



**Disproportionate Minority Contact-Technical Assistance Project
(DMC-TAP)**

Summary Report and Recommendations

Orange County, California

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The W. Haywood Burns Institute (BI) is an Oakland-based national nonprofit. It is a leading organization in the field of juvenile justice and ethnic and racial disparities reduction, which helps to protect and improve the lives of youth of color and poor youth by promoting and ensuring fairness and equity in youth-serving systems across the country.

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PURPOSE OF THE REPORT

For over two years the W. Haywood Burns Institute (BI) has worked with community and system stakeholders in Orange County to identify and engage in a process to address racial and ethnic disparities (RED) in the juvenile justice system. In BI's experience, many jurisdictions that engage in disparity reduction efforts must overcome the "one step forward and two steps back" experience of reform. For example, many jurisdictions face challenges related to data extraction, getting consistent "buy-in" from key stakeholders or ensuring the presence of community members at the collaborative table. Orange County is no different. The jurisdiction works hard to bring various key system and community stakeholders to a collaborative table with the goal of ensuring a fair and equitable juvenile justice system. However, Orange County has also faced some challenges in moving their efforts forward.

This report will provide Orange County stakeholders with observations that BI believes will support the County's continuing effort to establish the most effective structural framework for success in reducing racial and ethnic disparities. In that regard, BI has highlighted County efforts to address racial and ethnic disparities while overcoming obstacles commonly encountered by jurisdictions throughout the country. The report is not intended to describe all the activities Orange County conducted during BI's consultancy. Those details are provided in the quarterly progress reports submitted to the California Board of State and Community Corrections (BSCC).

The report will highlight three key themes identified by BI and provide recommendations for each theme that aim to sustain RED reduction. The themes are as follows:

- 1) Understanding Racial and Ethnic Disparities;***
- 2) Governance Structure for Detention and Equity Reform in Orange County; and***
- 3) Community Engagement.***

BACKGROUND

The BI's analysis involves two initiatives that Orange County currently participates in; the Juvenile Detention Alternatives Initiative and the Disproportionate Minority Confinement Technical Assistance Project.

Overview of the Juvenile Detention Alternatives Initiative in Orange County

The Juvenile Detention Alternatives Initiative (JDAI) under the auspices of the Annie E. Casey Foundation is one of the largest juvenile justice reform efforts in the country. It is currently replicated in 200 jurisdictions in 39 states and the District of Columbia and has achieved significant reductions in the use of secure detention while maintaining public safety.

Its core objectives are to:

- Eliminate the inappropriate or unnecessary use of secure detention;
- Minimize re-arrest and failure-to-appear rates pending adjudication;
- Ensure appropriate conditions of confinement in secure facilities;
- Redirect public finances to sustain successful reforms; and
- Reduce racial and ethnic disparities.

Orange County officially became a JDAI site in 2010 but received consultation in 2009 when the jurisdiction began planning the development and implementation of its detention risk assessment instrument (RAI).

Under the current governance structure there are four existing committees:

- 1) **Executive Steering Committee** is responsible for the oversight of the reform efforts taking place locally as well as approving policy and/or program recommendations from the sub-committees. The Executive Steering Committee is currently comprised of representatives from the Court, law enforcement,

Methodology

The findings and recommendations made in this report are based on: 1) observations made during the DMC-TAP grant period (2010-2013), 2) analysis of Orange County Probation Department's (Probation) detention data and 3) BI interviews with key system and community stakeholders on August 21-23, 2013. Stakeholders included representatives from law enforcement, the Public Defender's Office, the judiciary, probation, service providers and community representatives. Unfortunately, BI was unsuccessful in scheduling interviews with the District Attorney's Office and the Department of Education. Each interview took approximately one hour. Two BI staff participated in the interviews to ensure that the interviews were thoroughly documented.

the Public Defender's Office, the District Attorney's Office, Probation, the Health Care Agency, the Social Services Agency and an education representative.

- 2) **Alternatives to Detention (ATD) Committee** is responsible for the development of community-based alternatives to secure detention. The ATD Committee is comprised of various system and community stakeholders.
- 3) **Risk Assessment Instrument (RAI) Committee** is responsible for developing, implementing and monitoring the RAI.
- 4) **Data Committee** is responsible for overseeing data collection projects including JDAI quarterly detention reports used to inform and guide the direction of the local reform efforts.

Disproportionate Minority Contact-Technical Assistance Project

The BI is a national, non-profit organization that has successfully worked with jurisdictions across the country to reduce racial and ethnic disparities. The BI facilitates traditional and non-traditional stakeholders through a data-driven, consensus-based process aimed at developing community-based alternatives to secure detention. In 2009, Probation applied for and was awarded a Disproportionate Minority Contact Technical Assistance Project (DMC-TAP) grant through the California Board of State Community Corrections (formerly known as the Corrections Standards Authority). The grant's goal was to provide local jurisdictions with tools and resources needed to demonstrate leadership in a collaborative process comprised of juvenile justice and community stakeholders working to reduce disproportionality.

Jurisdictions awarded the DMC-TAP grant were required to hire and work with an expert consultant who would provide technical assistance to the site in meeting the objectives of the grant. Probation instituted a competitive Request for Proposal (RFP) process and selected BI as the expert consultant. The BI has worked with Orange County's Probation Department since the initial launch of the DMC-TAP initiative in 2010. The grant has three phases: (1) Infrastructure and Education; (2) Stakeholder Collaboration and Plan Development; (3) Implementation of DMC Reduction Plan.

One of the challenges BI immediately faced was to organize a governance structure that accommodated both initiatives without creating duplication.

Phase One: Infrastructure and Education

The first year of the DMC-TAP grant was focused on developing the Probation Department's capacity to collect and/or extract data from its information system. The BI worked closely with Probation's information technology (IT) staff to answer a series of threshold questions around detention utilization that must be answered to understand whether and to what extent racial and ethnic disparities exist. The BI asks these data-related questions both prior to engagement in the disparity reduction process and during the disparity reduction efforts to track progress. All questions are answered disaggregated by race and ethnicity.

