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RESEARCH BRIEF

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Measuring Disproportionate Minority Contact in West Virginia's Juvenile Justice System

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Highlights:

- **Minority juveniles are more likely than white juveniles to be arrested, detained, adjudicated, and placed in secure residential facilities.**
- **Minority youth are less likely than white youth to receive diversions or to be placed on probation.**
- **The total number of minority juveniles experiencing arrests, detentions, and adjudications has declined significantly in recent years, but these decreases have not reduced racial disparities in rates of justice system involvement.**

EXECUTIVE SUMMARY

In 1989, the Coalition for Juvenile Justice's annual report to Congress highlighted the problem of disproportionate minority contact (DMC) in the juvenile justice system. It showed that minority youth were much more likely to be arrested than white youth and comprised about 55% of the juvenile population incarcerated in correctional facilities (Coalition for Juvenile Justice, 1989). Subsequent studies confirmed and built upon these findings, and revealed evidence of pervasive inequities in justice system outcomes for minority youth in jurisdictions around the country (Piquero 2008; Pope, Lovell, & Hsia, 2002; Pope & Snyder, 2003; Rovner, 2014). These findings helped to motivate Congress to pass a series of amendments to the Juvenile Justice and Delinquency Prevention Act (JJDP Act) which required states to measure and address DMC as a condition for receiving federal funding through programs tied to this legislation. At present, the Office of Juvenile Justice and Delinquency Prevention (OJJDP), which oversees these programs, requires all participant states to measure levels of DMC by calculating relative rate index (RRI) values for minority youth at each stage in the juvenile justice process. The RRI (which is described in greater detail below) provides a consistent framework for measuring rates of justice system contact for minority youth relative to the rates experienced by white youth, and has consequently

become the primary means by which states measure changes in the severity of DMC over time and compare rates of DMC across jurisdictions.

The present research brief presents the RRI values for all minority groups in West Virginia at every stage in the justice process from arrest through adjudication. In addition, this brief conducts further analyses which use historical data to examine trends in rates of DMC in West Virginia over time. The results of these analyses indicate that despite some positive trends, DMC remains a significant problem in the West Virginia juvenile justice system and that rates of DMC in the state are high for many indicators. The implications of these findings for policy-makers and administrators, as well as several recommendations for potentially addressing the problem of DMC, are discussed at the conclusion of this study.

THE RELATIVE RATE INDEX

The RRI provides a measure of the relative rate, or ratio, of justice system involvement for minority youth compared to white youth for a given indicator of contact with the juvenile justice system. The procedure for calculating RRIs was developed by the OJJDP and entails three general steps. First, one calculates the rate of contact for minority youth for a given indicator by dividing the number of minority youth who experience that indicator by the number of minority youth who are at risk of experiencing it. Second, this process is then repeated for white youth using the same procedure. Finally, the RRI value is produced by dividing the rate of contact for minority youth by the rate of contact for white youth. This results in an RRI value which provides the ratio of justice system contact for minority youth relative to white youth. RRI values that are greater than 1 indicate that minority youth are more likely than white youth to experience a given type of justice system contact, while values less than 1 indicate that they are less likely.

RRI values are calculated for 9 different indicators of contact with the juvenile justice system: arrest, referral, diversion, pre-disposition detention, petition, adjudication, probation placement, placement in a secure residential facility, and transfer or waiver to criminal court. For each indicator of justice system contact, the population at risk

Indicators of Contact with the Juvenile Justice System

Arrest: Cases where law enforcement agencies apprehend, stop, or otherwise contact youth and suspect them of having committed a delinquent act.

Referral: Cases where a potentially delinquent youth is sent forward for legal processing and is received by a juvenile or family court or juvenile intake agency.

Diversion: Cases in which youth are referred for legal processing but handled without the filing of formal charges.

Detention: Cases when youth are held in secure detention facilities at some point during court processing of delinquency cases.

Petition: Cases that appear on a court calendar in response to the filing of a petition, complaint, or other legal instrument requesting the court to adjudicate a youth.

Adjudication: Cases where youth are judged or found to be delinquent during adjudicatory hearings in juvenile court.

Probation Placement: Cases in which youth are placed on formal or court-ordered supervision following a juvenile court disposition.

Residential Placement: Cases in which youth are placed in secure residential or correctional facilities for delinquent offenders.

Transfer/Waiver: Cases in which youth are transferred to criminal court because of a judicial finding in juvenile court.

