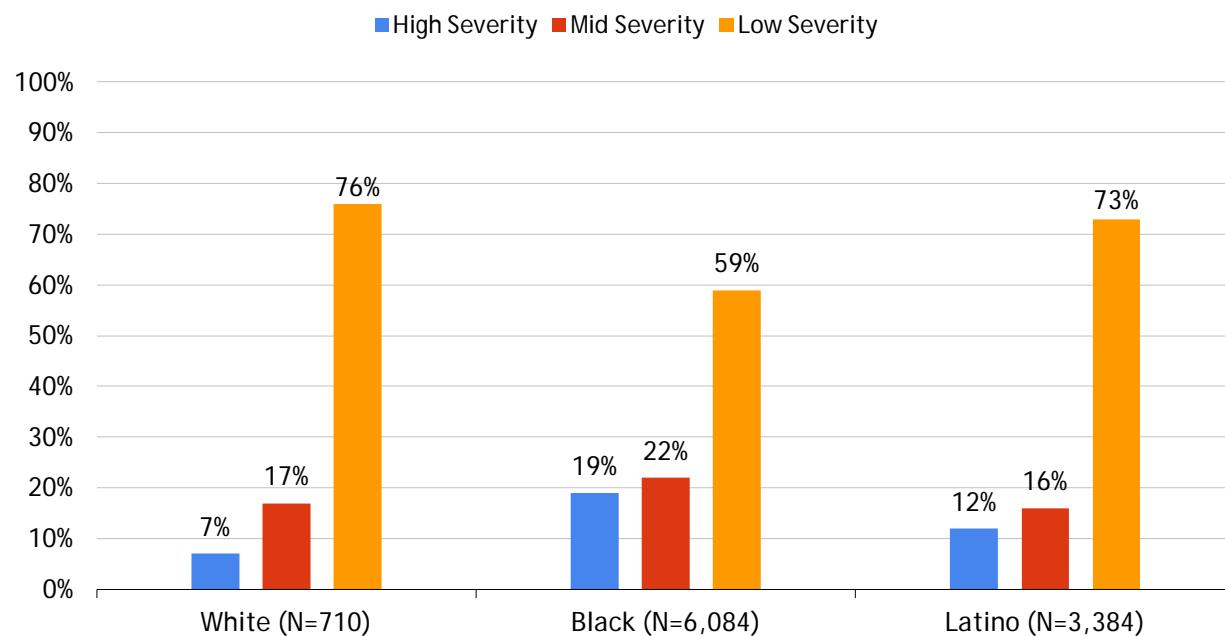
Table 1: Top Arrest Charges by Race, 2010

| Top Offenses | White (N=712) | Black (N=6,089) | Latino (N=3,387) |
|--|---------------|-----------------|------------------|
| Assault (120.00) (N=1,622) | 10% | 16% | 16% |
| Robbery (160.10) (N=1,397) | 6% | 17% | 9% |
| Criminal Mischief (145.00) (N=774) | 27% | 3% | 10% |
| Criminal Possession of Stolen Property (165.40) (N=743) | 7% | 7% | 6% |
| Criminal Possession of Marijuana (221.10) (N=607) | 7% | 5% | 6% |
| Criminal Possession of Weapon (265.01) (N=420) | 3% | 4% | 5% |
| All Other Offenses (N=5,013) | 40% | 48% | 48% |
| Total (N=10,576) | 100% | 100% | 100% |

Finding 1-D: Arrested black youth were more likely to be charged with mid- or high-severity offenses than were white or Latino youth.

Figure 3 illustrates the categories of offense, by level of severity, for each racial and ethnic group. High-severity arrests include A, B, and C felonies, mid-severity arrests include D and E felonies, and low-severity arrests include all misdemeanors.¹⁰ Each category includes all offenses at that severity level—violent and otherwise.

Figure 3: Arrest Charge Severity by Race, 2010



According to the data, arrested black youth were more often charged with a high- or mid-severity offense than were white or Latino youth (41 percent compared with 24 percent and 28 percent, respectively).

These differences in type and severity of offense charges across racial and ethnic lines might explain some of the difference in arrest rates among black, Latino, and white youth. However, much more detailed data would be needed to fully understand why there is an eight times higher arrest rate for black youth compared with white youth and a four times higher arrest rate for Latino youth compared with white youth—are youth in different racial and ethnic categories behaving differently on the street? Are offending youth in different racial and ethnic categories treated differently by the police? Are some arrested and others diverted? These are additional areas that the city may want to explore in the future.

¹⁰ These categories were developed in collaboration with the Office of the Criminal Justice Coordinator.

Finding 1-E: The majority of arrested youth of all racial and ethnic categories examined were charged with low severity offenses.

In 2010, 65 percent, or 7,971, of the city-wide juvenile delinquency arrests were for low-severity offenses. Indeed, low-severity offenses accounted for the wide majority of arrests in each racial and ethnic group, ranging from 58 percent for black youth to 76 percent for white youth.

Finding 1-F: In assault and felony robbery cases, youth of color accounted for the majority of juvenile arrestees, juvenile suspects, and juvenile victims.

Data provided by the NYPD enabled the Working Group to examine the racial and ethnic breakdown of juvenile arrestees, juvenile suspects, and juvenile victims for violent incidents that took place and were reported in 2011. Whereas the juvenile population described in JJJRDB, ACS, or DOP analyses elsewhere in this report focus exclusively on Juvenile Delinquency (JD) offenses, the NYPD data also include data on youth charged with Juvenile Offender (JO) offenses—acts that are the most serious in nature and, if prosecuted as such, are tried in the criminal (adult) court, rather than the family court.¹¹

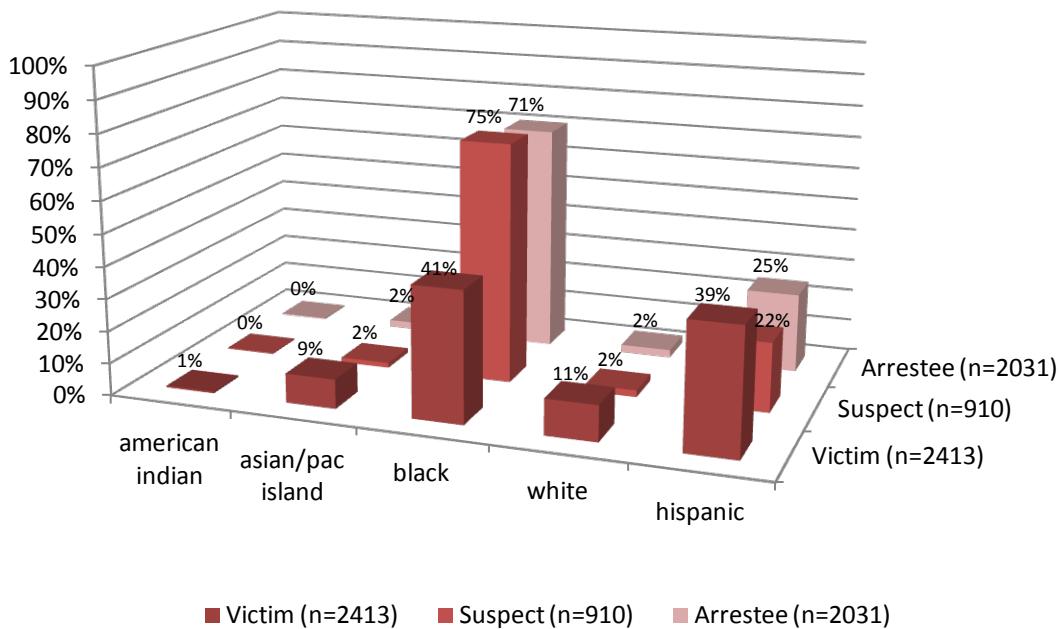
Note that there is information available for a greater number of arrestees than for suspects, and suspect race descriptions are typically only reported in certain types of crimes, such as when there is a face-to-face larceny, as opposed to a larceny in a business setting. In addition, the source of information for race/ethnicity and age differ somewhat across the three populations: for arrestees, the classification is based on official identification of the youth, such as a license; for victims, it is determined by the arresting officer; and for suspects, it is based on the victim's assessment.¹²

Figure 4 presents the race/ethnicity breakdown in 2011 for juveniles arrested on a felony robbery charge, juveniles reported as suspects in a felony robbery case, and juveniles who were victims of a felony robbery incident. (Note that JOs account for 16 percent of the arrests depicted.)

¹¹ A juvenile offender is defined by the New York Penal Law Sec. 10(18) as a 13-year-old found responsible for either second-degree murder or felony sexual assault; or a 14- or 15-year-old found responsible for those acts in addition to first-degree kidnapping, arson, assault, manslaughter, rape, criminal sexual act, robbery, or burglary, or second-degree arson, burglary, or robbery, or found with a firearm on school property.

¹² NYPD, *Crime and Enforcement Activity in New York City*, January 1-December 31, 2011.

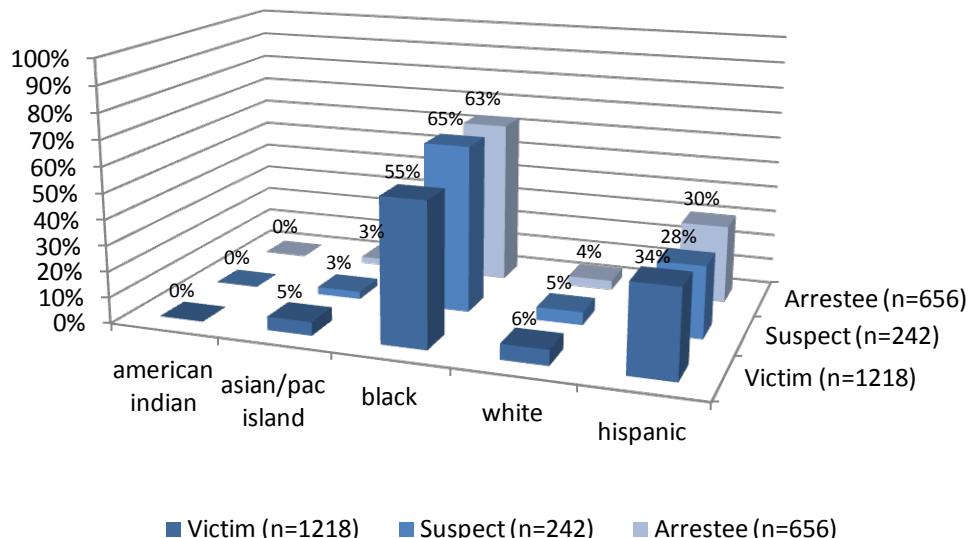
Figure 4. Race/Ethnicity of Juvenile Felony Robbery Victims, Suspects, and Arrestees, 2011



For the robberies in which suspect race/ethnicity and age were reported (910 of 1047, or 87 percent of reported incidents), the majority—97 percent—were black or Hispanic (75 percent and 22 percent, respectively). Ninety-six percent of youth arrested for felony robbery were youth of color—seventy-one percent black and 21 percent Hispanic. Eighty percent of the juvenile victims were youth of color.

Figure 5 represents a similar breakdown, now focusing on felony assault cases in 2011. (Note that JOs account for five percent of the arrests depicted.)

