

Settlement Agreement – United States through the Department of Justice with Shelby County, Tennessee, the County Mayor and the County Attorney, and the Juvenile Court of Memphis and Shelby County (JCMSC).

Second Compliance Report – Equal Protection

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INTRODUCTION

A Memorandum of Agreement regarding the Juvenile Court of Memphis and Shelby County was signed December 17, 2012 by the United States Department of Justice, Civil Rights Division, and the County Mayor and County Attorney, and the Juvenile Court of Memphis and Shelby County (JCMSC) to address the administration of juvenile justice for youth facing delinquency before JCMSC and the conditions of confinement of youth at the detention center operated by JCMSC.

The Parties selected Dr. Michael J. Leiber as the Equal Protection Monitor of the Agreement. The Agreement requires the Monitor to assess the level of compliance by JCMSC every six months and to produce reports. The first Monitor's report was submitted on June 12, 2013 and covered the time frame December 12, 2012 to May 12, 2013 (Appendix 1). This is the Equal Protection Monitor's second report on movement toward compliance on the items stipulated in the Agreement as pertaining to Equal Protection. The time-frame assessed is December 12, 2012 to November 29, 2013. The evidentiary basis for his opinions are based on document reviews (policies, data, compliance report by the Settlement Agreement Coordinator, reports provided by the Disproportionate Minority Contact Coordinator or DMC Coordinator, meeting notes, emails, etc.), an on-site visit (October 13th through October 16th, 2013), interviews and phone-calls with Staff, the DMC Coordinator, the Settlement Agreement Coordinator, and conference calls with Staff and the Office of Juvenile Justice & Delinquency Prevention (OJJDP).

In the determination of racial disparity in JCMSC's administration of juvenile justice, evaluations were conducted of the level of the disproportionate minority contact (DMC) at various stages or points of contact within the juvenile court (referral to court, cases diverted, secure detention, petition, findings of delinquency, probation, placement in secure confinement, waiver to adult court). In addition, a DOJ study was conducted of decision-making at each stage of juvenile justice proceedings. Results from that examination of the extent of DMC and the DOJ study that examined the possible causes of DMC showed the following: minority youth overrepresentation at almost every stage in the proceedings and evidence of discriminatory treatment of Black youth.

The Agreement indicates provisions (or things to do) and within time-lines to reduce the presence of Black youth in the juvenile justice process and to ensure greater equality for all youth. In general, the Agreement focuses on procedural changes as pertains to equal protection (e.g., objective decision making tools), cultural/gender sensitivity training, management of and evaluation of data to observe patterns at points of contact (referral, probation, detention, etc.) and inform possible changes to reduce DMC and the development and use of strategies to divert youth away from court referral and secure detention and transfer to adult court. There is also a requirement to develop linkages with the community for the purpose of informing the general public of the progress toward reform and to improve and further build relations between the community and JCMSC.

OVERALL SUMMARY AND IMPRESSIONS UP TO THIS POINT IN THE AGREEMENT

The summary and impressions discussed reflect activities up to December 1, 2013. As stated in the first Equal Protection Compliance Report, JCMSC had attempted to address DMC prior to and as a result of the Agreement being signed in December of 2012. These efforts included but not limited to: working with the Annie E. Casey Foundation in 2011 to examine juvenile detention practices; participation in the Memphis and Shelby County DMC Task Force, a Juvenile Detention Alternatives Initiative- JDAI; the School House Adjustment Program (SHAPE), a program started as a DMC pilot project in 2007 to provide intervention other than juvenile court referral for students who commit minor offenses; the Memphis Youth Violence Prevention Plan Project in the spring of 2011; the Urban Youth Initiative, a faith-based program designed to address and reduce juvenile crime and violence, and the Detention Assessment Tool (DAT) in 2004-06. Some of these efforts were specifically directed at DMC (e.g., SHAPE) while others indirectly impacted DMC (e.g., JDAI).

Positives

Since the Agreement, the JCMSC and the County have been cooperative with DOJ, the Monitor and the adoption of the MOA and have taken a number of steps toward attempting to comply with the Agreement:

- (1) the appointment of a DMC Coordinator;
- (2) the use of the Summons program;
- (3) further use of the Schoolhouse Adjustment Program Enterprise (SHAPE);
- (4) the continuation of working with JDAI and the attempt to reform the detention process;
- (5) the establishment of the Community Consortium and other efforts involving community outreach (i.e., a Twitter account, Facebook, speaking engagements);
- (6) the development of a pilot program with the Sheriff's Department designed to reduce transports;
- (7) working with OJJDP and JDAI in the areas of training and technical assistance;
- (8) gathering data and generating internal reports to highlight and monitor the extent of DMC at stages within the juvenile justice system;
- (9) the formation of a committee comprised of Points of Contact- specific individuals and positions named within each department responsible for delinquency matters including but not limited to probation, detention, and the Juvenile Court Magistrates;
- (10) gathering information on available services and diversion options and differentiated by the race/ethnicity of the youth placed in these services and geographic region, including zip code;
- (11) a draft strategic plan to address DMC within JCMSC has been developed;
- (12) discussions on policies and procedures in particular, detention, a graduated sanction grid for correctional services -using Technical Assistance from OJJDP; and
- (13) discussions with law enforcement agencies including the Memphis Police Department to develop day/evening reporting centers.
- (14) community out-reach – the distributions of pamphlets, town-hall meetings, speaking engagements, etc.

Need For Improvement

JCMSC and the County are to be commended for the activity that has occurred. But as stated in the first Equal Protection Compliance Report and reiterated here again in this second Equal Protection Report, the following areas are in need of improvement:

- (1) Programs need to be used with a larger number and range of youth, such as SHAPE, Porter Leath and/or more effectively (e.g., DMC Coordinator, Community Consortium). Currently, both the DMC Coordinator and the Community Consortium have been under-utilized.
- (2) Furthermore, while the Summons program and the pilot program with the Sherriff's Department are initiatives which may reduce entry to secure detention, JCMSC needs to develop policies and programs to reduce delinquent referrals in general (e.g., do not take youth from police involved in minor activity, establish alternatives to court referral, etc.). JCMSC and the Memphis Police Department need to come together to address this issue with action, not simply discussion. There is a need to develop and implement a policy(s) to reduce the number of youth overall referred to juvenile court and in particular, Black youth.
- (3) While information has been gathered, there is a need to interpret the data; determine what it means for DMC, what can be done to reduce DMC, what barriers or challenges exist and how can be addressed. The need for this has to occur at all levels – the DMC Coordinator, Staff and in particular, those involved as the Points of Contact, and Administrators. JCMSC must develop a capacity to interpret data, turn it into actions, and develop routine monitoring systems to track the implementation of those actions.
- (4) There is a need to reconsider the Points of Contacts and their role and interactions with the DMC Coordinator and Administration. Persons of authority need to take a more active role in terms of listening, encouraging feedback, and making the Points of Contact feel that their insights are being heard and attempted to be addressed in the context of DMC.
- (5) While technical assistance has been requested and used (visited) for various training, JCMSC needs to move on the following: the strategic plan, a community out-reach plan, objective tools to structure decision making at detention and at what is referred to non-judicial outcomes (often referred to as intake), and continued improvement of a graduate sanction grid.
- (6) As noted in point 2, efforts are being made to reform detention decision making and especially by the working relationship with JDAI. It is important to develop alternatives to detention and in particular for youth charged with domestic disputes. Data shows that a significant number of Black youth are coming to detention with a charge of domestic dispute; thus contributing to DMC.

The need for the continuation of the positive things that have occurred as well as improvement the areas cited above is accentuated by a review of the Relative Rate Index (RRI) and the assessment study conducted by the Equal Protection Monitor. A summary of these findings is provided below. See Appendix 2 for the full report.