Source: Feyerherm, Snyder, and Villarruel (2009)

of contact is determined based on the number of youth experiencing the previous stage in the justice process. Following the procedures outlined by the OJJDP, the population of youth at risk of arrest is determined by the number of youth between the ages of 10 and 17 who live within the jurisdiction and who fall into the demographic category for which the RRI value is being calculated (e.g., Black or African American, Native American, Asian or Pacific Islander). Youth who are arrested are then considered to be at risk of referral, while youth who receive a referral are considered to be at risk of experiencing pre-disposition detention, petition, or diversion. Likewise, youth who receive a petition are considered to be at risk of adjudication, and youth who experience adjudication are considered to be at risk of being placed on probation, placed in a secure residential facility, or receiving a waiver or transfer to criminal court.

Data for calculating the RRIs are obtained from a variety of sources. Estimates of the number of eligible youth living in each jurisdiction were provided by the U.S Census Bureau, while data on arrests were obtained from the criminal history records depository maintained by the West Virginia State Police. Measures of the number of youth receiving referrals, pre-disposition detentions, diversions, petitions, adjudications, probation placements, and transfers or waivers to criminal court were obtained from the Offender Case Management System (OCMS), a database maintained by the West Virginia Supreme Court of Appeals (WVSCOA). Data recording the number of youth placed in secure residential facilities were provided by the Offender Information System (OIS). The OIS is a database managed by the West Virginia Division of Corrections which maintains records for all juveniles admitted into secure residential facilities operated by the Division of Juvenile Services (DJS) in addition to records for adult offenders admitted into state prisons and regional jails. These data sources were used to calculate RRIs at both the state and county level for the years 2013-2016. For the years prior to 2013, historical RRI data for West Virginia were obtained from the OJJDP along with the national average for RRI values for all indicators and minority groups.

It should be noted that these data sources do have some limitations that may have an impact on the calculation of RRI values. First, the demographic categories employed

by the arrest record forms used by the West Virginia State Police differ slightly from those employed by other data sources and do not include Latino or Hispanic identification as a distinct category, and instead place Latino or Hispanic individuals in a broader category that includes individuals whose race or ethnicity is identified as other or unknown. Consequently, the RRI values for Latino or Hispanic youth may include individuals who were identified as having multiple or unknown racial or ethnic identities. While this is consistent with the process used to calculate RRI values in West Virginia in prior studies, it does mean that the RRI values for Latino or Hispanic youth should be interpreted with some caution. Second, it should also be noted that the OCMS database was designed primarily to serve as a records system for probation officers, who input data into the system directly from the field. As a result, the system may lack information about juveniles who have never had any contact with a probation officer. However, wherever possible, efforts were made to match records extracted from OCMS with those obtained from OIS and the state police to identify any missing data and address gaps.

KEY FINDINGS

Disproportionate Minority Contact in 2016

Table 1 presents the number of youth at risk and the number of youth experiencing each type of justice system contact for the state as a whole and then breaks down these totals by racial category using data from 2016. It shows, first of all, that there are relatively few minority youths in the state. Of the roughly 172,000 youth at risk, approximately 162,000 (or roughly 94% of the youth population) are white and only about 14,000 (or about 6% of the population) fall into any of the minority categories. While this is consistent with the demographic distribution of the adult population (which is also about 94% white), it does impede the measurement of DMC for some racial categories, such as Native American or Asian or Pacific Islander, because very few members of these groups experience contact with the juvenile justice system. Most minority youth in the state identify as African American or Black, with this group comprising about 5% of the total population and about 60% of the minority population.

In regard to justice system contacts, Table 1 shows that

Table 1**West Virginia Juvenile Justice System Contacts in 2016, by Race**

	White	Black/African American	Hispanic/Latino	Asian/Pacific Islander	Native American	All Minority Youth	Total
Youth at risk (ages 10-17)	161,555	8,798	3,780	1,530	373	14,481	172,256
Arrests	677	195	21	4	1	221	898
Pre-disposition detentions	287	64	37	1	0	102	389
Diversions	3,732	178	158	2	2	340	4,072
Referrals	5,760	450	387	7	2	846	6,606
Petitions	2,334	327	255	7	0	589	2,923
Adjudications	583	128	60	2	0	188	771
Probation placements	735	120	59	0	0	181	916
Residential placements	57	21	15	0	0	36	93
Transfers/Waivers	4	2	0	0	0	2	6

Note: Hispanic/Latino category includes individuals identified as “other” or “unknown race” in juvenile arrest data.

