

2015

## **Disproportionate Contact: Youth of Color in Maine's Juvenile Justice System**

Robyn Dumont

*University of Southern Maine, Muskie School of Public Service, Justice Policy*

Erica King MSW

*University of Southern Maine, Muskie School of Public Service*

George Shaler MPH

*University of Southern Maine, Muskie School of Public Service, Maine Statistical Analysis Center*

Follow this and additional works at: <https://digitalcommons.usm.maine.edu/justice>

---

### **Recommended Citation**

Dumont, R., King, E., & Shaler, G. (2015). Disproportionate contact: Youth of color in Maine's juvenile justice system. Portland, ME: University of Southern Maine, Muskie School of Public Service.

This Report is brought to you for free and open access by the Cutler Institute for Health & Social Policy at USM Digital Commons. It has been accepted for inclusion in Justice Policy by an authorized administrator of USM Digital Commons. For more information, please contact [jessica.c.hovey@maine.edu](mailto:jessica.c.hovey@maine.edu).

2015

# Disproportionate Contact: *Youth of Color in Maine's Juvenile Justice System*

Robyn Dumont, Erica King, and George Shaler



# Acknowledgments

## *Authors*

Erica King, Policy Associate, Justice Policy Program, USM Muskie School of Public Service  
George Shaler, Senior Research Associate, Justice Policy Program, USM Muskie School of Public Service  
Robyn Dumont, Research Analyst, Justice Policy Program, USM Muskie School of Public Service

## *Interviewers*

Pious Ali, Youth and Community Engagement Specialist, USM Muskie School of Public Service  
Regina Phillips, Director, Refugee Services Program, City of Portland, Maine

## *Peer Review*

Hani Ali, Community Organizer, Portland Racial Justice Congress  
Ash Black, Undergraduate Student, University of Southern Maine  
Paula Gerstenblatt, Assistant Professor, USM School of Social Work  
Barry Stoodley, Chair, Juvenile Justice Advisory Group

## *Graphics, Layout, and Design*

Sheri Moulton, Project Assistant, USM Muskie School of Public Service  
Tara Wheeler, Research Assistant, Justice Policy Program, USM Muskie School of Public Service

---

The authors gratefully acknowledge the assistance of the  
following for their comments and support:

---

### *Special thanks to the Juvenile Justice Advisory Group*

Kathryn McGloin, Juvenile Justice Specialist  
Barry Stoodley, Chair  
Ned Chester, DMC Subcommittee

### *Maine Department of Public Safety*

UCR Division

### *Maine Department of Corrections*

Division of Juvenile Services

### *Annie E. Casey Foundation*

Applied Leadership Network

***Special thanks to the young people of color and the families who shared  
their experiences and recommendations to inform this report***

# Contents

<b>I. Executive Summary</b> .....	<b>1</b>
Background.....	1
Significance of the Study.....	1
Key Questions Answered by This Research.....	1
Key Findings.....	2
Recommendations.....	4
<b>II. Introduction</b> .....	<b>6</b>
What Are Contact Points?.....	7
<b>III. Methodology</b> .....	<b>10</b>
Quantitative Methodologies.....	10
What Is the Relative Rate Index (RRI)?.....	10
What Are Rolling RRIs?.....	13
Qualitative Methodologies.....	14
Limitations of the Study.....	15
<b>IV. Front End/Community</b> .....	<b>16</b>
What Is the Rate of Disproportionality for Arrest?.....	16
What Are the Perspectives of Youth and Parents of Color on Factors Leading to Arrest?.....	16
What Is the Rate of Disproportionality for Referrals?.....	19
What Is the Rate of Disproportionality for Diversion?.....	19
What Is the Rate of Disproportionality for Petitions?.....	20
What Are the Perspectives of Youth and Families of Color on Their Experiences with the Courts?.....	20
<b>V. Deep End/Confinement</b> .....	<b>23</b>
What Are the Perspectives of Youth and Parents of Color on Their Experiences with Probation?.....	23
What Is the Rate of Disproportionality for Detention?.....	25
What Is the Rate of Disproportionality for Commitment?.....	26
What Are the Perspectives of Youth and Parents of Color on Their Experiences with Detention and Commitment?.....	26
Are There Differences in Reasons for Detention?.....	28
<b>VI. Youth and Family Recommendations</b> .....	<b>36</b>
<b>VII. Conclusions</b> .....	<b>38</b>
Recommendations.....	38
<b>VIII. Bibliography</b> .....	<b>40</b>

<b>IX. Appendix – County Analysis.....</b>	<b>41</b>
Androscoggin, All Youth of Color.....	41
Androscoggin, Black/African American.....	42
Aroostook, All Youth of Color.....	43
Cumberland, All Youth of Color.....	44
Cumberland, Black/African American.....	45
Kennebec, All Youth of Color.....	46
Penobscot, All Youth of Color.....	47
York, All Youth of Color.....	48
York, Black/African American.....	49

# I. Executive Summary

## Background

The examination of racial disparities in Maine's juvenile justice system is essential to inform Maine's overall efforts to ensure that all justice-involved youth

experience a fair, equitable, and responsive justice system, across race, ethnicity, gender, geography, and offense. In light of historical and current evidence that people of color are over-represented in both our juvenile and adult criminal justice systems nationally, a data-driven approach is needed to promote racial equity in Maine's juvenile justice system. The disproportionality that exists in Maine's juvenile justice system is consistent with national data that involve the juvenile justice system as well as other systems and institutions, including education and health.<sup>1</sup> Acknowledging and addressing the root causes of racial disparities across systems, both historic and contemporary, are critical components of the effort to promote positive outcomes for youth of color and, ultimately, greater racial equity throughout Maine.

To see the full report, visit:

[http://muskie.usm.maine.edu/justiceresearch/juvenile\\_research.html](http://muskie.usm.maine.edu/justiceresearch/juvenile_research.html)

## Significance of the Study

This research documents the rate of disproportionate minority contact (DMC) for youth involved in Maine's juvenile justice system, differences in pathways to detention for youth of color, and the experiences of youth and families of color who have had contact with Maine's juvenile justice system. It uses a relative rate index (RRI) to demonstrate how youth of color are treated in comparison to their white counterparts throughout nine separate contact points in the juvenile justice system. This Maine-focused research report aligns with several federal, state, and local efforts aimed at promoting equity for youth of color throughout the juvenile justice system. In part, this report fulfills a federal grant requirement from the Office of Juvenile Justice Delinquency Prevention (OJJDP) to identify DMC within the juvenile justice system in Maine. In order to assist states in their efforts to comply with the DMC requirements of the federal Juvenile Justice and Delinquency Prevention Act (JJDP), the OJJDP funds state-based advisory groups to understand and reduce DMC in their jurisdictions. Maine's Juvenile Justice Advisory Group (JJAG) has partnered with the Muskie School of Public Service at the University of Southern Maine to conduct this research to inform these efforts. This research also aligns with the contributions of Maine's active demonstration in Annie E. Casey's Juvenile Detention Alternatives Initiative.

## Key Questions Answered by This Research

1. What is the rate of disproportionate minority contact in Maine?
2. Where within the system does disproportionality exist?

<sup>1</sup> Annie E. Casey Foundation, *Race for Results: Building a Path to Opportunity for All Children* (Baltimore, MD: Annie E. Casey Foundation, 2014). <http://www.aecf.org/resources/race-for-results/>

3. What differences exist in reasons for detention when disaggregated by race?
4. What are the perspectives of youth and families of color with the justice system?
5. What recommendations do youth and families of color have for improving Maine’s juvenile justice system?