These questions include:

1. *How many youth were arrested?*
2. *How many youth were physically referred to secure detention?*
3. *Which departments or agencies referred youth to secure detention?*
4. *How many of the youth referred to secure detention were admitted to detention?*
5. *How did youths' RAI score inform the detention decision?*
6. *For what offenses or technical/administrative violations were youth admitted to secure detention?*
7. *Where do youth who were admitted to secure detention reside?*
8. *What was the average daily population in the juvenile detention facility?*
9. *How long did youth remain in secure detention?*
10. *Are there differences in length of stay when controlling for offense?*

In an effort to assist jurisdictions in answering and tracking these key data queries on an ongoing basis, BI has developed a data template that includes various key indicators of racial and ethnic disparities. The template is designed to serve as a tool to assist local jurisdictions with measuring and monitoring disparities at key juvenile justice decision-making points and includes automatically populated quarterly and annual trends.

Once the data template was populated, BI shared the data with the DMC sub-committee. The sub-committee's membership consisted of probation officers from various units including field supervision, the gang unit, intake, wraparound services and the Youth Reporting Center (YRC). The DMC sub-committee was responsible for reviewing and deliberating on local data and identifying a target population to focus its reform efforts. After "digging deeper" into the data via a case file review, the DMC sub-committee focused on violations of probation which represented the second largest reason for admissions to secure detention in Orange County.

Another key component of phase one was the training of the entire juvenile division of the probation department on the basics of racial and ethnic disparities. BI provided approximately 600 juvenile probation officers with a three-hour course entitled DMC 101. The training provided the officers with basic information about DMC and its impact at the National, State and Local levels. In addition, the curriculum included a section on BI's Process for using data to address disparities.

Phase Two: Stakeholder Collaboration and Plan Development

The second phase of the DMC-TAP grant focused on engaging system and community stakeholders in the process of data deliberation and the development of an intervention to address the target population: violations of probation. Since Orange County is a JDAI site and had existing collaborative sub-committees, the DMC sub-committee merged with the ATD committee. The committees merged since the committee's goals aligned: To develop effective, community-based alternatives to secure detention while ensuring public safety in Orange County.

Once the data regarding the target population was shared with the ATD Committee, stakeholders developed a targeted intervention to address school-related violations of probation. The program

was called Juvenile Justice Advocates (JJA) and was a partnership between Orange County's Department of Education and Probation. If a youth on probation was out of compliance with school-related conditions of probation (i.e. truancy, failing to enroll in school, etc.), a referral was made to the JJA program. Each youth was assigned to an advocate whose responsibility it was to provide the necessary resources to assist youth in achieving success in school and prevent a violation of probation.

Phase Three: Implementation of DMC Reduction Plan

The third phase was aimed at providing on-going consultation on the use of a data-driven process to identify and address other populations of low-risk youth, if any, who had been detained but could be safely served in the community. Additionally, the ATD committee was responsible for the development of a DMC Reduction Plan.

III. UNDERSTANDING RACIAL AND ETHNIC DISPARITIES

Fundamental to the work of reducing racial and ethnic disparities is both using data to drive the work, as well as having a clear understanding of what “the work” is.

The capacity to collect, analyze and use data is critical. Stakeholders must have the ability to accurately identify which youth are involved in the juvenile justice system – and why – to know where to target racial and ethnic disparity (RED) reduction efforts. To do so, system stakeholders and analysts must not only collect certain data, but they must know the appropriate data-related questions to ask next. This process includes evaluating gaps in current data systems and the quality of the available data. In addition, stakeholders must establish a process to deliberate on the data during collaborative meetings. Oftentimes, the most challenging step is for decision-makers to make concrete changes in policies, practices, and programs based on what stakeholders have learned from the data. The goal of these policy, practice and program changes is to improve outcomes and decrease unnecessary system involvement for youth of color.

Data Capacity, Use of Data and Data Findings

Orange County has strong capacity to collect and analyze data. The probation data system is robust, and Probation's IT staff have the ability to modify it to respond to evolving needs. IT staff can generate regular reports on detention utilization, as well as respond to special data requests. Currently, Probation's IT Department produces quarterly reports on detention admissions, average daily population and average length of stay for the JDAI initiative. The DMC-TAP work also utilizes these reports to understand system involvement of youth of color in Orange County.¹

¹ The average daily population and length of stay reports are disaggregated by race and ethnicity. The detention admissions (“Detention Pop I and II”) are disaggregated by a number of different factors, including offense. Total admissions and RAI scores/outcomes are disaggregated by race and ethnicity in these reports, however individual admissions by offense are not disaggregated by race and ethnicity. In response to BI's recommendation, the county created an additional quarterly report of top five offenses (admission reasons) disaggregated by race and ethnicity. All of these reports are typically run on a quarterly basis, but can be run for any time period such as a full year.

In addition, key IT staff understand Probation operations and how youth move through the juvenile justice system. In other words, staff who are asked to extract the data have an understanding of the operational context in which the data will be used. This is an important asset, as many jurisdictions around the country experience a communication gap between IT and program staff when attempting to generate data reports. Program staff may request data, but if IT staff do not interpret the questions accurately, the data that is often extracted incorrectly. When IT staff understand the operational context, it helps to bridge communication gaps. Although Orange County's data infrastructure is strong, data collection and analysis are not enough. The collaborative must use data in a more intentional and strategic manner to reduce disparities and to improve outcomes for youth of color. It is important to remember that the Collaborative is not "starting from scratch" with regard to using data in its efforts to reduce disparities. Over the course of the DMC-TAP grant, committees generated several findings that will be useful in moving the work forward. If used, these data will be informative to ongoing reform efforts. Key data regarding racial and ethnic disparities are highlighted below.

The Burns Institute Process for Using Data

In our work around the country, BI applies a three-step process to using data to help jurisdictions reduce racial and ethnic disparities: (1) identify disparities; (2) identify, analyze and strategize around a target population; and (3) measure progress.

Sites must first **identify** whether and to what extent disparities exist at various decision-making points throughout the juvenile justice system. In doing so, stakeholders must understand key terminology.