221 minority youth were arrested in 2016 and that 846 were referred to juvenile court. The number of youth referred to court is larger than the number of arrests because this total includes all referrals to court, regardless of whether the referral was associated with a particular arrest. Of those minority youths who had cases referred to court, 589 resulted in petitions, and of these, 188 resulted in adjudications. Most of these adjudications resulted in probation, with relatively few minority youth being placed in a secure residential facility or being transferred to adult criminal court. The numbers of white youth experiencing each stage are significantly larger, but since the baseline population for white youth is approximately 12 times greater than the baseline population for minority youth, rates of justice system contact for white youth are lower than for minority juveniles for most indicators.

Table 2 presents the RRIs for each indicator and demographic category. These RRIs are calculated using

the numbers presented in Table 1 and show that, for most indicators, rates of justice system contact are higher for minority youth than for white youth. For example, the RRI for arrests for all minorities is 3.64, indicating that minority youth were about 3.6 times more likely to be arrested than white youth. Likewise, the RRI for black youth was 5.29, indicating that black youth were about 5.3 times more likely to be arrested than white youth. In general, the RRIs show that minority youth in West Virginia were generally more likely to be arrested, less likely to have their cases diverted from court, more likely to experience pre-disposition detention, and more likely to have their cases result in petitions and adjudication. When adjudicated, minority youth were also less likely to receive probation, and more likely to be placed in a secure residential facility or have their cases transferred to criminal court.

Table 2 also shows that the RRIs for youth classified as African American or Black, or Latino or Hispanic, were

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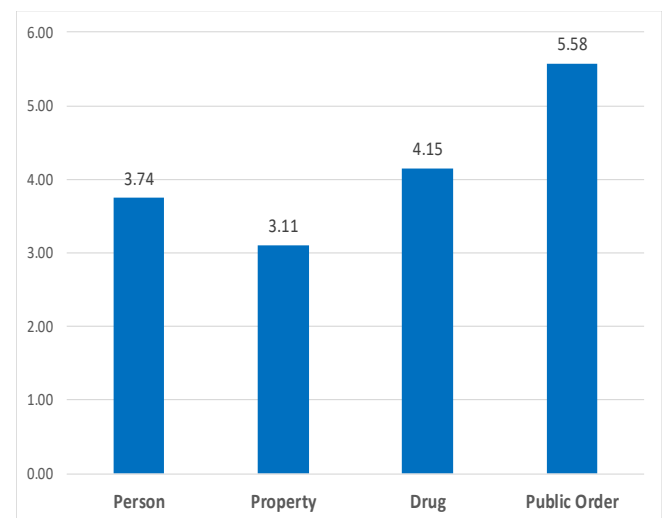
Table 2**Relative Rate Index Values for Minority Youth in West Virginia in 2016, by Race**

	Black/African American	Hispanic/Latino	Asian/Pacific Islander	Native American	All Minority Youth
Arrests	5.29	1.33	0.62	0.64	3.64
Pre-disposition detentions	2.41	1.91	2.86	---	2.41
Diversions	0.61	0.63	0.44	1.54	0.62
Referrals	0.27	2.16	0.20	0.23	0.44
Petitions	1.79	1.62	2.46	---	1.71
Adjudications	1.56	0.94		---	1.27
Probation placements	0.74	0.78	---	---	0.76
Residential placements	1.67	2.55	---	---	1.95
Transfer/Waivers	2.27	---	---	---	2.27

Note: For some demographic groups, RRI values could not be calculated for some indicators because no member of that group experienced that type of justice system contact in 2016. Hispanic/Latino category includes individuals identified as “other” or “unknown race” in juvenile arrest data. All relative rate index values are relative to white juveniles.

generally consistent with those of the minority youth population as a whole, except that Latino or Hispanic youth were slightly less likely than white youth to have an adjudication and that the RRI for arrests for African American or Black youth was significantly greater. It should be noted that some RRIs could not be calculated for youth classified as Native American or Asian or Pacific Islander categories because there were some types of indicators of justice system contact that were not experienced by any juveniles in these categories in West Virginia in 2016.