Examination of the Level and Causes of DMC

The Relative Rate Index (RRI) provides an indication of the extent of over-representation of youth of color in the juvenile justice system during a specified time-frame and at stages in the system. For JCMSC, the RRI was used to measure the level of DMC at stages for Black youth as compared to White youth. While valuable, the relative rate index can only provide insight on the level of DMC at stages and cannot tell us WHY DMC is occurring. Instead, an assessment study using multivariate statistics in the form of logistic regression permits such an inquiry. Logistic regression is a statistical technique that takes into consideration a variety of factors to predict the likelihood of a case outcome. In essence, there is an attempt to model what legal (e.g., crime severity, prior record) and extra-legal (e.g., age, school performance) considerations used by decision-makers to arrive at an outcome. Legal factors and to some extent extra-legal factors can be relied upon to make a juvenile justice outcome due to its *parens patriae* foundation. Race, an extralegal factor, however, should not be predictive of a stage outcome once all legal and other extralegal factors are considered. If race does not have a statistically significant presence, then DMC is explained by differences, for example, in legal characteristics – crime seriousness. If race is a statistically significant indicator, then something else in addition to legal and other extra-legal factors account for DMC, for example, possibly bias.

Relative rate indexes were examined for the years 2009 through 2013. Data for 2009 was taken from the Investigation of the Shelby County Juvenile Court (2012) which was based on data submitted by Shelby to the state of Tennessee. Data for 2010 through 2013 was provided by the Juvenile Court of Memphis and Shelby County (JCMSC). Data for 2013 was based on data through October 31st. Rates for 2013 are based on the first ten months of the year, the data available when this analysis was taken. As a result, final results for 2013 may be slightly different, but since materials presented here are based on 10/12 (83 percent) of the year, major changes are unlikely.

In short, Black youth are disproportionately represented in most stages and in particular, at referral to the juvenile court, secure detention, and delinquent findings. Black youth continue to be underrepresented in diversion. Declines in the RRI exist at secure detention, petition, delinquent findings, and confinement in secure facilities. An increase in an outcome in probation for Black youth is evident.

More specific, the relative rate index involving referrals to court, for example, have increased every year since 2009. In 2012, the RRI for referral is 4.42 and in 2013, 4.72. However, declines in the RRI at some stages exist. Rates pertaining to secure detention have declined from 2.1 in 2009 to 1.32 in 2012 and 1.30 in 2013. Likewise, so too have the rates for cases resulting in confinement in secure juvenile facilities, from 1.7 in 2009 to 1.30 in 2012 and 0.79 in 2013. Youth waived to adult court has remained relatively the same from 2009 to 2012 (2.3 in 2009, 2.23 in 2012). RRI analyses for this decision stage were not conducted for the year 2013 as the number of cases was insufficient. Recall that a relative rate index of 1 is neutral or 1 White to 1 Black. Anything above indicates overrepresentation; anything below, underrepresentation.

Recall that the RRI provides information concerning the extent of DMC and does not inform us of the causes of DMC. Next, following the pattern used in the DOJ findings report, multivariate analysis, in the form of logistic regression, was used to give added insight into the predictors of case outcomes or the underlying causes of DMC.

Data for the assessment study was obtained directly from JCMSC and cleaned for the objective of conducting the research. More specific, raw data of all delinquent referrals in Shelby County from July 1st, 2012 through June 30th, 2013 (N= 57,215) were provided. The dataset was converted from Excel to SPSS format and all analyses were conducted using the SPSS statistical software. The final data consisted of 8,507 distinct referrals for the one year period consisting of Whites (n= 1,052 and Blacks n=7,455).

Detention. The DOJ findings report, based on data from 2005-2010, reported a strong relationship between race and detention – Black youth were almost 2¾ times more likely to be detained than similarly situated White youth. In the present study based on data since the agreement took place, for the fiscal year 2012-2013, race is not a statistically significant predictor of the detention decision once all legal and extralegal factors are taken into account. Most of the legal and extralegal variables predict detention as one would expect. For example, the more severe the crime, the greater the chances of being held in detention.

Non-judicial. In the DOJ findings report, Blacks were found to be less likely than similarly situated Whites to receive a warning and a fine, restitution or public service sanction. Or, in other words, Blacks were more likely than Whites to be referred for further juvenile court proceedings. The results from the present study show this effect remains. Blacks are 1 and half times more likely than Whites to be referred to a court hearing net controls. Thus, while the RRI information shows a decline in the rate comparing Blacks to Whites, once multivariate analyses were performed, Blacks are treated differently relative to similarly situated Whites.

In the DOJ findings report, differentiating among the non-judicial case options with warning as one variable and diversion as another variable with release as the reference group race effect were reported. In the present study, no evidence was found involving a race main or interaction effects with the dependent variable.

Adjudication. Race is not by itself a statistically significant predictor of decision making at this stage once controls are considered. However, Black youth with a greater number of charges increases the likelihood of adjudication by 2.15 relative to other similar situated youth. In fact, for Whites with more charges, the relationship is inverse and not significant.

Judicial Disposition. Race has no main relationship with the dependent variable. However, older Whites have a reduced probability of receiving an out-of-home placement than older Blacks who have an increased odds of receiving such an outcome. In addition, Blacks held in detention have an increased likelihood of receiving the more severe judicial outcomes than similarly situated White youth once controls are taken into account.

Transfer/Waiver to Adult Court. In the DOJ findings report, Blacks were reported to be more likely to be recommended for Transfer Hearing than Whites. In the present study, due to the lack of variability-not enough Whites- the waiver hearing was not examined but are expected to be included in the next assessment (6 months).

Summary of Multivariate Results

- The overall findings indicate that at the front-end of the system, police and school referrals contribute significantly to the presence of Blacks in the juvenile justice system
- Disparities in the referrals to the juvenile court have remained high (indeed they appear to be increasing) and efforts need to be made to divert youth and in particular, Blacks, away from coming into contact with the court.
- Signs of declines in the RRI in detention appear to be evident and may be the result of initiatives taken by JCMSC and the County to reduce DMC at this stage in the proceedings.
- Blacks were also found to be 1 and half times more likely than Whites to be referred to a court hearing net controls.
- The race findings at referral, court referral involving non-judicial decision outcomes are consistent with those reported by the DOJ report.
- Blacks with a greater number of charges are likely to be adjudicated than similarly situated Whites
- Older Blacks and Blacks held in detention have an increased odds of receiving an out-of-home placement than other youth
- Due to the lack of variability-not enough Whites- the waiver hearing was not examined but are expected to be included in the next assessment (6 months).

Overall summary of RRI data and Multivariate Results

	<u>RRI</u>	<u>Multivariate Results</u>
Referral to Court	Overrep. increase	
Secure Detention	Overrep. decline	No race effect
Diversion	Underrep. steady	No race effect
Petition	Underrep. decline	Blacks more likely referred
Adjudication	Overrep. decline	Blacks/#charges adjudicated
Confinement in secure facilities	Underrep. decline	
Out-of-Home Placement		Blacks/older out-of-home Blacks/detained out-of-home

In short, while positive steps have been taken, these findings support the points raised above (page 4) that improvement on the part of JCMSC is needed. Furthermore and as stated

previously in the first report, it is acknowledged that efforts on the part of JCMSC have been made there is still a need for greater leadership or ownership of the DMC issues facing JCMSC to ensure equality for all youth.

In the section to follow, specific provisions, action taken to address the provisions, the level of compliance, a discussion of the rating of compliance, recommendations, and expectations will be discussed. The following levels are useful for indicating movement toward compliance on the part of JCMSC that are first detailed:

Substantial Compliance (SC) means that JCMSC has implemented policies, procedures and programs; has trained staff and personnel; has sufficient staff to implement the required reform; has demonstrated a commitment toward reform; has identified points of contact, have met, collected data, analyzed the data, and attempted reform; has addressed data needs; has developed and utilized mechanisms to disseminate information; has identified and developed areas and stages in the system in need of reform; has developed a plan to evaluate and monitor reform, and has ascertained if reform achieved desired outcomes. All of this needs to be implemented and accomplished within time-lines as specified in the Agreement.