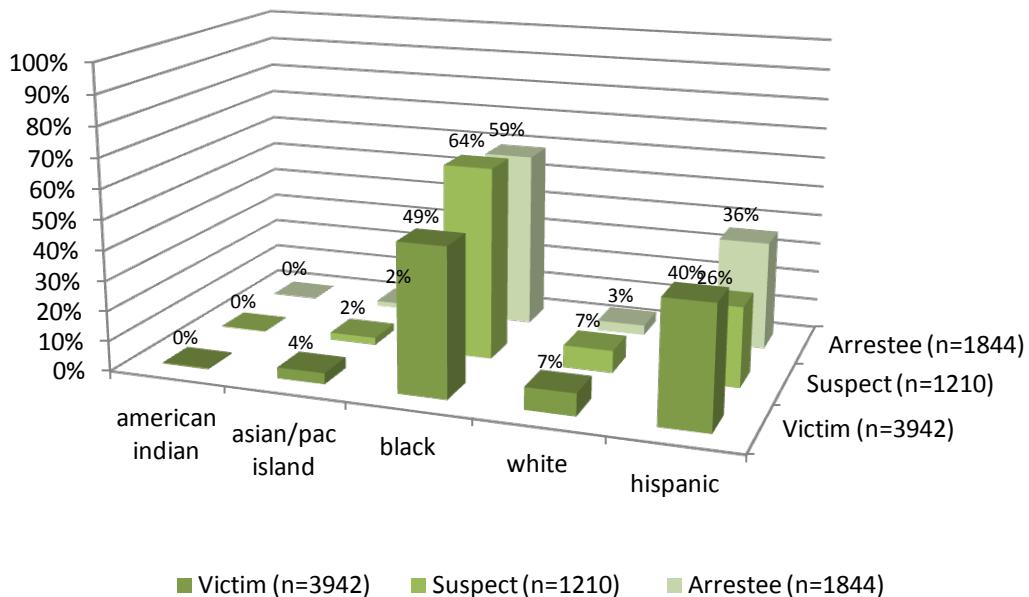
Figure 5. Race/Ethnicity of Juvenile Felony Assault Victims, Suspects, and Arrestees, 2011



For felony assaults in which suspect race/ethnicity and age were reported (242 out of 331, or 73 percent of reported incidents), the majority—93 percent—were black or Hispanic (65 percent and 28 percent, respectively). Ninety-three percent of youth arrested for felony assault were youth of color (63 percent black and 30 percent Hispanic). Eight-nine percent of the juvenile victims were youth of color.

Figure 6 presents the data in misdemeanor assault cases. For misdemeanor assaults in which suspect race/ethnicity and age were reported (1210 of 1357, or 89 percent of reported incidents), the majority—90 percent—were black or Hispanic (64 percent and 26 percent, respectively). Eight-five percent of youth arrested for misdemeanor assault were youth of color (59 percent black and 36 percent Hispanic). Seventy-nine percent of the juvenile victims were youth of color.

Figure 6. Race/Ethnicity of Juvenile Victims, Suspects, and Arrestees for Misdemeanor Assault, 2011



Recommendations and Areas for Further Exploration:

- **Examine additional police data to look for patterns that may explain different arrest rates among racial and ethnic groups of youth.** Further analysis is necessary and recommended to identify and understand the factors that influence racial differences in arrest rates. Analyses that were beyond the scope of this report, but might provide further insight include analyses of contextual factors noted by the police at the time of arrest; the circumstances that prompted police involvement (i.e. a complaint, 911 call, walk by, school incident); factors precipitating arrest; location of arrest; race of the victim, where applicable; and locations of youth arrests. Further, the data analyzed by the Working Group included only youth actually arrested, while the

Highlight: Current Reform Effort

During the course of the planning process, the NYPD has been working with its IT consultants to design a series of statistical reports on juvenile diversions. It is anticipated that in the future, aggregate data will be available from the department describing basic incident types by demographic variables, enabling a comparative system

decision is made by the police officer in certain cases to divert a youth who has been stopped from arrest. Some Working Group members expressed an interest in looking at the following additional data: case comparisons of youth stopped or questioned by the police but not arrested, youth given warnings/reports, and youth arrested; and comparisons of youth released with a juvenile report with youth required to come into the precinct.

- **Learn more about factors that influence the decision to arrest or divert a youth.** Many Working Group members expressed an interest in gaining a better understanding of what information an arresting officer considers when determining whether to arrest or divert a young person, and exploring whether the criteria guiding that determination may unintentionally lead to the disparate arrest rate of a particular racial or ethnic group. Examples of policies that *some* stakeholders suggested *might* contribute to the disparate arrest rate of youth of color and deserve examination to discern if that is, in fact, true include “hot spot” policing directives toward certain neighborhoods or certain offenses, for example, marijuana possession, and the eligibility factors to be considered in issuing a youth a juvenile report.
- **Increase system efforts toward early intervention and diversion at or before the point of arrest.** Members of the Working Group emphasized that a number of low severity arrests could be avoided by creating more opportunities for early intervention and police diversion of youth. Some stakeholders suggest anecdotally, for example, that a high number of arrests are associated with school misbehavior and with idle time in the community associated with truancy and suspension, and that early intervention programs and cross-system collaborations targeting these behaviors could avoid the arrest of a significant number of youth. Although this is not a DMC issue, *per se*, some members of the Working Group, mindful of the adverse effects of system contact, proposed exploring avenues to increase effective alternative-to-arrest options for police officers. Stakeholders recommended that the city work with the community to fund or expand reliable, research-informed programs as alternatives to arrest, particularly in low severity, non-violent cases such as graffiti, fare evasion, marijuana possession, trespass and criminal mischief. Given the prevalence of low-severity arrests among all racial and ethnic groups, and the over-representation of youth of color among arrests generally, diverting low severity cases from arrest is likely to greatly reduce the number of youth of color at this system point, lessening the negative impact of high arrest rates on communities of color even while likely increasing disproportionality.
- **Create more opportunities for youth-police-community dialogue.** The Working Group suggests that the system employ model practices that have demonstrated success in improving communication, understanding, and relationships among police, youth, and communities in other jurisdictions, such as regular youth-police-community forums.

Highlight: Current Reform Effort The NYPD has already begun to implement some of the practices recommended for increasing youth-police-community dialogue, including bi-monthly police-youth forums with at-risk youth, and

System Point Two: Police Admission to Detention¹³

After arrest, the next decision-making point affecting a youth's involvement in the juvenile justice system is the decision of the police whether to bring the arrested youth to detention or to issue the youth a FCAT. For the last several years, the NYPD has annually released approximately three quarters of youth charged with a juvenile delinquency offense to a parent or guardian at the stationhouse, and have referred the remaining quarter to detention, as shown in Figure 7. In 2010, 9,558 arrests—76 percent—resulted in a release to a parent/guardian; 2,971 arrests—24 percent—resulted in a detention admission.

Figure 7: JD Police Admissions to Detention as a Percent of Total JD Arrests, 2006, 2009, and 2010

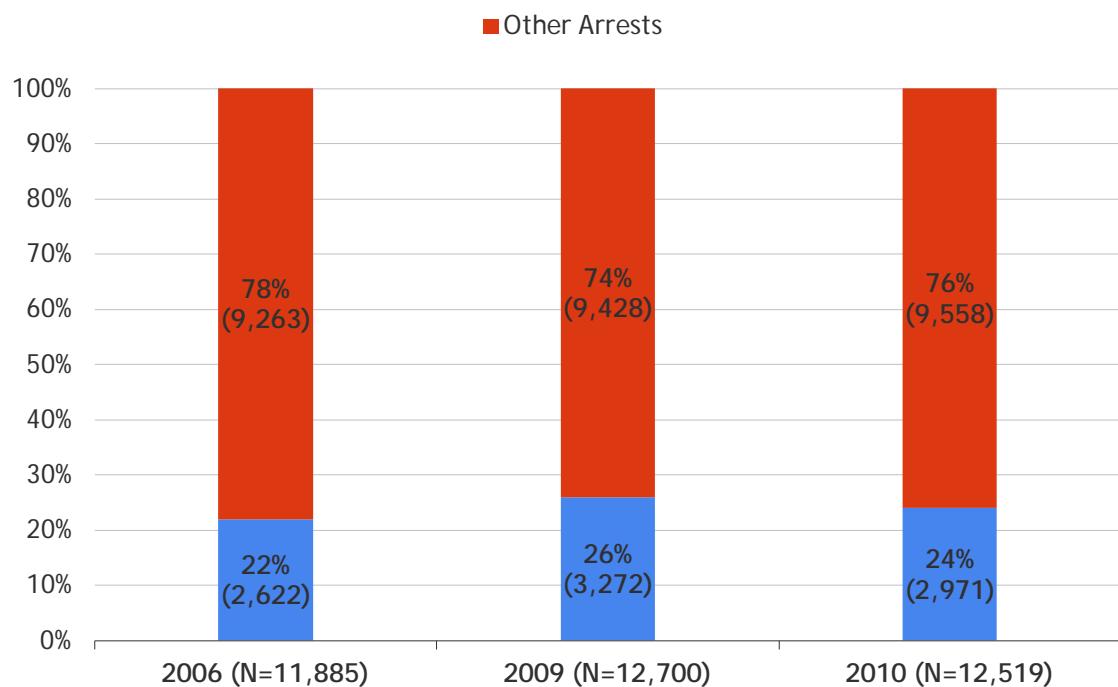
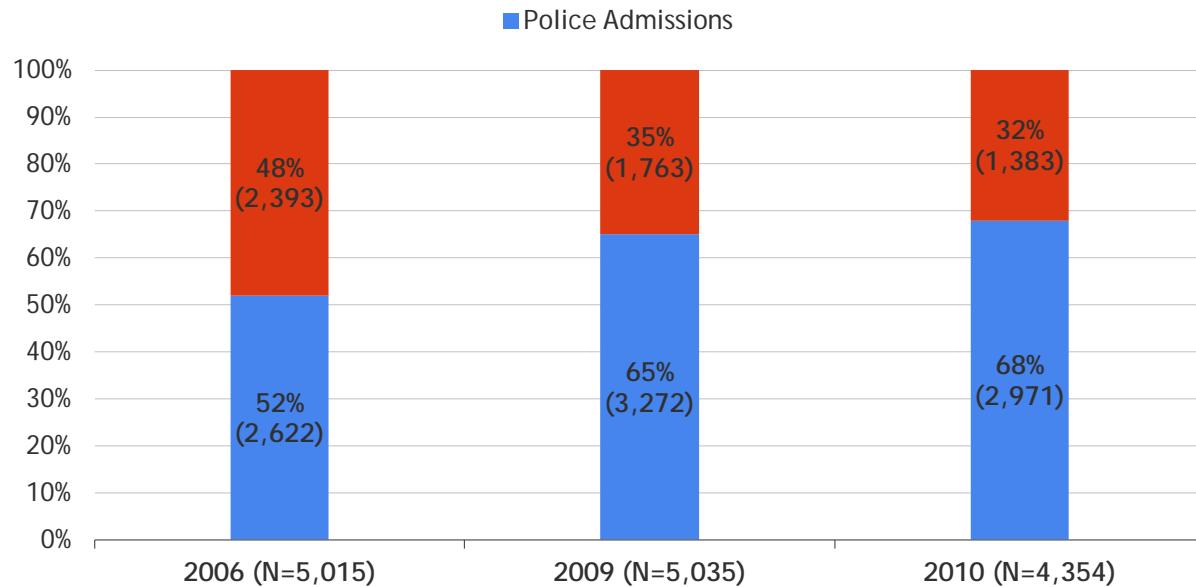


Figure 8 shows JD admissions to detention at the time of arrest as a percentage of all detention admissions. Since 2006, there has been a slight increase in the number and percentage of youth brought to detention by the police, and a concomitant decrease in the number and percentage of youth detained by the court.

¹³ Data Source for this Section: New York City Administration of Children's Services and New York City Criminal Justice Coordinator Juvenile Justice Indicator Reports, 2010.

Figure 8: JD Police Admissions as a Percentage of Total JD Detention Admissions, 2006, 2009, and 2010



These changes can be explained at least in part by the city's recent detention reform efforts, described earlier in this report—including the use of an objective risk assessment instrument (RAI) to guide Probation recommendations to judges regarding the detention of youth at arraignment, and the development and implementation of several alternatives to detention, also available at the time of arraignment. As these charts demonstrate, while police admission to detention and detention by the court at arraignment once contributed more or less equally to the total number of youth detentions, police admission is now responsible for the majority (68 percent in 2010) of detentions.

Finding 2-A: Youth of color were more likely to be brought to detention by the police than were white youth.