Next, jurisdictions should identify a **target population**. Once a target population is identified, stakeholders must analyze or "dig deeper" into the target population to learn more about policies, practices, and other system factors that contribute to disproportionality and disparities. Once jurisdictions understand more about the factors contributing to disparities that are under system stakeholder control, they can strategize about how changes in policy, practice, and/or procedure can reduce disparities. When the necessary modifications to existing policy, practice, and/or procedure are identified, the jurisdiction should adopt or pilot a change. This is often a major hurdle in the process, as stakeholders sometimes resist taking action. Often, jurisdictions want to conduct additional research or control for more variables prior to making any changes. However, endless research will do nothing to reduce disparities if jurisdictions do not have the political will to implement new policies and practices.

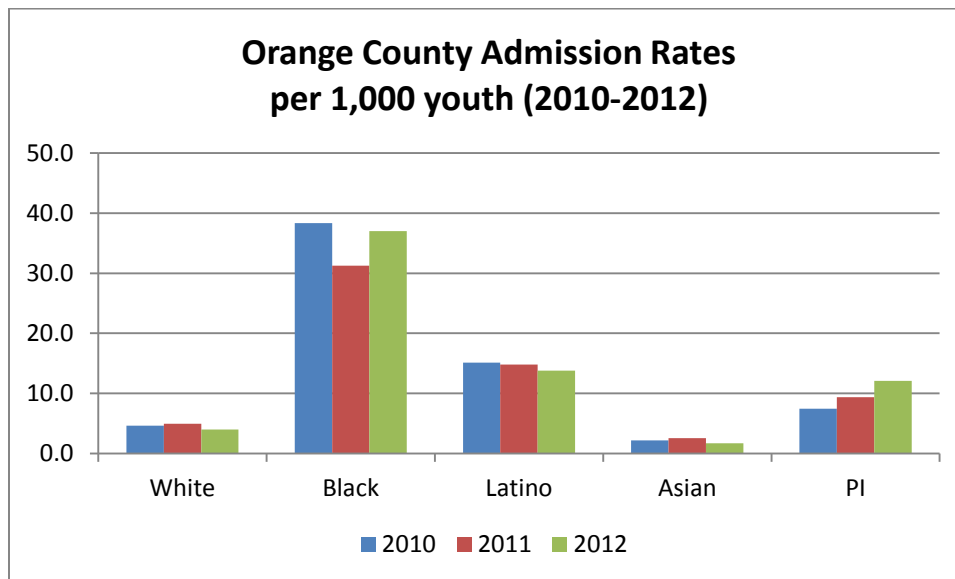
Finally, jurisdictions must continually **measure** how any interventions have reduced disparities over time. Jurisdictions must not assume that a successful intervention will achieve sustained reductions in disparities over time. Sometimes interventions require modification, and monitoring progress regularly can help ensure that adjustments are made in a timely manner. Monitoring interventions is also useful in order to document success and share strategies with the field.

1. Identifying RED

The first step in BI's process is to assess whether and to what extent disparities exist. Therefore, when BI began consulting with Orange County in 2010, the collaborative looked at 2010 data to assess the extent of disparities. As the chart and tables below show, in 2010, Black youth were more than 8 times as likely as White youth to be admitted to detention. Latino youth were more than 3 times as likely as White youth to be admitted to detention.

Although rates are an important indicator, it is also useful to understand actual admission numbers in order to determine where to focus efforts first. In some cases, racial and ethnic groups with relatively small numbers of youth have the highest rates of detention. This is the case in Orange County, where Black youth have the highest rates of detention, but constitute a relatively small number of admissions compared to Latino youth.

Latino youth had by far the highest admission numbers of all groups in 2010, with 2,404 total admissions. By comparison, there were 191 Black youth, 106 Asian youth, 10 Pacific Islanders, 43 "other" youth, and 586 White youth admitted to detention in 2010.



Included in the tables below are youth population data, admission counts, and admission rates to demonstrate how admissions for each racial and ethnic group have changed over the three years between 2010 and 2012. In 2012, Black youth were more than 9 times as likely as White youth to be admitted to detention. Latino youth were 3.5 times as likely as White youth to be admitted to detention. Disparities in admission rates between White youth and youth of color remained the same between 2010 and 2012.

Youth Population, Admissions and Admission Rates²

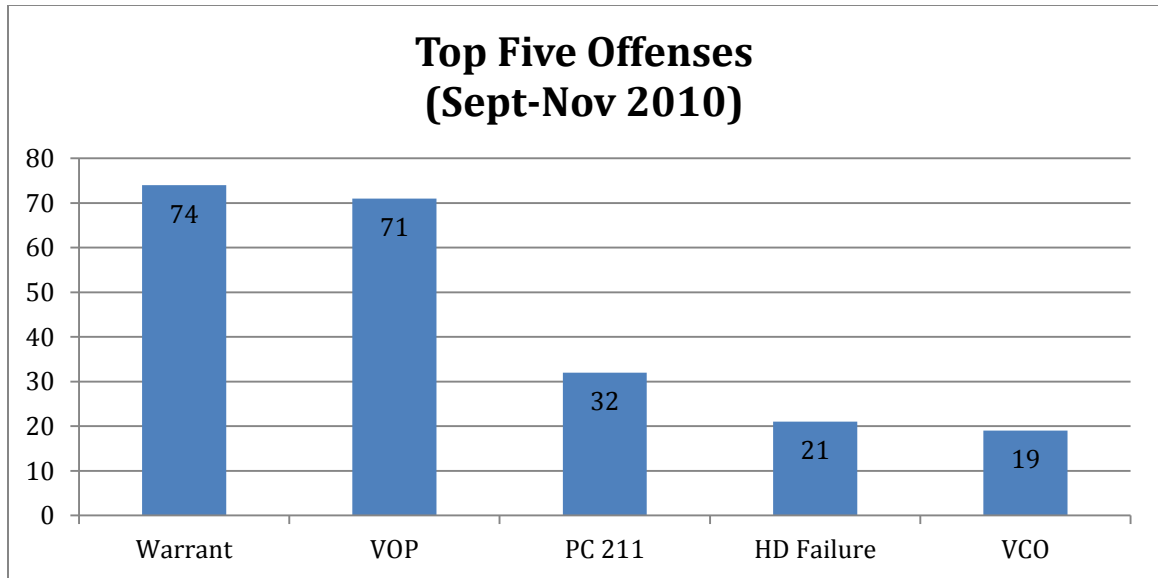
2010	White	Black	Latino	Asian	PI	Nat Am	Other	Total
Youth Pop (10-17)	127,355	4,983	158,994	48,733	1,342	1,465	11,113	353,985
Admissions	586	191	2404	106	10	0	43	3340
Admission Rate per 1,000	4.6	38.3	15.1	2.2	7.5	0.0	3.9	9.4
2011	White	Black	Latino	Asian	PI	Nat Am	Other	Total
Youth Pop (10-17)	123,027	4,668	159,930	49,178	1,286	1,346	12,328	351,763
Admissions	607	146	2367	124	12	1	47	3304
Admission Rate per 1,000	4.9	31.3	14.8	2.5	9.3	0.7	3.8	9.4
2012	White	Black	Latino	Asian	PI	Nat Am	Other	Total
Youth Pop (10-17)	118,561	4,320	160,511	49,250	1,244	1,231	13,576	348,693
Admissions	469	160	2212	83	15	2	45	2986
Admission Rate per 1,000	4.0	37.0	13.8	1.7	12.1	1.6	3.3	8.6