Partial Compliance (PC) means that JCMSC has implemented policies, procedures and programs; has trained staff and personnel; has sufficient staff to implement the required reform; has demonstrated a commitment toward reform; has identified points of contact, have met, collected data, analyzed the data, and attempted reform; has addressed data needs; has developed and utilized mechanisms to disseminate information; has identified and developed areas and stages in the system in need of reform; has developed a plan to evaluate and monitor reform, and has ascertained if reform achieved desired outcomes. **But**, while progress has been made toward stated above items, performance has been inconsistent and/or incomplete throughout the monitoring period and additional modifications are needed to ensure a greater level of compliance.

Beginning Compliance (BC) means that JCMSC has made initial efforts to implement the required reform and achieve the desired outcome of equal protection for all youth within the stated time-lines **but** significant work remains on many of facets of stated above items.

Non-Compliance (NC) means JCMSC has not implemented policies, procedures and programs; has not trained staff and personnel; does not have sufficient staff to implement the required reform; has not demonstrated a commitment toward reform; has not identified points of contact, have not met, have not collected data, have not analyzed the data, and have not attempted reform; has not addressed data needs; has not developed and utilized mechanisms to disseminate information; has not identified and developed areas and stages in the system in need of reform; has not developed a plan to evaluate and monitor reform, and has not ascertained if reform achieved desired outcomes. This assessment is made within the context that the above stated actions or inactions has not occurred within time-lines as specified in the Agreement.

Compliance Level to Be Determined (CLTBD) means that a decision on the compliance level is pending in light of deadlines of specific reforms as stated in the Agreement have not yet come or arrived – Nine-Months, One- Year-. For example, for the nine-month deadline the date for the determination of an achievement/objective is June 17, 2013.

Table 1 Compliance Rating by Provision

Identifier	Provision	Compliance Rating
1a	Identify all data collection needs at each major Decision Point	PC
1c	Identify staffing needs to collect, evaluate & report data	PC
1e	JCMSC shall identify and designate a point of contact within each department to reduce DMC	BC
1f	Collect data and information required to determine where DMC occurs	PC
1d	Shelby County Mayor shall appoint a coordinator responsible for oversight of the progress on reducing DMC	SC
1b (9 months) i-vi	JCMSC shall augment the appropriate data collection method to assist in its evaluation of its DMC levels, causes, and reduction.... This includes information on points of contact, the RRIs, and available diversion options for youth appearing before JCMSC	PC – Assessment – Leiber PC – Staff reports
1g (9 months)	Assess impact policies/procedures/programs on DMC levels at each decision point and conduct inventory of services and options...	BC
1h (9 months)	Complete and implement strategic plan to reduce DMC	BC

Table 1 continued

Identifier	Provision	Compliance Rating
2a	Revise policies, procedures, practices, and existing agreements to reduce DMC at each Decision Point and encourage objective decision making in all departments relating to its delinquency docket	BC/CLTBD
2b	(i) Collection of sufficient data (ii) Provision requiring least restrictive options and alternatives to a detention setting (iii.) Guidelines identifying a list of infractions for which a child shall NOT be detained (iv.) Guidelines identifying a list of infractions for which a child may be detained (v.) Training and guidance on the use of existing and new objective decision making tools (vi.) Requirement that a supervisory authority review all overrides within each department on, at minimum, a monthly basis	BC/CLTBD
2c	Reassess the effectiveness of its policies, procedures, practices and existing agreements annually and make necessary revisions to increase DMC reduction	CLTBD
3a-h (9 months)	Use of objective decision-making tools,....etc. Refine decision-making tools, ...etc. Pilot program – Sheriff's department – transport Pilot program – Memphis Police Department – day/evening report center	CLTBD CLTBD BC CLTBD

Table 1 continued

Identifier	Provision	Compliance Rating
4. Training	<p>Training on a number of pts (i-vii)</p> <p>Staff involved with the delinquency docket should receive training of at least 4 hours.</p>	SC
5. Community Outreach	<p>Develop and implement a community outreach program to inform community of progress toward reforms. This should include a county-wide consortium that includes but is not limited to six to nine citizens selected by the Mayor and approved by the County Commission.</p> <p>Open meeting every six months</p> <p>There is a need for summaries of reports to be posted</p> <p>JCMSC shall publish on its website annual reports in accordance with the Agreement.</p> <p>The Community Outreach program should include a data dashboard that communicates compliance on the part of JCMSC with the Agreement.</p> <p>A community survey shall be conducted (one year)</p>	<p>BC</p> <p>BC</p> <p>BC</p> <p>SC</p> <p>CLTBD</p> <p>CLTBD</p>

1. DMC Assessment (6 Months- June 17, 2013)

- (a) Identify all data collection needs at each major Decision Point (p. 21)
STATUS- PARTIAL COMPLIANCE
DISCUSSION- collection needs have been identified for each data point
But more needs to be done with the data
- (c) Identify staffing needs to collect, evaluate & report data (p. 22)
STATUS- PARTIAL COMPLIANCE
DISCUSSION-listing of staffing and no issues have been identified concerning data collection but work needs to be done to make data useable for management purposes of DMC
- (e) JCMSC shall identify and designate a point of contact within each department to reduce DMC (p. 22).
- (f) **STATUS- BEGINNING COMPLIANCE**
DISCUSSION-points of contact have been identified. Although monthly meetings have taken place, problems exist with understanding purpose and assuming an active role. Points of contact needs to be reconsidered and Administration needs to play a more active part in taking charge of the Points of Contact in terms of objectives and use of data and information to address DMC
- (g) Collect data and information required to determine where DMC occurs (p. 22)
STATUS-PARTIAL COMPLIANCE
DISCUSSION-information has been collected and examined in general and by zip code among other things (e.g., referring agency, schools, etc.). Specific information on detention, alternatives to detention, and transfer recommendations has been collected and analyzed. While data has been collected, lacking is a discussion of what the data means and what can be done to address DMC.
- (d) Shelby County Mayor shall appoint a coordinator responsible for oversight of the progress on reducing DMC (p. 22).
STATUS-SUBSTANTIAL COMPLIANCE
DISCUSSION- the DMC Coordinator was hired in February of 2013. Work has been done with Staff, the Points of Contact, development of reports and to some degree has been involved in community outreach. As stated in the first report, the DMC Coordinator and the Court Community Liaison need to work together more often as part of the community outreach stipulation.

1.DMC Assessment (9 Months- September 17, 2013)

- (b) Within nine months, JCMSC shall augment the appropriate data collection method to assist in its evaluation of its DMC levels, causes, and reduction.... This includes information on points of contact, the RRIs, and available diversion options for youth appearing before JCMSC... (p. 22)

**STATUS-PARTIAL COMPLIANCE FOR EQUAL PROTECTION MONITOR,
PARTIAL COMPLIANCE FOR STAFF**

DISCUSSION-assessment study was conducted by Leiber, process will continue with working relationship with Court to improve data examined. Staff has produced many documents using data and RRI. Listing of diversion programs has occurred. Interpretation and action with the data is needed.

- (g) Assess impact of policies/procedures/programs on DMC levels at each decision point and conduct inventory of services and options...(p. 22-23)

STATUS-BEGINNING COMPLIANCE

DISCUSSION-Listing of diversion alternatives has occurred. Technical assistance is requested as to how to proceed.

- (h) Complete and implement strategic plan to reduce DMC... (p. 23)

STATUS-BEGINNING COMPLIANCE

DISCUSSION-a draft strategic plan has been developed. Technical assistance has been sought as to how to proceed.

2.DMC Policies and Procedures (6 Months- June 17, 2013)

- (a) Revise policies, procedures, practices, and existing agreements to reduce DMC at each Decision Point and encourage objective decision making in all departments relating to its delinquency docket. (p. 23)
- (b) Revision of the above to include: (p. 23)
- (i) Collection of sufficient data
 - (ii) Provision requiring least restrictive options and alternatives to a detention setting
 - (iii.) Guidelines identifying a list of infractions for which a child shall NOT be detained
 - (iv.) Guidelines identifying a list of infractions for which a child may be detained
 - (v.) Training and guidance on the use of existing and new objective decision making tools
 - (vi.) Requirement that a supervisory authority review all overrides within each department on, at minimum, a monthly basis.

