



**Project to Reduce Disproportionate Minority Contact (DMC)
with Onondaga County's Juvenile Justice System**

**Final Report to:
Onondaga County Juvenile Justice Reform Steering Committee
New York State Division of Criminal Justice Services**

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Introduction

Onondaga County has been engaged in juvenile justice reform efforts for several years and has significantly reduced its use of secure and non-secure detention for youth awaiting case processing. While the population of youth in detention has decreased, the racial and ethnic profile of detained youth has not been substantially altered. The Center for Community Alternatives (CCA) in Syracuse was funded by the New York State Division of Criminal Justice Services (DCJS) to collect and analyze data around disproportionate minority contact (DMC) with Onondaga County's juvenile justice system; engage community members in the project by conducting community education forums and training youth and parent advocates; and convene a work group consisting of juvenile justice system officials, service providers and community leaders, and parents and youth with firsthand juvenile justice experience to develop recommendations for reducing DMC in Onondaga County. This was a one-year seed project designed to lay the groundwork for ongoing attention to DMC issues in the juvenile justice system. The project began in October 2010 and continued through September 2011.

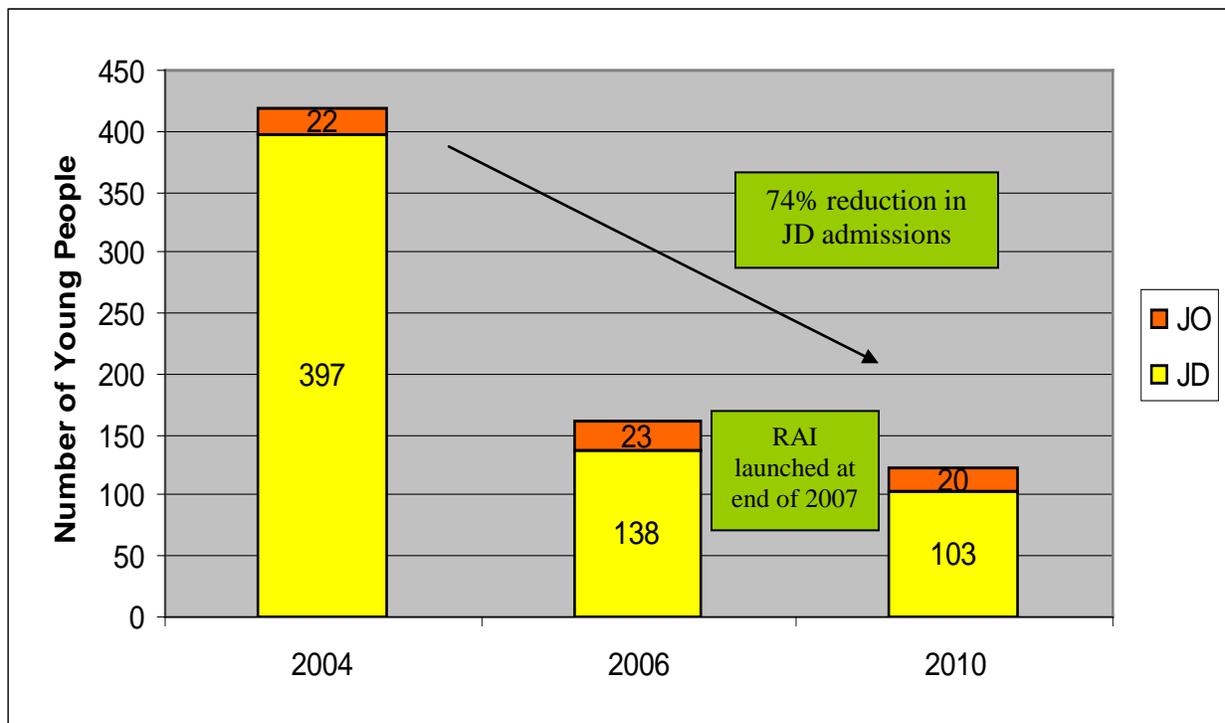
CCA received technical assistance from the W. Haywood Burns Institute throughout the course of this project. The Burns Institute is a national leader in juvenile justice system reform and reducing DMC. CCA utilized the Burns Institute model by beginning its DMC reduction efforts with an analysis of data at the point of detention. Due to the limited timeframe of this project, other juvenile justice system decision points were not thoroughly analyzed and are not included in this report. The intent of the model is to begin at detention and work backwards through the system to analyze and reduce DMC at other decision points. The scope of this project is also limited to juvenile delinquency (JD) cases prosecuted in family court rather than juvenile offender (JO) cases prosecuted in criminal court.

This report will provide an overview of the state of DMC in Onondaga County and describe project activities including collection and analysis of quantitative and qualitative data, community education and advocacy, and work group meetings. It will conclude with recommendations from the work group to the Onondaga County Juvenile Justice Reform Steering Committee and DCJS so that Onondaga County may continue to attend to DMC issues in the future.