## Key Findings

- **DMC is present in 5 of the 6 counties in which it can be measured (Androscoggin, Aroostook, Cumberland, Kennebec, and York).**<sup>2</sup> A statewide DMC rate is misleading because most counties have very few youth of color in the base population and the “parity” of these counties mitigates the disproportionality of those counties that do have youth of color.
- **The largest disproportionality exists for Black/African American youth**<sup>3</sup>
  - Black/African American youth in Androscoggin County were:
    - Arrested at more than three times the rates of white youth
    - Diverted at less than half the rate of white youth
    - Petitioned at one-and-a-third times the rate of white youth
    - Detained at one-and-three-quarter times the rate of white youth
  - Black/African American youth in Cumberland County were:
    - Arrested at almost one-and-a-third times the rate of white youth
    - Referred at about one-and-a-third times the rate of white youth
    - Diverted at a little more than half the rate of white youth
    - Detained at one-and-three-quarter times the rate of white youth
  - Black/African American youth in York County were:
    - Arrested at two-and-a-half times the rate of white youth.
    - Detained at more than one-and-three-quarter times the rate of white youth
- **Disproportionality also exists for all youth of color**
  - Youth of color in Aroostook County were:
    - Detained at more than two-and-a-quarter times the rate of white youth
  - Youth of color in Kennebec County were:
    - Detained at over two-and-a-half times the rate of white youth
- **Youth of color in both Androscoggin and Cumberland counties were committed to secure facilities at twice the rate of white youth.** This is a relatively new trend, as in prior years DMC was more concentrated at the “front end” of the system.<sup>4</sup> The last two years of analysis (2011-2012), DMC has become more significant at detention and commitment contact points.

<sup>2</sup> Rates can only be calculated when a number of conditions are met. See page 12 for a full discussion. DMC can be measured in Penobscot County but only at the first decision point of arrest.

<sup>3</sup> In three of six counties (Androscoggin, Cumberland, and York), rates can be calculated separately for Black/African American youth for some contract points.

<sup>4</sup> The front end of the system includes pre-adjudicatory contact points (i.e. arrest/summons, referral, diversion, and petition). While detention may occur pre- or post-adjudication, the experience of being held in a facility, regardless of adjudicatory status, fully immerses youth in the juvenile justice system and thus is considered part of the deep end of the system.

- **DMC in Maine cannot be explained by a difference in offense type or class.** While youth of color were more likely to have been referred with personal offenses and less likely to be referred for property or drug/alcohol offenses, neither this difference nor differences in age, gender, or offense class can fully explain the disproportionality that occurs at the detention contact point.
- **Gateways into detention are different for white youth and youth of color.** White youth were more likely than youth of color to be detained for new offenses while on probation. Youth of color were more likely than white youth to be detained for technical offenses while on conditional release and more likely to be detained for bench warrants.
- **Youth and families of color interviewed for this study expressed that youth contact with law enforcement stems from the specific factors of peer pressure, a lack of community support, troubles in school, and being targeted by the system due to their race.** It is worth noting that many youth acknowledged responsibility for their behavior, yet they still expressed that they were profiled by law enforcement and other system actors.
- **Youth and families of color believe they are subjected to systemic bias and preconceived notions about them based on race which lead to predetermined outcomes. Further, they expressed that defense counsels were inattentive and uncommunicative throughout the court process.** Many of their families lack understanding of the judicial system and youth expressed little confidence in the judicial process and they believe they are subject to predetermined outcomes in the courtroom.
- **Youth and families of color believe that juvenile community corrections officers (JCCOs) are inclined to give preferential treatment to white youth.** While their experience with probation varied based on JCCO and geography, participants spoke to the importance of the relationship with the JCCO and that they were subjected to differential treatment based on race.
- **Youth and families of color believe that facility staff at the Long Creek Youth Development Center (LCYDC) provide them with differential treatment and access to services based on race.** Many youth interviewed for this study felt that LCYDC staff were unfair and judgmental towards them due to their race. Many interviewees mentioned that committed youth received more services than those who were detained.
- **Youth and families of color offered numerous specific recommendations regarding how to improve their experience with Maine's juvenile justice system.** They expressed desire for increased community, school, family, reentry, and transition support. Many youth took responsibility for their behaviors and acknowledged that there were still skills they would like to develop. Finally, youth and parents urged policymakers and administrators to invest in system reform and address system and staff bias toward youth of color.



## Recommendations

- **Develop, resource, and implement a racial equity plan across Maine’s juvenile justice system.** The causes and factors that contribute to disproportionality are layered and require a comprehensive, multidimensional and intersectional approach. Staying the course with such a plan requires vision, leadership, coordination, and community partnerships.
- **Create a youth and parent advisory committee to guide plan.** Virtually all youth and parents of color interviewed for this study were constructive and willing to offer ideas and insight on how to improve Maine’s justice system. In order to reverse current trends and ensure youth and families experience a fair and balanced justice system, youth and parents of color must be engaged as partners in this work. Section VI of this report details recommendations from participants interviewed.
- **Invest in training staff and system actors across the juvenile justice system in bias.** Youth and families who were interviewed consistently described experiences of systemic bias and being treated differently from white youth based on race. While some bias may be explicit, implicit bias often drives decision-making. The concept of implicit bias is based on decades of research across multiple disciplines and holds that there are biases that operate outside of consciousness and which influence the perception and treatment of others even when decision-making is believed to be objective.<sup>5</sup> Training staff and systems in how to address implicit bias is an essential strategy in promoting racial equity.<sup>6</sup>
- **Develop a workforce development strategy to diversify Maine’s correctional workforce.** Youth and families consistently raised the importance of hiring younger staff with similar life histories to those who are detained or committed whom they can look up to. Youth believe that more LCYDC positions, and other government jobs as well, should be available to people of color.
- **Pilot data-driven strategies to promote racial equity in the juvenile justice system and monitor data to ensure desired results.** For example, based on this research, youth of color are more likely to be detained on a bench warrant than white youth for failure to appear in court. Accordingly, a strategy to support youth of color in making their court appearances and preventing bench warrants should yield more parity in the results. Further development of this strategy requires a factor analysis of this issue and additional analysis to answer questions not answered by this research, such as: *Are youth of color more likely than white youth to fail to appear for court, or are they more likely to have bench warrants issued for them when they do? If youth of color are more likely than white youth to fail to appear for court, why is this so?*

---

<sup>5</sup> For a full explanation of implicit bias, see the Kirwan Institute’s *State of the Science: Implicit Bias Review 2014*, available here: <http://kirwaninstitute.osu.edu/wp-content/uploads/2014/03/2014-implicit-bias.pdf>

<sup>6</sup> For an explanation of how implicit bias relates to court systems see The National Center for State Courts’ *Helping courts Address Implicit Bias* report, available here: <http://www.ncsc.org/~media/Files/PDF/Topics/Gender%20and%20Racial%20Fairness/Implicit%20Bias%20FAQs%20rev.ashx>

- **Explore the relationship between school discipline and referrals which lead to contact with the juvenile justice system in Maine (sometimes referred to as the school-to-prison pipeline).** Youth and parents frequently cited social and academic challenges at school and school discipline as contributing factors that led to their justice involvement. Racial achievement gaps and disparities in discipline exist in the education system<sup>7</sup> and more research should be done to explore the degree to which they persist in Maine.
- **Explore the degree to which differences in pathways to detention are the result of youth behavior or detention decisions.** For example, explore whether youth of color are more likely to engage in behaviors that result in technical violations while on probation and conditional release, or whether they are more likely to be detained for them.

