

Race and Detention Decision-Making and the Impact on Juvenile Court Outcomes in Black Hawk County

EXECUTIVE BRIEF

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Background

In the early summer of 2005, Michael Leiber met with juvenile court personnel from Black Hawk County to discuss the possibility of conducting a detailed study of detention in their jurisdiction. The initiative for the study came from the Court itself due to concerns about the number of detained youth, particularly minorities. A detailed inquiry into the use of detention, the types of detention used, for what and whom, had not been previously conducted. After gaining judicial permission, Leiber agreed to examine detention decision-making in Black Hawk County and its impact on juvenile justice decision-making. Data were manually collected from case files in Black Hawk County covering referrals to juvenile court and the North Iowa Detention facility from 2003 through 2004. Aggregate information was also used that represented the number of detention referrals for the years 1990 through 2004. Specific information on the detailed history of DMC in Iowa, Black Hawk County, sampling, tables, and findings can be found in the full technical report: *Race and Detention Decision-making and the Impact on Juvenile Court Outcomes in Black Hawk County, Iowa* and in an executive summary (both by, Leiber, Fox, and Lacks, 2007). These reports can be accessed at: http://www.uiowa.edu/%7Enrcfcp/dmcr/news_and_report.shtml

Basis for Existing Study:

Iowa and 49 other states participate in the Federal Juvenile Justice and Delinquency Prevention Act (JJDP Act). A core requirement of the JJDP Act is that states assess the extent to which minority youth are overrepresented in the juvenile justice system, including secure detention. This study focused on secure detention and was guided by a number of questions: How often is secure detention used? What were the trends over time? What are the factors associated with detention? How does detention and race affect decision-making at intake, petition, adjudication and judicial disposition in Black Hawk County?

Study Sample:

The sample includes 449 randomly-selected juvenile court referrals plus 478 nonrandom youth who were held in detention. African-American youth were over-sampled to increase their numbers in the study and to assess any racial aspects of decision-making across the juvenile justice system. The total weighted sample is 927.

Statistical Tests:

The study includes frequencies, cross-tabulations, and multivariate statistics in the form of logistic regression and multinomial regression with significance tests (coefficient comparisons using z scores) for race interactions.

Limitations:

The study focused only on juvenile justice decision-making in Black Hawk County. There is a need to replicate the study in other jurisdictions since detention decision-making may vary by locality. For example, in Black Hawk County, it was discovered that youth who received an informal adjustment at intake were rarely detained for probation violations. It is unknown to what extent this occurrence may be found in other juvenile courts in Iowa and elsewhere across the nation.

Major Findings:

- Over time (1990 through 2004), the data revealed that the primary reasons for detention admissions of whites were court violations, followed by property crimes and person offenses. For African Americans, it was court violations, crimes against persons, and property offenses. While drug admissions represented a small percentage of total admissions, the largest racial gap was for drug offenses for African Americans.
- African American youth were subjected to more multiple court violation detentions than were white youth. This relationship was reversed when the detention was a 48-hour hold, where whites were more likely to receive multiple 48-hour hold detentions than were African Americans.
- Legal variables (e.g., offense seriousness) and extralegal factors (e.g., age, coming from a single parent household) most often had the strongest effects on detention decision-making and decision-making in general.
- Race, individually and in combination with other variables (e.g., gender), was found to have an effect on detention and system decision-making even after considering differences in crime severity, prior record, etc. For example:

- Being African American substantially increased the likelihood of detention relative to similar whites.
- Being detained increased the chances of moving further into the system and, because being African American increased the odds of being detained, black youth as a group were more likely to receive a more severe outcome at intake than were whites.
- Even after controlling for offending characteristics, African Americans were found to be less likely than similar whites to participate in diversion.
- Race effects were also discovered at petition, adjudication, and judicial disposition. Sometimes, the effects resulted in more severe and more lenient outcomes.
- With the exception of decision-making at intake, race was not found to operate through detention to produce a negative cumulative impact. That is, being detained did not contribute to minority overrepresentation throughout the proceedings. This finding, however, does not diminish the impact of race on intake decision-making or the apparent impact of race at every stage examined.
- In short, both offending characteristics and racial bias appear to be contributing factors to African American overrepresentation in secure detention and in the juvenile justice system in Black Hawk County.
- Leiber and colleagues also found that being female was influential at intake and petition, and worked in combination with race to affect adjudication and judicial disposition decision-making. These findings are consistent with previous research (*An Examination of the Factors that Influence Juvenile Justice Decision-making In The Jurisdictions of Black Hawk, Johnson, Linn and Scott, Iowa: An Assessment Study*, by Leiber, Johnson, and Fox, 2006).

Recommendations

Recommendation 1: Reform Detention Admissions of All Types

- Adopt detention risk assessment instruments (Justice Policy Institute, 2002) and ensure that these instruments are race neutral (Pope, 1995).
- Those involved in the juvenile justice process (the police, detention personnel, juvenile court decision-makers), and the community in general need to collaborate on devising a strategy to see detention as part of a continuum of services (e.g., youth shelters, foster parents, etc.) rather than solely in terms of the most secure form of detention.
- The development of less secure alternatives to secure detention will not necessarily reduce public safety or cause the implementation of race quotas (e.g., Hoytt et al., 2002; Justice Policy Institute, 2002).

Recommendation 2: Increase Structured Decision-making at Intake

- Develop quantitative tools to aid decision-making at intake. Limited numbers of jurisdictions across the country have had some success in reducing minority overrepresentation by combining the use of decision-making tools with increased support for community-based alternatives.

Recommendation 3: Continue to Require Decision-Makers to Participate in Race and Gender Cultural Sensitivity Training

- Support participation in sensitivity training. Both race and gender were discovered to be consistent factors influencing decision-making at intake and other stages of the proceedings. Many studies have documented the importance of gender/cultural training as a tool to improve decision-maker knowledge and understanding of the issues faced by diverse populations of youth.
- Recognize that racial and gender bias may be both overt and subtle, sometimes and may sometimes operate through legitimate criteria. The ability to recognize that bias can have many forms does not weaken or dismiss its presence, or reduce the need to develop strategies for change in the pursuit of equitable treatment for all youth, irrespective of race/ethnicity and gender.

Recommendation 4: Conduct Additional Research on DMC

- Use qualitative methods in the form of surveys and interviews to gain greater detail and insights into one or more of the stages where race and gender differences were evident.
- Conduct further research to include Hispanics, Native Americans, and Asians.
- Expand the study on detention and decision-making to include other jurisdictions.

Recommendation 5: Expand Crime Prevention Programs

- Establish or strengthen community-based resources and programs focusing on delinquency prevention. Facilitate minority access to crime prevention programs to reduce the disproportionate number of minority youth coming into contact with the juvenile justice system and utilize diversion at intake for minorities.
- Create a multi-pronged approach to reduce DMC that includes a variety of strategies focusing on the prevention of delinquency, possible selection bias, and deficiencies in the juvenile justice system. Examples of programs and initiatives can be found at: http://www.dsgonline.com/mpg2.5/mpg_index.htm; (<http://www.jrsa.org/jjec/>) .