Youth of color accounted for 83 percent of the police admissions to detention in 2010—black youth accounted for 59 percent (N=1,748) and Latino youth accounted for 24 percent (N=712). When we look at these numbers as a proportion of the total youth arrested in each race/ethnicity category, we see—as illustrated in Figure 9—that twenty-eight percent of arrested black youth (N=1,748) and 21 percent of arrested Latino youth (N=712) were brought to detention by the police in 2010, compared to 10 percent of arrested white youth (N=75).

Figure 9: Police Admissions to Detention as a Percent of Total Arrests by Race, 2010

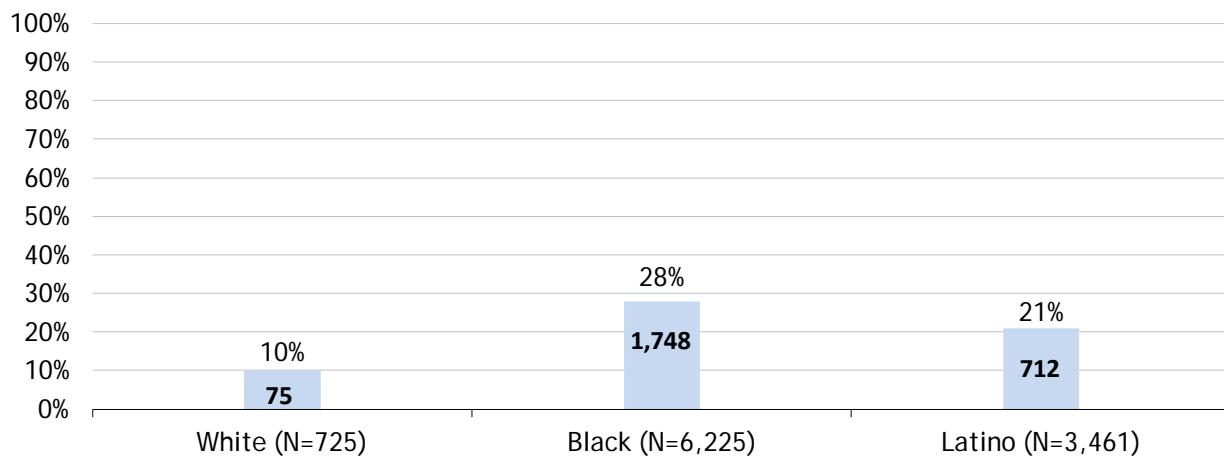
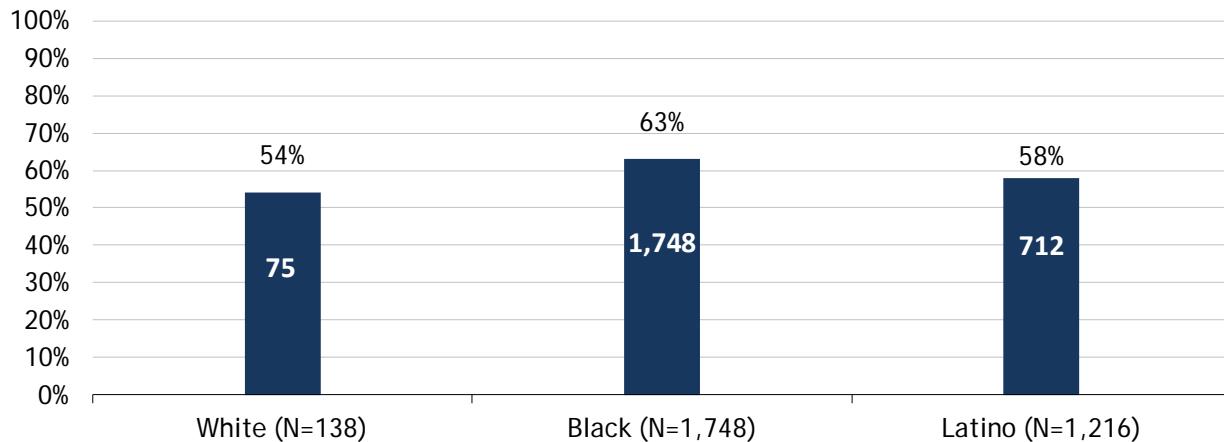


Figure 10 presents another way to look at the population data. We see here that the majority of total detention admissions for each racial and ethnic group were police admissions, but that this percentage was highest for black youth (63 percent), followed by Latino youth (58 percent) and white youth (54 percent). (As noted previously, it is important to point out the relatively small number of white admissions in general, compared to admissions for black and Latino youth and to keep in mind that percentages can become somewhat overblown when working with such low numbers.)

Figure 10: Police Admissions as a Percent of Total Detention Admissions by Race, 2010



When we refer back to *Figure 1* for the RRI at this point in the system, we see that for both black and Latino arrested youth, police admission to detention carries the second highest RRI among all the juvenile justice system points analyzed. The *rate* of police admissions to detention for Latino youth was almost twice the rate of admissions of white youth, while for black youth, the rate of police admission was over two and a half times that of white youth.

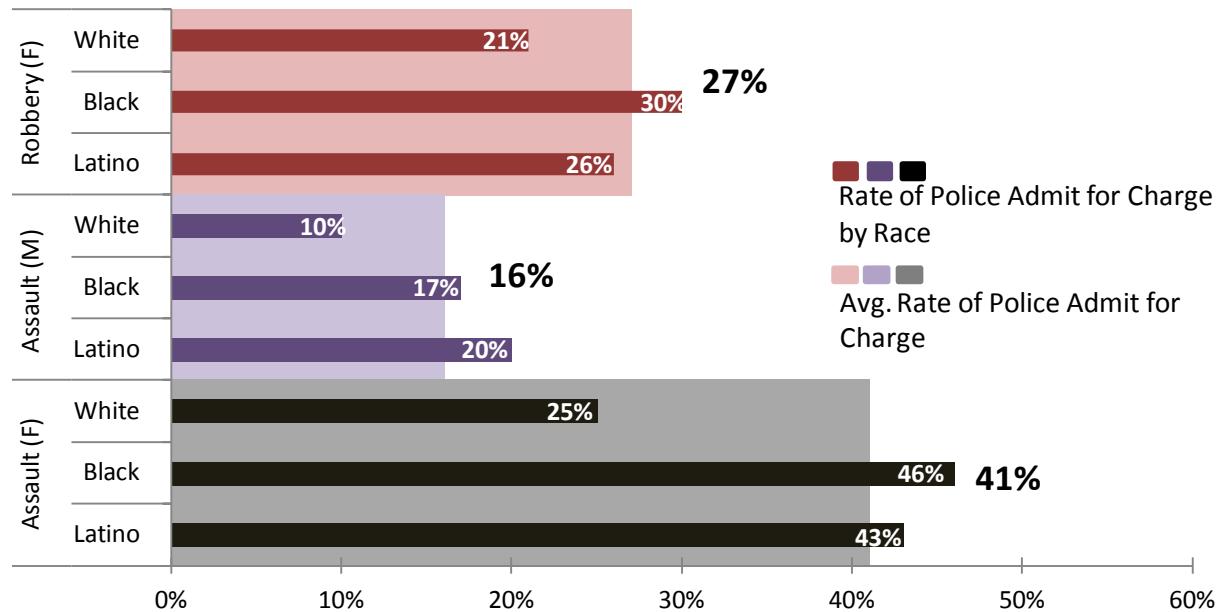
Finding 2-B: Youth of color charged with robbery or assault were more likely to be brought to detention by the police than were white youth charged with the same offenses.

Although it was not practical, given the scope and time period of the grant, to investigate the risk score and charge severity of youth admitted to detention by the police, it was possible to look at some of the more common charges associated with a police admission. *Figure 11* looks at differences in the rate of detention admission when controlling for offense; specifically, the chart examines the top three offenses for which the police brought youth to detention, and the detention rate of each racial or ethnic group for each offense. Overall, felony robbery, misdemeanor assault, and felony assault made up 44 percent of all police admissions to detention (22 percent, 11 percent; and 11 percent, respectively) in 2010.

When we analyze the overall police admission rate for each of these top charges and compare that with the rate of police admission for each charge by race/ethnicity, we see that even when controlling for charge, white youth were less likely to be brought to detention by the police compared to black and Latino youth. Overall, twenty-seven percent of all juvenile robbery arrests led to a police admission to detention. Similarly, 16 percent of misdemeanor assaults led to a police admission to detention, while 41 percent—nearly half—of felony assaults led to a police admission to detention. For each of these charges, the rate of police admission for white youth was lower than the rates for both black and Latino youth. For black youth, the rate of police admission for each charge was greater than average, and black youth were more likely to be brought to detention by the police for robbery and for felony assault than were white and Latino youth. Latino youth were more likely to be brought to detention by the police for misdemeanor assault than were white and black youth.

It is important to note that, due to data availability, this analysis was not able to account for a number of critical incident-related variables, prior police contacts and parental availability, absconding history (e.g., warrants, running away), all essential factors in the detention decision. Although ACS and Probation worked to aggregate the police investigation reports – a rich source of information regarding the police admission population – unfortunately the information was not available during our sessions.

Figure 11: Percentage of Police Admissions to Detention by Charge and Race, 2010



Finding 2-C: Many youth brought to detention by the police—primarily youth of color—were released the next day.

In 2010, seventy-six percent of police admissions to detention remained in detention only one day, meaning that they were released either by probation, the law department, or a judge the next business day.¹⁴ This trend is consistent across racial and ethnic groups. However, given the higher arrest and detention rates for youth of color, one-day admissions accounted for 1,339 black youth, 539 Latino youth, and 57 white youth in 2010. Several Working Group members expressed concern that some youth released one day after being brought to detention may have been unnecessarily detained in the first place.¹⁵

Recommendations and Areas for Further Exploration:

- **Implement the RAI at the front door of detention.** While the city has reduced detention at arraignment among youth who score low risk on the RAI, the number of police admissions to detention has increased, with a disproportionate impact on youth of color. Seventy-six percent of police admissions were released from detention the day after admission. Many Working Group members felt that the implementation of the RAI before this initial detention of youth at the front door could reduce the detention of youth who may present a low risk of rearrest or flight. Using an objective instrument to guide decision-making at the front door should reduce any disparities

¹⁴ Data Source: Administration of Children's Services (ACS)

¹⁵ See Family Court Act § 320.5 (3) (a)

that may exist in the detention of youth of different racial and ethnic groups. Other jurisdictions have experienced great success in using risk assessments at the front door of detention to reduce unnecessary detention and disproportionate minority contact at this system point.

- **Examine the factors other than risk of rearrest and risk of flight that influence decisions to detain at the front door.** Working Group members suggested that a number of factors, in addition to presenting risk, may influence decisions of the police to bring youth to detention. For example, stakeholders agreed that the availability, willingness, or ability of parents or caregivers to take youth home at the time of arrest may be a significant factor driving the decision to detain some youth at this stage, but felt that these issues could be better addressed through some other means. Likewise, stakeholders suggested that youth arrested in conjunction with domestic disturbances may be detained because a determination is made that it is unsafe for them to return home. Further analysis should be done to ascertain the impact of these factors, and other contextual factors that may be driving the police decision to bring youth to detention after arrest.
- **Develop programs and practices that enable police or detention staff to release youth to an alternative caregiver in suitable cases.** To address the potential influence that unavailability, unwillingness, or inability of a parent or caregiver has on the decision of the police to bring youth to detention, the statutory definition of family should be expanded to enable release of youth to a broader network of responsible adults and alternative programs. The system should also create alternative release options—such as respite, kinship care, and temporary foster care—for police to utilize when a parent or caregiver is unavailable, or when a domestic disturbance renders a youth's home temporarily unsafe or unstable for return.

Highlight: Current Reform Effort

In August 2011, ACS enacted a policy that allows for evening transportation of arrested youth from detention to a home of a parent or another designated adult in cases where the parent/guardian is unable to pick the youth up from the facility.