---

<sup>7</sup> Council of State Governments Justice Center and Public Policy Research Institute, *Breaking Schools' Rules: A Statewide Study of How School Discipline Relates to Students' Success and Juvenile Justice Involvement* (New York: Council of State Governments Justice Center, 2011).  
[http://issuu.com/csgjustice/docs/breaking\\_schools\\_rules\\_report\\_final-1/3?e=2448066/1603396](http://issuu.com/csgjustice/docs/breaking_schools_rules_report_final-1/3?e=2448066/1603396)

## II. Introduction

The examination of racial disparities in Maine’s juvenile justice system is essential to inform Maine’s overall efforts to ensure that all justice-involved youth experience a fair, equitable, and responsive justice system, across race, ethnicity, gender, geography, and offense. In light of historical and current evidence that people of color are over-represented in both our juvenile and adult criminal justice systems nationally, a data-driven approach is needed to advance racial equity in Maine’s juvenile justice system. The disproportionality that exists in Maine’s juvenile justice system is consistent with national data that involve the juvenile justice system as well as other systems and institutions, including education and health.<sup>8</sup> Acknowledging and addressing the root causes of racial disparities across systems, both historic and contemporary, are critical components in the effort to advance transformative practices and understandings that lead to positive outcomes for youth of color and, ultimately, the overall wellbeing of Maine. This Maine-focused research report aligns with several federal, state, and local efforts aimed at promoting equity for youth of color throughout the juvenile justice system.

In part, this report fulfills a federal grant requirement from the Office of Juvenile Justice Delinquency Prevention (OJJDP) to identify and reduce disproportionate minority contact (DMC) within the juvenile justice system in Maine. For over 20 years, the OJJDP has been a leader in helping jurisdictions to understand and reduce the overrepresentation of youth of color in the juvenile justice system. In order to assist states in their efforts to comply with the DMC requirements of the federal Juvenile Justice and Delinquency Prevention Act (JJDP), the OJJDP funds state-based advisory groups to understand and reduce DMC in their jurisdictions. Maine’s Juvenile Justice Advisory Group (JJAG) has partnered with the Muskie School of Public Service at the University of Southern Maine to conduct this research to inform these efforts. This research also aligns with contributions of Annie E. Casey’s Juvenile Detention Alternatives Initiative. Maine is an active demonstration site of this data-driven effort to develop community-based options that ensure the juvenile justice system limits its use of Maine’s secure correctional facilities to youth who are a threat to public safety or a flight risk. These data provide an opportunity to further explore possible underlying reasons and trends leading youth to contact with Maine’s juvenile justice system.

### Desired Result:

All Maine justice involved youth will experience a fair, responsive, and equitable juvenile justice system across race, ethnicity, gender, geography, and offense.

<sup>8</sup> The Annie E. Casey Foundation, *Race for Results: Building a Path to Opportunity for All Children* (Baltimore: The Annie E. Casey Foundation, 2014). <http://www.aecf.org/resources/race-for-results/>

---

*While OJJDP employs the word “minority” in its term “disproportionate minority contact,” we use the term “youth of color” throughout this report. The reasoning is three-fold: First, the word “minority” is already inaccurate in majority-minority jurisdictions. According to Census projections, the term will soon be inaccurate nationally, as the birth rate for persons of color will soon exceed the white birth rate. Second, the word “minority” has a negative (subordinate) connotation. Third, “people of color” is the term chosen by non-white populations for its ability to build solidarity and draw attention to the racialization of color.*

---

This mixed method report uses quantitative and qualitative findings to inform stakeholders and community members across Maine’s juvenile justice system. Quantitative findings indicate the rate of over-representation, or DMC, in specific Maine counties. Qualitative findings describe the experiences of youth and parents of color from Androscoggin and Cumberland counties who have had involvement in the juvenile justice system. Further quantitative analysis seeks to identify characteristics which may explain disproportionality. Collectively, this research is meant to inform interested stakeholders in their efforts to ensure a fair and unbiased juvenile justice system across multiple contact points and to stimulate discussions about possible reasons and interventions for DMC.

### **What Are Contact Points?**

***Young people may have multiple contact points with the juvenile justice system. The more contacts youth have, the deeper they penetrate the juvenile justice system. Although Maine’s system has been credited for its progressive reforms,<sup>9</sup> contact with the juvenile justice system too often leads to poor outcomes into adulthood.<sup>10</sup>*** Thus, whenever safely possible, it is desirable to prevent youth from progressing toward subsequent contact points. For this research, authors calculated how youth of color are treated in comparison to their white counterparts throughout nine separate contact points in the juvenile justice system. ***At each contact point, system actors must make decisions regarding whether or not to move youth further into the system through arrest, referral, diversion, detention, petition, adjudication, probation, confinement, and/or transfer.<sup>11</sup> Federal law requires data be kept on each of these decisions.*** Authors also utilized focus group data to bring the voices of youth and families of color into the research to describe their experiences and recommendations related to each contact point.

---

<sup>9</sup> Michael Rocque, Brandon C. Welsh, Peter W. Greenwood, and Erica King, “Implementing and Sustaining Evidence-Based Practice in Juvenile Justice: A Case Study of a Rural State,” *International Journal of Offender Therapy and Comparative Criminology* 58, no. 9 (2013): 1033-1057.

<sup>10</sup> Justice Policy Institute, *Sticker Shock: Calculating the Full Price Tag for Youth Incarceration*, 2014. [http://www.justicepolicy.org/uploads/justicepolicy/documents/sticker\\_shock\\_final\\_v2.pdf](http://www.justicepolicy.org/uploads/justicepolicy/documents/sticker_shock_final_v2.pdf)

<sup>11</sup> Transferred cases are a result of a bind-over hearing in juvenile court. During a bind-over hearing, the district attorney files a petition asking the juvenile court judge to waive jurisdiction over the case to adult criminal justice system. The juvenile court judge decides whether to grant the request. If a bind-over request is denied, the matter is scheduled for an adjudicatory hearing in the juvenile court. If the request is granted, the juvenile is waived to criminal court for further action. Historically, there have been too few cases to analyze in Maine, thus transferred cases are excluded from this report.

## 1 ARREST

Youth are considered to be arrested when law enforcement agencies apprehend, stop, or otherwise contact them having suspected them of committing a delinquent act. These data also include incidences in which youth are cited or summonsed for delinquent acts in lieu of actual physical custody.

## 2 REFERRAL

Referral occurs when a juvenile community corrections officer (JCCO) receives a police report accusing a juvenile of committing a juvenile offense, at which point the JCCO conducts a preliminary investigation to determine whether the interests of the juvenile or the community require that further action be taken. (Exception: In cases involving murder, further action *must* be taken.)

## 3 DIVERSION

Youth referred to juvenile court for delinquent acts undergo a preliminary investigation by a JCCO, who may decide to dismiss the case for lack of legal sufficiency, to resolve the matter formally (with the filing of charges) or informally (without the filing of charges). The latter constitutes diversion and may take the form of sole sanctions, no further actions, and informal adjustments.

## 4 DETENTION

Detention refers to youth held in secure detention facilities at some point during court processing of delinquency cases as well as youth held in secure detention while awaiting placement following a court disposition. Detention numbers also include post-adjudicated youth serving determinate (“shock”) sentences and youth held for probation violations. Detention does not include youth held in shelters, hospitals, or other residential facilities.