Overview of DMC in Onondaga County's Juvenile Justice System

From 2004 to 2010, Onondaga County reduced its secure detention admissions of youth facing juvenile delinquency (JD) charges in family court by 74 percent. Most of this decrease occurred before the introduction of the County's risk assessment instrument (RAI)¹ used to screen youth for their appropriateness for detention and therefore is not attributable to the use of that tool. Detention reform efforts, such as a policy change to not detain youth involved in PINS cases, were already underway prior to the introduction of the RAI. Further, during a similar timeframe (2005-2009), juvenile arrests in Onondaga County dropped 20 percent, according to DCJS data. Juvenile arrests by the Syracuse Police Department decreased by 22 percent. Thus, a portion of the decrease in detention admissions is likely due simply to lower arrest rates rather than changes in detention policy. Figure 1 illustrates the decrease in detention admissions from 2004 to 2010.

Figure 1: Reduction in Admissions to Secure Detention, Onondaga County, 2004-2010



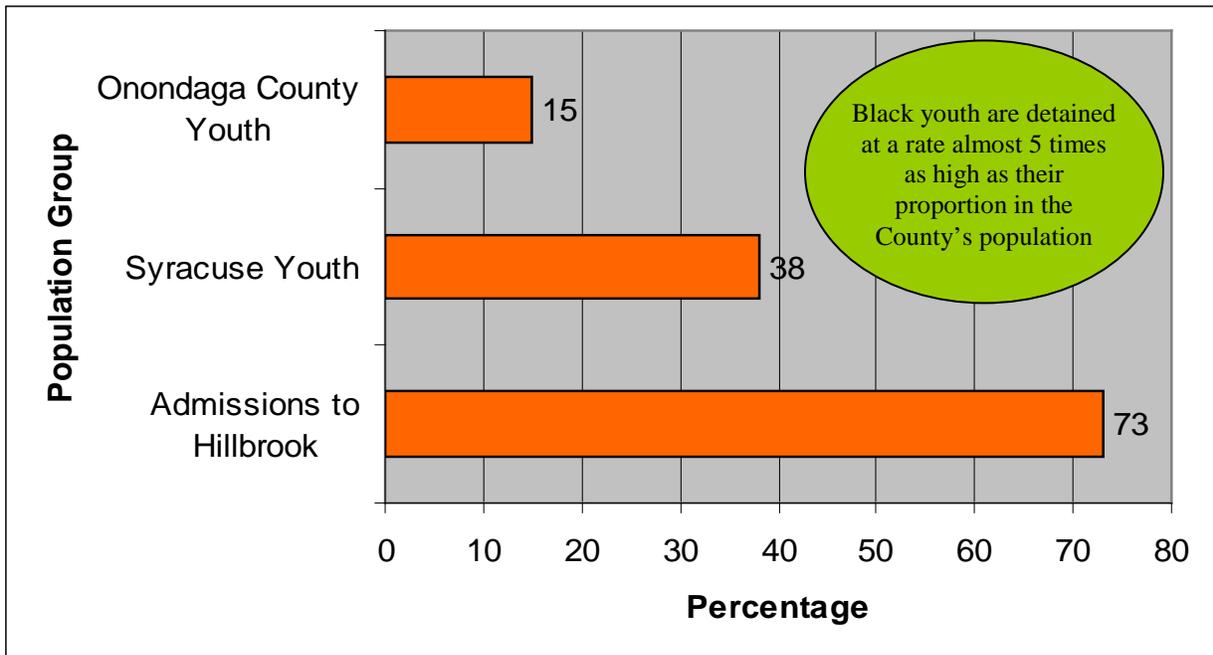
The impact of the significant drop in detention varied by the race/ethnicity of the youth, raising concerns about what is called Disproportionate Minority Contact (DMC).² DMC occurs when the proportion of youth of color at various points in the juvenile justice system is greater than the

¹ The Vera Institute of Justice, through support from the New York State Office of Children and Family Services, provided technical assistance to Onondaga County to develop a Risk Assessment Instrument (RAI). The development of the RAI took place between 2005 and 2006 and the RAI was introduced in 2007.

² DMC, initially defined as Disproportionate Minority *Confinement*, was included in the 1988 Amendments to the Juvenile Justice and Delinquency Prevention (JJDP) Act of 1974. The 1988 Amendment required that States address DMC in their state juvenile justice plans. In 2002, the Act was amended to take into account racial differences at all stages of the juvenile justice system, and was accordingly redefined as Disproportionate Minority *Contact*.

proportion of youth of color in the general population. Racial disparities often become increasingly worse as a young person is processed deeper and deeper into the system so that the greatest disproportion occurs at points of incarceration : detention and placement. Although the overall population of youth in detention decreased sharply between 2004 and 2010, youth of color were still grossly overrepresented in detention during 2010. Figure 2, for example, illustrates that, while African American youth comprise only 15 percent of Onondaga County’s youth population and only 38 percent of the City of Syracuse’s youth population, they represented almost three-quarters (73 percent) of the admissions to secure detention (Hillbrook) in 2010.

Figure 2: African American Youth as a Percentage of Population Groups in Onondaga County and Syracuse, NY



Although Onondaga County’s Latino population is relatively small, Latino youth are also overrepresented in detention. While Latinos comprise only 4 percent of Onondaga County’s general youth population, they represented 6 percent of the youth admitted to secure detention in 2010. Latino youth are detained at a rate 1.5 times their proportion in the general population. White youth make up over 75 percent of the County’s general youth population but comprised only 18 percent of the admissions to secure detention in 2010.

