Disproportionate Minority Contact in the Maryland Juvenile Justice System
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Executive Summary

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Introduction

More than at any time in its past, Maryland is devoting resources to reducing racial and ethnic disparities in its juvenile justice system. Numerous statewide and locally targeted initiatives have been prompted in part by studies that have uncovered disparities at virtually all stages of the system, from juvenile arrest through disposition and placement. This report, which provides the first comprehensive look at the nature and extent of disproportionate minority contact (DMC) in Maryland, as well as initiatives aimed at reducing DMC, is one product of the state’s increased efforts. Unfortunately, the report repeats much the same message as earlier studies: DMC remains an entrenched problem in the state. Despite expanded efforts to reduce disparities, the state continues to struggle—and in some areas is falling further behind—in providing equal treatment of African American, Latino, and White youth involved in the juvenile justice system.

But there is some good news: Certain DMC reduction programs do appear to be effective. And the research reported here represents a substantive advance in knowledge about DMC in Maryland. With results and recommendations in hand, state and local experts and practitioners have the beginnings of a road map for improving current efforts and targeting the additional resources that will surely be needed if the state is serious in its commitment to DMC reduction. Hopefully, the report will also help spur the sense of urgency and assiduous engagement and monitoring that must accompany these expanded efforts.

The report and underlying research were prepared and conducted by the Institute for Governmental Service and Research at the University of Maryland, College Park, with funding from the Governor’s Office of Crime Control and Prevention (GOCCP). GOCCP staff, the statewide DMC coordinator, and members of the State Juvenile Council contributed valuable input to the report, and the Department of Juvenile Services commendably provided data that underlie much of the report. The report’s presentation and some of its terminology follows from constructs advanced by the federal Office of Juvenile Justice and Delinquency Prevention (OJJDP), which makes states’ receipt of certain federal funds contingent on fulfilling DMC-related reporting and program mandates.

Following the Introduction, the report’s sections (and this Executive Summary) roughly parallel OJJDP’s “DMC Cycle”—identification (of the extent of DMC at different stages in juvenile case processing), assessment (of factors that underlie and contribute to DMC), and program assessment (of the state’s current efforts to reduce DMC). Results from a statewide survey of juvenile justice stakeholders on DMC issues are also included in the full report and this summary. In all sections of the report and summary, statewide information is first presented, followed by available results from the state’s five largest jurisdictions (Baltimore City, and Baltimore, Montgomery, Prince George’s, and Anne Arundel Counties). Results and observations on other counties are presented when numbers are sufficiently large.

to appear stable and reliable. In the full report, key findings and recommendations are included in each of the chapters. In the summary, results from each of the three primary components of the DMC Cycle are presented and then followed by a discussion of recommendations and priorities for immediate and ongoing DMC-related interventions and monitoring.

**Summary of Results**

**Identification: Where Disparities are Found**

**Terminology, Stages of Contact, and Measuring Disparities**

Reinforced in part by an extensive literature produced by and for OJJDP, a common nomenclature has emerged around DMC and is used in this report. OJJDP refers to nine different points of contact where the juvenile justice system may act on youth. Arrest is the first point of contact with the system. Most of the others are decision points that lead to further involvement in the system and include referral, diversion, detention, petitioning, delinquency finding, probation, residential placement and confinement, and transfer to adult court.

Racial and ethnic groups may be overrepresented at any of these contact points, meaning that they appear at a greater proportion than would be expected given their frequency in the population. If African American youth account for 40 percent of all youth who are referred to DJS but account for 70 percent of the juveniles who are detained, they are overrepresented at the detention stage; if White youth also account for 40 percent of the referrals but only 30 percent of those detained, African American youth are also disproportional to White youth at detention. This statistical difference also can be said to represent a disparity, although this term is not tied to quantities and can also refer to actions or policies (e.g., a policy that requires a parent to appear at intake for youth to avoid detention) that may lead to a disproportionality.

The Relative Rate Index (RRI) is the measurement approach employed by OJJDP and the states to assess disproportionate minority contact in the juvenile justice system. RRIs are calculated such that a score of 1.00 indicates that minorities and Whites have the same level or rate of contact. RRIs above 1.0 mean the group in question has a higher (and disproportional) rate of contact compared to Whites, while an RRI below 1.00 means the group has a lower rate of contact than Whites. The size of the RRI indicates the magnitude of difference between the two groups—if the RRI for one group is 3.0 and the other group is 1.5, both groups show disproportional rates of contact compared to Whites, and the first group in this example has twice the DMC rate as the second group. All RRIs in the report are tested for their statistical significance and this summary notes as differences only those RRIs that have less than a 5 percent chance of being a measurement error. A more extensive explanation of RRIs, along with an example calculation, is provided in Appendix A of the report.