## 5 PETITIONS

Formally charged (petitioned) delinquency cases are those that appear on a court calendar in response to the filing of a petition, complaint, or other legal instrument requesting the court to adjudicate a youth or to waive jurisdiction and transfer a youth to criminal court. Petitioning occurs when a prosecutor determines that a case should be handled formally.

## 6 DELINQUENCY

Youth are judged or found to be delinquent during adjudicatory hearings in juvenile court. Being found delinquent (adjudication) is roughly equivalent to conviction in adult court. It is a formal legal finding of responsibility. When found delinquent, youth typically proceed to disposition hearings where they may be placed on probation, committed to residential facilities, be ordered to perform community service, and/or various other sanctions.

## 7 PROBATION

Probation occurs when youth are placed on court ordered supervision following a juvenile court disposition.

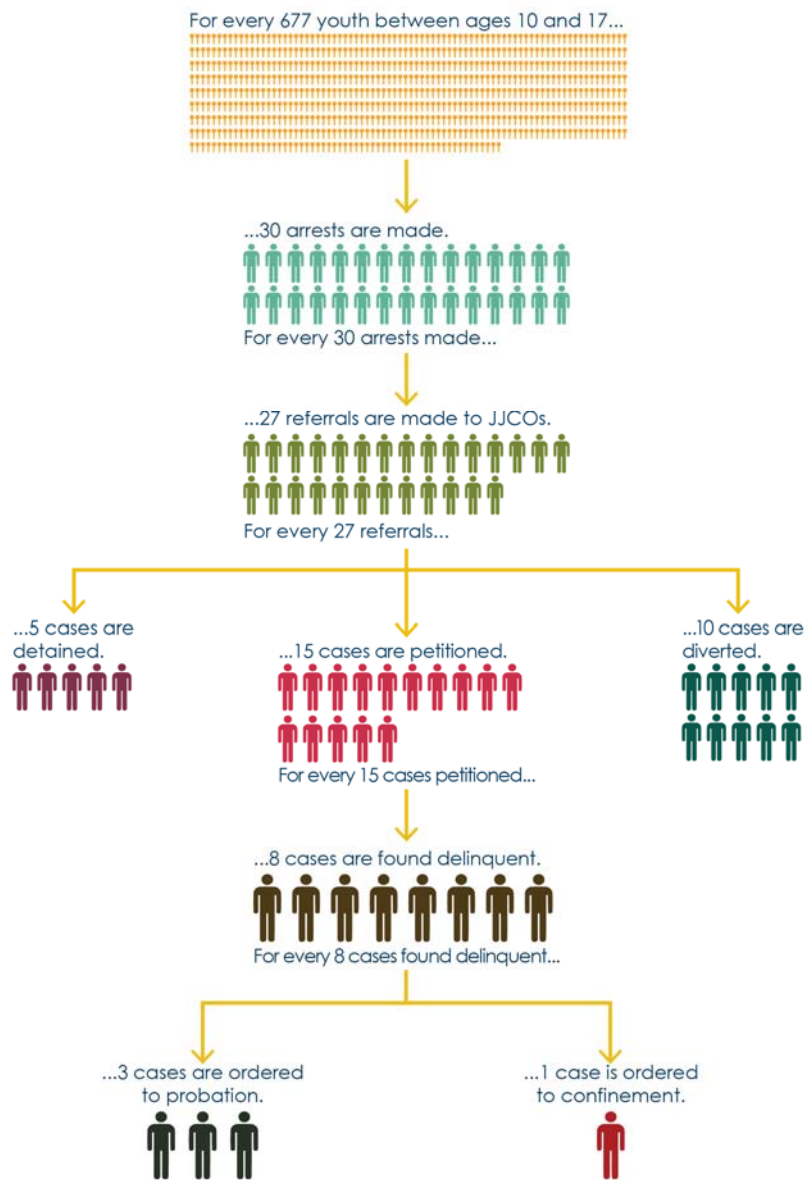
## 8 CONFINEMENT

Confined cases are those in which, following a court disposition, youth are placed in secure correctional facilities for an indeterminate period of time.

## Points of Contacts in Juvenile Justice System



In Maine, in 2012...



Note: An individual youth may have multiple contact at any given decision point. This duplicated count is done in adherence to the Juvenile Justice and Delinquency Prevention Act's guidelines.

### III. Methodology

This section includes methodological details about both the quantitative and qualitative aspects of the study. Data limitations are noted where relevant.

#### Quantitative Methodologies

Authors obtained data from three sources to conduct this research:

- National Center for Juvenile Justice
- Maine Department of Public Safety
- Maine Department of Corrections

Authors retrieved population data from the Easy Access to Juvenile Populations website, which is maintained by the National Center for Juvenile Justice.<sup>12</sup> Population data include youth ages 10 through 17 for years 2005 through 2012. Next, authors accessed arrest data from the Department of Public Safety (DPS). These data include all arrest records for youth through the age of 17 from 2005 through 2012. The Maine Department of Corrections (DOC) provided authors with data for the remaining contact points (referral, diversion, detention, petition, adjudication, probation, and commitment) as well as data generated through Maine’s active demonstration of Annie E. Casey Foundation’s Juvenile Detention Alternatives Initiative (JDAI) to drill down beyond the RRI to deepen analysis on reasons for detention and other relevant variables. Researchers selected 2012, the most recent year of available DMC data, to conduct analysis of these factors.

These data include all records for youth aged 10 through 17 at the time of offense from 2005 to 2012. Some youth had multiple contacts at multiple points across the juvenile justice system within and between these years, and the analysis includes each contact. In some instances, multiple charges were made at a single contact point. In these instances, the most serious charge was retained for analysis.

#### What Is the Relative Rate Index (RRI)?

OJJDP requires jurisdictions to use the Relative Rate Index (RRI) as a DMC measurement methodology. The primary advantage of the RRI is its ability to communicate in one number, or *index*, the relationship between several component numbers and the processes they represent. One component of the RRI is a *contact point*. Youth may have contact with the juvenile justice system at a variety of points, from an initial arrest to probation or secure confinement. The diagram on page 10 depicts (in simplified version) how youth progress through the system. Initially, from the population of youth in a given area, a number of youth are arrested. Dividing the number of arrests by the number of youth in the population—the base rate—provides an arrest rate. Subsequently, some, but not all, of the youth who are arrested will be referred to a Juvenile Community Corrections Officer (JCCO) for intake screening. To obtain the rate for this contact point, the number of referrals is divided by a new base rate—the number of arrests.

---

<sup>12</sup> The Easy Access to Juvenile Populations website can be accessed at <http://www.ojjdp.gov/ojstatbb/ezapop/>



One of the strengths of the RRI tool used in this analysis is the use of prior decision points as base populations for subsequent points, which isolates the disproportionality that occurs at each point. The underlying assumption here is that youth who make it to any given contact point are a subset of youth in a prior contact point. (E.g., youth who were diverted in any given year are a subset of those referred that year.) In reality, however, youth do not typically proceed through the system in a single calendar year. A youth may be referred in 2010, petitioned in 2011, and committed in 2012. This poses a limitation when analyzing small populations. The use of a rolling average (described in the next section) helps mitigate the impact of this limitation.



Rates are calculated for each racial/ethnic group at each contact point,<sup>13</sup> and the rate of each racial group is then divided by the rate of the reference (white) group, resulting in an index. For example, a white detention rate of .18 and a youth of color detention rate of .46 (rates which may have little meaning in and of themselves) combine to form an RRI of 2.49. This index is interpreted as meaning that youth of color who are referred are 2.49 times as likely as white youth to be detained following a referral. When parity is achieved, the rate is 1.0.