In December 2011, ACS partnered with Probation to begin conducting Probation intake, including the completion of the RAI, at the front door of detention.

Highlight: Current Reform Effort

A pilot respite program funded by the State—Ready Respite—has operated three respite homes based on the Multidimensional Treatment Foster Care (MTFC) model in Staten Island over the past year, and has successfully kept youth from entering detention and improved family functioning for participating families. To build on these results and expand respite services to all of New York City, ACS is developing a request for proposals for respite care in fiscal year 2012.

System Point Three: Probation Adjustment¹⁶

As explained above, all arrested youth—detained or not—receive a formal intake by the New York City Department of Probation. After conducting interviews with the youth, arresting officer, parent or caregiver, and complainant/victim, and considering the charge severity, legal history, and youth’s score on the RAI, Probation determines whether to open the case for adjustment, avoiding court involvement in favor of alternative services. In 2010, Probation opened 3,702 cases for adjustment.

Finding 3-A: White youth had their cases opened for adjustment by Probation more frequently than youth of color.

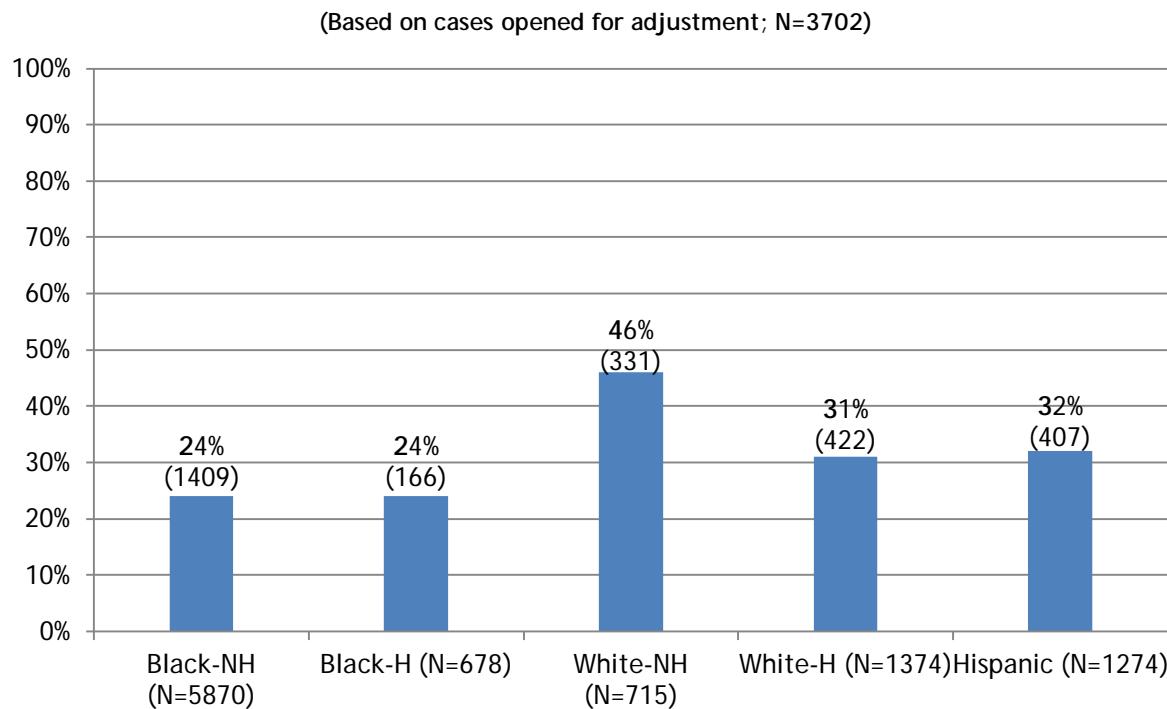
In 2010, adjustment had an RRI less than 1—0.60 for Latino youth and 0.46 for black youth—indicating that youth of color were roughly half as likely as white youth to have a case opened for adjustment services at the time of Probation intake (*see Figure 1*).

The data used in calculating the above RRI rates reported race and ethnicity as mutually exclusive categories (for example, Latino as mutually exclusive of black). However, the Department of Probation presented to the Working Group additional data analyses that showed how youth within combined race and ethnicity categories—for example black non-Hispanic versus black Hispanic—fared at intake. As illustrated in Figure 12 the rate of adjustment for white non-Hispanic youth was nearly double the rate of adjustment for black and black Hispanic youth, and roughly one third higher than the rate for white Hispanic youth.¹⁷

¹⁶ Data Source for Section: Department of Probation. The analyses presented in this section are limited to what was available in RCMS, probation’s case management system. For example, the charge severity categories derived from the JJRDB were approximated by using actual charges since this categorization was not inherent in probation’s system.

¹⁷ Adjustment data should be interpreted with caution because race data was missing from a large number of cases. Because no race is attributed to certain breakdowns regarding adjustments, we are unsure if the trends between racial groups hold true. Note also that the category “Hispanic” captures cases where the juvenile’s race was unknown and a black or white distinction could not be made.

Figure 12: Rate of Adjustment by Race and Ethnicity, 2010

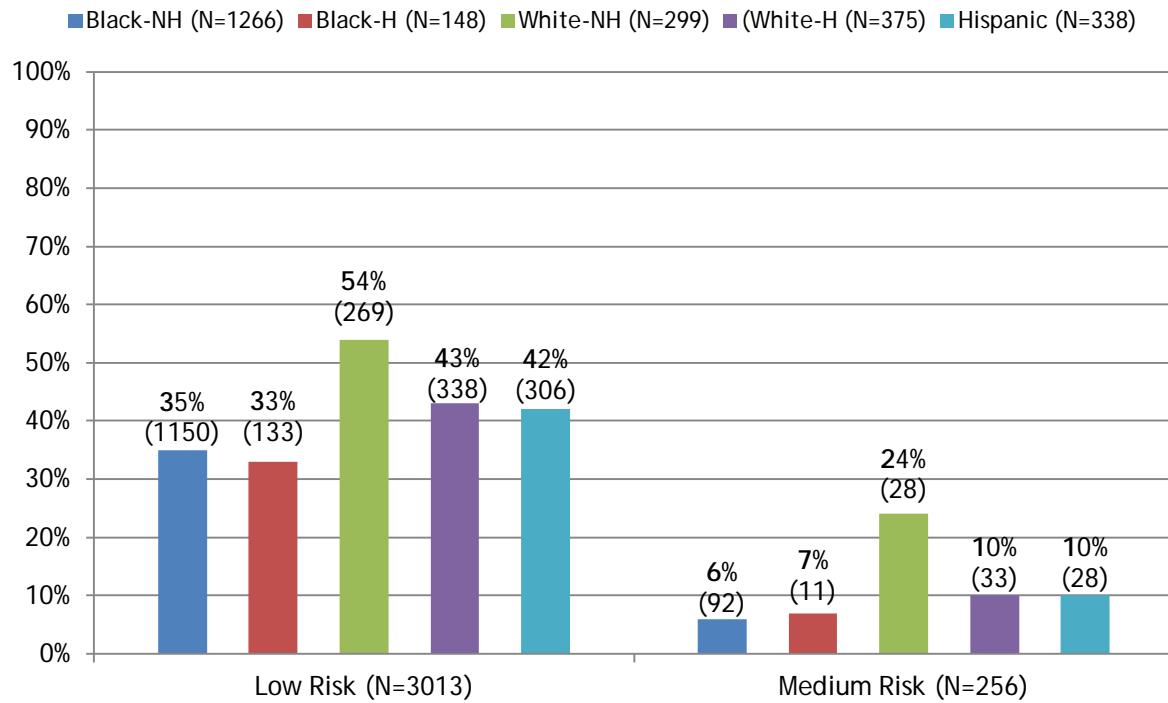


Finding 3-B: Low- and mid-risk white non-Hispanic youth had their cases opened for adjustment at a higher rate than did youth of color at the same risk levels.

To dig deeper into the different adjustment experiences of youth of color and white youth, we analyzed adjustment data further according to youth risk scores, as measured by the detention RAI. It is important to reiterate here that the RAI only measures risk of flight and rearrest during the pendency of a case, for purposes of informing a detention decision at arraignment. It was not designed to measure other, more long-term types of risk or to predict risk specifically related to adjustment or court referral. So, while we look at RAI scores as a way to gain additional information about cases that are opened for adjustment at probation intake, we are not presenting the RAI score as a direct measure of whether a young person should have been adjusted or referred for petition.

The figure below shows the rate of adjustment for each racial/ethnic group for youth who scored both low and mid-risk on the RAI. The majority of youth opened for adjustment scored low risk on the RAI (N=3,013) in 2010. As *Figure 13* demonstrates, after controlling for risk score, differences in the rate of adjustment remained between youth of color and white youth with low and mid risk scores. For example, thirty-five percent (N=1,150) of black non-Hispanic youth that scored low-risk on the RAI had a case opened for adjustment, while 54 percent (N=269) of white non-Hispanic youth that scored low-risk on the RAI had a case opened for adjustment. For youth scoring mid-risk on the RAI, a similar trend holds true; however, this is one example which illustrates the small numbers of white youth in the system, and subsequent breakdowns using this population should be interpreted with that in mind. Adjustment rates were more consistent among high-risk youth of all racial and ethnic categories, and are not depicted here.

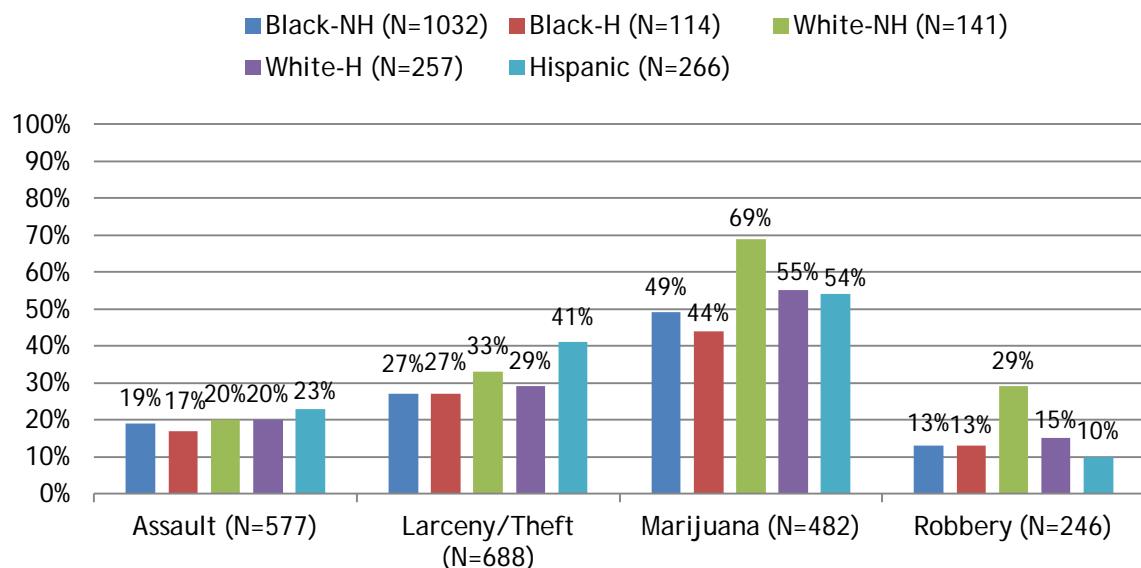
Figure 13: Rate of Adjustment by Risk and Race, 2010



Finding 3-C: White non-Hispanic youth charged with marijuana or robbery offenses had their cases adjusted at a higher rate than did youth of color charged with the same offenses

Figure 14 looks at some of the most common charges among arrested youth to examine how differences in adjustment rates vary depending upon a youth's charge. Upon examination of the data, the disproportion in rate of adjustment seems greater for youth charged with marijuana or robbery offenses, than for youth charged with assault or larceny/theft. Specifically, white non-Hispanic youth charged with marijuana or robbery were opened for adjustment at a higher rate than youth of color charged with the same offenses.