Figure 3 illustrates the type of offense for which young people were admitted to secure detention in Onondaga County, disaggregated by race. Twenty-eight percent were admitted on misdemeanor charges and 9 percent on technical violations of probation. These are generally considered low-level offenses for which detention may not be necessary.

Figure 3: Secure Detention Admissions in Onondaga County, by Offense and Race, 2010 (N=103)

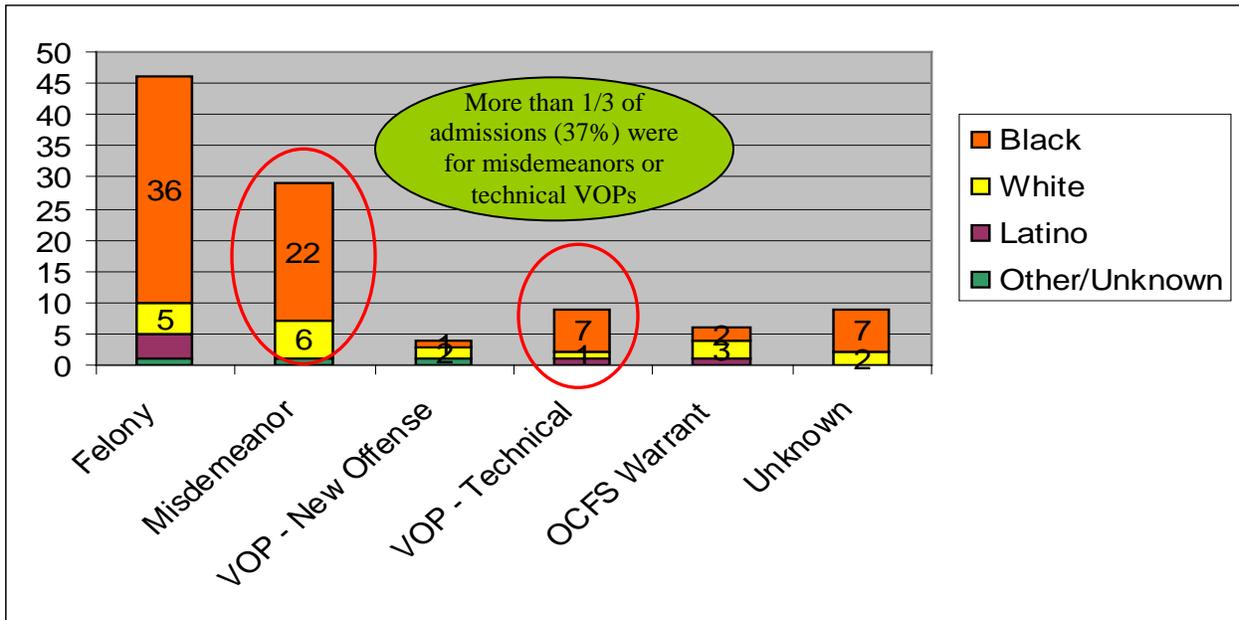
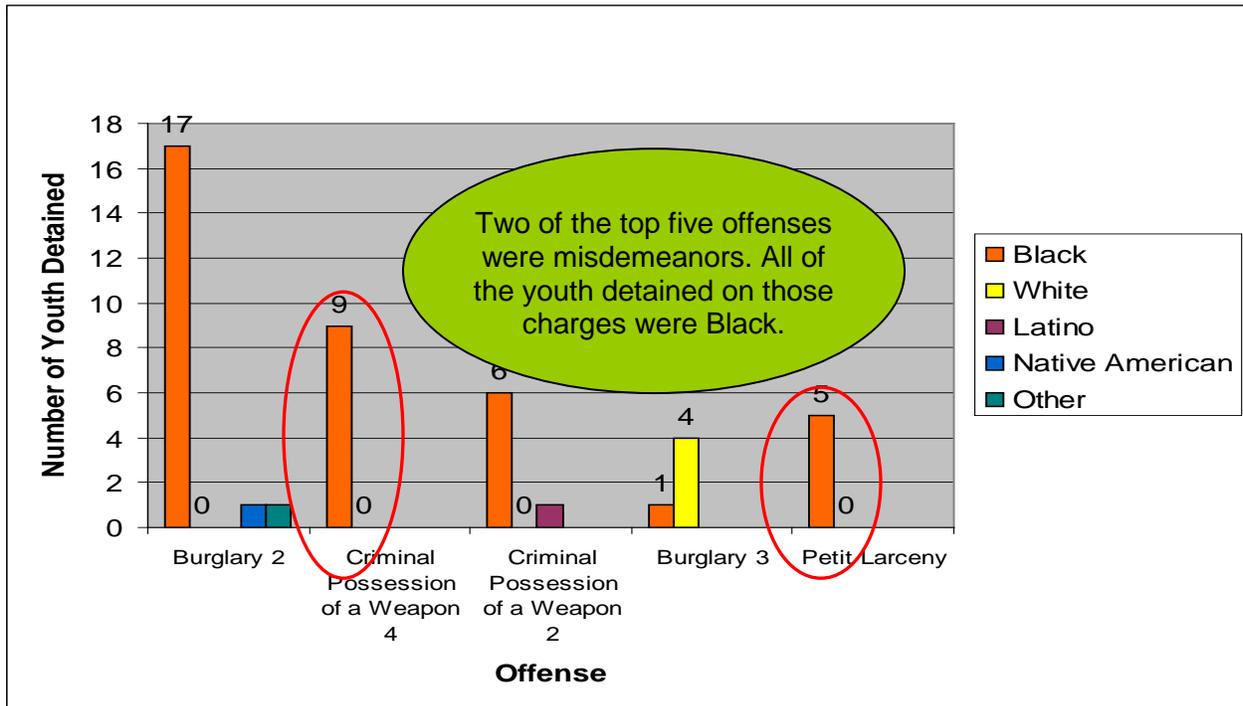