---

### Calculating the Relative Rate Index (RRI) for Detention

#### 4 components:

- Number of youth of color at contact point (detentions): 47
- Number of youth of color at base point (referrals): 102
  - Youth of color detention rate:  $47 \div 102 = .46$
- Number of white youth at contact point (detentions): 68
- Number of white youth at base point (referrals): 368
  - White detention rate:  $68 \div 368 = .18$

$$\text{Detention RRI} = .46 \div .18 = 2.49$$

*This means that youth of color were detained at two-and-a-half times the rate of white youth.*

---

In addition to calculating an index for each contact point, the RRI tool also tests for statistical significance. That is, it utilizes statistical methods to determine whether the differences between rates are “true” differences or superficial differences resulting from normal fluctuations that occur over time. Since rates calculated with small numbers are sensitive to slight changes, a youth of color rate based on small numbers, such as those here in Maine, might appear lower than the white rate in one time period and higher the next. These changing rates are not statistically significant regardless of the rate itself—even a seemingly large rate may be statistically insignificant.

---

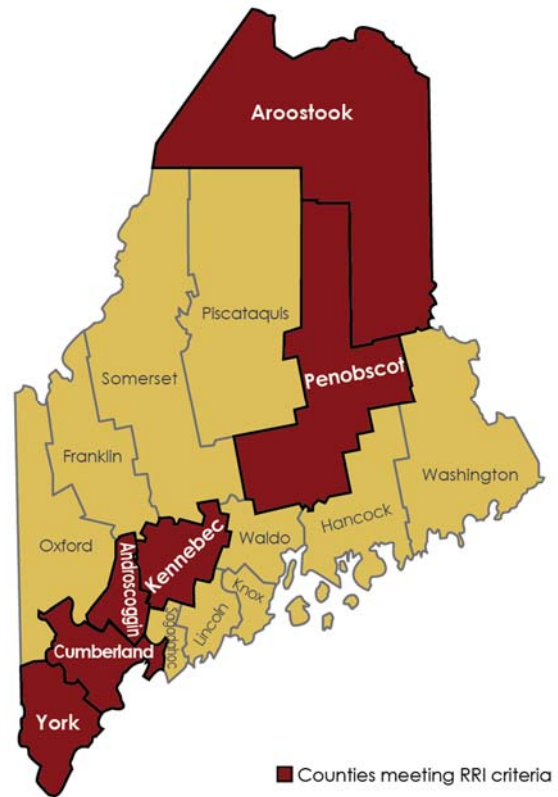
<sup>13</sup> The exception to this is the arrest data point. As explained earlier, the DPS does not collect ethnicity so Hispanic youth are not identified at arrest.



In order to ensure that rates are reliable and meaningful, the RRI tool only calculates a rate when the following conditions are met:

- Youth of color compose at least 1% of the youth population.
- Contact point contains at least five cases.
- Base population contains at least 30 cases.

***In Maine to date, only six counties meet the first condition. In Androscoggin, Aroostook, Cumberland, Kennebec, Penobscot, and York counties, youth of color compose 1% or more of the youth population.*** In three of these six counties—Androscoggin, Cumberland, and York—rates can be calculated separately for Black/African American youth for some contact points. However, since youth can be directed out of the system at any point along the way, and since there must be at least 30 youth in the base population in order to calculate a rate, there are fewer rates for later contact points.



When all three of the above conditions are met, a rate is calculated. When rates are statistically significant, they are noted as such in the rate tables with **bold, red** type. Not every statistically significant rate, however, is cause for concern. Sometimes youth of color have less contact with the juvenile justice system than white youth, and this is reflected in the rates. For example, a statistically significant youth of color arrest rate of .5 does not signify a problem because this rate means youth of color are half as likely as white youth to be arrested. Also, two contact points, diversion and probation, represent relatively favorable outcomes for youth. Youth who are diverted are given the opportunity to resolve the issues that led to referral through informal means, avoiding any further involvement with the juvenile justice system. For diversion then, a low rate rather than a high one indicates a problem.



Probation rates may be viewed in a similar manner, albeit the favorability of probation is less clear cut. While probation is an alternative to confinement, it may not be preferable to diversion, which could involve the payment of fines or community service without an adjudication. Teasing apart the meaning of a probation rate requires a simultaneous look at the confinement contact point.

It is important to mention that disproportionality alone is not proof of disparity. Disproportionality refers to over- or under-representation of youth of color compared to white youth and may or may not be due to disparity, which is the differential treatment of youth who share common characteristics and merit similar treatment. Since RRIs are calculated with no attempt at establishing common characteristics, they are not sufficient proof of a problem. High indexes do, however, merit a closer look. For this reason, researchers conducted additional analysis using available DMC- and JDAI-generated data. These findings are presented in the detention analysis (Are There Differences in Reasons for Detention?) section of this report.

### What Are Rolling RRIs?

**Maine has a relatively small number of youth involved in its juvenile justice system. While this reflects positively on Maine, small numbers are difficult to analyze and interpret.** Rates based on small numbers, such as the ones in this report, are very sensitive to small changes, making it difficult to tell if rates are increasing, decreasing, or remaining stable over time. One technique for “smoothing” time series data is to calculate a rolling average. In a rolling average, each data point represents a three-year average of values rather than a single year’s value. For instance, data from 2005 to 2007 are averaged and this value is used for 2006 (the midpoint). This is repeated for each year, and the resulting data points are smoother, highlighting the long-term trend rather than short-term fluctuations.

The charts below illustrate the benefits of the rolling average. Figure 1 (below) includes a single data point for each year and highlights the short-term fluctuations. Figure 2 utilizes a rolling average for each data point and highlights the long-term trend.

Figure 1

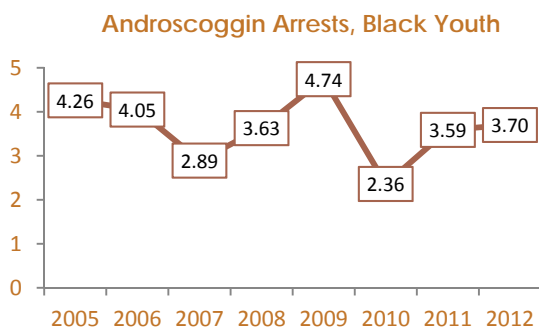
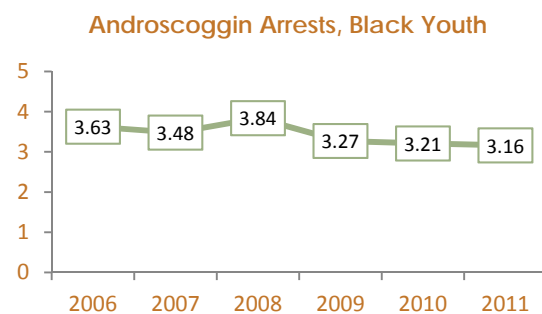


Figure 2



**The tables in this report present a rolling average.** The label for these rolling data points is the mid-point (e.g., data from 2010 to 2012 will be labelled “2011”).

## Qualitative Methodologies

As part of a more comprehensive examination of DMC in Maine, the Muskie School of Public Service conducted focus groups and individual interviews with young people and their parents (separately) to get their viewpoints of the juvenile justice system from their contact with law enforcement, the courts, probation, and confinement. The aim of the interviews was to add the voices and perspective of youth and families of color who have had lived experience with Maine's juvenile justice system.