**Maryland Calculations.** In accordance with federal mandates, GOCCP has arranged for DJS to report RRIs to OJJDP on an annual basis. As discussed more fully in the report and the recommendations section of this summary, the RRI results presented here expand and improve on those reported previously by DJS in several respects, most notably in including arrest RRIs, providing a separate analysis of females in the juvenile system, and considering results for jurisdictions outside the five largest counties.
Based on the statewide RRI analyses, disparities exist for both African American and Latino youth at the diversion (RRI = .83 & .88, respectively), detention (2.42 & 1.92), and secure confinement (2.71 & 2.56) stages.

African American youth are particularly subject to disparate levels of contact and are also significantly overrepresented at arrest (2.54), referral to DJS intake (2.44), and the case petitioning stage (1.41). Statewide, there was no pattern of trends up or down on RRIs for African Americans between 2004 and 2008. Disparities at the detention and secure confinement levels among Latinos remain a concern; generally, however, levels of disproportionate contact for Latino youth have improved since 2004.

When assessed separately, statewide data on African Americans girls show the same pattern of disparities as the overall results, with disproportionate levels of contact at referral (2.22), diversion (.93), detention (1.60), and petitioning (1.18). Latinas generally do not show different levels of contact than White girls except at referral (.71), where their rates are significantly lower than Whites.

Jurisdiction-level analyses showed that African American youth in Baltimore City have extraordinarily high rates of arrest (7.05) and referral (4.83) compared with White youth. They also show disproportionate levels of diversion (.81), detention (1.94), and petitioning (1.44). In the gender-based analyses, African American girls in Baltimore City also showed the same highly disproportionate referral rates (4.93). Most of these results, both overall and for girls, have trended worse since 2004, when overrepresentation at referral, diversion, and petitioning was less severe.

The pattern of disparity regarding African American youth at nearly all stages of the system—arrest, referral, diversion, detention, and petitioning—was also observed in Baltimore, Montgomery, and Anne Arundel Counties. In Prince George’s, disparities between African Americans and Whites were evident at the referral and detention stages. African American girls were also referred at disproportionate rates in Baltimore, Montgomery, and Anne Arundel Counties. While comparisons with 2004 results showed variation across the jurisdictions and points of contact, on balance, overrepresentation of African American youth in particular has increased in the state’s largest counties recent years.

With two jurisdictional exceptions, Latino youth had contact rates that were similar to Whites at those stages where sufficient numbers were available for analysis. Montgomery was the lone county showing disparities for Latinos at nearly all stages, including referral (1.92), diversion (1.82), detention (3.97), and petitioning (1.70); the detention RRI was over twice that of the state detention RRI for this group. In Prince George’s, Latino youth were referred (1.87) and detained (2.63) at disproportionate rates.

Analyses of counties outside the five largest jurisdictions showed that three counties stood out with highly disproportionate rates of referral among African American youth: Wicomico (3.23), Washington (3.26), and St. Mary’s (3.02). Howard, Frederick, Harford, Caroline, Allegany, and Talbot Counties were also notable for having RRIs at both the referral and detention stages that

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2 Note that diversion is the one stage where an RRI below 1.0 represents an unfavorable finding for the group and means that compared to White youth, the group has lower rates of diversion from the juvenile justice system. RRIs at all the other stages are unfavorable if they are above 1.0, representing more contact relative to Whites.
were considerably higher than the state averages. Of these, all but Caroline also had significantly high RRIIs at the petitioning stage.

- Several of these counties were further revealed to have substantial disparities between African American and White girls at the referral and petitioning stages. Wicomico (3.94), Allegany (3.89), Howard (3.66), and Washington (3.11) Counties had referral RRIIs for African American females above 3.0, and Wicomico (2.22) and Howard (1.71) also showed significant overrepresentation of these females at petitioning.

Survey Findings on DMC Identification. Response to the DMC survey allowed us to compare perceptions of disparities and DMC with the objective findings from RRI analyses. The DMC survey conducted as part of this research was administered over the Internet and targeted juvenile justice stakeholders throughout the state. As expected, participation in the survey was substantially higher in the “Big Five” (B5) jurisdictions where there are state-supported DMC committees. In these counties, 72 of 87 (82.7 percent) targeted respondents returned surveys, while responses in the smaller counties included 147 of 315 (46.7 percent) targeted respondents. With regard to acknowledging disparities, a little over half of all survey participants agreed that DMC was a significant issue in their jurisdiction, with about one-fourth expressing real concern about the problem (i.e., “strongly agreed” it was a significant issue).

Stakeholders in the five largest counties were more likely to view DMC as a problem than those outside the B5, who on average were neutral as to whether there were significant racial/ethnic disparities in their local juvenile systems. Overall, there was a gap between the pervasive levels of DMC shown in the RRI analyses and perceptions of disparity expressed in the survey; however, the B5 respondents appeared more attuned to the disparities in their counties, and this gap was substantially wider in the smaller jurisdictions (with the exception of Wicomico). Additional findings from the survey are discussed below.

Assessment: Underlying Factors that Contribute to Disparities

A variety of analyses were conducted to look more closely at DMC issues at both the statewide and local levels. These analyses were guided in part by OJJDP-sponsored literature on the possible causes of disproportionate minority contact and factors underlying DMC, and more directly by available data. The results can be organized around the different stages of juvenile case processing, beginning with arrest and referral to the system.