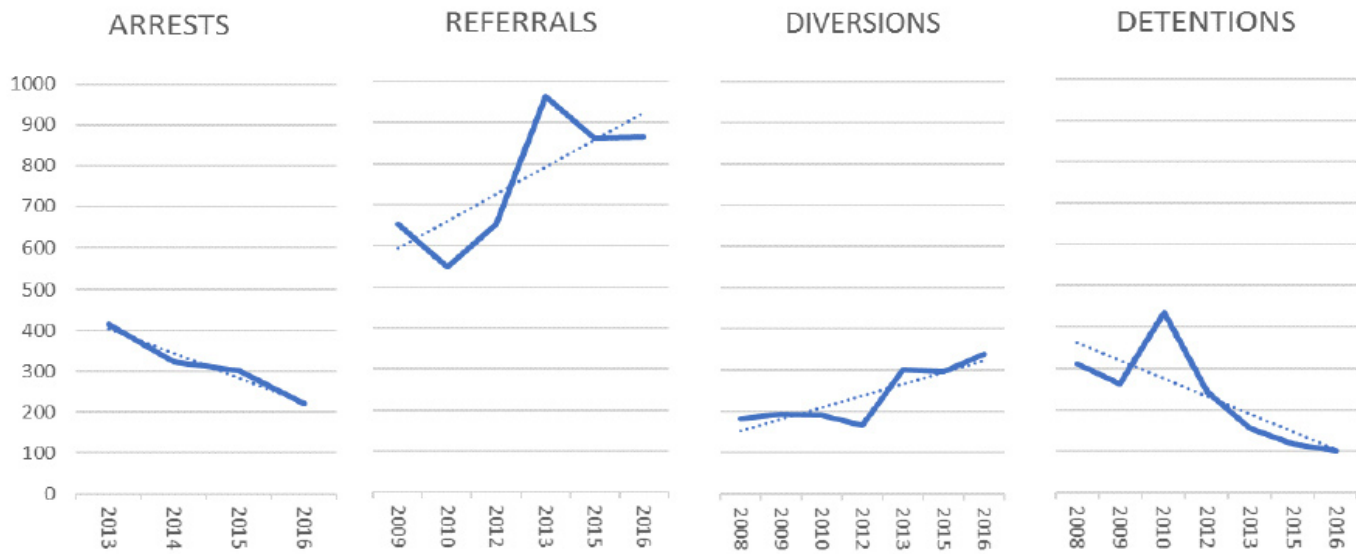
Figure 1 examines the differences in RRIs for arrests for different kinds of offenses. Here, the data indicate that while minority youth were generally more likely to be arrested than white youth for all types of offenses, this disparity was greatest for arrests related to public order and drug offenses. The public order category includes a broad array of offense types for which the most common were DUI and other offenses related to underage alcohol

Figure 1**Relative Rate Index Values for Arrests for All Minority Youth in 2016, by Offense Type**

Note: All relative rate index values are relative to white juveniles.

Figure 3

Trends in Pre-Adjudication Juvenile Justice System Contacts for Minority Youth in West Virginia



Note: Historical data not available for all years for some indicators.

that historical data are not available for all years for all indicators, and so only years for which data are available for a given indicator are included in the analysis. Figure 3 shows that, consistent with national trends, the number of minority youth being arrested has declined significantly in recent years, falling from about 400 in 2013 to about 200 in 2016. The number of pre-disposition detentions for minority youth has also declined dramatically, falling from roughly 300 in 2008 to about 100 in 2016, while the number of minority youth receiving diversions from court has increased from about 200 to roughly 350 during this time. Although the number of youth being referred to court has increased since 2009, the data presented in Figure 3 show that, in general, rates of juvenile justice system contact for minority youth have generally been declining over time.

Figure 4 presents trends for another set of indicators that highlight the outcomes experienced by minority juveniles once their cases appear in juvenile court. Here, Figure 4 shows that although there has been significant fluctuation in the number of minority youth receiving adjudications, this number appears to be decreasing slightly over time.

National Trends in Justice System Contacts for Minority Youth

Nationally, the number of juvenile arrests has decreased by about 37% between 2003 and 2012 (Puzzanchera, 2014).

Incarceration rates for minority youth also fell by nearly 50% nationwide during this period (Rovner, 2016).

However, minority youth continue to make up a disproportionate share of juvenile arrests, adjudications, and incarcerations, and national RRI values have not decreased for most indicators (Puzzanchera & Hockenberry, 2017).