2. Identifying a Target Population: Top Reasons for Admissions

Data has consistently shown that the top reasons youth of color are admitted to secure detention are probation violations and warrants. In the first year of the DMC-TAP grant, the committee reviewed pre-adjudication admissions data for September through November of 2010. These data showed the following top five offenses resulting in detention: bench warrants (BW), violations of probation, robbery (PC 211), home detention failure (HD Failure), and violation of court order (VCO).

² Source of youth population data: California Department of Finance.
<http://www.dof.ca.gov/research/demographic/reports/projections/p-3/>

Source of admissions data: Orange County Probation Detention Population Reports.



Although total admissions to secure detention have dropped over the past few years, probation data indicated that violations of probation continue to be the primary reason that youth, particularly youth of color, are admitted to detention.

3. Digging Deeper into Target Populations: VOPs and Bench Warrants

In maintaining fealty to BI's process, the collaborative identified VOPs and bench warrants as target populations based on the available admissions data during phase one. However, the group needed to learn more about the circumstances of youth detained for these reasons prior to formulating interventions or policy/practice changes. A case file review was conducted in 2010 in order to "dig deeper" into VOPs and bench warrants. Key findings from the case file review are summarized below and the process is described more fully in Appendix A.

Key Findings from the Violation of Probation Study:

- 78% of youth detained for VOPs were Latino (51 of 65) and almost half (48%) of youth detained resided in Santa Ana, Anaheim and Orange.
- 32% of youth were originally placed on probation for property offenses.
- 52 of 65 youth (or 80%) scored low on the RAI, meaning the RAI recommended "release without conditions."
- 34 (or 53%) of youth detained for VOPs had at most 1 previous violation filed. Of these 34 youth, the most frequent conditions violated were school-related, gang-related, minor drug/alcohol-related and failing to report.

Key Findings from the Bench Warrant Study:

- 57 of 79 (72%) of youth detained for BWs were for failing to appear (FTA) to a court hearing.
- 49 of 57 (86%) of youth detained for failing to appear were Latino who primarily reside in Anaheim, Santa Ana and Tustin.
- The majority of youth detained for BWs were placed on probation for non-violent offenses.

Examining Override Data from 2012

BI recently conducted an analysis of 2012 RAI override data to learn about detention utilization and decision-making. The analysis confirms that low and medium risk youth are frequently overridden into detention for warrant arraignments and violations of probation. Low and medium risk youth are also overridden into detention for other reasons for which system stakeholders may be able to craft more effective, lower-cost responses – especially with the help of community partners.

Of a total of 1,705 low and medium scoring youth who were overridden into detention:

- 915 (54%) youth were detained for policy or automatic detention reasons
 - 590 were due to bench warrants
- 785 (46%) youth were detained at the discretion of the intake officer (with Probation Supervisor approval)
 - 410 were due to violations of probation

The data above confirms the significant need for developing alternatives to secure detention for violations of probation and bench warrants. Although, the ATD committee developed the JJA program to address school-related violations of probation, the program no longer is available. The ATD committee should consider establishing collaborative partnerships with education stakeholders to develop appropriate and sustainable interventions. Other jurisdictions have successfully implemented restorative justice practices to address both juvenile justice (for post-adjudicated cases) and school discipline issues. System stakeholders should consider partnering with community representatives who have knowledge and experience implementing restorative justice principles and practices.

In regard to utilization of detention for bench warrants, the county should review their notification process to identify areas for improvement. Relevant assessment questions might include:

- How are youth/families notified of their court dates?
- Are youth/families notified of their court dates in their native languages?
- Are there issues with the interception of mail which may result in a youth/family not actually receiving the notification?

Many jurisdictions around the country also utilize a two-tiered bench warrant policy also referred to as a discretionary bench warrant. With the policy in place, probation is given discretion by a judge to release a youth who is arrested on a bench warrant. The youth must meet certain eligibility criteria such as the offense for which the youth was arrested must be a misdemeanor or technical

violation. The criteria vary from jurisdiction but have resulted in significant reductions in the use of secure detention for bench warrants without compromising public safety.

Importantly, the ideas presented here for digging deeper and alternative solutions are not exhaustive; rather they are ideas for the collaborative to consider moving forward. They are provided as examples of how to apply the BI's process, and how applying this process will ideally lead to improved outcomes for youth of color in the County's juvenile justice system.

Challenges to Using the Data

Based on our interviews and observations, a number of community and system stakeholders harbor misperceptions about the work to reduce racial and ethnic disparities. These misperceptions pertain both to the goals of the reform effort and to what the work itself entails. For instance, some stakeholders believe that the DMC-TAP initiative's primary goal is to prove and eliminate intentional racial discrimination. Other stakeholders indicated that there is no clear vision for the reform work in Orange County, particularly around reducing disparities. A few stakeholders were under the impression that the RED reduction work was focused on "creating programs for Latino youth" (at the expense of other racial and ethnic groups). Adding to this confusion, stakeholders expressed a concern that key terminology such as "disparities" and "disparate treatment" remain unclear to collaborative members.