Arrest and Referral Stage Findings

Data were available from DJS’ MCASP (Maryland Comprehensive Assessment and Service Planning) Risk Screen at Intake that permitted comparisons of the profiles of African American and White youth assessed at intake to the system (data on Latinos were not sufficient for analysis).

- The delinquency history data showed a clear pattern of differences, with African American youth showing more extensive histories and greater prior involvement in the juvenile justice system compared to White youth. Racial differences on social history risk factors (e.g., substance abuse, mental health problems, school performance) were less clear; generally the risk screen data showed

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3 The original email solicitation to take part in the survey was sent to 361 persons outside the five largest counties; however, 46 of these recipients returned emails to us saying they were not appropriate candidates for the survey (most explained that they were uninformed about DMC and juvenile case processing generally).
lower prevalence of these factors among African American youth compared to Whites, however these results are much more subject to self-report bias than the delinquency data. These statewide findings were for the most part repeated in jurisdiction-level analyses of the five largest counties.

The patterns of findings on the delinquency and correctional history factors suggest the mechanisms of accumulated disadvantage and differential behavior are the most likely explanations for the high rates of DMC observed for African American youth at the referral stage in Maryland. In this context, differential behavior simply refers to the notion that these youth begin committing delinquencies at an earlier age, commit a greater number of delinquent behaviors, and commit more serious offenses. Accumulated disadvantage exacerbates the effect of these behaviors, as with each referral, individual youth become more familiar to police and other referral sources, and become the object of their enforcement activities. An extensive literature has also linked delinquent behavior as reflecting “indirect effects” of poverty, lower educational attainment, unemployment, and family disruption that are generally more prevalent in minority populations.

Arrest data from police sources in several of the large counties were sought for the assessment; however, Baltimore City was the only jurisdiction where data were made available in time for the report. Analyses were conducted on offense-specific data found in the BCPD’s Juvenile Arrest/Charge End of Year Data Report for the years 2006–2009, and on arrest and census data by police district (obtained directly from the BCPD website). Given the low numbers of White youth represented in the Arrest/Charge report, the analyses combined data from the years 2008 and 2009.

- The arrest charge data showed exorbitantly disproportionate rates of arrest for drug crimes between African American and White youth in Baltimore City. Compared to an overall arrest RRI of 6.76 across all charge types, the RRI for charges involving heroin and cocaine was 17.59, and the disparity in numbers for heroin-related charges—of 1,464 arrests in 2008 and 2009, 10 were White youth—is extraordinary. These figures contrast with the RRI for marijuana-related charges of 5.52; collectively, the drug-related charges RRI is 10.23.
- Although involving fewer youth, low level charges of trespassing, loitering, and disorderly conduct-failure to obey (aggregate RRI = 9.23) also showed higher disparities, while overall RRI for property (4.54) and against-person offenses (4.67) were generally much lower.
- Statistical tests showed a strong relationship (r = .72) between the volume of arrests in Baltimore City Police districts and the proportion of youth in these districts that are African American. Baltimore City also has an exceptionally high referral rate (8.7 percent) compared to the other large jurisdictions in Maryland (which ranged from 2.4 percent to 5.3 percent).

It is evident that disproportionate rates of arrest for drug crimes among African American and White youth play an overriding role in driving up DMC at the arrest stage in Baltimore City. The district and referral rate results also suggest a “justice by geography” mechanism contributing to the excessive DMC found in the City at the arrest and referral stages. The concentration of African American youth in districts with higher arrest rates and the generally higher rates of referral by police and other sources (such as schools) also likely contributes to the overrepresentation found at these stages in Baltimore. An analysis of “mobility effects” that examined whether the high Baltimore City arrest RRI could be partially attributed to nonresident youth travelling to the city showed no such effects.

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4 We are grateful for the cooperation of the Baltimore City Police Department’s Juvenile Booking Unit in providing this information.
Detention Stage Findings

One analysis at the detention point of contact considered the possible role of DJS’ Detention Risk Assessment Instrument (DRAI)—specifically staff overrides of the recommendation that is generated by scoring the tool. Detention was also one of two stages that were analyzed using multivariate statistical techniques that can help isolate the role of race in decision making by controlling for other factors that have been known to affect those decisions (such as current charge and youth delinquency history).

- As expected, the great majority of staff overrides of the DRAI recommendation were “up” to a more restrictive outcome (e.g., to detention from a recommendation to release the youth to a community-based detention alternative). Results showed that overall, upward overrides were applied at equivalent rates for African American, Latino, and White youth. A small but significant difference was found with downward overrides, with more of these given to White youth (6.3 percent) than African Americans (3.9 percent).

- The logistic regression of DRAI data at the state level showed that African American youth do not differ from Whites in the likelihood of being detained when controlling for other factors that predict detention. The analysis found Latino youth were still significantly more likely to be detained while controlling for these factors. As expected, the analyses showed there were a number of other predictors of detention, including delinquency history, type of current offense, and DJS status.