Figure 14: Rate of Adjustment by Charge and Race, 2010



To ascertain whether a youth's risk score might explain some of the difference in adjustment rate among white youth and youth of color charged with marijuana offenses, DOP examined the adjustment rate for youth charged with misdemeanor marijuana offenses further by looking at youth risk level. The analysis suggested that RAI risk might explain some of the difference in the adjustment rates for misdemeanor marijuana charges: among low-risk youth charged with a marijuana offense, the rate of adjustment among the different racial and ethnic categories leveled out from the disparate rates in adjustment for youth charged with marijuana offenses depicted in *Figure 14*. For example, about 80 percent of low-risk black non-Hispanic youth and 85 percent of low-risk white non-Hispanic youth with a marijuana charge were opened for adjustment in 2010. These percentages are closer than the 20 percent difference between black non-Hispanic and white non-Hispanic youth depicted in the chart above.

Finding 3-D: Black Hispanic youth successfully completed adjustment at lower rates than did other youth.

An impressive average of 90 percent of all youth whose cases are opened for adjustment complete it successfully and avoid a referral to court. However, when successful adjustment completion rates are calculated for each race and ethnicity group, differences emerge. Approximately 95 percent of white non-Hispanic youth successfully completed probation adjustment, whereas black Hispanic youth had the lowest rate of completion at 85 percent. The data, however, do not shed light on why this is the case.

| Probation Adjustments by Race & Completion: 2010 | |
|--|--------------|
| Race | % (Total N) |
| White-NH (N=356) | 95% (N=338) |
| White-H (N=451) | 91% (N=410) |
| Black-NH (N=1611) | 86% (N=1388) |
| Black-H (N=183) | 85% (N=155) |
| Hispanic (N=441) | 88% (N=386) |

Recommendations and Areas for Further Exploration:

- **Examine the factors considered for adjustment and successful completion of adjustment to ensure they are as objective as possible.** Probation considers a number of factors in making its determination whether or not to open a particular case for adjustment services and, at a later stage, whether or not to close that case as successfully diverted from court. To ascertain whether these factors may contribute to disparate adjustment practices, each factor should be examined for objectivity, and for unintentional bias that may lead to fewer adjustments among youth of color than among white youth.
- **Develop strategies that will increase adjustment in suitable cases.** Stakeholders suggested that denial of adjustment may occur due to a lack of appropriate, effective alternatives to formal court processing at this system point. According to stakeholders, adjustment can and does happen more often, and is often more successful, where there are responsible community-based programs for probation officers to utilize as alternatives. Some programs and alternative pathways that have demonstrated success in helping youth adjust, and avoid further system involvement include mediation and youth courts. To the extent that such alternatives exist, there should be a concentrated effort to educate probation officers and complainants about such programs and their success. Complainants may be more willing to consent to adjustment when they understand and have confidence in the programs youth are being diverted to as alternatives to formal court processing.

System Point Four: Detention at Arraignment¹⁸

A youth who passes through Probation intake and whose case is not adjusted by Probation is referred to Corporation Counsel for petition. If Corporation Counsel moves forward with the petition, the youth comes before the court at arraignment, at which point, the judge makes his or her own determination whether or not to detain the youth. As explained earlier, by statute, the only permissible reasons to detain a youth are if he presents a risk of rearrest or a risk of flight.¹⁹ The JJRDB shows 956 cases that were detained by the court at arraignment in 2010—this includes detention in both secure and non-secure facilities.

Finding 4-A: The rate of detention at arraignment was higher for youth of color than for white youth, but rates were more comparable when controlling for risk level or charge severity.

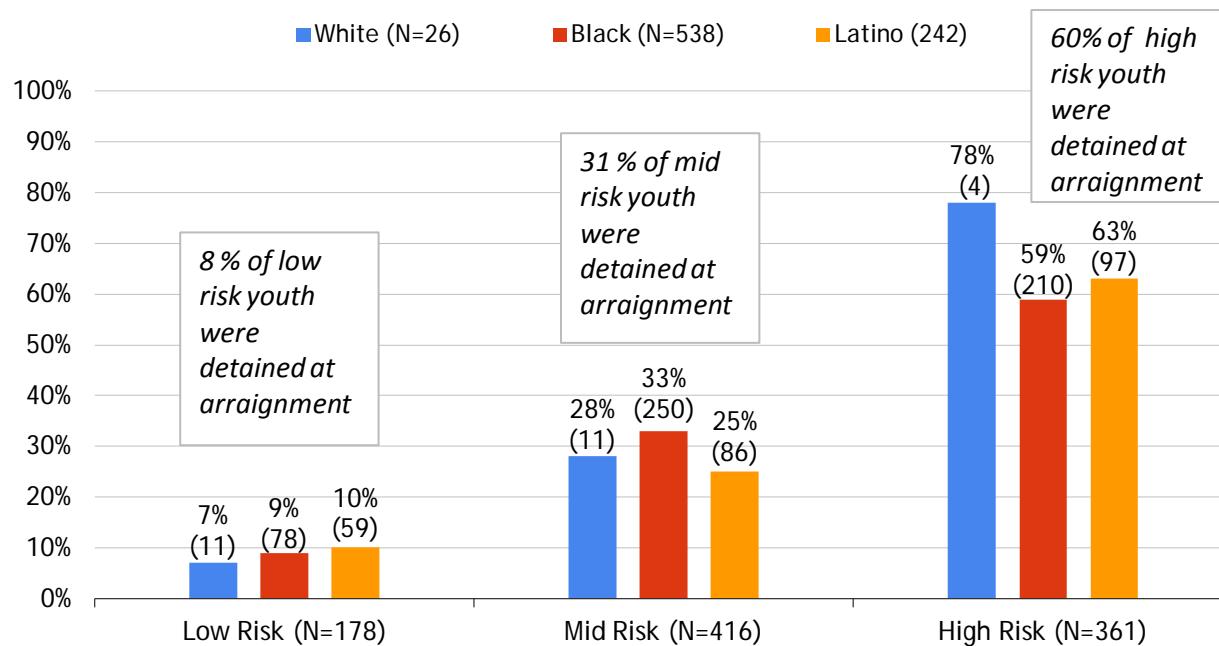
A large part of the detention reform effort in New York City to date has focused upon this stage of the system, and a reduction in the detention of youth classified as low- or mid-risk has been achieved due to the implementation of the RAI and alternative to detention programming. Nonetheless, there remain differences in rates of detention among youth of color and white youth at arraignment according to the RRI analysis, which indicated that both black and Latino youth are 1.5 times more likely to be detained at arraignment compared to white youth (*see Figure 1*). Ninety-four percent of all cases detained at arraignment were youth of color—65 percent (N=538) were black and 29 percent (N= 242) were Latino.

¹⁸ Data Source for this Section: New York City Juvenile Justice Research Database

¹⁹ See footnote 12

Additional analyses found that differences in detention rates among racial and ethnic groups largely leveled out after controlling for charge severity and risk level. As *Figure 15* shows, in 2010 there were only minor differences in rates of detention at arraignment between low-risk youth of color and low-risk white youth.²⁰ There was a slightly greater difference in rates of detention at arraignment between mid-risk youth of different racial and ethnic groups, with 33 percent of black youth detained, 28 percent of white youth, and 25 percent of Latino youth. Among high risk youth, the trends went in the opposite direction, with the greatest percentage of white youth detained (78 percent), and the lowest percentage of black youth detained (59 percent). It is difficult to draw conclusions from these differences among the high-risk youth, however, due to the small number of white youth (n=4) included in that category.

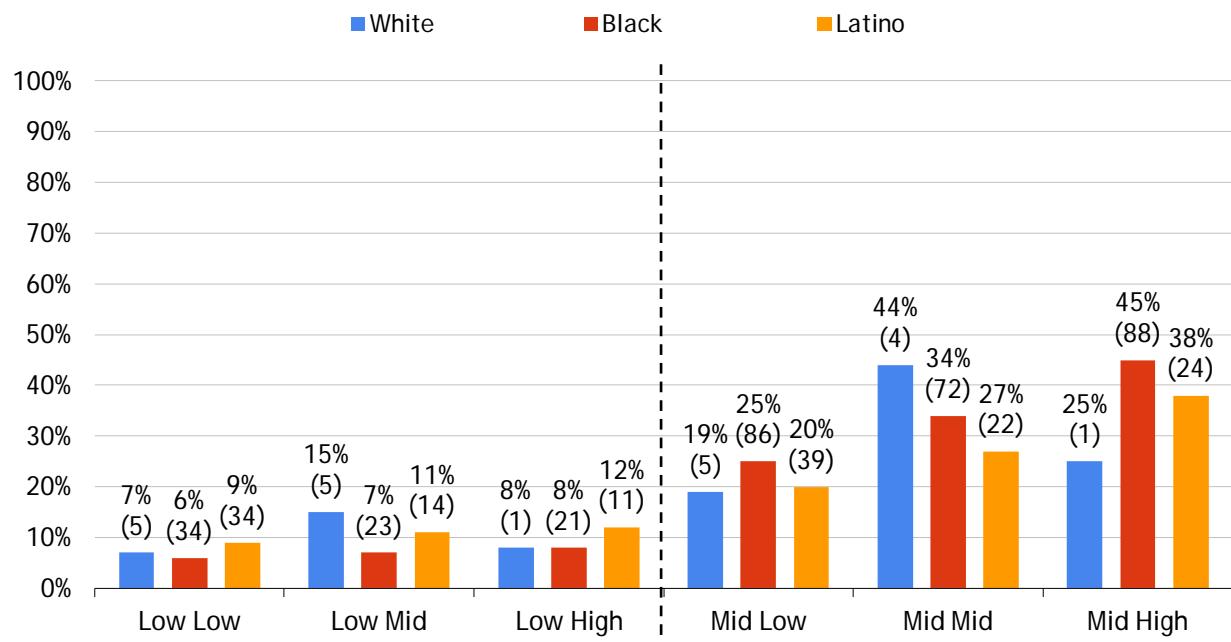
Figure 15: Rate of Detention at Arraignment by Risk and Race, 2010



When controlling for risk level *and* charge severity, there remained only a very minor difference in the detention rates of white youth and youth of color at arraignment. *Figure 16* below breaks down youth into several categories depending on RAI risk level—low and mid only—and charge severity—low, mid and high. For example, the first set of bars on the left-hand side of the graph depicts the rates of detention at arraignment for low risk youth with low charge severities for each racial/ethnic group. Similarly, the last set of bars on the right-hand side of the graph depicts the rates of detention at arraignment for mid risk youth with high charge severities for each racial/ethnic group. Again, the numbers of white youth in many of the categories are so small that it is difficult to decipher a concrete pattern or conclusion from this data—for instance, there was only *one* mid risk high severity white youth that was detained at arraignment in 2010.

²⁰ For this stage in particular, the number of white youth detained at arraignment is quite small, making breakdowns by risk and charge severity that much more difficult to interpret.

Figure 16: Rate of Detention at Arraignment by Risk, Charge Severity and Race, 2010



Finding 4-B: Despite the implementation of the RAI, low-risk youth with low- and mid-level charge severity and mid-risk youth with low-level charge severity continued to be remanded to detention at arraignment.