While these misperceptions present a challenge to the work, they are not insurmountable obstacles. One factor that contributed to these misperceptions was the frequent turnover of key staff, discussed in detail in the next section of this report. Additionally, other Orange County stakeholders who do not work for the courts or probation have not participated in training on reducing racial and ethnic disparities. Some stakeholders received training at various meetings, but stakeholders as a group have not participated in BI's standard 1.5-day training on reducing racial and ethnic disparities or other in-depth training. As mentioned above, moving forward, a wide spectrum of both community and system stakeholders should attend this training as soon as possible.

The JDAI Executive Steering Committee should formally memorialize the purpose of detention in the County and share this statement with all stakeholders. Establishing consensus on the purpose of detention provides committees with a clear benchmark against which to measure progress. In other words, if there is a clear statement by stakeholders on when detention is appropriate and when it is *not* appropriate, stakeholders can use detention admissions data to compare against this ideal and begin formulating alternative responses. On September 7, 2012, BI facilitated a meeting regarding the purpose of detention with key stakeholders. Stakeholders did not reach consensus regarding the purpose of detention in Orange County when the meeting ended. At this stage, Orange County stakeholders should convene a follow-up discussion to finalize a written purpose of detention statement. Regardless of whether another meeting is convened or follow-up from the 2012 meeting is completed, at some point, stakeholders establish and document how secure detention should be utilized. They should share this statement with a wide array of stakeholders to help the reform work proceed effectively. Once this is done, the Executive Steering Committee should implement a process to review admissions reasons against the stated purpose of detention

on a regular basis. In other words, stakeholders should institutionalize a process to use data to better understand system decision-making.

Finally, stakeholders should refer to the attached Appendix B, which clarifies basic definitions pertinent to reducing racial and ethnic disparities.

Recommendations:

1. **Training**: Orange County stakeholders should participate in BI's training on Reducing Racial and Ethnic Disparities as soon as possible. The training provides basic definitions and strategies, information about the importance of coming to consensus on the purpose of detention and defining success, strategies on using data effectively, strategies on engaging community stakeholders effectively, interactive exercises, and time for planning next steps.
 - a. Key community and system stakeholders, and representatives from each JDAI sub-committee, should participate in the training. Those participants should return to their respective committees and provide a synopsis of the training. The information obtained during this training should inform next steps in constructing, updating, and implementing committee work plans.

2. **Data**: Stakeholders from each committee should take appropriate steps to use data intentionally and strategically to drive the reform work forward in Orange County. In addition to providing training as recommended above:
 - a. Present the existing data on violations of probation as well as the findings from the RAI Override Study to the Alternatives to Detention (ATD) committee.
 - b. Present the existing data on bench warrants and the findings from the RAI Override Study to the Executive Steering Committee.
 - c. Within each committee, facilitate discussions based on the data that lead to clear next steps. Next steps may include digging deeper and answering further data-related questions and/or moving forward to develop proposals for policy/practice change, new alternatives to detention, or improving community engagement as it relates to developing effective alternatives or improving system practices.
 - d. Institutionalize the practice of sharing of data with stakeholders and deliberating upon data in meetings.

3. **Purpose of Detention**: Stakeholders should come to a consensus on the purpose of detention in Orange County and communicate this purpose to all sub-committees.
 - a. A key group of stakeholders, led by the JDAI/DMC Coordinator should revisit the notes from the purpose of detention meeting convened on September 7, 2012.
 - b. A draft statement on the purpose of detention should be developed and shared with all stakeholders involved in the JDAI collaborative. Partners should be invited to respond to the draft prior to finalizing the statement and re-sharing it with the group. If needed, a follow-up meeting can be convened during this process.

IV. GOVERNANCE STRUCTURE FOR DETENTION AND EQUITY REFORM IN ORANGE COUNTY

Collaborative Composition and Structure

The establishment and regular convening of a group of community and system-stakeholders whose mission and objectives are clear and realistic is essential to achieving sustainable RED reductions. In Orange County, RED reduction efforts are primarily addressed in the ATD committee. However, it is worth noting that reducing RED is a core strategy of JDAI and should be integrated into all areas of reform within the county. The ATD committee includes community and system stakeholders who bring a wealth of knowledge about system-involved youth and families as well as resources to serve them. Interviews with system-stakeholders revealed a genuine interest in partnering with community-based organizations including schools to provide targeted services to youth and their families.

Despite the ATD committee's many strengths, interviews with community stakeholders revealed that the lack of "communication, collaboration and consistency" have all contributed to the ATD committee's lack of direction. Both system and community stakeholders expressed frustration with having had three JDAI/DMC Coordinators in three years. The turnover in coordinators seemed to take place abruptly with little communication to the collaborative. The poor communication led many members to feel as if the reform work was not a priority. In addition, the time required to properly train new coordinators has also slowed the ATD Committee's progress. With little direction from the newly assigned coordinators, the ATD meetings became a forum for reporting out of community resources as opposed to a workgroup that develops targeted alternatives to secure detention make recommendations for policy and practice change, where necessary.

Many stakeholders remain unclear about the larger JDAI reform structure and how it is connected to the ATD committee and the work to reduce disparities. Stakeholders are unaware about any existing decision-making processes in place. For example, if the ATD committee wanted to recommend the implementation of a new program or policy change, stakeholders were not clear how decisions are made. However, some stakeholders did refer to Probation as the "gate-keeper" of Orange County's reform efforts.

A misunderstanding appears to exist between system and community stakeholders about Probation's role in the local reform effort, specifically with regard to the decision-making structure. The misunderstanding is that probation is the lead agency overseeing the reform work in the county and therefore will be responsible for all data collection, data analysis, program planning, development and evaluation. Although probation has played a key role in introducing detention and equity reform to the County, effective and sustainable reform is a collaborative effort. BI and JDAI promote intentional and meaningful collaborative partnerships which include sharing data, ideas and resources in order to achieve better outcomes for system-involved youth.