STATUS-BEGINNING COMPLIANCE/COMPLIANCE LEVEL TO BE DETERMINED

DISCUSSION-information has been collected; adoption of objective instruments has been discussed and technical assistance has been requested.

2.DMC Policies and Procedures (6 Months- June 17, 2013)

- (c) Reassess the effectiveness of its policies, procedures, practices and existing agreements annually and make necessary revisions to increase DMC reduction. (p. 24)

STATUS-COMPLIANCE LEVEL TO BE DETERMINED

DISCUSSION-annual assessment should be coming in 2014

3.DMC Reduction: Evaluation and Tools (9 Months- September 17, 2013) (p. 24-26)

- (a) Use of objective decision-making tools,....etc.

- (b) Refine decision-making tools, ...etc.

STATUS-DCLTBD

DISCUSSION- already discussed, technical assistance sought

- (c) Implementation of a pilot program involving police and the summons program

STATUS-BEGINNING COMPLIANCE

DISCUSSION-discussion and paperwork in place; evaluation needs to be part of effort

- (d) Use of alternatives, including a pilot diversion program, to secure detention...etc.

STATUS-COMPLIANCE LEVEL TO BE DETERMINED

DISCUSSION-of tools/objective instruments has occurred; discussions with Memphis Police Department to implement day/evening reporting centers has taken place. This arrangement could help reduce the number of referrals to juvenile court if done correctly.

- (e) Monitor and evaluate Transfer Process

- (f) Continued collection of data to assess DMC and its causes

- (g) Points of Contact to evaluate monthly RRI and numbers at each point in the system and generate a management report

- (h) Annually review objective decision-making tools....

STATUS-these items have been discussed elsewhere

DISCUSSION-these items have discussed previously

4. Training (One year) (p. 26-27)

- (a) Training on a number of pts (i-vii)

- (b) Staff involved with the delinquency docket should receive training of at least 4 hours.

STATUS-SUBSTANTIAL COMPLIANCE

DISCUSSION-many training sessions has occurred and is ongoing

5. Community Outreach as stated in Agreement (6 months, June 17, 2013)

- (a) Develop and implement a community outreach program to inform community of progress toward reforms. This should include a county-wide consortium that includes but is not limited to six to nine citizens selected by the Mayor and approved by the County Commission who are reflective of the cultural and ethnic diversity of the County. The consortium should also include at least two parents of children who have had children before the Court for a delinquency matter; a person under age 21 who had direct contact with the juvenile justice system and community advocates. (p. 33)

STATUS-BEGINNING COMPLIANCE

DISCUSSION-a county-wide Consortium has been formed and appears to be representative of the community; the Consortium appears to need direction and technical assistance is needed to do this; the DMC Coordinator and the Court need to play an active role but not control the Consortium. Members should be removed and/or added based on willingness to be an active participant.

- (b) A number of other criteria that focus on at least one open meeting every six months and the publicizing of the meeting and the posting. (p. 33)

STATUS-BEGINNING COMPLIANCE

DISCUSSION- One public meeting was held with mixed success. Another is planned sometime in January.

- (c) There is a need for summaries of reports completed pursuant to the Agreement and made available to the community prior to the meeting- to be posted (p. 34)

BEGINNING COMPLIANCE

DISCUSSION- This appears to have occurred

- (d) JCMSC shall publish on its website annual reports in accordance with the Agreement.

STATUS-SUBSTANTIAL COMPLIANCE

DISCUSSION-these activities have occurred

- (e) The Community Outreach program should include a data dashboard that communicates compliance on the part of JCMSC with the Agreement. (p. 34)

STATUS-COMPLIANCE LEVEL TO BE DETERMINED

DISCUSSION-these activities have not yet occurred

- (f) A community survey shall be conducted (**one year**) (p. 34)

The survey should measure public satisfaction, attitudes among court personnel and community members both within Memphis and the County and should be representative of gender, race/ethnicity.

STATUS-COMPLIANCE LEVEL TO BE DETERMINED

DISCUSSION-A Community Outreach policy has been developed and a number of activities in the community have taken place. Missing is a strategic plan to reduce DMC. The latter needs to be done as soon as possible. Technical assistance has been sought. A survey of the community was to have taken place but has not occurred and technical assistance is sought as to how to proceed and where funds will come from to conduct the survey. This survey needs to be developed and administered and analyzed in the next 4 months.

Appendix 1 – Assessment Study

The existence and level of Disproportionate Minority Contact (“DMC”) occurring at each phase of the juvenile court process can be captured by the relative rate index (RRI). DMC is the term used to describe the overrepresentation of minority youth in the juvenile justice system. The RRI provides a snapshot or a description of the youth in the juvenile justice system during a specified time-frame and at stages in the system. For JCMSC, the RRI was and will be used to measure the level of DMC at stages for Black youth as compared to White youth. While valuable, the RRI can only provide insight on the level of DMC at stages and cannot tell us *why* DMC is occurring. Instead, an assessment study using multivariate statistics in the form of logistic regression permits such an inquiry. Logistic regression is a statistical technique that takes into consideration a variety of factors to predict the likelihood of a case outcome. In essence, there is an attempt to model what legal (e.g., crime severity, prior record) and extra-legal (e.g., race, gender) considerations used by decision-makers to arrive at an outcome. Legal factors and to some extent extra-legal factors can be relied upon to make a juvenile justice outcome due to its *parens patriae* foundation. Race and gender, however, should not be predictive of a stage outcome once all legal and other extralegal factors are considered. If race and/or gender do not indicate a statistically significant presence, then DMC is explained by differences, for example, in legal characteristics (i.e. crime severity). If race and/or gender are statistically significant indicators, then something else in addition to legal and other extra-legal factors accounts for DMC. One example could be possible race and/or gender biases.

As reported in the Investigation of the Shelby County Juvenile Court (2012), the Department of Justice (DOJ) examined the relative rate indexes and conducted an assessment study using multivariate analyses. These findings, in part, showed DMC at almost every stage and revealed race to be a determinant of decision-making once relevant factors were considered. For the RRI’s, data was used from 2007 through 2009. For the assessment study, court data was used from 2005 through 2009, though further analysis was conducted with 2010 data and did not alter the findings reported using data submitted by JCMSC to Tennessee from 2005 through 2009. In summary, Blacks were found to be most overrepresented at referral, secure detention, placement in secure confinement, and transfer to adult court. Black youth were found to have a lesser chance of receiving both the non-judicial outcome of a dismissal or warning, and of a fine, restitution or public service sanction than alike White youth. In addition, Blacks were more likely to be held in detention and reach adult transfer consideration than similarly situated Whites. The overall conclusion was that these findings do not comport with the Equal Protection Clause and Title VI. More specific, the findings showed evidence of discriminatory treatment of Black youth compared to White youth.

As part of the Agreement between Shelby County and the Department of Justice, within nine months, JCMSC shall augment the appropriate data collection method to assist in its evaluation of its DMC levels, causes, and reduction.... This includes information on points of contact, the relative rate indexes, and available diversion options for youth appearing before JCMSC... (p. 22). The Equal Protection Monitor, Michael Leiber, conducted an assessment study of the level and causes of DMC. The results are examined to determine if change has occurred since the DOJ findings report. In this report, trends in the form of numbers and the relative rate indexes are

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| (6) Cases Resulting in Delinquent Findings | This stage encompasses a court finding that the child has been found delinquent, a formal finding of responsibility. The child would then proceed to a dispositional hearing where he or she may receive various sanctions including probation or commitment to a secure residential facility. |
| (7) Cases Transferred to Adult Criminal Justice System | This category consists of cases that have been transferred to the adult criminal court following a judicial finding that the matter should be handled outside of the juvenile system. |
| (8) Cases Resulting in Probation | This category includes cases where the child is placed on probation following a formal adjudication. This does not include the children whose cases were diverted earlier in the process. |
| (9) Cases Resulting in Confinement in Secure Juvenile Correctional Facility | This category includes cases where the child has been formally adjudicated and placed in a secure residential facility or a juvenile correctional facility. |

Interpreting the Values in the Relative Rate Index (RRI) for JCMSC

The below is taken from the Investigation of the Shelby County Juvenile Court report (2012) to explain how to interpret the RRI (see pgs. 27-28).