Case Petitioning Stage

Multivariate analyses were also done to assess the role of race and other factors in predicting the decision to forward cases from intake to the State’s Attorney for prosecution.

- The state-level regression analysis revealed that African American youth were more likely to have their cases forwarded than were their White peers when other factors were controlled.

Both the detention and petitioning regression analyses should be interpreted with the caveat that they were limited to available data and did not include some factors that are likely predictors of these outcomes. Further reservations apply to the detention analysis due to its exclusion of certain youth on whom no DRAI data are collected; it will be important to see if the finding of no effect for race will be upheld when all youth involved in these decisions are included in the analyses.

Secure Confinement Stage

Analyses at this stage involved a refinement of the criteria for secure confinement, so youth commitment to the full range of secure facilities was considered (previous RRIIs reported by DJS for this stage were restricted to a few most secure facilities).

- Results showed that the level of overrepresentation of African American and Latino youth was lower (but still significant compared with White youth) when all secure facilities were included in the analysis. The analysis further showed that disproportionality is most prominent in the highly secure facilities; the RRI for these facilities alone is roughly double the figure calculated for all secure facilities.

Program Assessment: Maryland’s DMC Reduction Activities

The program assessment involved descriptive and qualitative analyses of state and local-level DMC reduction activities, focusing primarily on initiatives funded by GOCCP but also on efforts independent
of this funding source. The information informing the assessment was derived from a variety of sources including interviews, reviews of active and historical documents, and observations of stakeholder meetings.

DMC Leadership

Central to the long-term success of DMC reduction strategies in Maryland is effective and supportive leadership. Within Maryland, there are several state and local-level structural supports for direct service providers who implement DMC initiatives. The Juvenile Grant Planning and Review Council, typically referred to as the Juvenile Council, serves as the steward of the state’s DMC funding from OJJDP. In this role, the Council oversees Maryland's DMC reduction efforts by monitoring funds directed at DMC initiatives, as well as by outlining focal areas for DMC activities via Maryland’s three-year strategic plan (mandated by OJJDP) and by providing technical support to localities. Part of its monitoring efforts includes entrusting DMC reduction activities to coordinators, as mandated by OJJDP. The statewide DMC coordinator serves as a liaison between the Juvenile Council and the local DMC-funded jurisdictions. The statewide coordinator is responsible for monitoring local DMC reduction efforts and provides technical support to the local jurisdictions.

Local DMC committees have been established in five jurisdictions: Baltimore City, and Baltimore, Montgomery, Prince George’s, and Anne Arundel Counties. These committees are comprised of county-based juvenile justice stakeholders who volunteer to meet on a monthly or bi-monthly basis to discuss and monitor local DMC reduction strategies. The local DMC coordinators are responsible for coordinating the local DMC committees’ activities, by directing attention to the focal areas identified by the Juvenile Council as well as by leveraging the committees’ power into effecting change across county programs and policies as they affect minority youth.

In its three-year plan, the Juvenile Council and DMC subcommittee have established goals, objectives, and standards of performance for DMC reduction activities across the state. What is encouraging about the three-year plan is that this high-level framework articulates clear-cut strategies and approaches to DMC reduction. Additionally, the plan is the product of consensus building across a broad and diverse swath of juvenile justice system stakeholders. Our assessment showed, however, that there have been significant challenges in implementing the plan.

- State-level vision is strong but is not communicated to the local levels. While Maryland has a high-level framework for DMC reduction, it continues to be challenged in translating that framework to the local jurisdictions in the form of support and role clarification. There are limited infrastructure capabilities and personnel to translate the high-level frameworks to the local coordinators or to provide the coordinators with feedback about the extent to which they are achieving either program-level objectives or goals related to the three-year plan.
- The power of local DMC committees is rooted in the occupational diversity of its membership and in the strength of its leader. The five local DMC committees are similar in that they are all represented by committed and enthusiastic juvenile justice stakeholders. However, key differences among the committees exist around leadership and their relationship to local DMC programs. In the counties where leadership is derived outside the Local Management Board, the power base of the committee appears broader, with the committees accessing other resources for DMC reform.
- While some DMC coordinators have achieved successes in advancing DMC initiatives, the broader picture is that the local and state-level coordinators are poorly equipped to fulfill their duties,
lacking financial, human capital, and technical resource supports. The DMC coordinators juggle several roles in finding support for DMC reduction efforts among a diversity of community stakeholders. Their primary duty, however, is to move the DMC committee from a group that talks to a group that acts, requiring skills that are practiced to varying degrees of proficiency across the coordinators.

- The coordinators are also challenged to articulate a compelling DMC message to juvenile justice stakeholders in the community while, for the most part, lacking the institutional authority to create or modify programs. Further, while the coordinators are responsible for monitoring DMC-funded programs, generally they do not access the data necessary to determine the programs’ effects on DMC. It is unclear whether the lack of access to data occurs because the programs do not authorize access to the coordinator, the programs do not collect the data, or the coordinators choose not to access the data.