Authority and Leadership

The Executive Steering Committee (ESC) is responsible for guiding and overseeing the goals and objectives of each sub-committee. The ESC's guidance and oversight is directly connected to the mission of the County's overall reform effort. However, the ESC has also faced challenges with regard to understanding their role and meeting consistently. During the early part of 2012, the ESC decided to engage in a "Visioning" conversation to define how detention and equity reform will be approached locally. These meetings took place for approximately three months and resulted in the development of a work plan to address identified priority areas. However, there was no clear plan for how the priority areas would be communicated to each sub-committee. In addition, the convening of the ESC meetings soon dwindled resulting in a lack of leadership for the ATD committee. Some stakeholders felt that there is a lack of "political will" to fully embrace detention and equity reform in the county.

The lack of leadership and perceived lack of political will also led to poor messaging about what detention and equity reform work entails. During interviews, stakeholders stated that many, including those in leadership positions, refer to reform as a "program" as opposed to a county-wide shift in philosophy. Continuous system reform is a process by which shared values and vision drive the mission of a system and are engrained into the culture and services of all child-serving agencies. The leadership from each of these agencies must participate in developing, finalizing and communicating this mission to its staff and the community.

It is worth noting that the ESC has recently reconvened and have finished developing its mission and reform goals for Orange County.

Recommendation:

1. The structure and composition of the ATD committee should be modified. Currently, the ATD Committee primarily acts as a forum for reporting out existing community resources as opposed to a workgroup aimed at developing community-based alternatives to secure detention.
 - a. The sub-committee is composed of approximately 25-30 representatives from several agencies. The committee should consider utilizing a closed meeting process; whereby, new members are approved by the larger committee and provided with an orientation about the mission and objectives of the committee. The Orientation should include providing a FAQ sheet, summary of work to date, and mini-training.
 - b. The Committee should devote at least one meeting to developing its goals and objectives.
 - c. The Committee should re-visit the DMC Reduction Plan and identify realistic goals to work on in the next year.
 - d. The Committee work plan should be submitted to the ESC annually and should be reviewed at least quarterly to ensure the ATD Committee is making progress on its stated goals.

2. The mission and goals recently developed by the ESC should be memorialized and communicated to each JDAI sub-committee as well as all other system and community partners.

Community Engagement

It is BI's philosophy that engaging communities most impacted by the detention of youth of color is essential to sustainable reductions in racial and ethnic disparities. Community representatives often bring insight about youth, families and neighborhoods that system stakeholders lack. These insights are often critical to the development and success of targeted interventions to address identified target populations.

Orange County stakeholders have successfully engaged several community stakeholders through the ATD committee. Community stakeholders felt the ATD committee was a critical space because it was the only opportunity that community members had to engage with a collaborative of decision makers in the juvenile justice system. However, community stakeholders reported frequent changes in leadership which made it difficult to keep momentum and retain critical community leaders. One stakeholder shared the impact of this shift and commented, "In the beginning, there were a lot of executive directors from community organizations attending because it was such an opportunity to collaborate, but after about a year many of the directors started sending assistants and interns because the committee wasn't really doing anything."

Community stakeholders were also concerned that they were engaged primarily at a surface level and not in decision-making. There was some confusion over the purpose of the group as well as its ability to create and implement alternatives to detention. According to some stakeholders, data regarding school-related violations of probation was presented to the ATD committee. The group was asked for feedback, but was not engaged in developing interventions, nor were they engaged in implementing the policy change.

Multiple system stakeholders stated that there is "room for improvement" in terms of their efforts to engage community. However, there were varying ideas regarding what community engagement actually entails and how to define the different types of community stakeholders. Although community-based service providers are represented on the ATD committee, there is a lack of representation by grassroots organization as well as youth and families. Members of the ATD committee recently expressed interest in exploring the use of a Family Orientation for parents/guardians of system-involved youth. Other stakeholders mentioned the use of cultural brokers in the dependency system which has proven to be successful. Cultural brokers are individuals who serve as intermediaries between individuals of different cultural backgrounds. Cultural brokers play a key role in resolving misunderstandings that can lead to critical decisions negatively impacting system-involved youth and families of color. Key system stakeholders expressed interest in developing a similar program.

Meaningful community engagement in juvenile justice reform work is challenging but not impossible. Unlike many jurisdictions, Orange County system and community stakeholders

expressed a willingness to improve the community engagement efforts. One key system stakeholder stated, “It took me a year to get to this point but now I need help (with how to effectively engage community).” Another stakeholder expressed the importance of agencies needing to “understand how to work with community inter-dependently.” Both system and community stakeholders expressed a desire to engage community-based organizations, including those that are faith-based, in providing more services and alternatives to secure detention. However, CBO’s have been underutilized in this role so far.

Recommendations:

1. The ATD committee should engage education stakeholders, grassroots community groups, and youth and parents to address the high number of school related violations of probation. These stakeholders can inform and assist in developing targeted alternatives and interventions for this target population.
2. Once the ATD committee has identified appropriate community stakeholders to invite to the committee, trainings or “coach ups” should be provided for these stakeholders. Coach ups, or mini-trainings can help build the capacity of community stakeholders to engage in effective partnerships and meaningful collaborations with the juvenile justice system. Separate from the orientation, community coach ups develop a deeper understanding of how the juvenile justice system functions, who makes decisions, how community stakeholders can effectively engage with the juvenile justice system, and special training on relevant juvenile justice concepts (i.e. Risk Assessment Instrument, data 101, juvenile justice terminology, juvenile justice system flowchart).
3. Key system decision-makers and representatives from each sub-committee should participate in the BI’s *Improving Juvenile Justice Through Meaningful Community Partnerships* training which provides participants with knowledge about the importance of engaging community, identification and effective outreach to community, the role of community in local reform (policy and planning versus family-focused programming), and examples of community engagement from other jurisdictions.
4. The ATD committee should consider the use of a youth/family advisory board whose role would be to provide a youth/family perspective to program and policy changes.

After participating in the three DMC-TAP phases, BI believes the County has made major strides toward achieving meaningful detention and equity reform. However, if the jurisdiction seeks to sustain these efforts then it must take the necessary steps to address the challenges highlighted in this report. BI has provided Orange County with a comprehensive list of recommendations to consider as the jurisdictions moves forward in its efforts to ensure equal access to justice for all youth in Orange County.