The RRI formula lists the numerical indicator of the level of disparity or difference in contact in each stage that a particular racial or ethnic group has in the reporting system. The formula compares the ratio of Black children to the ratio of White children for each stage of the process. A numerical value of 1.0 is neutral. A numerical value exceeding 1.0 means that Black children have a higher rate of representation at the particular stage being considered. A numerical value below 1.0 means that Black children have a lower, statistically significant, rate of contact in that stage as compared to White children in that stage.

The first step in determining RRI is to determine the total number of events, categorized by race, in each phase of JCMSC's juvenile court system. Then, for each racial or ethnic category, the RRI formula divides the number of events for each phase by the number of events in the preceding phase to determine rates for each phase. In JCMSC, this means that the RRI is

calculated by comparing the rates for Black children to rates for White children by dividing the rate of Black children by the rate for the White children. For example, if a system incurred 20 juvenile arrests consisting of 10 White children and 10 Black children, and all 10 of the Black children were referred to juvenile court, but only 5 of the White children were referred, then the resulting rate of referral to juvenile court for Black children would be 1.0, and the rate for white children would be 0.5. The resulting RRI would equal 2.0, a value twice that of the neutral 1.0. RRI values that differ from the neutral 1.0 are marked as statistically significant, meaning that the difference in rates of contact is not likely to be the result of a chance or random process. Recall that the RRI does not control for the differences in the children's underlying charges.

Relative Rates Index (RRI) 2009 Through 2013

Presented in Table 1 (located on the next page) are the relative rate indexes for the years 2009 through 2013. Data for 2009 was taken from the Investigation of the Shelby County Juvenile Court (2012) which was based on data submitted by Shelby to the state of Tennessee. Data for 2010 through 2013 was provided by the Juvenile Court of Memphis and Shelby County (JCMSC). Data for 2013 was based on data through October 31st. Rates for 2013 are based on the first ten months of the year, the data available when this analysis was taken. As a result, final results for 2013 may be slightly different, but since materials presented here are based on 10/12 (83 percent) of the year, major changes are unlikely.

As can be seen in Table 1, Black youth are disproportionately represented in most stages and in particular, at referral to the juvenile court, secure detention, and delinquent findings. Black youth continue to be underrepresented in diversion. Declines in the RRI exist at secure detention, petition, delinquent findings, and confinement in secure facilities. An increase in an outcome in probation for Black youth is evident.

For example, in 2009, for every 1 White, 3.4 Blacks are referred to court; for every 1 White, 2.1 Blacks are held in secure detention; for every 1 White, 1.7 Blacks are confined in a secure facility, and for every 1 White, 2.3 Blacks are waived to adult court. Relative Rate indexes for 2010, 2011, 2012, and 2013 are presented and for the most part, parallel the results of 2009, although there are some exceptions.

The relative rate indexes involving referrals to court have increased every year since 2009. In 2012, the RRI for referral is 4.42 and in 2013, 4.72. The increase in RRI levels appears to be a result of some substantial declines in referral rates for White youth, without accompanying declines (of similar magnitude) in the referral rates for Black youth. The findings suggest the need for further investigation into the reasons for these occurrences. RRI values pertaining to secure detention have declined from 2.1 in 2009 to 1.32 in 2012 and 1.30 in 2013. The change in 2013 is particularly noteworthy (commendable) since it not only involves a drop in the degree of disparity in detention, but also a very marked drop in the overall rate of detention. JCMSC should be pleased with this outcome. Rates for cases resulting in confinement in secure juvenile facilities also show a decline from 1.7 in 2009 to 1.30 in 2012 and 0.79 in 2013. Youth waived

to adult court has remained relatively the same from 2009 to 2012 (2.3 in 2009, 2.23 in 2012). RRI analyses for this decision stage were not conducted for the year 2013 as the number of cases was insufficient. Recall that a relative rate index of 1 is neutral or 1 White to 1 Black. Anything above indicates overrepresentation; anything below, underrepresentation. Overall, Black youth are and continue to be overrepresented in most stages relative to White youth in the JCMSC's juvenile justice system especially at court referral. Still, RRI declines are evident in detention, cases petitioned (from 2011), delinquent findings, and placement in a secure facility.

Table 1. Rates of Juvenile Court Actions by Race, and Relative Rate Index, 2009-2013

Decision Stage (and base rate for calculation)	2009			2010			2011			2012			2013 ^a		
	White ^b	Black	RRI	White	Black	RRI	White	Black	RRI	White	Black	RRI	White	Black	RRI
1. Refer to Juvenile Court (per 1000 population)	48.4	166.9	3.4	39.1	142.6	3.65	32.4	137.6	4.25	26.1	115.4	4.42	26.0	123.0	4.72
2. Cases Diverted (per 100 referrals)	114.5	104.1	0.9	81.3	77.6	0.95	94.5	78.3	0.83	85.2	79.5	0.93	91.1	80.8	0.89
3. Cases Involving Secure Detention (per 100 referrals)	27.8	59.5	2.1	33.7	56.3	1.67	30.8	50.9	1.65	34.1	45.0	1.32	13.1	17.1	1.30
4. Cases petitioned (charge filed per 100 referrals)	29.9	36.4	1.2	41.4	35.3	0.85	27.5	41.1	1.49	59.6	43.4	0.73	37.6	35.6	0.95
5. Cases Resulting in Delinquent Findings (per 100 referrals)	54.3	72.2	1.3	25.2	50.4	2.00	31.7	45.8	1.44	22.7	48.0	2.11	32.8	43.2	1.32

Table 1. continued

	2009			2010			2011			2012			2013		
6. Cases resulting in Probation Placement (per 100 found delinquent)	22.8	22.5	1.0	77.1	70.0	0.91	70.4	72.9	1.04	78.0	75.4	0.97	65.1	72.9	1.12
7. Cases Resulting in Confinement in Secure Juvenile Facilities (per 100 found delinquent)	14.2	23.9	1.7	6.4	7.6	1.19	4.1	7.2	1.76	6.5	8.5	1.30	30.2	23.7	0.79 ^c
8. Cases Transferred to Adult Court (per 100 referrals)	2.3	5.3	2.3	2.0	5.7	2.86	2.6	3.7	1.42	1.5	3.3	2.23	0.5	4.0	-

a: RRI calculated as an estimate for the year 2013 based on the YTD data available through 10-31-13

b: Juvenile Justice Rates of Occurrence

c: Out-of-home placement sentence issued, data specifying secure confinement unavailable

- Insufficient number of cases; unable to conduct RRI analyses for decision stage

Note: Data for 2009 taken from *Investigation of the Shelby County Juvenile Court*, April 26, 2012. Data for 2010-2013 provided by Juvenile Court of Memphis and Shelby County (JCMSC). Estimates for the year 2013 were calculated using YTD monthly averages for each stage and multiplying by 12. How to read relative rate index (RRI), for example, refer to juvenile court 3.4 black to 1 white.

Logistic Regression Results

An examination of the relative rate indexes, especially for 2012 and 2013, show that DMC still exists. The RRI's show some stability at referral and declines at detention and transfer to adult court. Recall that the RRI provides information concerning the extent of DMC and does not inform us of the causes of DMC. Next, multivariate analysis in the form of logistic regression, is used to give added insight into the predictors of case outcomes or the underlying causes of DMC. The DOJ study reported evidence of selection bias once this statistical technique was utilized. The purpose of this assessment study is to examine the extent to which race matters net consideration of legal (i.e., crime severity) and extralegal (i.e., age) factors.