**DMC-Funded Strategies**

Our assessment of Maryland’s DMC-funded strategies is structured according to the categories of DMC-reduction strategies as presented in OJJDP’s DMC Manual. These categories include the following: *direct service programs*, which include prevention and early intervention, diversion, alternatives to confinement, and youth service coordination advocacy programs; *training and technical assistance*, which include cultural competency training and culturally competent programs; and *systems change*. Maryland’s DMC reduction efforts have focused predominantly on direct service programs, and local DMC efforts in Maryland are concentrated around the Juvenile Council’s targeted stage of intervention, which is detention. The majority of DMC-funded programs focus on community-based detention alternatives, either in the form of direct service provision or youth service coordination advocacy programs enhancing community-based options.

- The focus on community-based detention alternatives has not translated into increased resources for even the most successful of the alternative-to-detention (ATD) programs, or in any other DMC reduction programming, for that matter. Given that more successful interventions include descriptors such as “intensive, holistic, and individualized,” the lack of sufficient funding necessarily results in a trade-off between the scope and comprehensiveness of a program and number of youth served. The DMC committees and coordinators oversee a small number of activities, averaging two to three strategies per county. The small number of strategies makes it challenging for the committees to employ a diversity of DMC reduction tactics in addressing the different causes of DMC.

- Further challenging local efforts is the lack of coordination between the different counties in adapting and sharing their respective strategies. For example, Baltimore City is the only county actively engaged in outreach work through their “DMC 101” training. Given that this program is endorsed by the Juvenile Council as fulfilling a statewide DMC objective, it would seem to make sense for all of the DMC-funded counties to be employing this strategy.

- The DMC strategy with the greatest impact on youth in Maryland has been systems change. Systems change efforts have occurred in Baltimore City, Baltimore County, and Montgomery County. Perhaps the most successful of all the DMC strategies is the writ protocol policy/Caller Notification Program in Baltimore County. At the program’s inception in 2007, close to 40 percent of all detentions were due to writ FTAs (failure to appear). Three years later, that proportion
reduced to 5 percent. Not only has this initiative demonstrated the power of a DMC committee to effect change, but also that systems changes do not necessarily require substantial fiscal resources.

- The individual and collective impact of Maryland’s strategies on reducing DMC is uncertain, due to the lack of systematic data on programs’ performance and outcomes and the broad nature of RRIs as a measure of DMC. Linking DMC strategies to measureable reductions in RRIs has two major challenges. First, most of Maryland’s DMC strategies affect too few youth to result in a statistically significant change in a county’s RRI. Second, an individual DMC strategy will not likely address all of the potential causes of DMC, making it very difficult to isolate the strategy’s independent effects on DMC.

- Not only are available data too limited to determine a DMC strategy’s effects on reducing DMC, but the data are also too limited to measure direct service programs’ performance and effects on the population served. DMC experts have identified a range of indicators for defining successful interventions. However, Maryland’s DMC-funded direct service interventions do not systematically collect or report the majority of these indicators to the DMC coordinators. There are a few notable exceptions, including the PACT program in Baltimore City and the Caller Notification Program in Baltimore County, both of which report sufficient data to inform some impact analyses. Evidence suggests that both of these programs have been successful in reducing adolescent detention, although the differential impact of these programs, in terms of also reducing DMC at the detention stage, is unconfirmed.

**Survey Findings on DMC Reduction Initiatives**

The statewide DMC survey of stakeholders was intended in part to gauge views about the efforts of their local agencies, committees, and programs to reduce racial and ethnic disparities. Results were compiled at the state and county level.

- In rating local agencies on their awareness of and commitment to DMC reduction, survey participants gave the highest marks to Local Management Boards and DJS and the lowest ratings to local elected officials. Survey participants in Montgomery, Worcester, and Queen Anne’s Counties gave the highest ratings to local agencies on DMC awareness and commitment. Interestingly, in Baltimore City stakeholder respondents were nearly universal in strongly agreeing that DMC was a significant problem in their jurisdiction, while giving low ratings to their local stakeholders’ sense of urgency, and to local agencies’ awareness of and commitment to reducing DMC.

- Within the B5 jurisdictions, participants were lukewarm in their views about the effectiveness of their local DMC committees. Close to half the respondents were neutral or negative when asked if their committee members agreed on goals or were held accountable for committee actions, and fewer than one-third said the committee was effective in producing changes necessary to reduce DMC.

- Outside the DMC-funded jurisdictions, about half of the survey participants expressed interest in establishing a local DMC committee. Only about one-quarter said local stakeholders discuss racial and ethnic disparities in their local juvenile system, or were in agreement on local DMC issues. Roughly half of the survey participants expressed interest in increased stakeholder training in DMC reduction programming and data analysis.