Racial and ethnic disparities in justice system outcomes continue to vary significantly across states, with some states observing improvements in recent years and others seeing disparities increase (Rovner, 2016).

Figure 4

Trends in Post-Adjudication Juvenile Justice System Contacts for Minority Youth in West Virginia



Note: Historical data not available for all years for some indicators.

Likewise, the number of minority youth receiving secure placements or transfers to criminal court is also declining. The number of minority youth receiving probation has increased, but only slightly, moving from about 150 in 2008 to 175 in 2016.

Together, Figures 3 and 4 reveal that the rate of justice involvement for minority youth has been decreasing in recent years for most indicators. However, the RRI values for most indicators have remained relatively high. This reflects the fact that although the rate of justice system contact has decreased for minority youth, it has also fallen for white youth, resulting in continued disproportionately high rates of contact for minority youth.

CONCLUSION

The findings presented above have several important implications for policymakers as well as staff and administrators working in the state's juvenile justice system. First, they show that DMC is a salient problem in West Virginia. The RRI values demonstrate that minority youth are significantly more likely to be arrested, detained

prior to disposition, receive petitions and adjudications, and to be placed in a secure residential facility or transferred to criminal court than white youth in the state. Likewise, minority youth are significantly less likely to have their cases diverted from court or to receive probation. These findings suggest that despite the relatively small size of West Virginia's minority youth population, the state is not immune to the racial disparities that affect juvenile justice systems in other states.

Second, the historical data show that although the RRI values have remained relatively high, the absolute number of minority youth experiencing arrests, detentions, adjudications and secure placements have all generally been declining in recent years. These are all positive trends, as they suggest that the overall number of juveniles involved in the justice system is decreasing. While the analyses conducted in the present study are not sufficient to determine the causal factors that are driving these trends, these findings do provide some suggestive evidence that recent reforms made to the juvenile justice system resulting from the passage of Senate Bill 393 (also known as the juvenile justice reform bill) may have had

an impact on the number of youth experiencing costly sanctions such as detentions and secure placements. In addition, it should be noted that the declining numbers of arrests for minority youth have also been observed in national studies, suggesting that broader national-level trends may also be affecting the numbers observed in West Virginia (Sickmund & Puzanchera, 2014).

Finally, the analysis of county-level data indicates that there is significant local variation in terms of the severity of DMC across jurisdictions. Although some of this variation likely reflects the small sample sizes observed in some counties, it does point to the need for more research to track DMC at the local level in order to identify potential areas of concern and assess improvements in performance over time. In this regard, researchers would benefit most from access to data which record minority juvenile justice involvement for all indicators at the county or municipal level, something which is not yet possible with existing data sources. Likewise, efforts to measure DMC would also benefit from the implementation of standardized demographic categories and classification procedures for juvenile justice data sources, as this would ensure that measures are consistent across the different data sources needed to calculate RRI values.

In regard to addressing the causes of DMC, prior research identifies a number of strategies that have been implemented in jurisdictions that have been successful at reducing disparities in justice system outcomes for minority youth (Spinney, Cohen, Feyerherm, Stephenson, Yeide, & Hopps, 2016). These include working to develop an institutional culture that emphasizes rehabilitation and treatment rather than punishment, creating alternatives to secure confinement for youth, and increasing collaboration between state and local stakeholders in the juvenile justice system. In addition, many studies also stress the importance of affiliating with national juvenile justice reform initiatives, such as the MacArthur Foundation's Models for Change Initiative and the OJJDP's Community and Strategic Planning Initiative, in order to maximize the state's access to knowledge and resources that may enhance the effectiveness of reforms (Piquero, 2008). Furthermore, research also suggests that additional cultural competency training for law enforcement and

other justice system staff can help to reduce DMC by teaching participants to recognize the ways in which racial stereotyping and decision-making bias can perpetuate disparities in arrests and other outcomes (Cabaniss, Frabutt, Kendrick, & Arbuckle, 2007).

Together, these studies highlight ways in which jurisdictions have successfully reduced rates of DMC at different stages in the juvenile justice process. The findings presented above suggest that there are likely to be many opportunities to reduce rates of DMC in West Virginia by implementing similar strategies. Although the size of the minority youth population residing in the state is comparatively small, this does not diminish the significance of DMC for those individuals affected by this issue, and it suggests that even relatively modest reforms are likely to make a noticeable impact on future measures of DMC in the state.

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