Data for the Current Study

For the purpose of this study, data was obtained directly from JCMSC. This data was cleaned for the objective of conducting the research. More specific, raw data of all delinquent referrals in Shelby County from July 1st, 2012 through June 30th, 2013 (N= 57,215) were provided. The dataset was converted from Excel to SPSS format and all analyses were conducted using the SPSS statistical software.

The data were first sorted according to three variables: juvenile id, complaint date, and disposeverity. Based on this command, only the referral/complaint with the most severe disposition outcome for a given complaint date would be retained for each juvenile. In addition, complaints filed within 7 days of one another under the same juvenile id were assumed to be linked to the same incident, and therefore only the complaint with most severe disposition outcome within 7 days was retained.

The final data consists of 8,507 distinct referrals for the one year period ranging from July 1st, 2012 through June 30th, 2013. The sample parallels the Shelby county data by distinct complaints.

Table 2. Data and Distributions by Stages from July 2012 through June 2013

Stages ^c	<u>Shelby Juv. Court^a</u> (N=8,714) N	<u>Leiber^b</u> (N=8,507) N
Detention		
No	6,240	5,791
Yes	2,474	2,716
Non-judicial		
Yes	6,355	6,754
No	2,359	1,753
Adjudication		
No	221	192
Yes	1,451	1,316
Judicial disposition		
Probation	1,028	972
Placement	376	344
Waiver		
No	----	179
Yes	90	87

a: Shelby county data counted by distinct complaints

b: Dataset provided by Shelby county and cleaned to represent distinct referrals

c: Stages created using disposition outcomes of the data cleaned to represent distinct referrals

---- Information not provided

Variables

Table 3 provides the independent and dependent variables used for the logistic regression analyses. The selection of variables was based on available data, the DOJ study, and past research dealing with assessment studies.

Independent. Eighty-eight percent of the sample is Black. Males comprise 70 percent of the sample and the average age of youth is 15 years old. Two measures of school status are used: attending school v. else and whether the youth was in special education. Ninety-two percent of the sample was reported to be in school full-time while just 7 percent were in special education. The current living situation of a youth is captured by two dummy variables: own home, and one parent and home of relatives. Living in his/her own home with two parents is the reference group for both variables. Seventy-seven percent of the youth reside in their own home with one parent, 13 percent live at home with both parents and 10 percent live with relatives.

The extent of past involvement with the juvenile justice system is measured by the number of prior referrals. While JCMSC collects this information, a variable representing the number of prior referrals does not exist. Data was gleaned using data from 2010 to June 30, 2013 to create this variable. Thus the count making-up prior referral could be underestimated. Still, on average the sample evidenced 1.5 prior referrals and variation on the variable is present ranging from no past referrals to 10 or more past referrals.

Referral method is treated as a dummy variable with summons representing one variable and custody the second variable. In both instances, the reference group is other. Sixty-percent of the sample was referred by a summons while 37 percent were taken into custody. The number of charges, crime severity, and three indicators of crime type are also included as legal variables. The average number of charges is a little over 1; most offenses are classified as a misdemeanor (81%) and the most common crime type is a person offense (43%), followed by property (33%) and drugs (12%). The reference category for the three crime type variables is other.

Dependent. Decision-making is examined at seven stages and each stage constitutes the dependent variables. Detention is defined as a youth held in an actual center/facility and excludes waiting room/holds and those waiting to be picked up. Thirty-two percent of the sample was held at some point in secure detention. Since being detained has been found to have an indirect influence on case outcomes through race, detention will also be considered as an independent variable. For example, Blacks have been found in prior research to be more likely to be detained than similarly situated Whites; in turn, being detained predicts placement at judicial disposition. If this is found, because Blacks were more likely to be detained in the first place, Blacks then will receive placement at judicial disposition through the effects of detention on decision making at this stage.

Non-judicial is differentiated by yes (receive some type of non-judicial outcome – diversion, fine, release, etc.) and no (moving forward in the court proceeding thus recipient of a judicial

outcome). Seventy-nine percent of the sample received a non-judicial outcome; thus a significant percent of youth are diverted away from the system. Following the DOJ report, the non-judicial option is further delineated to examine decision making involving warning (no, yes) and diversion (no, yes). The reference group for both variables is dismissed. Formal stages are represented by adjudication and judicial disposition. Eighty-seven percent of the youth that reach adjudication are adjudicated delinquent. Sixty-three percent receive probation at judicial disposition whereas 37 percent receive an outcome involving out-of-home placement. Attempts were made to examine decision making at the hearing to consider a transfer to adult court – a stage where the DOJ report found a race effect as Blacks were more likely than similarly situated Whites to be waived. In our sample, there was not enough variation among race (i.e., not enough Whites) to run models for the decision to waive youth and thus is not included in the analyses.

Table 3 next page

Table 3. Distribution of Variables (N=8507)

Variable	Value	N	%
<i><u>Independent</u></i>			
Race	0 - White	1052	12
	1 - Black	7455	88
Gender	0 - Male	5917	70
	1 - Female	2590	30
Age (young to old)	Years	M = 15.08 SD = 1.97 Range = 7-18	
School status	0 - In school full-time	7862	92
	1 - Else	645	8
Special education	0 - No	7870	93
	1 - Yes	637	7
Current living situation ^a	0 - Own home, two parents	1054	13
	1 - Own home, one parent	6575	77
	2 - Home of relatives	878	10
Prior referrals (low to high)	Number	M = 1.50 SD = 2.06 Range = 0-10	
Referral method ^b	0 - Summons	5115	60
	1 - Custody	3105	37
	2 - Other	287	3
# Charges (low to high)	Number	M = 1.12 SD = 0.45 Range = 1-10	
Crime severity	0 - Misdemeanor	6898	81
	1 - Felony	1609	19
Property ^c	0 - No	5718	67
	1 - Yes	2789	33

Table 3. continued

Variable	Value	N	%
Person ^c	0 - No	4834	57
	1 - Yes	3673	43
Drugs ^c	0 - No	7511	88
	1 - Yes	996	12
<i>Dependent</i>			
Detention ^d	0 - No	5791	68
	1 - Yes	2716	32
Non-judicial	0 - Yes	6754	79
	1 - No	1753	21
Warn	0 - No	1987	34
	1 - Yes	4482	66
Diversion	0 - No	6244	92
	1 - Yes	510	8
Adjudication	0 - No	192	13
	1 - Yes	1316	87
Judicial disposition	0 - Probation	824	63
	1 - Out of home placement	492	37

a: Variable will be treated as dummy variable; Own home, two parents reference group.

b: Variable will be treated as dummy variable; Other reference group.

c: Reference category is Other offense, e.g. weapon possession, disorderly conduct.

d: Treated as both independent and dependent variable.

Note: comparisons by within race reveal Blacks to be more likely to reside in home of single-parent; Blacks more likely to be taken into custody; Blacks more likely to be charged with person offense; and Blacks evidence a greater number of prior referrals.

Analysis Procedures

As stated previously, this part of the assessment study used multivariate procedures in the form of logistic regression. This procedure allows for the estimation of the relative effects of each of the independent variables on a dependent variable. The $\text{Exp}(B)$ will be also used to calculate the odds ratio to discuss the relative impact of an independent variable on a dependent variable. The first model will represent the full or additive equation, which allows for the examination of a direct or main effect of an independent variable on an outcome (e.g., race with detention). Next, separate models will be estimated for Whites and Blacks to address the possibility of race interaction relationships with independent variables and a case outcome. For example, race and gender may act in combination to impact decision making. That is, it is possible that being a White female may result in different treatment than a Black female. The estimation of separate models along with tests involving Z-score comparisons allows for the examination of this possibility.

Past research has also shown that as youth move through the juvenile justice system the sample becomes more alike; thus, increasing the chance for error or selection bias. To correct for this possibility, a hazard rate was created and included in the model at judicial disposition. The results were re-estimated without the hazard rate and the findings parallel those with the hazard rate. Statistical checks for multi-collinearity revealed acceptable levels of sharedness among the variables.