- Generally, survey participants had a modest level of knowledge about local DMC reduction programs. Within the DMC-funded jurisdictions, slightly more than one-half of survey respondents...
were able to identify a single DMC reduction program, and outside the B5 jurisdictions only about one-third could name a program. Survey respondents were uncertain about the effects of DMC reduction programs on the different stages of the juvenile justice system such as arrest, detention, and confinement.

Setting Priorities: Implications and Recommendations

In considering the implications of these results for immediate and future efforts at DMC reduction, it is useful to review the state’s progress in addressing recommendations from prior DMC assessments. The most recent comprehensive statewide assessment was issued by DJS (then the Department of Juvenile Justice [DJJ]) in 1995. Rather than focusing on particular decision points or initiatives, this report provided broadly-stated recommendations for improving DMC awareness and enhancing the response to DMC within DJJ, the juvenile court, and among relevant stakeholders and community agencies. Recommendations specific to DJJ entailed developing DMC-focused working groups and research within the agency. A more targeted recommendation included having case managers track their decisions more closely. Other recommendations focused on improving collaboration among juvenile justice agencies, expanding cultural diversity programs, reviewing policies and procedures to determine whether there are elements of cultural bias, and expanding fundraising to support DMC-related research. Progress in these areas has been mixed. The establishment of a statewide DMC coordinator position and local DMC committees represent notable advances. Judges, Masters, and DJJS representatives have contributed significantly to these and related efforts in some jurisdictions. Any impact of the committees on attention to cultural diversity and reducing bias is less clear. Within DJJS, efforts to raise awareness about DMC issues have been scant; however, advances have been made in implementing structured decision-making tools, and with sufficient support, the Department appears poised to finally carry out longstanding recommendations (repeated below) to conduct systematic DMC-focused assessments of decisions and program outcomes.

As with this and other, more limited prior DMC assessments, results of the present research make evident that Maryland must mount an extensive, enduring effort if it is to reduce disproportionate minority contact among juveniles in its justice system. Unfortunately, perhaps even more so now than in 1995, the magnitude of this problem continues to be at odds with the public resources made available to devote to its solution. In the discussion that follows, we acknowledge where comprehensive interventions are needed while focusing on those that address the most urgent concerns, or where efforts are likely to obtain desired outcomes quickly or efficiently.

Targeting Areas for DMC Reduction

Target populations and stages of contact present useful structures for organizing recommendations and identifying priorities for next steps. Where results on local jurisdictions were available, we also pull together findings to suggest areas of concern for specific localities.

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Populations

- **Focus on African American Youth.** There is much more cross-jurisdictional consistency in RRI results for African American youth than for Latino youth, suggesting that state-level priorities should be focused on strategies for reducing overrepresentation of African American youth.

Intake results indicate that diversion efforts aimed at DMC reduction should focus on improving African American youths’ community ties, engaging in pro-social activities, and violence prevention.

- **Expand Assessments and Interventions Focused on African American Females.** The findings from the RRI analyses of African American females were distressing. Stakeholders statewide should be made aware of the DMC issues with this group and urged to develop strategies for reducing their disparate treatment at all stages of the system.

Local jurisdictions should give priority to examining factors underlying DMC among African American females, particularly at the referral stage in Baltimore City, and Montgomery, Anne Arundel, Wicomico, Allegany, Howard, and Washington Counties. The impact of the absence of ATDs on detention rates for girls also deserves assessment. The low number of girls involved in the system at the jurisdictional level should simplify these assessments and the targeting of local DMC reduction efforts.

**Stages of Contact and DMC Reduction Initiatives**

- **Reduce disparities in the juvenile justice system by reducing disparities in access to quality schools, employment, health care, and housing.** Stabilizing families and communities, and providing pro-social opportunities are essential to redirecting youth from delinquency. Results pointing to differential offending and the mechanisms of indirect effects and accumulated disadvantage are consistent with the notion that DMC is not merely a juvenile justice problem, but a reflection of wider systemic issues.

- **Give priority to efforts to reduce DMC at the “front end”—arrest, referral, and diversion—while maintaining the focus on detention.** Our findings suggest the need for expanding evidence-based early intervention and prevention programs, and programs aimed at diverting youth from the juvenile justice system in early stages of processing.

The state should support implementation of a pilot effort in one or two jurisdictions aimed at reducing police arrests of youth of color. The pilot should be built on an existing, research-based model, and assessed, refined, and considered for expansion.

Current local efforts (such as those begun in Baltimore City and Baltimore County) to examine and reduce referrals to DJS from schools and school-based police are responsive to this priority and should be supported, closely monitored, and considered for expansion to other jurisdictions.

- **Expand initiatives modeled on the Juvenile Detention Alternative Initiative (JDAI) in Baltimore City to other jurisdictions.** While reassessments of the detention and case forwarding stages with improved data and samples are needed, our preliminary findings that race affects decisions at case forwarding and not detention are consistent with the fact that detention has long been the focus of stakeholders concerned with reducing reliance on the system; workgroups in various jurisdictions—the Baltimore City JDAI group in particular—have devoted close attention to detention decision
making. JDAI-like initiatives throw a spotlight on each detention decision, and effectively provide regular, ongoing DMC assessments of this stage of contact.