In consultation with the Maine Juvenile Justice Advisory Group (JJAG) and based upon a review of the literature, researchers developed an interview protocol. The University of Southern Maine's Institutional Review Board (IRB) approved the protocol for use with youth of color who were arrested, those on probation, detained, and/or committed. Researchers conducted semi-structured interviews inviting youth and families to describe their experiences with each contact point in the juvenile justice system as youth and families of color. Additionally, interviews sought input on recommendations to improve the justice system.

Two interviewers, one female and one male and both people of color, were trained to conduct the interviews. The study used criterion sampling, therefore youth of color were the only ones eligible for participation. Recruitment focused primarily on Cumberland and Androscoggin counties, due to prior research findings<sup>14</sup> that indicate DMC is most prevalent there. Participants who were confined at Long Creek primarily represented those counties, in addition to Aroostook, York, and other jurisdictions.

Researchers conducted a total of three focus groups with youth and parents of color who had experience with Maine's juvenile justice system. Focus groups were conducted over a 12-month period. Participants were pre-selected by MDOC staff according to IRB criteria to protect human subjects. Researchers conducted two focus groups (n=14) at Long Creek Youth Development Center (LCYDC) of committed and/or detained youth and one probation focus group (n=4) in Portland (not at LCYDC). Researchers conducted individual interviews with youth (n=6) and parents (n=4) of color for a total of 28 participants. The sample size is acceptable according to the range of rigorous qualitative research.<sup>15</sup>

All interviews were recorded and later transcribed verbatim for analysis. Qualitative data were analyzed using a thematic analysis. Researchers extrapolated common themes across all interviews. All but three of the youth interviewed were male. As a result, male pronouns will be used to maintain confidentiality. Qualitative findings are interspersed with the numeric findings and provide context and a deeper understanding of the story demonstrated by numeric data. Direct quotes are used to add some richness to the findings.

<sup>14</sup> Becky Noreus, Teresa Hubley, and Michael Rocque, *Disproportionate Minority Contact in Maine: DMC Assessment and Identification*, (Portland, ME: Muskie School of Public Service, 2009). [http://muskie.usm.maine.edu/justiceresearch/Publications/Juvenile/Juvenile\\_DMC\\_AssessmentandIdentificationReport2009.pdf](http://muskie.usm.maine.edu/justiceresearch/Publications/Juvenile/Juvenile_DMC_AssessmentandIdentificationReport2009.pdf)

<sup>15</sup> John W. Creswell, *Qualitative Inquiry and Research Design: Choosing Among Five Approaches*, 2<sup>nd</sup> Ed. (Thousand Oaks, CA: SAGE Publications, 2007), 125-129.

## Limitations of the Study

As with any research, data limitations existed. Arrest data were limited in several ways.<sup>16</sup> First, arrest data differed from the remainder of the data used in this analysis in that ethnicity is not collected by the DPS. As a result, the Hispanic/Latino category could not be populated for arrest. Also, the Hispanic youth who were not counted here were likely counted as white, which increases the white rate of arrest and may falsely decrease the RRI of comparison groups. How DPS collects data based on race is unclear and therefore may impact reliability of data. Further, arrest data do not include arrests made by tribal police. This means that the numbers reported for Native American arrests are an undercount and do not represent all arrests of Native American youth. This, in turn, results in a reported RRI for Native American youth arrests that is lower than the true rate.<sup>17</sup> Finally, small numbers can sometimes be difficult to analyze and interpret. Thus, a rolling average has been used, as described previously.

From a qualitative perspective, there were extensive barriers with the recruitment process. Unfortunately, recruitment was delayed when the JJAG's DMC Coordinator left his position just as the interviews were scheduled to begin. The position went unfilled throughout the study. The JJAG later designated Department of Corrections, trained by the Muskie School research team, to help with recruitment; however, there were institutional barriers that created a more rigorous recruitment. Several staff reported that youth whom they attempted to recruit were reluctant to be interviewed and had questions about the study itself. In addition to recruitment, fewer focus groups and more individual interviews might help youth to feel freer to share their experiences. Due to cultural factors and geographic differences, some youth were more cautious than others about sharing their perspectives in a group. These interview findings do not necessarily represent the opinions of all young people of color who have involvement in the justice system. Qualitative research does not purport to be generalizable, rather it offers a deeper understanding of meaning and experience.

---

<sup>16</sup> While some of the youth represented by these data were younger than 10 years of age, there were very few youth who fell into this category; the total number of these youth made up less than .1% of all arrest data. Their inclusion in the arrest data but not in the population data is likely to be inconsequential to RRIs.

<sup>17</sup> Previous attempts to obtain arrest data for Native American youth in order to include these numbers in DMC reports have been unsuccessful.

## IV. Front End/Community

In this section of the report, RRI for **arrests, referrals, diversions, petitions, and adjudications** will be presented.<sup>18,19</sup> In addition, interview findings that address youth of color's contact with police (following arrest RRI) and the courts (following petition RRI) are included.

---

*Arrest data are analyzed with population data to obtain arrest RRI, but mobility presents a limitation to this method. Counties with small youth of color populations sometimes attract youth from neighboring areas with more racially diverse youth populations. When this occurs, visiting youth may temporarily alter the racial distribution of the youth population in the destination counties. Because this temporary distribution is not captured by population estimates, arrest RRI for these locations may be inflated.*

---

### What Is the Rate of Disproportionality for Arrest?

- **Androscoggin, All Youth of Color**

The arrest rate of youth of color relative to white youth increased from 2006 to 2011. For the last two years of analysis, youth of color were arrested at more than twice the rate of white youth.

- **Androscoggin, Black/African American Youth**

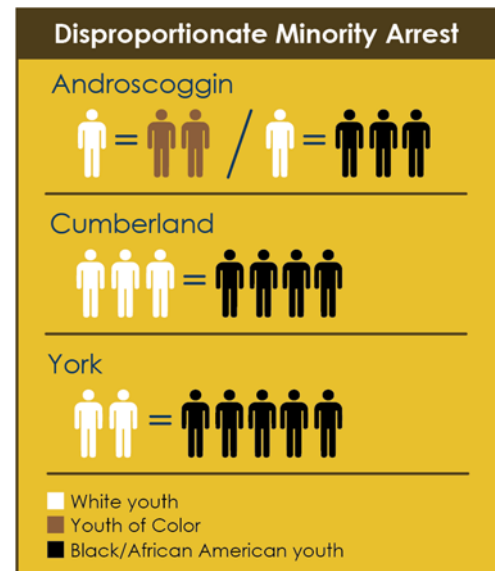
Black/African American youth were arrested at more than three times the rates of white youth for all six years of analysis.

- **Cumberland, Black/African American Youth**

Black/African American youth were arrested at a higher rate than white youth; however, the rate declined over the last five years of the analysis. By the last year of analysis, Black/African American youth were arrested at almost one-and-a-third times the rate of white youth.

- **York, Black/African American Youth**

Black/African American youth were arrested at a higher rate than white youth, and the rate has increased steadily over the last three years. In the last year of analysis, Black youth were arrested at two-and-a-half times the rate of white youth.



### What Are the Perspectives of Youth and Parents of Color on Factors Leading to Arrest?

Focus group participants, individual interviewees, and parents of youth of color involved in the justice system were all asked what led to their (or their children's) contact with police. Responses can be categorized into the following overlapping themes:

---

<sup>18</sup> RRI rates are provided for contact points where DMC was found to be statistically significant. No DMC was evident at adjudication, thus no findings for that decision point are included here.