Findings

Detention. Table 4 (next page) presents the logistic regression result for estimating the decision to detain. Recall that the DOJ study reported a strong relationship between race and detention in that Black youth were almost $2\frac{3}{4}$ times more likely to be detained than similarly situated White youth. As can be seen in Table 4 (column 1), based on this 2013 data, race is not a statistically significant predictor of the detention decision once all legal and extralegal factors are taking into account. Comparisons of coefficients failed to show evidence of statistically significant race interaction effects with other independent variables and the decision to detain. Most of the legal and extralegal variables predict detention as one would expect. For example, the more severe the crime, the greater the chances of being held in detention.

Table 4. Logistic Regression Results - Detention (N=8507)

Variable	Full Model (1)	White (2)	Black (3)
Race	-0.29^a (.75)	-	-
Gender	-0.07 (.93)	-0.44 (.64)	.01 (1.01)
Age	.14^{**} (1.15)	.27[*] (1.32)	.12^{**} (1.13)
School status	.06 (1.06)	-0.69 (.50)	.21 (1.24)
Special education	.10 (1.10)	.62 (1.85)	.05 (1.05)
Own home, one parent	-0.04 (.96)	-0.37 (.69)	.06 (1.06)
Home of relatives	-0.20 (.82)	-0.32 (.73)	-.13 (.88)
Prior referrals	-0.01 (1.00)	-0.14 (.87)	.02 (1.02)
Summons	-4.45^{**} (.01)	-7.09^{**} (.01)	-4.08^{**} (.02)
Custody	4.19^{**} (65.99)	3.17^{**} (23.86)	4.41^{**} (82.25)
# Charges	-5.54^{**} (.01)	-4.36^{**} (.01)	-5.76^{**} (.01)
Crime severity	.45^{**} (1.57)	-0.27 (.76)	.56^{**} (1.76)
Property	-0.65^{**} (.53)	-0.59 (.55)	-0.58^{**} (.56)
Person	-0.50^{**} (.61)	-1.32^{**} (.27)	-0.35 (.71)
Drugs	-0.42 (.66)	-1.35[*] (.26)	-0.02 (.98)
-2 Log Likelihood	1637.53	190.11	1409.08

a: Regression coefficient; Exp(B) is presented in the parenthesis ().

**p<.01, *p<.05

Note: Coefficient comparisons failed to yield evidence of statistically significant difference across race models

Non-judicial. Table 5 (next page) presents the logistic regression results for predicting the decision to use non-judicial outcomes (release, warn, diversion) versus further court processing. In the DOJ assessment study, Blacks were found to be less likely than similarly situated Whites to receive a warning and a fine, restitution or public service sanction. Or, in other words, Blacks were more likely than Whites to be referred for further juvenile court proceedings once controls are considered. The results from the present study show this effect remains. Thus, while the RRI information shows a decline in the rate comparing Blacks to Whites, once multivariate analyses was performed, Blacks are treated differently relative to similarly situated Whites.

As can be seen in column 1, Blacks are 1 and half times more likely than Whites to be referred to a court hearing net controls. While there are some individual effects with the dependent variable by race (column 2, column 3), comparisons of the coefficients failed to yield evidence of statistical significance. Females receive the more lenient outcome relative to males. That is, being a female decreased the likelihood of receiving a formal court hearing by 40 percent (column 1) and this relationship is not conditioned by race (column 2, column 3).

Differentiating among the non-judicial case options with warning as one variable and diversion as another variable with release as the reference group failed to produce evidence of race main or interaction effects with the dependent variable (Table 5, right hand side). Females are more likely to receive a warning than are males net controls. No such effect exists between gender and diversion. It is important to note that the non-judicial variable could also be treated as a trichotomy with release/warning (non-judicial), diversion (non-judicial), and a decision for a court hearing (judicial). The variable was constructed in this manner and estimations were conducted using multinomial logistic regression. Although not presented here, the results paralleled those reported here. Comparisons of coefficients failed to show evidence of statistically significant race interaction effects with other independent variables and decision at this stage.

Table 5. Logistic Regression Results - Non-judicial

Variable	Non-Judicial			Warn			Diversion		
	Full (1)	White (2)	Black (3)	Full (4)	White (5)	Black (6)	Full (7)	White (8)	Black (9)
Race	.43*** (1.53)	-	-	.09 (1.10)	-	-	.04 (1.04)	-	-
Gender	-.51** (.60)	-.60 (.55)	-.49** (.61)	.14* (1.16)	.39* (1.47)	.10 (1.10)	-.14 (.87)	-.65* (.52)	-.06 (.95)
Age	.01 (1.00)	.03 (1.03)	.01 (1.00)	.03* (1.03)	-.01 (.99)	.03* (1.03)	.13** (1.13)	-.01 (1.00)	.15** (1.16)
School status	.59** (1.81)	1.05** (2.87)	.50** (1.64)	-.23* (.79)	-.27 (.77)	-.22 (.80)	.13 (1.14)	.47 (1.60)	.06 (1.06)
Special education	.10 (1.10)	-.81 (.45)	.16 (1.17)	.01 (1.01)	.17 (1.19)	.01 (1.00)	-.32 (.73)	-1.68 (.19)	-.18 (.84)
Own home, one parent	.01 (1.01)	.52 (1.69)	-.10 (.91)	.05 (1.05)	.02 (1.02)	.06 (1.06)	-.11 (.90)	-.14 (.87)	-.07 (.93)
Home of relatives	-.18 (.83)	.45 (1.56)	-.30 (.74)	.12 (1.13)	-.18 (.84)	.16 (1.18)	-.28 (.75)	-.59 (.56)	-.23 (.80)
Prior referrals	.31** (1.37)	.38** (1.46)	.31** (1.36)	-.18** (.84)	-.25** (.78)	-.17** (.84)	.06* (1.06)	.20** (1.22)	.05 (1.05)
Summons	-3.28** (.04)	-2.44** (.09)	-3.49** (.03)	2.17** (8.72)	2.69** (14.65)	1.91** (6.76)	1.76* (5.79)	1.68 (5.36)	2.17* (8.75)
Custody	-2.20** (.11)	-.83 (.44)	-2.47** (.08)	.62** (1.85)	.81 (2.24)	.41 (1.51)	.69 (1.99)	.97 (2.63)	.99 (2.70)
# Charges	.39** (1.47)	.14 (1.15)	.50** (1.65)	.03 (1.04)	.02 (1.02)	.04 (1.04)	-.11 (.90)	-.01 (.99)	-.17 (.84)

Table 5. continued

Variable	Non-Judicial		Warm/Dismiss		Full		Diversion		
	Full (1)	White (2)	Black (3)	Full (4)	White (5)	Black (6)	Full (7)	White (8)	Black (9)
Crime severity	2.09** (8.08)	1.89** (6.60)	2.14** (8.51)	-2.27** (.77)	.11 (1.11)	-3.5** (.71)	.73** (2.08)	-.17 (.84)	.96* (2.60)
Property	.48** (1.62)	-.06 (.94)	.53** (1.70)	-2.23** (.80)	.16 (1.17)	-2.29** (.75)	.82** (2.27)	.12 (1.12)	.97** (2.65)
Person	.82** (2.28)	.64* (1.90)	.85** (2.34)	-.06 (.94)	.01 (1.01)	-.08 (.92)	.12 (1.12)	-.64 (.53)	.25 (1.29)
Drugs	.18 (1.20)	.03 (1.03)	.19 (1.21)	.05 (1.05)	.52* (1.68)	-.11 (.90)	.36* (1.44)	-.41 (.66)	.58* (1.78)
-2 Log Likelihood	5519.86	518.44	4962.81	7579.11	934.67	6620.49	3418.05	502.92	2884.85

a: Regression coefficient; Exp(B) is presented in the parenthesis ()

** p<.01, *p<.05

Note: Coefficient comparisons failed to yield evidence of statistically significant difference across race models.