**Local Priorities and Targeting Initiatives**

- **In majority minority jurisdictions such as Baltimore City and Prince George’s County, expand and make more accessible effective diversion initiatives and alternative-to-detention programs that serve large numbers of African Americans.** The kind of programming delivered in the PACT ATD would appear to serve as a model for expanded programming that is responsive to the needs of African American youth made evident in the MCASP data.

- **Reduce DMC at the arrest stage in Baltimore City by reducing drug-related arrests of African American youth.** Multiple efforts aimed at factors that lead youth to become involved in the drug trade, and improving the effectiveness of police and community responses to drug-related delinquency will be needed to change the arrest disparities found in the City. More modest, but important and immediate benefits could be achieved by strategies targeting the disparities in low level offenses such as loitering and disorderly conduct.

- **Raise awareness of DMC and a sense of urgency among Baltimore County stakeholders.** This need was evident from results of the DMC survey and high RRIs at the arrest, referral, and detention stages.

- **Heighten the sense of urgency among local stakeholders in Montgomery County to address DMC among Latino youth at all stages of the system, particularly detention.** RRI results on Latino juveniles could help focus this attention, which should also extend to the excessive levels of disproportionate contact among African American youth at referral and detention. Montgomery should be a target for JDAI expansion.

- **Urge Prince George’s County stakeholders to focus efforts on reducing overrepresentation of both African American and Latino youth at detention.** More generally, DMC survey results indicate the need to sensitize Prince George’s County stakeholders to disparities regarding Latino youth. Further assessment is also needed in Prince George’s and Montgomery Counties to examine the discrepancies between arrest and referral RRIs in these jurisdictions.

If GOCCP and the Juvenile Council elect to devote resources to developing DMC committees in counties outside the five largest jurisdictions (see recommendation below), Frederick, Harford, and Howard (and possibly Wicomico) Counties should be leading candidates based on the identification results and size of their minority populations. Any expansion efforts should take into consideration the jurisdictional-level results from the present research, including the DMC survey.

- **Under the leadership of the Juvenile Council and statewide DMC coordinator, undertake an initiative to identify key juvenile justice stakeholders in each county outside the B5 and seek to raise awareness of DMC by, at minimum, disseminating and discussing RRI results with these stakeholders.** Awareness of these objective indicators of disparity, combined with some basic education on mechanisms that underlie DMC, may spur these communities to develop reduction efforts without requiring further state investments. Priority targets for this initiative include Allegany, Caroline, St. Mary’s, Washington, and Wicomico Counties.
Organizing to Reduce Disproportionate Minority Contact

Findings from the program assessment indicated the need for enhancing the various current state-directed and funded structures for addressing DMC. In addition to strengthening and clarifying coordinator and committee roles and functions, better systems are needed to monitor the impact of DMC reduction strategies.

Enhancing Leadership and Improving Organizational Structures

- **Clearly establish the leadership role of the statewide DMC coordinator.** GOCCP, the Juvenile Council, and DMC subcommittee should enhance the statewide coordinator’s role as disseminator of higher-order directives and programming strategies.

- **Through concerted efforts by GOCCP and the statewide DMC coordinator, elevate the accountability of the local DMC committees** and provide them with technical assistance and other resources needed to improve their effectiveness. The statewide coordinator should be a member of the local committees. All members should receive training on DMC reform, how to discuss culturally sensitive issues, basic protocols for monitoring DMC-focused interventions, and special topics as they arise.

GOCCP and the Council should clarify the role of state-level support and mechanisms for information exchange with the local jurisdictions and establish protocols for monitoring local performance and progress.

GOCCP and the Council should consider devoting additional resources to strengthening the role and capacities of the statewide DMC coordinator and to improving the effectiveness of extant committees and DMC initiatives before investing in extensive new efforts outside the B5 counties.

DMC committees should be developed with a focus on promoting chairpersons who have influence across the major stakeholder agencies, such as a member of the Judiciary or a community non-profit leader.

DMC committees should engage in active outreach efforts to promote inclusion of all key stakeholders. Committees should make efforts to include residents of the community and consider holding meeting times outside of business hours.

Existing DMC coordinators should receive ongoing trainings on facilitating action among their committees, framing the DMC message, and data collection, analysis, and interpretation. New DMC coordinators should receive formal introductory training that outlines their roles, responsibilities, and how to frame the DMC message.

Improving and Expanding Local Monitoring of DMC-Related Performance

- **Encourage local DMC coordinators and committees to consider including the full scope of DMC-relevant programs and systems change initiatives under their purview** and not just local programs receiving DMC funding; they should take stock of their portfolio of DMC reduction strategies to ensure they employ a spectrum of approaches. The coordinators and committees should collaborate with DJS and local service providers to monitor DMC-related impacts of community conferencing programs and those that are ostensibly intended to reduce out-of-home placements such as Multi-Systemic Therapy and Functional Family Therapy.
Local DMC-funded programs and other initiatives should be required to report the full range of data elements necessary for DMC coordinators and committees to assess their performance and outcomes. These data should follow guidelines in the OJJDP’s DMC Technical Assistance Manual.