The above analyses illustrate rates of detention for youth by race/ethnicity, risk level, and charge severity and revealed another important finding: that despite the implementation of the RAI at this system point, and regardless of race or ethnicity, low- risk youth with low-and mid-level charge severities and mid-risk youth with low-level charge severities continued to be remanded to detention at arraignment. In total in 2010, eight percent (N=178) of low-risk cases and 31 percent (N=416) of mid-risk cases were detained at arraignment. While the decision to detain may be related to charge severity, the above analyses illustrate that still about 115 low-risk youth were detained at arraignment for a low or mid-charge severity and approximately 130 mid-risk youth were detained at arraignment for a low-charge severity, accounting for 245 youth in total—94 percent of whom were black or Latino. Many members of the Working Group expressed that the detention of low-level youth raises system fairness questions and—given the vast over-representation of youth of color in this population—serious concerns given the impact on communities of color. This is an example where Working Group members were not just concerned with *proportions* of youth of color in the system, but the *volume* of those youth and were interested in finding ways to ensure that only those youth who absolutely required a stay in detention were sent there. Other members of the Working Group expressed concern about (1) the validity of the RAI and, given that the instrument has been in place for five years, proposed that it be revalidated using current data, and (2) the “staleness” of the RAI in some individual cases where the instrument is completed at probation intake several months before the actual arraignment.

Finding 4-C: Black and Latino youth stayed longer in detention than did white youth.

On average, black youth who were detained spent nine days in a facility, and Latino youth spent six. White youth who were detained spent an average of three days in a facility.²¹ (Note that these figures include admissions to detention beyond the point of arraignment.) Some stakeholders expressed an interest in ensuring that legal representation for kids is equally rigorous, for all youth, in working to get juveniles out of detention as quickly as is possible and safe.

Recommendations and Areas for Further Exploration:

- **Decrease the number of low-mid risk youth detained at arraignment on low-mid severity cases.** Many stakeholders emphasized that regardless of race, low- and mid- risk youth that do not present high-severity or violent offenses should in many cases be diverted from detention, assuming the availability of effective alternatives. Working Group members recommended that system stakeholders work together to identify and understand the reasons that these youth are being detained despite the use of the RAI, and address any subjective factors that are driving detention. As at police admission to detention, stakeholders suggested that unavailability of a caregiver may be one factor causing detention at arraignment. Similar strategies to those proposed above, such as expanding the network of release resources, providing respite services, and expanding partnerships with community programs as alternatives to detention could reduce unnecessary detention here.
- **Determine whether the RAI may unintentionally contribute to unnecessary detention.** Working Group members recommended that results of the RAI should be examined closely to ascertain whether certain RAI factors, like the “parent or guardian present,” appear more frequently among youth of color. If so, stakeholders should engage in a policy discussion about why this might be happening and how the effect might be diminished.
- **Identify and employ strategies to reduce lengths of stay in detention for low- and mid-risk youth.** In addition to re-examining decisions to detain low- and mid-risk youth in the first place, stakeholders suggested a number of strategies to reduce the length of time that these youth stay in detention. Stakeholders suggested that the system explore methods of reducing case processing times; assess all youth who are detained for possible step-down to an alternative to detention with a public safety plan; and consider the creation of more intensive alternatives to detention, such as more intensive ICM (Intensive Community Monitoring—the probation-run detention alternative program), and expanding the current criteria for the city’s detention step-down program.

Overall System Recommendations:

Over the course of the Working Group’s discussion and analysis, a number of additional challenges and areas for further work emerged outside the specific system points explored above. The Working Group thus makes the following additional recommendations:

²¹ The average case processing time for all cases disposed in 2010 was 142 days. For those cases in which youth were detained at arraignment, the mean case processing time was 98 days. The range went from 0-946 days.

- **Address gaps in data, and ensure that relevant agencies are capturing, analyzing, and sharing data pertinent to examining DMC.** A system that seeks to effectively monitor DMC must have the capacity to capture and analyze relevant data on a continuous basis. As evidenced by this report, New York City does a fairly thorough job overall collecting data. The greatest gap in system data surrounds arrest, where data would be useful to explore the decisions made at the time of arrest—specifically, whether to arrest or divert a youth and whether to bring a youth to detention or issue an FCAT—and how those decisions are reflected among different racial/ethnic populations of youth. The way in which race and ethnicity data is collected across the system also presented challenges, specifically, we encountered significant gaps in this data (cases in which it was not collected), and inconsistencies in how the data was collected from one agency to another. To understand what is really going on for different racial and ethnic groups of youth in the system, it is critical that race and ethnicity data is consistently collected across cases, and across agencies. It would also be useful to have data collected on factors known or hypothesized to be relevant to certain decisions—for example, the presence of a parent or guardian at arraignment affecting the decision whether or not to detain a youth.
- **Examine the experiences of youth by race and ethnicity at other system points.** As explained above, given time and resource constraints, and the desire to go deep at the system points examined, the Working Group chose to focus on four specific system decision-making points—arrest, police admission to detention, probation adjustment, and detention at arraignment. To get a full picture of DMC in the system, it is critical to examine all relevant decision-making points. For example, it would be helpful to look at data on juvenile reports issued by the police in lieu of arrest; petitions filed to court by Corporation Counsel; and disposition, particularly placement. Given the striking numbers of youth of color in detention (2,572 in secure detention in 2010, compared with only 107 white youth; 1,493 in non-secure detention, compared with 51 white youth), it is also critical to further examine detention decision-making by the court *throughout* the court process, not only at police referral and arraignment.
- **Convene and facilitate internal meetings of agency stakeholders.** While the Working Group was/is an important place for stakeholders from various agencies and organizations to come together to examine DMC, it is equally critical for each agency and organization to hold internal meetings with staff to examine youth procedures and policy directives in an attempt to better understand how decisions are made and ensure that those decisions are objective, equitable, and race-neutral.

Conclusion

To proactively address DMC at the system points explored in this report, and further explore and address potential disparities experienced by youth of color, it is critical that New York City develop a plan for how to prioritize and implement the recommendations set forth in this report.

Given the abbreviated period of time allotted under this grant, the Working Group was able to explore only four key system points. Should the group be reconvened, it might be utilized both as a tool to oversee and move forward the recommendations in this report and to explore DMC at salient system points that were beyond the scope of this report, including disposition. As the juvenile justice landscape

in New York City changes markedly in the coming months and years, moreover, the Working Group is well-suited to play a key role in ensuring accountability to DMC reform, and presenting a targeted space for that work.

Appendix A

DMC WORKING GROUP CONTACT LIST

Leslie Abbey
Executive Director
Youth Justice Programs
Administration for Children's Services

Euphemia S. Adams, FDC, MSW
Executive Director
Families on the Move of New York City, Inc.

Ruben Austria
Executive Director
Community Connections for Youth, Inc.

Ana M. Bermúdez
Deputy Commissioner for Juvenile Services
NYC Department of Probation

Elizabeth A. Brady
Executive Agency Counsel
New York City Police Department

Laurence Busching
Executive Deputy Commissioner
Division of Youth and Family Justice
Administration for Children's Services

Jeffrey A. Butts, Ph.D.
Executive Director
Research and Evaluation Center
John Jay College of Criminal Justice, CUNY

Mark Ferrante
Senior Policy Advisor to the Commissioner
NYC Department of Probation

Christopher Fisher
Assistant Commissioner for Research and Planning
NYC Department of Probation
Division of Planning, Training and Community
Partnerships

Lisa Grumet
Chief of Policy and Planning
Family Court Division
New York City Law Department

Chino Hardin
Field Coordinator
Institute for Juvenile Justice Reform & Alternatives

Shamira Howie
Special Assistant to Deputy Commissioner
of Juvenile Operations
NYC Department of Probation

Avery Irons
Director of Youth Justice Programs
Children's Defense Fund, NY Office

Larue Jackson
Youth Representative

Jeremy Christopher Kohomban, Ph.D.
President and CEO
The Children's Village

Jenny Kronenfeld
Esperanza

Timothy F. Lisante, Ph.D.
Deputy Superintendent
NYC Department of Education, District 79

Courtney Ramirez
New York State Division of Criminal Justice
Services

Kyung Ji Kate Rhee
Director
Institute for Juvenile Justice Reform & Alternatives
(IJJRA)

Vincent Schiraldi
Commissioner
NYC Department of Probation

Alfred Siegel
Center for Court Innovation

Tamara Steckler, Esq.
Attorney in Charge
Juvenile Rights Practice of the Legal Aid Society

Michele Sviridoff
Deputy Coordinator for Research and Policy
Criminal Justice Coordinator's Office
Office of the Mayor

Nathaniel Thomas
Case Manager
Center for Community Alternatives

Hon. Daniel Turbow
Family Court of the City of New York
Kings County

W. Haywood Burns Institute
Angelique Kedem
(651) 238-6737
akedem@burnsinstitute.org

Vera Institute of Justice
233 Broadway, Floor 12
New York, NY 10279

Anil Fermín
Program Coordinator
afermin@vera.org

Jennifer Fratello
Associate Research Director
jfratello@vera.org

Jennifer Jensen
Research Associate
jjensen@vera.org

Yumari Martinez
Associate Director
ymartinez@vera.org

Appendix B

FOCUS GROUPS

APPENDIX A: FOCUS GROUPS

To complement the quantitative analyses of juvenile justice data, Vera conducted qualitative research. We conducted several focus groups aimed at investigating disproportionate minority contact from the perspective of both youth and adult members of the community. This allowed us to gain a better understanding of DMC in New York City above and beyond what was available in quantitative data. While the examination of patterns in the data allowed us to identify points in the system where differences between races are evident, it did not allow us to examine how these differences affect youth and communities, or allow for a discussion about the ways in which certain decisions impacted the over-representation of youth of color at key points in the system.

This document first outlines the research methods employed for this aspect of the project. Second, we discuss the patterns and themes that surfaced during the conversations. The findings are organized primarily by system point. We discuss the findings as a summary of all groups that were conducted, but note more specific examples where appropriate. The document concludes with references to the recommendations that were offered in the strategic plan.

Research Methods

While focus groups with youth aimed to examine DMC through the perspective of those who experienced the system directly, the interviews with members of the community served to identify factors that community members and leaders believe to be the main drivers of DMC and what recommendations this group might have to address the problem. Recruitment and selection strategies for each group are discussed below.

Focus Groups with Youth

In the fall of 2011, Vera researchers conducted six focus groups with youth—ages 13 to 18—who had first-hand experience with various points in the juvenile justice system. We recruited youth with the help of several community-based organizations and city agencies that were part of or affiliated with members of the DMC Working Group. *Table 1* below outlines the programs and/or agencies from which youth were recruited; the program type; borough served; and the number of youth that consented and participated in the research. These agencies were instrumental in helping us to identify, recruit, and obtain parental consent for interested youth to participate in the project.¹

¹ Vera researchers also worked very closely with the Department of Probation and Legal Aid for the recruitment of youth who had experienced adjustment, probation, and detention. Unfortunately, we were not successful in the recruitment of youth via these avenues.

Table 1: Recruitment Sites for Youth

| Agency | Program Name | Description | Borough | Number of Participants |
|--|-----------------------------------|--|---------------|------------------------|
| Center for Court Innovation (CCI) | Project READY ATD | Alternative to Detention | Staten Island | 5 |
| Urban Youth Alliance | Bronx Connect ATD | Alternative to Detention | Bronx | 8 |
| Center for Community Alternatives (CCA) | CCA ATD | Alternative to Detention | Brooklyn | 7 |
| Esperanza | Esperanza ATP | Alternative to Placement | All Boroughs | 5 |
| CCI | Harlem Youth Court ² | Court of peers for young misdemeanants | Manhattan | 12 |
| CCI | Harlem Hard H.A.T.S. ³ | Community service program for youth | Manhattan | 12 |

A total of 49 youth participated in the focus groups (with the consent of a parent/guardian, if under the age of 18). All 49 participants were Black or Latino/a; at the time, either no white youth were enrolled in these programs or they did not volunteer to participate. Each youth group was often completed within one hour. No names were recorded during the focus groups or attached to focus group data. Youth were compensated with a \$25 gift card for participating in the research and offered a round trip metro card. We conducted each focus group at the program or agency site from which the youth were recruited.

Focus Groups with Community Members

Vera researchers conducted two focus groups with adult community members, including local leaders, parents, and advocates. The participants were recruited, and focus group meetings were hosted, by two community-based agencies that were part of the DMC Working Group—the Institute for Juvenile Justice Reform and Alternatives (IJJRA) in Brooklyn, and Community Connections for Youth (CCFY) in the Bronx. Each agency handled the outreach and logistics related to their respective focus groups.