Summary of Key Recommendations

The Burns Institute recommends that:

- 1) Orange County stakeholders should participate in JDAI's training on "Successful Strategies to Ensure Equal Access to Justice for Youth of Color."
- 2) Stakeholders should take appropriate steps to use data intentionally and strategically to drive the reform work forward in Orange County.
- 3) Stakeholders should come to a consensus on the purpose of detention in Orange County and communicate this purpose to all sub-committees.
- 4) The ATD committee should revisit its structure, composition, goals and objectives
- 5) The Executive Committee should memorialize its recently developed mission and goals and communicate them to each JDAI sub-committee as well as all other system and community partners.
- 6) The ATD committee should engage education stakeholders, grassroots community groups, and youth and parents to address the high number of school related detentions.
 - a. The ATD committee and/or an ATD sub-committee should receive training on restorative justice practices in the juvenile justice and education system
- 7) Community stakeholders should receive training or "coach ups" (i.e. Risk Assessment Instrument (RAI), data 101, juvenile justice terminology, juvenile justice system flowchart).
- 8) Key system decision-makers and representatives from each sub-committee should participate in the BI's *Improving Juvenile Justice Through Meaningful Community Partnerships* training which provides participants with knowledge about the importance of engaging community, identification and effective outreach to community, the role of community in local reform (policy and planning versus family-focused programming), and examples of community engagement from other jurisdictions.
- 9) The ATD committee should consider the use of a youth/family advisory board whose role would be to provide a youth/family perspective to program and policy changes.

CONCLUSION

In BIs experience there are essential components that every jurisdiction should consider as part of RED reduction effort. One component is the development of a clear mission and objectives. Another is the need for strong leadership to help achieve this mission by providing direction through sometime very rugged terrain. And yet another key component is the development of strong and meaningful system and community partnerships. Like any partnership, trust and patience are critical to its success. Lastly, the commitment to engage communities in detention and equity reform is indispensable. Despite the various challenges faced by the jurisdiction, Orange County has made some measurable progress and is in a great position to take detention reform and equity to the next level.

Appendix A: Case File Review conducted in 2010 as part of the DMC-TAP Initiative

Digging Deeper into Youth Detained for Violations of Probation (VOPs)

A group of Probation staff and BI staff reviewed Probation Case Files of 71 youth detained as a result of VOPs between September-November 2010. Some cases were mistakenly classified as VOPs (some had new law violations attached to the violation or were actually youth detained for warrants). As a result, 65 cases were analyzed. The following questions were posed:

General Profile:

- What is the racial/ethnic breakdown of the youth detained for VOPs?
- What was the gender of these youth?
- How old were youth at the time of detention?
- Where do these youth reside?
- What was the youths' underlying offense?
- To which unit were youth assigned at the time of detention?
- What were these youths' RAI Scores?

Type of VOPs for which youth were detained:

- What conditions did youth violate? (gang-related, positive drug tests, etc.)
- How many previous violations did the youth have?
- What types of interventions (and how many) were attempted prior to the utilization of detention?
- What was probation's recommendation for disposition?
- What was the court's order?

Key Findings:

- There were 65 youth admitted into detention for VOPs between September-November 2010.
- 78% of youth detained for VOPs were Latino (51 of 65).
- Almost half (48%) of youth detained resided in Santa Ana, Anaheim and Orange.
- 42% of youth detained for VOPs were from the Juvenile Supervision Division.
- 32% of youth were originally placed on probation for property offenses.
- 52 of 65 youth (or 80%) scored low on the RAI, meaning the RAI recommended "release without conditions." This included 44 Latino youth, 3 Black youth, 2 Asian youth and 3 White youth.
- 34 (or 53%) of youth detained for VOPs had at most 1 previous violation filed. Of these 34 youth, the most frequent conditions violated were school, gang, minor drug/alcohol and failing to report.

- It was very difficult to identify interventions utilized in the case file or the Electronic Case Record (ECR) notes. Based on limited data available, there was an average of 1.6 documented interventions utilized per youth. The Youth Reporting Center (YRC), Drug/Alcohol services, and Wraparound services were the most widely used interventions.
- Probation recommended 30 days or more of detention for 74% of youth with, at most, one previous violation.

Digging Deeper into Youth Detained for Bench Warrants (BWs)

A group of Probation staff and BI staff reviewed Probation Case Files of 79 youth detained as a result of bench warrants between September-November 2010. The initial data indicated there were 74 youth detained as a result of BWs but five files were added from the cases originally thought to be VOPs. The following questions were posed:

General Profile:

- What is the racial/ethnic breakdown of the youth detained for BWs?
- What was the gender of these youth?
- How old were youth at the time of detention?
- Where do these youth reside?
- What was the youths' underlying offense?
- What caseload were the youth on at the time of detention?
- What were these youths' RAI Scores?

Type of BW for which youth were detained:

- For what type of BW were youth detained? FTA? AWOL? Arrest?
 - *If FTA, which hearing did youth failed to appear?*
 - *If AWOL, from who/where did youth AWOL?*
- Were youth detained/not detained at the detention hearing?

Key Findings:

- Anaheim, Santa Ana and Tustin contain the top four ZIP codes for which youth detained for BWs reside.
- 50 of 79 (63%) of youth detained for BWs scored low on the RAI, including 44 Latino youth, 1 Black youth, 2 "other" youth, and 3 White youth.
- The majority of youth detained for BWs were placed on probation for non-violent offenses. Property offenses were 51% of all underlying offenses.
- 57 of 79 (72%) of youth detained for BWs were for failing to appear (FTA) to a court hearing. (25% were detained for being absent without leave, and 3% were detained on an arrest warrant).
- 49 of 57 (86%) of youth detained for failing to appear were Latino.
- Of the 49 Latino youth, 17 failed to appear at Pre-Trial, 14 failed to appear at Arraignment, 11 failed to appear at Progress Review, and 6 failed to appear at Disposition.

Appendix B: Identifying Racial and Ethnic Disparities: Key Terminology

A common stumbling block for JDAI committees across the country is that members have different understandings of terminology and different levels of comfort interpreting data; therefore, understanding whether disparities exist can be a complicated concept. Moreover, determining whether a jurisdiction sees progress in their work to reduce disparities is inextricably linked to how that jurisdiction defines the problem. Thus, if JDAI sites are uncertain of how to describe the problem, whether they are making progress will be unclear. This appendix clarifies the key terminology used to frame the work around reducing disparities.