<sup>19</sup> RRI rates depicted in graphics are from the last year of analysis, which is the rolling average from 2010 to 2012.

- **Peer Pressure.** Peer pressure and association with negative peers can lead to contact with the police.
- **Lack of Community Supports/Trouble at School.** The lack of community support coupled with troubles at school can point to future problems for young people.
- **Targeted by the System.** Some youth of color feel targeted by the juvenile justice system because of their race/ethnicity.
- **Taking Responsibility.** Some youth interviewed readily admitted they made some poor decisions and engaged in criminal behavior.
- **Social and Family Hardship.** A number of participants cited problems with their families and/or the lack of financial resources that led them to criminal behavior.

### Peer Pressure

Many participants felt peer pressure and association with negative peers led to their first contact with police. Some youth mentioned having friends pushing/encouraging them to go to parties and/or do drugs. One youth stated, “I think the hardest thing for me was definitely getting peer pressure to start smoking weed and drinking, and that led to other things—getting in trouble and getting in fights.” Several youth spoke to the negative influences around them, including being involved with the wrong crowd and how this escalated from engaging in minor mischief to fighting and vandalism. “Well, I started when I was basically in high school, I decided being involved in the wrong crowd, basically causing, you know, trouble in the neighborhood, as they say.” Several participants described a lack of positive role models in their lives.



### Lack of Community Supports/Troubles in School

Another theme raised was the lack of community support and/or programming for youth. Some youth mentioned that even when community programs exist they require some type of fee. “Those programs [at the YMCA and the Boys and Girls Club], you have to pay for them; they cost money. So the city or the community has no impact on so much of the influencing of the teenagers these days, you know.” Other participants cited their own lack of motivation to engage in community activities as a factor that led to their initial contact with the police.

*“ Well I started when I was basically in high school, I decided being involved in the wrong crowd, basically causing, you know, trouble in the neighborhood as they say.”*

School challenges and discipline (suspension, expulsion) were also cited as a pathway to the justice system.

Participants cited lack of support or engagement in school and consequently missing school or getting into trouble at school as what lead to initial police contact. A parent cited that the Eurocentric history curriculum and the way in which slavery in the United States is taught exacerbates racial differences.



### Targeted by the System

After school/community, systemic bias—whether explicit and/or implicit—was cited as the factor that led youth of color to have contact with police. In particular, many of the participants stated they felt targeted or sought out by the police because of their race.

Participants raised the issue of being disrespected by local law enforcement in both Androscoggin and Cumberland counties. One youth stated the law enforcement presence in his community scared him. “Whenever [the police] had seen a group of minorities . . . they come ask us questions. Whenever they see, like, any form of like violation then they categorize all of us as doing that instead of actually listening or talking or investigating further about that.”

Some participants declared that their contact with the police stemmed from their poor relationships with their juvenile community corrections officers (JCCOs). Some youth indicated that probation terms seemed unfair and punitive and that JCCOs sought to catch them on technical violations while on probation, which led to further involvement with the justice system. Other participants cited that cumulative fines led to initial contact.

*“Whenever [the police] had seen a group of minorities . . . they come ask us questions. Whenever they see, like, any form of like violation then they categorize all of us as doing that instead of actually listening or talking or investigating further about that.”*



### Taking Responsibility

Both parents and youth cited the youth’s poor choices or the failure to think about the consequences of their decisions as factors that led to contact with the police. Not surprisingly, parents and youth indicated that committing crime led to the youth’s initial contact with the police and these choices were influenced by social constructs. Some of the crimes mentioned were serious ones such as burglary, substance use, and assault, while other police contacts resulted from comparatively minor infractions (e.g., use of fireworks). In some instances the cumulative effect of multiple contacts led to trouble within the legal system, while in other instances second chances were given due to youth’s involvement in school and religious organizations.

### Social and Family Hardship

Participants mentioned problems with their families or lack of family support as conditions that led to initial contact with the police. Specifically, participants mentioned not having one or both of their parents present much of the time in their lives as factors that led to mischievous/criminal behavior resulting in contact with the police. Other youth described how they were allowed to ignore parental discipline, which ultimately led to contact with the juvenile justice system. One youth shared, “I can’t blame it all on my parents or anything. But it could have turned out different, you know, if they had tried a little harder or something like that.”

*“Well my family didn’t have a lot of money, and my mom she didn’t have enough money to pay the bills and put food on the table. I guess summertime I did something stupid and I got caught stealing money.”*

Several participants mentioned the lack of financial resources within their parents/families as a factor that led to their behavior, including generational poverty and racism.

“Well my family didn’t have a lot of money, and my mom she didn’t have enough money to pay the bills and put food on the table. I guess summertime I did something stupid and I got caught stealing money.”

Some participants stated the location of their homes or their immediate environment were problematic and contributed to their contact with police. Many participants noted their families had been supportive of them and in spite of this support they engaged in behavior that was problematic.

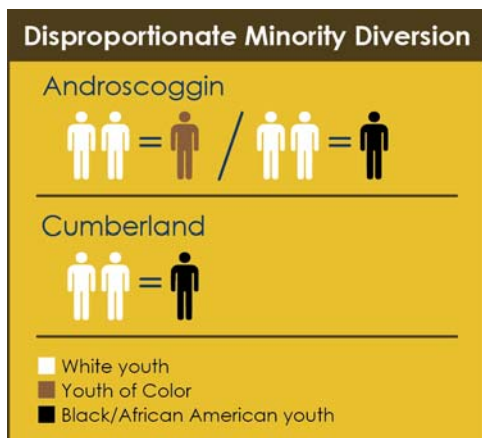
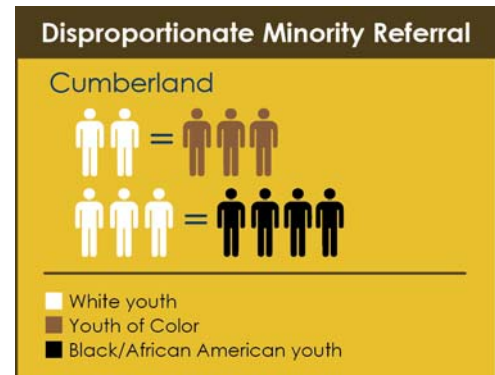
### What Is the Rate of Disproportionality for Referrals?

- Cumberland, All Youth of Color**

Youth of color were referred to JCCOs at a higher rate than white youth, but the rate declined between 2006 and 2011. By the last year of analysis, the rate of referral for all youth of color was one-and-a-half times the rate of white youth.

- Cumberland, Black/African American Youth**

Black/African American youth were referred at a higher rate than white youth. The rate decreased from 2006 to 2009 and then plateaued so that Black/African American youth were referred at about one-and-a-third times the rate of white youth.



### What Is the Rate of Disproportionality for Diversion?

- Androscoggin, All Youth of Color**

Youth of color were diverted from the juvenile justice system at about half the rate of white youth.

- Androscoggin, Black/African American Youth**

Black/African American youth were diverted at a lower rate than white youth. For the last four years of analysis, Black/African American youth were diverted at less than half the rate of white youth.