A total of 28 community members participated in these focus groups; twelve through CCFY and 16 through IJJRA. Again, no names were recorded during the focus groups or attached to focus group data. Participants were compensated with a \$25 gift card and round trip metro card for participating in the research. Both groups lasted at least two hours.

² At the time of data collection, only one youth who participated in the focus group had been arrested. All others were non-system involved.

³ At the time of data collection, all in the Harlem Hard H.A.T.S. were or had been on probation.

Focus Group Guides and Questions

Drawing from existing interview guides found in the published literature on DMC, we developed two separate focus group guides. The topics of each guide followed a similar pattern—beginning with a description of the community where participants lived; and moving into perceptions about police (police presence, role, and instances of being stopped by police), the courts (fairness of judges), and punishment (fairness of sentences, second chances, and other dispositions). Groups also touched upon additional factors that they felt may drive DMC, including zero tolerance policies in schools, police practices, and differential involvement in criminal activity. Specific questions differed in that youth experienced the current juvenile justice system and spoke about that experience, while the community groups spoke on a broader level, targeting the perceptions of the things they have seen in their neighborhoods, rather than things they themselves may have experienced (although these types of stories certainly did arise). Additionally, while these guides helped steer the conversation, each group was unique depending upon what participants spoke about most during the discussion.

Findings and Emerging Themes

Several common topics emerged across all groups. These included descriptions of the neighborhoods where juvenile justice system involvement is most concentrated; school environments and thoughts about how that might contribute to system involvement; and discussions about perceptions of the police, the courts, and sentencing and how race plays a similar or different role at each of these stages. Each of these topics will be discussed in summary form with specific examples noted for illustration where appropriate.

Neighborhood Context

All groups discussed their neighborhoods as context for their perceptions of offending patterns, police patrol practices, and racial differences. Many participants described the areas where they lived currently or where they grew up as lacking appropriate resources. This lack of resources affected school environments, public spaces, and community development as a whole. A lack of resources was also described as breeding violence in these areas, making it a normal part of the day-to-day activities for youth, some even stating that they thought it was “fun to hear gunshots.” (Young male, Brooklyn) Many described this violence as evolving over time, getting worse—meaning witnessing more guns and/or more gang activity. Many participants felt that this type of behavior had been learned from the cycle of violence in these areas and sometimes even from parental and sibling criminality.

Several participants also noted the prevalence of single-parent families and the lack of a male figure in the households within their communities. Participants felt a male figure could help circumvent other neighborhood influences. Additionally, some participants felt that white youth may have more parental support in the court room or at the precinct; however, an adult female from Brooklyn emphasized that this should not be assumed and that many parents are there for their kids when they are arrested or are brought to court. Another adult male from the Bronx also talked about how a lack of a dual parent household is not necessarily the most important factor for these kids and described how even though he and his brother had the involvement of both parents, they still had “a love of the streets.”

There was definitely a sense that economics and race were closely related—white communities having the privilege of being in “better” areas where there was less of a police presence. They felt that white kids

may be doing the same things as others, but were not caught because of their location and more ready access to things that would keep them off the streets—for example, jobs/work or “better” schools that had more resources and access to pro-social afterschool activities or staff that motivated kids. If arrested, we heard from participants that they felt that white kids could afford a better lawyer who would help get them a better outcome in the court room. Police presence was often described in negative terms—with descriptions of feeling harassed and fearful dominating discussions around this topic. Furthermore, several adults said they did not think that a high police presence helps combat crime and that the community needs to begin taking responsibility for public safety. According to one adult male from the Bronx, “The system doesn’t scare us anymore. If we are not holding ourselves accountable than bringing police into our communities won’t work.” Other participants did feel that—due to the violent activities in the areas—police presence was necessary to protect others in the neighborhood and was welcomed.

School Environments

The school environment was one topic that participants discussed at length without probing by interviewers—specifically in both adult groups and the non-system involved group of youth. From the adult perspective, the schools did not seem to be engaging kids in a way that kept them interested. One woman from the Bronx talked about her concerns when she walks out of her apartment; she sees kids that should be in school out on the streets in the middle of the day. Other adults noted their concerns about cultural sensitivity and culturally relevant learning: “They (youth) are disconnected from social studies, math, science (etc...) because none of the people related in those subjects looks like them...when they see someone who looks like them, they are in chains, and the next page, they are in chains.” (Adult male, Brooklyn) Additionally, parents wanted to be more involved in the educational process and noted that the school system does not always communicate with them about important events and dates. And finally, adults noted the difference in the prevalence of school officers from when they were in school to the present, recognizing the emergence of a “school to prison pipeline.” (Adult male, Brooklyn)

Youth, on the other hand, talked more about school safety officers, metal detectors, and the supportiveness (or lack thereof) of teachers and staff at the school. Many of the schools that Harlem Youth Court participants attended were Charter or Catholic schools and they discussed their schools as motivational and all had goals of becoming lawyers, judges, police officers, or some other type of profession within the criminal justice field. Only one of these youth described her school as unsupportive: “When I talked to my counselor, she said I should go to a two-year college and then work. I was hurt and that affects you. You don’t want to go to school anymore.” (Young female, Manhattan)

There was a divide that became obvious when system-involved youth talked about their schools. In these groups, they mostly discussed school safety officers. They described them as aggressive, affecting their time in school. In regard to metal detectors, one youth noted that “kids are scared when they are in schools.” (Young female, Bronx) There were certainly youth who liked school for the social aspects it provided (i.e. socializing with peers); however, the majority in these groups talked about a heavy “police presence” in schools in the form of School Resource Officers (SRO) and feelings of disrespect on the part of teachers, which made the kids disrespectful in return.

Police

The topic that elicited the most discussion during the eight focus groups was perceptions and interactions with the police. While perceptions of the police were mixed, several respondents (adults and youth) discussed issues around individual and community responsibility for the things that happen in their neighborhoods. Furthermore, while many participants expressed concerns about a universally heavy police presence in the neighborhoods described (“you can’t even walk outside and not see a cop”- Young male, Staten Island), the way they felt they may have been treated (“Cops literally call me names; Cops being rude to me”- Young female, Bronx), and the way in which police related to the people in these neighborhoods (“If we are going to have police in here, they need to learn who we are”- Adult female, Brooklyn), they recognized that residents made certain choices that warranted police presence. Kids and adults expressed the need for individuals and communities as a whole to be held accountable for crime and delinquency and exercise more informal and alternative ways of addressing these issues.

The majority of young respondents felt that they would have been treated differently by the police if they were a different race. Adults, too, felt that race played a role in the decisions that were made by the police. The interesting pattern emerging in this section is that only one adult mentioned that the police were in communities for protection, while many of the youth responded in this way. There was more of a rationalization from kids about why police are in their neighborhoods than there was from the adult participants⁴, “We do give them (the police) reasons...” (Young male, Staten Island)

Young people, in general, talked a lot about the choices that kids make to get them into trouble—a calculated decision about committing a delinquent act,

“I think sometimes it is the kid’s fault. I feel like everybody has a choice. Clearly, everybody in this room chose the right path. And other people choose to do the wrong thing. My mother can tell my brother go do your homework, but at the end of the day, if he doesn’t want to do his homework, he’s not—I’m not going to make an excuse for someone.” (Young female, Manhattan)

Youth recognized that they play a role in the decisions that are being made by police and that this decision is based on a number of factors. They also spoke about the way they may dress, speak to officers, and how they walk down the street in groups a lot of the time, which could indicate to the police that something is about to happen. The race of the cop also mattered. Some felt that black or Latino cops were more understanding, “I just felt good about the people that looked like us.” (Young female, Manhattan)

Both youth and adults talked about the person inside the uniform and that not all cops act based on race, age, or gender, “Y’all shouldn’t say you hate cops in general or if you hate the job, don’t hate the suit, or hate the person because they have to do their job. If you were getting robbed, wouldn’t you want the cop to help you?” (Young female, Bronx) Several youth indicated that they felt safer when cops were around the neighborhood and felt that they were doing the job they were supposed to do—to serve and protect, “Imagine if there were no cops – what would things be like? If there were no jail, it would be chaos, no way for help. We know that we break the laws therefore we have to pay the consequences for it.” (Young female, Bronx) However, some felt that when the police were needed, they were not always there, while

⁴ There were several more youth groups than adults; however, the adult groups were often much larger than the younger groups.

at other times the police seemed to be very present and stopping people who, in their opinion, were not doing anything to cause concern. Across groups, there was a feeling that the police were not in these neighborhoods to help the people who live there, but rather, to get their paycheck and make a quota.

Courts and Dispositions

There were also differences between the way the youth and adult groups felt about judges and sentencing. Many adults expressed similar concerns to the ones expressed about the police, namely that the court does not necessarily buy into rehabilitation for these youth and that there are racial differences in the decisions made by the judges, “Of course there is going to be a racial difference, You’re not going to see too many white kids in front of a judge. There is a sense justice is blind, but justice has a lot of eyes.” (Adult male, Brooklyn) Some also felt that Family Court was supposed to provide services, but that this did not always occur—rehabilitation was not being carried out in the way it should be and kids’ futures were not being considered when decisions were being made.

On the other hand, youth had mixed feelings on the topic, but the majority felt that judges were fair and gave dispositions that provided a second chance, “If it wasn’t for this program, I don’t know where I’d be.” (Young male, Staten Island) Those youth that were torn about whether or not the courts were fair, thought that charge severity played a large role and suggested that maybe judges should take into consideration the whole individual, rather than pre-determining a sentence based on the crime, “Every punishment should be determined by the crime and by the character, you need to know a person before you make a decision about their lives. Everybody has a story and I think everyone should have the opportunity to tell their stories.” (Young female, Manhattan) Youth noted the frustration that the judge’s may have when seeing the same kids over and over again. They also did not think that race played much of a role in that decision, “The judge wouldn’t have treated them any differently if they had been white. A lot of white kids get placed for other stuff, like the thing I did.” (Young male, Staten Island)

In sum, while views and perceptions about police decision-making led to stronger opinions and more heated discussions, views about the courts and fairness of punishment were more balanced. While some participants noted that not many white youth make it to the stage of even seeing a judge, others did not think that race played a major role in the decisions that are being made at this stage. Furthermore, many youth indicated liking their judge and thanking them for the chance they had at an alternative program. Both groups agreed that judges should take into consideration the whole gamut of factors that play into the commission of delinquent activities and any participation in more positive activities, rather than focusing exclusively on the charge for which the youth was arrested. In this way, they may foster more rehabilitative responses.

Appendix C

LOGISTIC REGRESSION

APPENDIX B: LOGISTIC REGRESSION

To inform the direction of the strategic plan, Vera assisted the city in conducting several additional analyses that shed some light on the system points where differences between groups of youth were evident. In order to investigate the independent effects of race on various decision points, while controlling for other factors known to play a role in these decisions, we conducted a logistic regression analysis to measure the likelihood of three outcomes: being petitioned, detained at arraignment, and placed.

Logistic Regression: Introduction

There are a multitude of factors that go into making decisions at various stages of the juvenile justice system. For instance, there is not any one thing that influences a judge to render a certain decision and often that decision is made drawing upon combinations of factors, which may include both legal factors (i.e. prior legal history, current charge) and extralegal factors (i.e. demeanor in the court room, school attendance). A logistic regression allows for an analysis of the relationship between these many factors (called independent variables⁵) and the outcome or decision (the dependent variable⁶). Ultimately, it enables researchers to predict what the decision might be, based on the presence of a certain factor or combination of factors.⁷ Additionally, a regression separates the effects of each individual factor so that you can examine the unique contribution of each on the outcome of interest. A logistic regression produces statistics that are interpreted in terms of the odds that the outcome will happen (given a combination of factors).