Adjudication. Table 6 (next page) provides the logistic regression results for adjudication differentiated by White and Black. Race is not by itself a statistically significant predictor of the decision making at this stage once controls are considered (column 1). Comparisons of coefficients reveal the existence of a race interaction relationship with the number of charges and the odds of being adjudicated. As can be seen, for Whites, the number of charges has an inverse or negative relationship with the dependent variable and is not statistically significant (column 2). For Blacks, the relationship is positive and statistically significant (column 3). Black youth with a greater number of charges increases the likelihood of adjudication by 2.15 relative to other youth net considerations of legal severity and other variables.

Judicial Disposition. The results from estimating the effects of race and the other extralegal variables and legal considerations on judicial disposition are detailed in the right hand side of Table 6 (next page). Race has no main relationship with the dependent variable. However, two race interaction relationships exist. Older Whites have a reduced probability of a receiving an out-of-home placement (column 5) than Older Blacks who have an increased odds of such an outcome (column 6). Being detained had a significant positive relationship with the dependent variable (increased odds of being taken out of the home). This effect was conditioned by race. Blacks held in detention have an increased likelihood of receiving the more severe judicial outcomes than similarly situated White youth once controls are taken into account.

Note: As pointed out earlier, logistic regression was not used to predict decision making at the hearing to decide whether to waive a youth to adult court. Recall that there was a lack of variability in that there were too few Whites to conduct the analysis. Plans to conduct an analysis of the transfer decision will occur in the next 6 months (next assessment report).

Table 6. Logistic Regression Results - Adjudication, Judicial Disposition

Variable	Adjudication			Judicial Disposition		
	Full (1)	White (2)	Black (3)	Full (4)	White (5)	Black (6)
Race	.40 (1.48)	-	-	-.36 (.70)	-	-
Gender	-.56** (.57)	-2.71** (.07)	-.44* (.65)	-.41 (.67)	1.25 (3.50)	-.30 (.74)
Age	.10* (1.11)	-.32 (.73)	.11* (1.12)	.19** (1.21)	-1.05** (.35)	.22**++ (1.25)
School status	-.01 (1.00)	.74 (2.10)	.01 (1.01)	.29 (1.34)	2.70** (14.88)	.19 (1.21)
Special education	-.23 (.80)	-3.13 (.04)	-.08 (.92)	.20 (1.22)	-24.48 (.01)	.25 (1.29)
Own home, one parent	-.25 (.78)	-1.01 (.36)	-.16 (.85)	.21 (1.23)	-.94 (.39)	.28 (1.32)
Home of relatives	-.42 (.66)	-2.60 (.07)	-.19 (.83)	.25 (1.28)	-.11 (.90)	.29 (1.34)
Prior referrals	.24** (1.27)	.57* (1.76)	.22** (1.25)	.35** (1.41)	.10 (1.10)	.34** (1.40)
Summons	1.58** (4.87)	4.65** (104.73)	1.49** (4.43)	-.64 (.53)	-2.18 (.11)	-.83 (.44)
Custody	.89* (2.43)	3.71** (40.73)	.60 (1.82)	-.43 (.65)	-.44 (.65)	-.73 (.48)
# Charges	.54* (1.71)	-.62 (.54)	.77** + (2.15)	.27* (1.31)	-1.17 (.31)	.33** (1.39)
Crime severity	.53** (1.70)	.60 (1.82)	.53** (1.70)	.89** (2.44)	1.65 (5.21)	.79** (2.21)
Property	.68** (1.97)	1.03 (2.80)	.62* (1.85)	-.58** (.56)	-1.64 (.20)	-.54* (.58)
Person	-.30 (.74)	-.01 (1.00)	-.46 (.63)	-.17 (.84)	1.00 (2.71)	-.17 (.84)
Drugs	.82* (2.27)	2.75* (15.66)	.57 (1.77)	-.82** (.44)	-2.59 (.08)	-.63* (.53)
Detention	.73* (2.07)	-.78 (.46)	1.04** (2.83)	.67** (1.95)	-2.57 (.08)	.82** + (2.27)
Hazard Rate	-	-	-	1.21 (3.34)	-3.61 (.03)	.09 (1.10)
-2 Log Likelihood	991.98	59.60	904.67	1332.74	69.04	1220.22

a: Regression coefficient; Exp(B) is presented in the parenthesis ().

**p<.01, *p<.05,

++ p < .01, + p < .05 Coefficient comparisons yield evidence of statistically significant difference across race models.

Summary and Conclusions

Using data from the state of Tennessee for the years 2005 through 2009, and to some extent 2010, the DOJ study found and reported the presence of DMC at almost every stage. In subsequent analysis using data from Shelby County, the DOJ findings letter reported that the presence of DMC was not accounted for solely by legal and extralegal considerations, especially at detention, the use of non-judicial outcomes in the form of warning and diversion and at the transfer to adult court hearing. In the present study, using data given by the Memphis/Shelby County Juvenile Court and cleaned by Dr. Leiber for the time-frame ranging from July 1, 2012 through June 30, 2013, somewhat similar results were discovered. A summary of the RRI data and results from the multivariate analyses are presented in Table 7.

DMC has remained quite high for referral, with rates of referral for Black youth being over four times higher than the rates of referral for White youth. Black youth are underrepresented in diversion. Still, RRI declines are evident in detention, cases petitioned (from 2011), delinquent findings, and placement in a secure facility. An increase in probation for Black also exists. The Memphis/Shelby County Court is to be commended for making efforts to reduce DMC at these stages.

In terms of answering the question *why* DMC exists, the findings from the logistic regression show that factors associated with the differential offending explanation (e.g., more offending behavior, more serious crime, more problems at school, etc.) AND selection bias or the discrimination explanation (e.g., race still matters after considering differences in legal and extralegal factors) account for DMC. Legal and extralegal factors predict decision-making at every stage. Race was not found to be a determinant of decision making at detention. However, Blacks are less likely to receive a non-judicial outcome, together with a greater number of charges are likely to be referred on to a court hearing involving adjudication, and receive an out-of-home placement if older and if held in detention once legal and extralegal factors were considered.

The overall findings indicate that referrals by the police/schools to the juvenile court have remained high and efforts need to be made to divert youth and in particular, Blacks, away from coming into contact with the court. Efforts of reform at detention appear to be taking place as evident in the decline in the RRI and the finding from the multivariate analyses of no race influence at this stage.

Race was found to be influential at the non-judicial stage. Blacks are more likely than similar situated Whites to be referred on to court. In addition, while race by itself was not found to be predictors at adjudication or judicial disposition, race interaction relationships were evident. Being Black in combination with the number of charges influenced adjudication outcomes and with age and being held in detention impacted outcomes at judicial disposition. All three interaction relationships increased the chances of Blacks to receive severe adjudication and judicial disposition outcomes. Efforts need to be continued to be made to address equity issues at the non-judicial stage, adjudication and judicial disposition.

In the next assessment, efforts will continue to be made with the Memphis/Shelby County Juvenile Court to capture individual outcomes for distinct cases. In addition, efforts will be made to capture placement in secure facilities at judicial disposition rather than out-of-home placement as used in the present study as well as a study of waiver hearing proceedings. Furthermore, more time will have passed to allow for (1) a re-examination of the changes in the RRI findings to examine the stability of the changes accomplished to this point, and (2) a better assessment of activity and interventions on the part of Memphis/Shelby County Juvenile Court to take hold and possibly reduce DMC and further create opportunities for the equitable treatment of all youth within juvenile justice proceedings.

Table 7 Summary of RRI Data and Multivariate Logistic Regression

	<u>RRI</u>	<u>Multivariate Results</u>
Referral to Court	Overrep. increase	
Secure Detention	Overrep. decline	No race effect
Diversion	Underrep. steady	No race effect
Petition	Underrep. decline	Blacks more likely referred
Adjudication	Overrep. decline	Blacks/#charges adjudicated
Confinement in secure facilities	Underrep. Decline	
Out-of-Home Placement		Blacks/older out-of-home Blacks/detained out-of-home