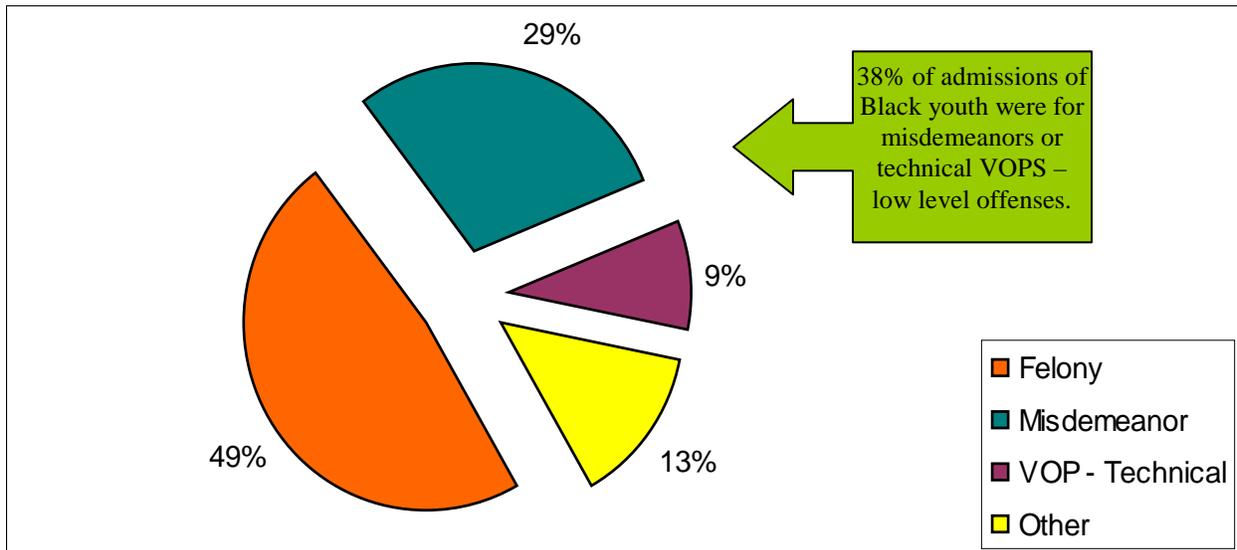
Figure 4 highlights the top five specific offenses for which young people were admitted to secure detention in 2010, disaggregated by race. Two of the top five offenses were misdemeanors, and all of the young people detained on those charges were African American.

Figure 4: Top Five Criminal Offenses for Secure Detention Admissions in Onondaga County, by Race (N=88)



African American youth comprised 73 percent of admissions to secure detention in 2010. Of the 75 African American youth detained, 38 percent were admitted because of misdemeanor offenses or technical violations of probation, as depicted in Figure 5. That is, more than one-third of the African American youth detained in 2010 were admitted for low level offenses that generally did not pose significant public safety risks.

Figure 5: African American Admissions to Secure Detention in Onondaga County, 2010



Pathways to Detention

Youth in Onondaga County generally arrive in secure detention in one of two ways: a court remand or a police dropoff.³ During normal business hours on weekdays, if a police officer seeks to detain a young person, the officer will transport the young person directly to family court. There are three Onondaga County Family Court judges who hear juvenile delinquency cases. In conjunction with recommendations made by the County Attorney,⁴ the judge will decide whether to detain the young person, place the young person under some type of supervision in the community (an alternative to detention program), or release the young person until his/her next court date. No risk assessment instrument (RAI) is currently administered by the court, although this will change in January 2012 due to legislation mandating that an RAI be administered for each young person admitted to detention.

If an arrest occurs after the close of family court or on a weekend, and the officer seeks to detain the young person, the officer will call the secure detention facility, Hillbrook, to have an RAI administered over the phone. The RAI, developed in conjunction with the Vera Institute and implemented at the end of 2007, is administered electronically by senior counselors at Hillbrook and scored on a ten-point system. Answers to questions about the seriousness of the current

³ Technical probation violations are the third source of admission to detention. A probation officer administers a RAI prior to placing a youth in detention.

⁴ The Onondaga County Attorney’s Office is the presentment agency responsible for prosecuting juvenile delinquency cases in Onondaga County.

charge, the young person's adjudication history, and the young person's history of failing to appear at court or escape from secure facilities result in a score being calculated. In keeping with the New York State statute on the purpose of detention, the scoring system recommends detention only when a young person scores a 10 or higher on the RAI. A score of 10 or higher is thought to indicate youth at high risk of committing another serious crime while their case is pending or of not showing up to court appearances. Aggravating and mitigating factors are not included in the current RAI. Due to the new state mandate to conduct a RAI on all youth admitted to detention, the Vera Institute of Justice is currently developing a new instrument for use in all upstate jurisdictions expected to be in use at the beginning of January 2012.