DMC committees and coordinators should qualitatively assess whether a given strategy or intervention is contributing to or failing to alleviate the causes of DMC. Questions to explore include: Does the strategy target specific risk factors associated with DMC? Is this strategy indirectly biased against minority youth participation through its eligibility criteria, geographic location, or lack of culturally competent programming?

**Improved State-Level Monitoring, Identification, and Assessment**

**Monitoring**

- Provide support from GOCCP and the statewide coordinator to local DMC coordinators and committees in implementing systems to collect performance data on DMC interventions using indicators outlined in OJJDP’s Technical Assistance Manual. GOCCP should ensure access to data relevant for DMC monitoring efforts.

**Identification**

- Improve the ways that RRIs are calculated and reported. RRIs should be calculated based on case counts rather than youth counts and on the county of jurisdiction rather than the youth’s county of residence, and data should be limited to 10 to 17 year olds. RRIs calculated for the secure confinement stage should employ the more inclusive facility criterion. These refinements are all in accordance with monitoring practices promulgated by OJJDP.

In future reporting and interpretation of Maryland RRIs, it is critical to separate findings for African American and Latino youth given the different patterns of results for these groups. While OJJDP reporting requires entering and calculating RRIs for “all minorities,” these aggregated results mask important findings unique to each group.

Currently, the petition stage RRI is based on cases forwarded to the State’s Attorney. Separate RRIs should also be routinely calculated based on youth formally petitioned by the SAO in each jurisdiction to identify any disproportionality related to race or ethnicity in petitioning decisions.

- Undertake annual systematic collection of arrest data from local police jurisdictions for the purpose of calculating RRIs at the arrest stage. With the wide discretion police have in recording and reporting arrests, and the variable level of resources departments have for compiling data, it would be realistic to first identify jurisdictions that have the capacity to provide these data and target analyses to these areas. Priority should be given to collecting arrest data from jurisdictions where referral results show high levels of disproportionality, including Baltimore City, and Baltimore and Anne Arundel Counties.

- Include the adult transfers stage in annual systematic data collection and RRI reporting. It is essential that this include data on cases waived due to statutory criteria, as these appear to account for the great majority of juveniles processed as adult offenders in Maryland. Arrangements should be made for the Maryland Department of Public Safety and Correctional Services (and if necessary, local courts) to provide data on juveniles entering the adult system from both statutory transfers and judicial waivers. An annual report on adult transfers should include information on these cases as
well as reverse waivers that are processed in the juvenile system. Analyses should examine racial/ethnic disparities in the different types of transfers and the processing of these cases by jurisdiction. Once these routines are in place, periodic analysis and reporting on these data should not be difficult or costly.

**DMC Assessment and Research**

- **Expand assessments on referral source.** DJS should develop and implement a statewide policy on the definition of referral source and a protocol for recording this information in the Department’s automated information system, ASSIST. Reliable and valid data on this variable would afford analyses of race and ethnic differences among the various sources of referrals to the Department, which would in turn suggest areas for targeting DMC reduction strategies.

- **Implement ongoing monitoring of DJS overrides.** DJS should routinely conduct jurisdiction-level assessments of the use of overrides by staff with particular attention to downward overrides to determine whether youth race and ethnicity are influencing decisions. Systematic monitoring of DJS’ implementation of the MCASP Risk Screen at Intake and case forwarding guidelines should also be conducted. Local validation of the risk assessment, which is based on validation studies conducted in other states, is imperative.

- **Gather systematic data on diversion initiatives at all stages of case processing.** At present, the diversion RRI is limited to calculations on cases that are resolved or placed on informal supervision at intake. However, other diversion initiatives (e.g., police programs, teen court, community conferencing) operating both before and after DJS intake serve to divert youth from the system. Assessments focusing on the racial and ethnic differences in the use and impacts of these initiatives are needed.

- **Include gang research in DMC assessments.** For the present analysis, data on youth involvement in gangs were not readily available. Given anecdotal reports from juvenile justice practitioners around the state, and the attention paid to gangs by the media, politicians, and law enforcement, it seems likely that gang activity—and in particular the system response to gang activity—may be contributing to DMC, and future assessments would benefit from including gang involvement information in analyses.

- **Conduct assessments to examine the source of the especially high disparities found in placements made to the most secure facilities** to isolate the role of decision making from factors such as current offense and delinquency and system history.

- **Support research on the cost effectiveness of ATDs and diversion programs at DJS intake.** Underlying much of the ongoing discourse on public funding for these programs are claims about the savings (or lack thereof) they can generate in trimming the juvenile detention, supervision, and processing infrastructure. Rigorous research using Maryland programs and cost structures is needed to assess the benefits of these programs relative to their costs and to inform future investments in the state juvenile justice system.