Vera conducted this type of analysis in order to assess the combinations of factors that were most important in predicting certain juvenile justice processing outcomes—whether or not a case was petitioned; whether or not a case was detained at arraignment; whether or not a case was adjudicated; and whether or not a case was placed—and how much race contributed to these decisions.

Variables

The variables used were identical in each of the three final models for each outcome; however, for later processing decisions—placement—additional control variables were put into the regression that do not come into play during earlier stages—petition and detention.⁸ For all of the outcomes, demographic information was incorporated into the model. This included race (black or Latino), gender (male), age, and borough of offense. Offense at arrest was then incorporated into each model. This included both offense severity and whether or not the offense was a robbery or assault—the two most common juvenile

⁵ The independent variable of interest to this analysis was race; however, there were a number of control variables that were identified either through previous research or through conversations with system stakeholders that were thought to have a relationship with these decisions. Control variables were limited in terms of what was available in the JJJRDB—the only data source that was case-level and allowed for this type of analysis.

⁶ Logistic regressions require dichotomous dependent variables—categorical variables with only two categories, which indicate whether or not a condition is present. Independent variables can be continuous (numeric) or dichotomous.

⁷ A logistic regression can be used to develop a formula for making predictions about the dependent variable based on the observed values of the independent variables.

⁸ Several combinations of independent variables were put into the regression. We used a step-wise regression modeling procedure, which involves starting with no variables in the model and including groups of variables one by one. Prior to this approach, we tested groups of variables for statistical significance.

offenses.⁹ Next, RAI risk was folded into each model. This included the separate scores for risk of rearrest and risk of failing to appear in court.¹⁰ Finally, all models included whether or not a parent was present at probation intake. For the placement outcome, several additional variables were incorporated into the models: detention at arraignment, rearrest during the pendency of the case, and two measures of failing to appear in court.

Interpretation

An important statistical output of the logistic regression is the odds ratio, which is most important to its substantive interpretation. In statistics, the odds of an event occurring is the probability of an event occurring divided by the probability of an event not occurring. The odds ratio indicates how many times higher the odds of occurrence are for each one-unit increase in the independent variable. If the odds ratio is greater than one, the odds increase (a positive relationship). If the odds ratio is less than one, the odds decrease (a negative relationship). A logistic regression also allows us to see which factors have a statistically significant relationship with the outcome.¹¹

For example, being arrested for assault 3 has a statistically significant relationship with whether or not a youth is petitioned and the odds ratio for this variable is 1.51. An odds ratio of 1.51 tells us that the predicted odds of petition for youth arrested for assault 3 are one and a half times the odds for youth arrested on other charges. Another form of interpretation is to look at the odds ratio in terms of a percentage. In this example, the odds of petition for youth arrested for assault 3 are 51 percent *higher* than the odds for youth arrested for other charges. To do this conversion, subtract from one and convert to a percentage. It is the same for odds ratios that are less than one. For example, an odds ratio of .40 would convert to 60 percent *lesser* odds. This helps in visualizing by just how much one factor or set of factors influences the odds of a particular outcome.

A final note about interpretation is about the percent of variance that is explained when taking into consideration the total number of variables put into a model. Variance is frequently described in terms of that which can be attributed to a specific condition (explained variance) and that which is assigned to other unmeasured conditions (unexplained variance).¹² The R-squared statistic in a logistic regression gives us clues into how much the combination of variables in the model explains the outcome. The

⁹ High severity included A, B and violent C felonies. High-Mid severity included non-violent C and violent D felonies. Mid- Low severity included non violent D, all E felonies, and violent misdemeanors. Low severity included all non-violent misdemeanors.

¹⁰ The total risk of failure to appear score is calculated from four items appearing on the NYC RAI. These include open JD warrant, prior JD or PINS warrant, no adult at probation intake, and school attendance less than 30% in last full semester. The total risk of rearrest score is calculated from five items appearing on the RAI. These included unsealed prior arrest, unsealed prior felony arrest, prior JD adjudication, prior designated felony adjudication, and currently on JD probation. One point is subtracted if attendance was over 80% in last full semester.

¹¹ In statistics, a result is called "statistically significant" if it is unlikely to have occurred by chance. The amount of evidence required to accept that an event is unlikely to have arisen by chance is known as the significance level or p-value. A p-value of less than .05 is usually accepted as a significant result.

¹² The unexplained variance can be divided into two types. Some part of the unexplained variance is due to random, everyday, normal, free will differences in a population or sample. Then there is the variance that comes from some condition that has not been identified, but that is systematic. This variance, since it is consistent with some specific condition, introduces a bias.

change in R-square from model to model as more variables are being included also allows us to see how much a specific variable contributes to this explanation.

Logistic Regression: Findings

Outcome: Likelihood of Petition Being Filed¹³

| Predictor | Change in Odds | |
|-------------------------|----------------|--|
| Manhattan | +56% | |
| Queens | +38% | |
| Assault 3 | +51% | |
| High Severity | +117% | |
| Mid-High Severity | +164% | |
| Risk of FTA points | +42% | |
| Risk of Rearrest points | +28% | |
| Black | +28% | |

- For petition, charge severity mattered most. Cases arrested for a high severity or mid-high severity offense were 117 and 164 percent more likely to reach petition, respectively, compared with cases for mid-low and low severity offenses.
- Race was statistically significant for this outcome. Black youth were 28 percent more likely to be petitioned than youth of other races.
- Including all of the variables in the final model resulted in a statistically significant model that explained 12 percent of the variance. Race only added 0.2 percent explained variance to the model.

N=10,482 arrested cases

Full Model R2=12.4%, Black added 0.2%

Significant at p<.01 or better

¹³ Each chart that follows will only present significant findings. Non-significant findings can be found in the footnotes for each outcome. For petition, Non-significant variables included: Age (in years), Male, Bronx, Queens, Staten Island, Robbery 2, No Parent at Probation Intake, and Latino

Outcome: Likelihood of Being Detained at Arraignment¹⁴

| Predictor | Change in Likelihood | |
|-------------------------|----------------------|--|
| Manhattan | +146% | |
| High Severity | +137% | |
| Mid-High Severity | +53% | |
| Risk of FTA points | +122% | |
| Risk of Rearrest points | +89% | |

N=3,574 arraigned cases

Full Model R2=31.7%

Significant at p<.01 or better

Outcome: Likelihood of Placement¹⁵

| Predictor | Change in Likelihood | |
|---------------|----------------------|--|
| Male | -40% | |
| Queens | +97% | |
| Staten Island | +255% | |
| High Severity | +108% | |

- Being detained at arraignment overwhelmingly explained placement decisions. Youth who had been detained at arraignment had over 400 percent more likely to be placed than youth who were not detained at arraignment.
- Additionally, youth who were rearrested while their cases were pending were almost 150 percent more likely to be placed than youth who were not rearrested during the pendency of their cases.
- Race was not a statistically significant predictor.
- The full model was significant, with all variables taken together, explaining 35 percent of the variance.

¹⁴ Non-significant variables for detention at arraignment outcome included: Age (in years), Male, Bronx, Queens, Staten Island, Assault 3, Robbery 2, No Parent at Probation Intake, Black, and Latino

¹⁵ Non-significant variables for placement outcome included: Age (in years), Bronx, Manhattan, Assault 3, Robbery 2, No Parent at Probation Intake, Black, and Latino

| | |
|---------------------------------|-------|
| Mid-High Severity | +63% |
| Risk of FTA points | +61% |
| Risk of Rearrest points | +50% |
| Detention at Arraignment | +404% |
| Warrant during | +65% |
| 3+ missed appearances | +84% |
| Rearrested during Case Pendency | +149% |

N=2,358 sentenced cases

Full Model R2=34.6%

Significant at $0 < .05$ or better

Limitations

While this analysis certainly did strengthen some of the findings of various other analyses that were undertaken, it too had some limitations that should be noted. First, it was not possible to run a regression for the arrest decision, which was the point that seemed to have the largest RRI. In order to have done so, Vera would have needed comprehensive data for all youth in the city at risk of arrest, which does not exist. Second, regressions, in and of themselves, cannot explain everything 100 percent. For example, even when putting all predictors into the model (risk, charge severity, demographics, etc.), these factors only accounted for 30 percent of the decision to detain at arraignment or to place. For petition and adjudication, that percentage was only 10 to 15 percent when these factors were accounted for in the model. Finally, researchers were limited not only by the individual data that was accessible, but also in that there are many influences on decisions which are not measurable or are difficult to measure and could just not be unaccounted for using this method.

Nonetheless, the regression analysis was helpful in highlighting some of the factors most important to juvenile justice decision making and the decisions for which race played a role.

Appendix D

RELATIVE RATE INDEX

APPENDIX C: Relative Rate Index

This appendix outlines the way in which the RRIs were constructed for New York City, including at which points, the methods of calculation, and interpretation.

An RRI matrix was constructed for New York City for the year 2010—the last full year for which data was available.¹⁶ This matrix covered nine important decision-making points and outcomes:

- Arrests (Probation Intake)
- Arrests leading to a Police Admission to Detention
- Number of Cases opened for Adjustment
- Number of Cases Petitioned
- Number of Cases Detained at Arraignment
- Number of Cases sent to an ATD at Arraignment
- Number of Cases Adjudicated/Disposed
- Number of Adjudicated Cases resulting in Probation
- Number of Adjudicated Cases resulting in Placement

In order to calculate an RRI:

- 1) Rates for each racial group must be calculated for each system point
- 2) Then, the rates for white youth are divided by the rates for minority youth to obtain the index number

For New York City, white youth were compared to black youth and Latino youth separately. To ensure the cumulative nature of the RRI, the numerator is the decision-making stage being measured, and the denominator is the stage immediately preceding that. For the stages used in calculating the city-wide RRIs, below is a list of numerators and denominators used for each point:

- **Arrests:** Number of arrests/*eligible youth population between the ages of 10 and 15*
- **Police Referrals to Detention:** Number of police admissions to detention/*number of formal arrests*
- **Adjustments:** Number of cases opened for adjustment/*number of formal arrests*
- **Petitions:** Number of petitioned cases/*number of formal arrests*
- **Detained at Arraignment:** Number of cases detained at arraignment/*number of petitions*
- **ATD:** Number of cases sent to ATD/*number of petitions*
- **Adjudications:** Number of adjudicated cases/*number of petitions*
- **Probation:** Number of adjudicated cases resulting in Probation/*number of adjudications*
- **Placement:** Number of adjudicated cases resulting in Placement/*number of adjudications*

¹⁶ An RRI matrix populates data for each racial and ethnic group by decision point, calculates the rates for each racial and ethnic group by decision point, and then calculates the RRIs for minority youth as compared to white youth at each decision point. This is outlined in the Office of Juvenile Justice and Delinquency Prevention, National Disproportionate Minority Contact Data book at <http://www.ojjdp.gov/ojstatbb/dmcdb/index.html>.

To illustrate these steps, we take the example of calculating an RRI for the first available stage, arrest, using real data from New York City in 2010. We want to know the rate of arrest for black youth city-wide:

- First, we take the number of black youth who were arrested ($n=6,225$) and divide that by the total number of black youth in the general population ($N=158,737$).
- We then multiply that by 1,000. This gives us a rate of 39.22, which means that about 39 of every 1,000 black youth between the ages of 10-15 in New York City were arrested in 2010.
- To calculate the RRI for arrest we then divide this rate for black youth by the rate for white youth. The city-wide arrest rate for white youth is 4.79 arrests per 1,000 youth.
- Therefore, the RRI is $39.22/4.79$ or 8.18.

In figure 1, on page 12, the RRI for arrest is 8.18, which means that the rate at which black youth are arrested is 8 times higher than the rate at which white youth are arrested. As a reminder, if the RRI is equal to 1, this means that there is no difference between the rates of white youth and black or Latino youth. If the RRI is greater than 1, this means that there is a greater rate of occurrence for black and Latino youth than there is for white youth. Finally, if the RRI is less than 1, then the rate of occurrence for black and Latino youth is less than that for white youth.