Figure 6 illustrates the source of secure detention admissions in 2010. Almost half (48 percent) of admissions were remands from family court, where no RAI is currently administered.

Figure 6: Referral Source for 2010 Admissions to Secure Detention in Onondaga County (N=88)

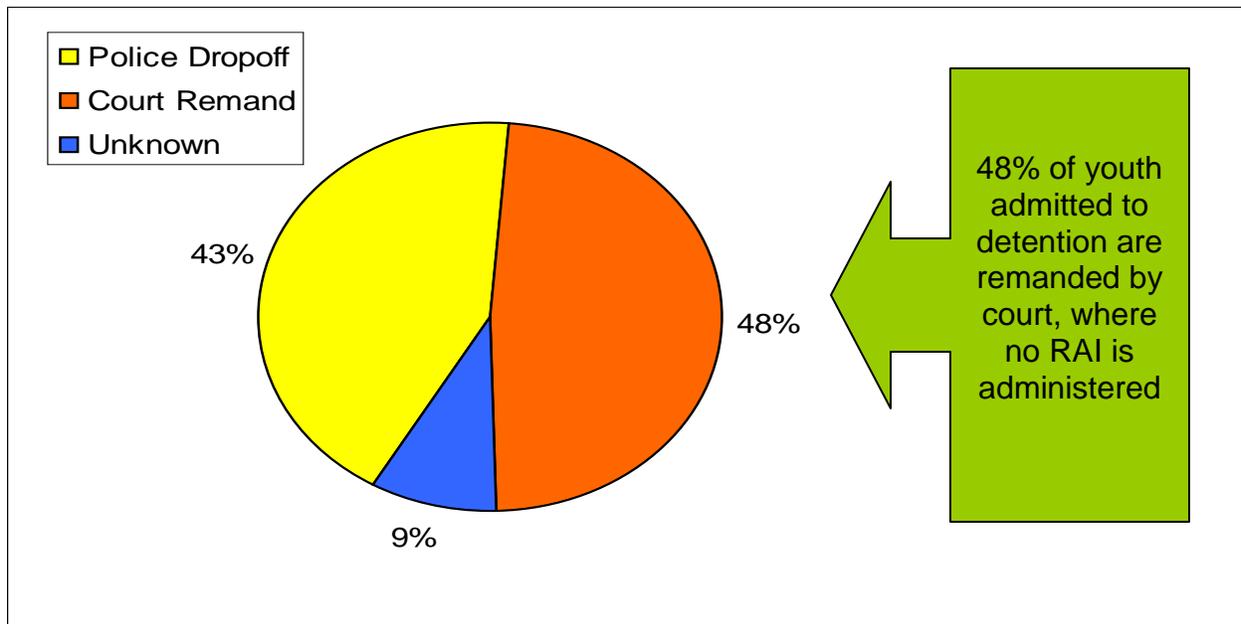
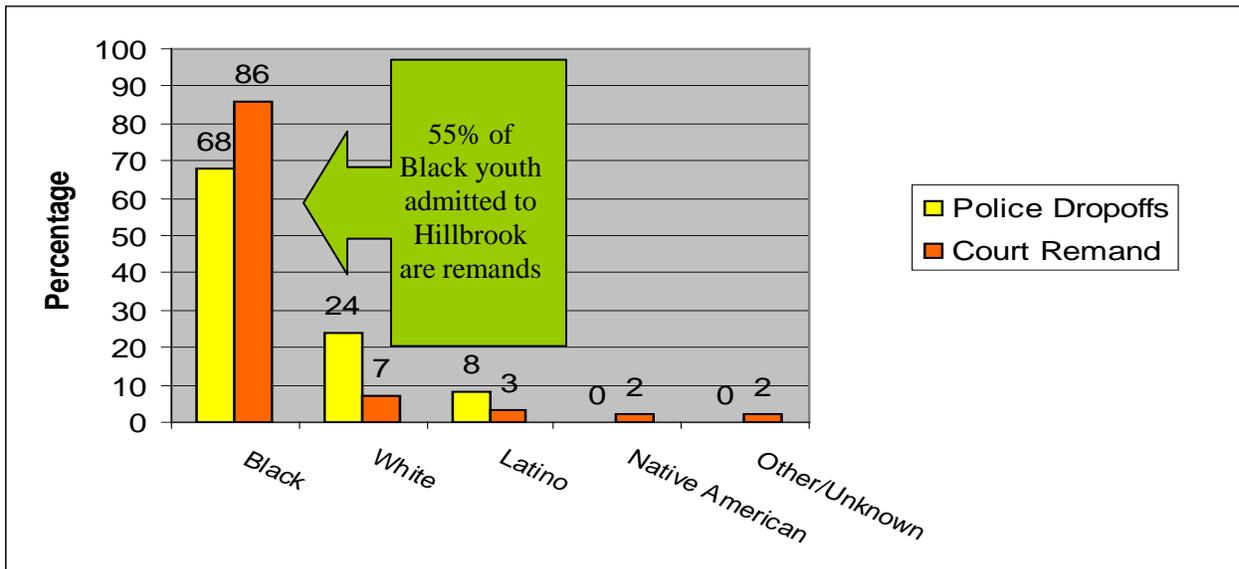