Jurisdictions use a variety of terms to define their work around reducing racial and ethnic disparities. They often use the terms “disproportionality,” “overrepresentation,” and “disparity” interchangeably, not realizing that each term has a distinct meaning.ⁱ For example, one person might use the term “disparity,” while another person may interpret that as “discrimination.” Framing the issue in these two different ways may lead the collaborative down different paths, resulting in miscommunication and frustration. Moreover, initial conversations about racial and ethnic disparities are often uncomfortable. A small, but important step in easing some of this discomfort is providing stakeholders with shared language to understand and describe what they see.

Jurisdictions that have not done so already should ensure that all stakeholders have a common understanding of the terminology and then have a meaningful conversation about how to define the problem, using shared terminology, in their jurisdiction. If there is confusion around terminology, it may be useful to distribute this handout to stakeholders as a reference.

- **Disproportionality:** Disproportionality refers to an unequal ratio or relation between the compositions of two populations. For example, if Latino youth represent 20% of the overall youth population in a jurisdiction but 40% of youth admitted to detention in that jurisdiction, Latino youth are disproportionately represented in detention admissions. The ratio of the two populations is unequal.
- **Overrepresentation/Underrepresentation:** The term overrepresentation relates directly to the state of disproportion. When one population is represented in numbers that are disproportionately high, that population is overrepresented. For example, if Black youth represent 10% of the overall youth population in a jurisdiction but 30% of youth admitted to detention in that jurisdiction, Black youth are overrepresented in detention admissions. The percentage of Black youth in detention is disproportionately high resulting in the overrepresentation of Black youth in detention. Likewise, if Black youth represent 30% of the overall youth population but only 10% of youth admitted to detention, Black youth are underrepresented in detention admissions.
- **Disparity:** Disparity simply means the state of being unequal. In the context of juvenile justice, disparity is often used to describe unequal rates of involvement in the juvenile justice system. Put another way, disparity describes the unequal *probability* of receiving

an outcome. For example, if 50 in 1,000 Black youth are admitted to secure detention in a jurisdiction and 10 in 1,000 White youth are admitted, Black youth are five times ($50/10=5$) as likely as White youth to be securely detained. There is a disparity in the rate at which Black youth are detained.

- **Ratio of Rates/ “Disparity Gap” Index:** The index or quotient achieved by comparing rates of system involvement for White youth (denominator) and youth of color (numerator). A ratio of rates provides an indication of how much more or less likely youth of color are to be justice system involved than White youth. Index scores of more than one indicate youth of color are more likely be involved in the system; index scores of less than one indicate that youth of color are less likely to be involved in the system. For example, if 50 in 1,000 Black youth in a county are detained and 10 in 1,000 White youth are detained, Black youth are five times as likely as White youth to be detained. The ratio of rates of detention or “Disparity Gap” index is 5. The Relative Rate Index (RRI) is one specific methodology, proscribed by the Office of Juvenile Justice and Delinquency Prevention (OJJDP), for using a ratio of rates at nine key decision-making points in the juvenile justice system. The RRI is described in greater detail in Section B of this chapter.
- **Disparate Treatment:** Disparate Treatment refers to unequal or different treatment of youth for similar behaviors by the juvenile justice system. In discussing disparate treatment in the juvenile justice context, research typically focuses on differences that are unnecessary, avoidable or unjust.ⁱⁱ However, the difference in treatment by the system may be unintentional and facially race neutral yet have a disparate impact on youth of color. Indeed, it is rare to find policies directed specifically towards any race or ethnicity, therefore, “race neutral” policies and practices must be scrutinized in order to understand whether disparate treatment is occurring.
- **Discrimination:** Discrimination in juvenile justice occurs if and when juvenile justice system decision makers treat one group of youth differently than another based wholly, or in part, on their race or ethnicity.
- **Equity:** Equity refers to the condition of being fair or impartial. In the juvenile justice context, the term equity is often used to describe a system that treats all youth in the same, just manner.

It is rare that the disparate treatment of youth of color manifests as clear discrimination or intentionally biased treatment of similarly situated youth. However, if and when intentionally biased treatment of youth of color is identified, jurisdictions must take swift action to eliminate the bias. More often, disparate treatment of similarly situated youth is the result of one or more facially race-neutral policies or practices that disparately impact youth of color.

Thus, disparate treatment, disparity, and disproportionality can result from factors other than discrimination. For example, the rate at which eligible Latino youth are placed on electronic monitoring—a commonly used detention alternative in JDAI sites—is often significantly lower than the rate at which eligible White youth are placed on electronic monitoring. This *disparity* may result from a seemingly benign prerequisite that youth must have a “land line” telephone to track their whereabouts while on the electronic monitor. If Latino youth are less likely to have a land line, they are less likely to meet the requirements for electronic monitoring and are therefore more likely to be securely detained. Although this disparate outcome was not the result of intentional *discrimination* towards Latino youth, the resulting use of secure detention is the same harmful outcome.

Disparate treatment and disparities often result in disproportionality and the overrepresentation of youth of color in the juvenile justice system. In the electronic monitoring example above:

- Latino youth receive ***disparate treatment*** by the system. Latino youth are *treated differently* when they come to the system for the same behavior as White youth.
- The disparate treatment results in *a disparity*. Latino youth are *less likely* to receive electronic monitoring and *more likely* to be detained than White youth.
- The disparity may also be reflected as ***overrepresentation*** and ***disproportionality***. Because Latino youth are more likely to be detained, they may be overrepresented in detention admissions.

In sum, stakeholders involved in the JDAI collaborative must understand these key terminologies to ensure that a common understanding of how to describe the problem exists in their jurisdiction and that their local work to reduce racial and ethnic disparities is moving forward.

ⁱ Chapin Hall Center for Children, *Understanding Racial and Ethnic Disparity in Child Welfare and Juvenile Justice*, Chicago: Chapin Hall Center for Children at the University of Chicago (2008)(clarifying the terminology around race-related differences in the juvenile justice system).

ⁱⁱ Id. Citing Braveman, P. (2006). Health disparities and health equity: Concepts and measurement. *Annual Review of Public Health*, 27, 167–194.