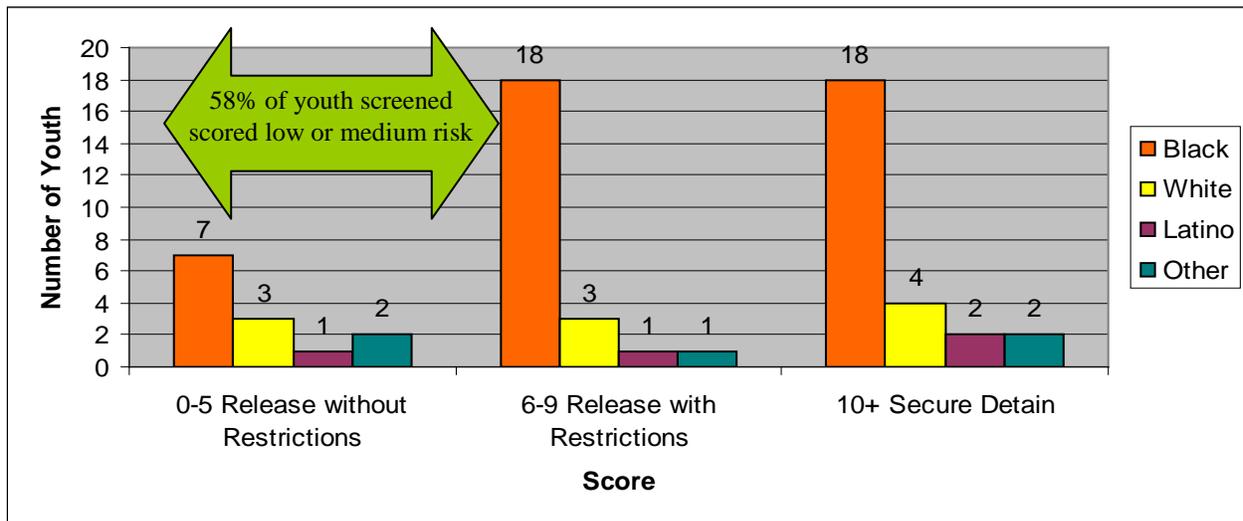
Figure 7 compares the racial proportion of young people admitted to secure detention by court remands and police dropoffs. Eighty-six percent of the youth remanded to secure detention in 2010 were African American compared to 68 percent of the youth dropped off at Hillbrook by police after court hours. The majority (55 percent) of secure detention admissions of African American youth are due to court remands rather than police dropoffs.

Figure 7: Race of Youth, by Referral Source, 2010 Secure Detention Admissions in Onondaga County (N=88)



Risk assessment instruments were administered for 62 youth in 2010. Of those, 43 (69 percent) were African American. As illustrated in Figure 8, most young people (58 percent) scored lower than 10 and thus were determined to be low to medium risk. According to the RAI, only high risk youth should be detained.

Figure 8: Risk Assessment Instrument (RAI) Scores in Onondaga County, by Race, 2010 (N=62)



Only 26 of the 62 youth (42 percent) scored high enough on the RAI to be automatically detained. However, of the 36 youth who did not score high enough for detention, 20 were detained anyway, resulting in an RAI override rate of 56 percent. Of the 20 young people who were detained on overrides, 65 percent were African American and 10 percent were Latino.

Fully three-quarters of the youth detained on RAI overrides were youth of color, while white youth comprised only 10 percent.

While the majority of young people in secure detention are there because they are awaiting case processing on a new offense, a small number are detained on technical violations of probation where no new crime has been committed. In 2010, nine youth were detained on technical violations of probation, seven of whom were African American. Probation officers also administer the RAI when deciding whether to detain a young person who has violated his/her probation.

Either the probation officer (in a violation situation) or the police officer (in an arrest situation) can request an override. Three probation administrators have the authority to grant overrides. The most frequent reason cited for an override request by police officers is that the young person has been charged with multiple counts of a crime, but the current RAI takes into account only the one most serious charge. The most frequent reason cited for an override request by probation officers is that the young person had been missing, and detention is felt to be the mechanism by which to keep track of him/her.

Whatever the reasons, an override rate of 56 percent calls into serious question the fidelity of the risk assessment instrument. It suggests that the people using the instrument lack confidence in its ability to appropriately assess risk. As there has been no tracking of rearrest or failure to appear since the implementation of the RAI, it is impossible to determine if it is, in fact, working appropriately. In the absence of such evidence, it appears that people have fallen back into a pattern of relying on “gut” or “instinct” rather than the instrument.

It is important to note that a relatively small number of young people are detained in Onondaga County each year. The County records over 900 juvenile arrests each year, but there were only 88 admissions to secure detention for new offenses in 2010. In the vast majority of juvenile arrests, officers do not seek to detain the young person and instead issue appearance tickets to meet with a probation officer and create a diversion plan to avoid Family Court involvement.

Qualitative Data: Focus Groups, Forums, and Work Group Meeting Minutes

Three focus groups were conducted during the project. They were designed to elicit feedback about personal experiences with Onondaga County’s juvenile justice system and suggestions for improvements and reforms. One group included seven teenagers who had past or current juvenile justice system involvement. Another group included six parents whose children had been or were currently involved in the system. And a third group included six community members who were familiar with the system because of the involvement of other family members or friends.

Twenty-one community education forums were conducted at various sites throughout the City of Syracuse. Some highlights included forums hosted by the Syracuse chapters of the NAACP and National Action Network, the Spanish Action League (La Liga) and the League of United Latin American Citizens (LULAC), workshops conducted with youth at the secure detention facility and youth in the community who had been recently released from detention, and a community

coach-up session presented in conjunction with staff from Community Justice Network for Youth (CJNY). Over 150 community members attended these various forums which provided education about the juvenile justice system in Onondaga County and also facilitated discussions about personal experiences and recommendations for reform.

The DMC work group was convened eight times throughout the project. Representatives from over 15 government agencies and human service organizations, as well as four African American community members served on the work group. Notes from the meetings reflect discussions around DMC data presented, policies and procedures, and recommendations for reform.

Major themes from focus groups and community forums included:

- Youth and parents often feel that they are not “heard” by the system. Several youth felt that they were not given an opportunity to explain their actions to police, probation officers, or the court. Several parents felt that when they attempted to advocate for their children, that their ideas were dismissed by decision-makers.
- Community members in general feel there is a lack of transparency in the juvenile justice system. No one understood how the system worked until they were going through it – and even then there was still confusion much of the time. Community members were also surprised to learn about juvenile justice system reform efforts in the County. They wondered why those initiatives were not publicized more in the community.
- Youth and parents who had been involved in the system expressed confusion about the titles and roles of various system stakeholders. They frequently referred to the attorney for the child as a “law guardian.” This terminology was intentionally changed to reflect the new responsibility of the attorney to represent the interests of the child, not the *best* interests of the child. Various system stakeholders continue to use the old terminology, however. The diversion program was also a source of great confusion. Because it is run by the Probation Department, and youth participating in the program are monitored by Probation Officers, youth and parents often made no distinction between being part of the diversion program and serving a sentence of probation.
- Most community members expressed concerns that youth in the City of Syracuse, particularly youth of color, are being over-policed, compared to youth in suburban areas of the County. Many provided examples of themselves or youth they know coming into contact with police and being treated in what they believe to be a disrespectful manner.
- Community members frequently discussed the lack of activities and opportunities for youth in the City of Syracuse. Many could cite specific programs that they believe to be effective but bemoaned the lack of funding and support from the juvenile justice system. They were concerned about a lack of communication between agencies working with youth and also with a lack of cooperation between community organizations and the system itself.
- The overall perception was that the juvenile justice system is designed to punish youth, not to redirect young people who may be heading down the wrong path. Many community members were concerned that intervention by the juvenile justice system did more harm than good by removing youth with low-level offenses from their families and communities.

These themes informed the work group’s discussions and are reflected in the recommendations presented below.

Recommendations

This section includes recommendations for juvenile justice system reform in Onondaga County with the goal of reducing DMC. The recommendations come out of work group meetings where quantitative DMC data and system and community concerns were shared. They are also informed by the qualitative data collected during focus groups and community education forums. The DMC work group has reviewed the quantitative and qualitative data available during the project and intends to continue to address the DMC issue as a standing subcommittee of the Onondaga County Juvenile Justice Reform Steering Committee. In order for the DMC work group to move forward successfully, it makes the following recommendations to the Steering Committee.

Continue to monitor DMC through the collection and analysis of quantitative data. One of the greatest challenges of this project was accessing all of the relevant juvenile justice data sources throughout the County and making sense of data across departments. In order to effectively assess the state of DMC and systematically monitor it, the County should ensure that data from the following sources are collected in a central database and that fields are consistent between departments:

- Probation Department
- Secure detention
- RAI database
- County Attorney's Office
- Family Court
- Police departments (County-wide, not just the Syracuse Police Department) and include school-based arrests
- Alternative-to-detention, alternative-to placement, and prevention programs

Data from all sources must be disaggregated by race, ethnicity, gender, geography, and offense (REGGO). It is impossible to determine racial disproportion and disparity in the County's juvenile justice system if we cannot analyze the first point of contact with the system: arrest. All police departments in the County must report juvenile arrest data, including school-based arrests, to a central County database if we are to effectively measure DMC. Data from the County Attorney's Office and Family Court must also be accessible in order to track disproportion and disparities as cases progress through the juvenile justice system. Data from Probation and Hillbrook, including RAI scores, are generally accessible but are currently all maintained in separate databases, resulting in inconsistencies. This is likely to improve with the implementation of Caseload Explorer⁵. Finally, the reporting requirements for any programs used as part of diversion, alternative-to-detention, or alternative-to-placement must be standardized and centrally collected. Currently, there is no consistent definition of what a successful completion would look like in these programs. Those criteria must be established, and the data must be disaggregated by REGGO.

Fully implement the new RAI with integrity. A new RAI for state-mandated use in all Upstate counties is currently being developed in conjunction with the Office of Children and Family

⁵ This new data management program will allow staff to "track" a young person through the system because relevant data will be entered into a central system.

Services and the Vera Institute of Justice. In order to ensure that the RAI is fully implemented with integrity, the County should:

- Thoroughly train all stakeholders in appropriately using the new RAI. DCJS may be able to provide such a training. Relevant stakeholders include police, probation officers, secure detention staff, prosecutors, defense attorneys, and judges.
- Conduct an RAI on all juveniles arrested in Onondaga County for at least a one year period. RAI scores should continue to inform detention decisions only for those youth whom the police seek to detain. However, for validation and data analysis purposes, an RAI should be conducted (perhaps retroactively) on all youth arrested.
- Collect and analyze data necessary to validate the RAI. Data on rearrest during the pendency of the case and failure to appear must be collected in order to understand how the RAI is working. All data must be disaggregated by REGGO.
- Develop a graduated response grid for use by probation officers to prevent the use of detention for technical violations of probation. Such admissions to detention are usually the result of an RAI override.
- Establish override criteria and set a maximum override rate. Using data on the most popular reasons for RAI overrides, set specific criteria that would justify the request and granting of an override. Set a maximum override rate which would trigger a review of override criteria if exceeded.

Continue to build system and community partnerships. Community members were integral participants in the DMC work group. Their input is critical to the success of any DMC reduction efforts as they are the people who have been and will be impacted by the juvenile justice system. It is especially important to collaborate with African American and Latino community members and organizations in order for the County to improve the cultural competency of the juvenile justice system. In order to continue to build the partnerships between the system and the community, the County should:

- Develop true alternative-to-detention (ATD) programs. Several of the programs the County refers to as alternative-to-detention programs are not true ATDs. Police and probation officers frequently seek overrides into detention because of a lack of other options for holding young people accountable in a less restrictive manner. While community organizations should not be looked at as a way to provide ATD services “on the cheap,” they should be viewed as a resource for understanding what will work for young people in the community. System stakeholders should work with community organizations to develop programs that meet the system’s accountability standards while utilizing the community members’ substantive expertise on children in their neighborhoods.
- Recruit and train “coaches” for youth and parents in the juvenile justice system. These coaches would be parents and youth who have had prior experience with the juvenile justice system and would be trained to mentor parents and youth currently involved in the system in order to help them effectively navigate it.
- Develop a community resource guide for youth who come into contact with the juvenile justice system because of low-level offenses and do not require additional mandated interventions. Community members can help identify various resources in neighborhoods throughout the County. The Syracuse Police Department currently distributes a list of resources to people it comes into contact with as a result of domestic

violence situations. They have expressed a willingness to distribute a similar brochure to youth with whom they come into contact for low-level offenses. Participation in any of the services in the guide would be voluntary.

- Investigate Community Accountability Boards (CABs) as a way to address low-level first-time offenses. CABs are comprised of neighborhood residents, services providers, members of the faith community, business leaders, and juvenile justice system officials and are designed to fast-track responses to non-violent offenses by diverting them away from family court, allowing victim input, providing a way for the young person to take responsibility and make amends, and promoting community ownership of the system. They utilize a restorative justice model in which the young person and the victim of the crime discuss the harm that was done and ways to repair it.
- Release periodic (perhaps biannual) reports to the community on the current state of DMC. Reports on DMC reduction efforts and progress should be accessible online and available in print format in various neighborhoods.
- Staff the community task force on juvenile justice that was developed in conjunction with the Community Justice Network for Youth (CJNY). This task force is designed to recruit and train community members to actively participate in juvenile justice reform. Community members can be trained to continue their participation in the DMC work group and to continue the community education forums that were conducted by the staff of this project. Maintaining this task force will help promote transparency in the juvenile justice system and engage community members in DMC reduction efforts.

Ensure that DMC reduction is integral to juvenile justice reform. When the DMC work group was established, two other subcommittees of the Juvenile Justice Reform Steering Committee were also established: an RAI committee and an alternative-to-detention (ATD) committee. While the issue of DMC must be addressed intentionally, it should not be addressed separate and apart from other juvenile justice reform issues; DMC is central to any revisions to the RAI and any changes to ATDs. In order to ensure that DMC is considered in all discussions about the juvenile justice system, the County should:

- Mandate DMC 101 training for all juvenile justice system administrators and frontline staff. DCJS could provide such a training. This will help ensure that stakeholders are aware of the DMC issue and become more comfortable discussing a sensitive topic.
- Revisit the purpose of detention and appropriately train all system administrators and frontline staff. There continues to be confusion among stakeholders regarding the appropriate use of detention according to New York State statute. The Juvenile Justice Reform Steering Committee should work toward consensus on the appropriate use of detention and develop a revised statement on the matter.
- Monitor the participation of system stakeholders on a DMC work group or other committees addressing DMC issues. While the DMC work group had impressive participation from community members and leaders, important system stakeholders were frequently missing from the meetings. It is difficult to understand some practices and make recommendations for improvement when key stakeholders are not present.
- Staff a DMC work group or some other method for monitoring DMC reduction efforts. This project funded a full-time and part-time staff person to collect and analyze quantitative and qualitative data, build relationships with and convene stakeholders to discuss DMC, conduct presentations to community members and stakeholders, and

recruit and train community members to participate in the DMC work group. It is unrealistic to think that this work can effectively continue without intentionally staffing the DMC reduction effort. Coordinating data collection and analysis from the various sources discussed earlier will be very time-consuming, as will continuing to train community members to be effective participants on committees. In order to act on any of the recommendations to continue to build the partnership between system and community, a designated staff person will need to coordinate the community involvement. Without data to review and community members to contribute, it is unlikely that any DMC reduction efforts will be successful.