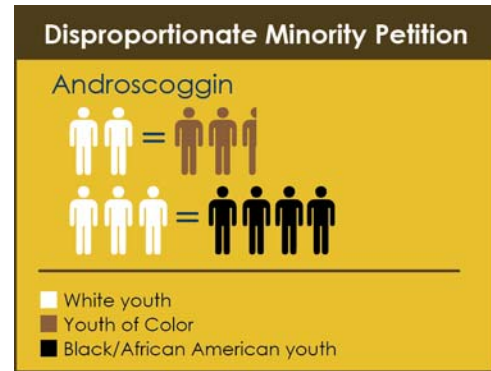
- Cumberland, Black/African American Youth**

Black/African American youth were diverted at a lower rate than white youth; however, the rate increased over the last four years of analysis. By the last year of analysis, Black/African American youth were diverted at a little more than half the rate of white youth.



## What Is the Rate of Disproportionality for Petitions?

- **Androscoggin, All Youth of Color**  
Youth of color were petitioned (formally charged in juvenile court) at one-and-a-quarter times the rate of white youth for the last two years of analysis.
- **Androscoggin, Black/African American Youth**  
For the last two years of analysis, Black/African American youth were petitioned at one-and-a-third times the rate of white youth.



## What Are the Perspectives of Youth and Families of Color on Their Experiences with the Courts?

Interview subjects were asked about their experiences with the court and the judicial process. Responses can be categorized into the following overlapping themes:

- **Preconceived Notions Lead to Predetermined Outcomes.** Many youth were dissatisfied with the judicial process and felt the system actors did not care about them.
- **Inattentive and Unsupportive Legal Representation.** Youth felt that defense counsel were inattentive and uncommunicative.
- **Lack of Comprehension of the Judicial Process.** Lack of understanding of how the judicial system operates is a barrier that is further exacerbated by language access and cultural issues
- **Lack of School Support.** Once involved in the judicial process, several interviewees mentioned their schools did not help or reach out to them.
- **Desired Family Involvement in the Court Process.** Having their families with them as their cases wound through the judicial process was helpful if not a little humbling.

### Preconceived Notions Lead to Predetermined Outcomes

Many participants were not happy with some aspects of the judicial process. In general, youth did not like the judicial process and felt that judges, district attorneys, and defense counsel did not care about

*"The first time I ever went to court I remember the district attorney saying, 'He is a menace to society.' "*

youth and had preconceived notions of who they were, which predetermined outcomes. Youth mentioned feeling powerless in court. Several focus group participants were unhappy with the district attorneys' (DA) and judges' attitudes towards them. One participant shared, "The first time I ever went to court I remember the district attorney saying, 'He is a menace to society.'"



Some youth perceived that the DA predetermined what happened in court or that the judge sided with the DA. One youth added, “Every time I went to the court the district attorney just wanted to commit me every single time, and finally she just got her way.”

Several mentioned that they felt there was a lot of bargaining between the DA and the defense attorneys and that the bargaining did not always produce the hoped for result. Several youth expressed that they believe that white youth receive better plea deals and

fewer commitments than youth of color, which is substantiated by quantitative data.

The majority of participants believed the judges had made up their minds prior to court, and one participant felt the judge was less sympathetic to repeat offenders. A participant noted he tried to avoid more trouble by keeping quiet in court.

### **Inattentive and Unsupportive Legal Representation**

Focus groups participants, individual interviewees, and parents maintained that defense counsels were unsupportive, were too busy and/or did not listen to them. This perspective was raised throughout many different interviews.

A couple of youth complained that their lawyers just gave them instructions and were uninterested in what they had to say. A couple of participants indicated their lawyers had worked out deals prior to their court dates. Another issue that came up was some of the defense attorneys did not communicate with the youth’s parents, and they believed that language barriers contributed to this practice.

Some youth and their families had troubles finding legal representation.

“We decided to leave the police department and look for the lawyer. Most of the support we are getting from community and friends. Finding a lawyer was the hard part.” One participant received a court appointed lawyer since his family did not have the resources for legal representation.

### **Lack of Compassion in the Judicial System**

Lack of understanding of how the judicial system operates is a barrier that is further exacerbated by

*“I am the first person in my family to have to get arrested, by the court, the whole thing is new to [my parents]. You know, and they don’t know anything about it. They barely speak the language so for them to come to court, you know, all of the time they were just sitting down and not saying one thing. When the judge asked for questions you had, they never asked anything. Sometimes they had a translator, but they never really understood the whole situation.”*

language access and cultural issues. This was a consistent theme for many participants. Several youth and parent participants revealed that they or their family members did not understand the American justice system, the judicial process, or their legal rights. Further, they described that no one was available to explain these processes or the nuances of the system.

Another issue that posed some barriers for many of the same individuals and families was language. “I am the first person in my family to have to get arrested, by the court, the whole thing is new to [my parents]. You know, and they don’t know anything about it. They barely speak the language so for them to come to court, you know, all of the time they were just sitting down and not saying one thing. When the judge asked for questions you had, they never asked anything. Sometimes they had a translator, but they never really understood the whole situation.” Even when translation services were available, there were problems. Language obstacles coupled with cultural issues provided a daunting challenge for some individuals and their families.

While some youth confronted some challenges, others were more comfortable in court. Several youth and parents believed that they understood the court process or that they had a family member who understood the process who could guide them. Some participants noted the support Native American youth received in the court.

*“I think that was the least favorite part about court—having your parents see you that way, you know what I mean, and you know, standing in front of a judge.”*



### **Lack of School Support**

Youth expressed how schools and teachers did not reach out to them once they started their journeys through the judicial process. Several youth mentioned that their relationships with their respective schools became strained once they entered the juvenile justice system. Youth indicated their attitudes towards school changed for the worse after getting involved in the justice system and some youth stopped attending school as a result of feeling stigmatized for juvenile delinquency.

### **Desired Family Involvement in the Court Process**

Many participants mentioned that it was important to have their families’ support during the court process. Other participants stated that their family members were not given the opportunity to participate in the court process or give input.

Despite the desire to have their parents present and involved, youth and parents both indicated it was hard for family members to see youth go through the court process. One youth said, “I think that was the least favorite part about court—having your parents see you that way, you know what I mean, and you know, standing in front of a judge.” Likewise, participants discussed how embarrassed they were that their families saw them in court. One participant characterized the experience as humbling.

## V. Deep End/Confinement

In this section of the report, RRI for **detention, probation**,<sup>20</sup> and **commitment** are presented. In addition, interview findings that address youth of color’s perceptions about probation and commitment are included. Finally, findings from data drill down centered on characteristics that might explain the disproportionality at the detention contact point are presented.

### What Are the Perspectives of Youth and Parents of Color on Their Experiences with Probation?

It is worth noting DMC is not evident at the probation contact point. However, the interview protocol invited youth and families of color to describe their experiences at all contact points. Interview subjects were asked to describe their relationship with their Juvenile Community Corrections Officers (JCCOs). Responses can be categorized into the following overlapping themes:

- **The Importance of the Relationship with the JCCO.** While most youth had uneasy relationships with their JCCOs, some interviewed praised their JCCOs.
- **Differential Treatment Based on Race.** Several youth of color stated that they believe that JCCOs treat white youth more favorably.

#### The Importance of Relationship with the JCCO

From the perspective of youth, the quality of the relationship with the JCCO varied according to geography and specific staff. The majority of youth of color and their families described their relationships as poor. Some respondents felt this difference was indeed related to race and described JCCOs as disrespectful. Most participants interviewed indicated that their JCCOs were not helpful or supportive or did not advocate for them. One focus group member indicated, “I feel like they are judging you just by the color of your skin or by where you grew up or by your culture or by some type of thing. But they are judging you before they know you.” One youth described how his JCCO asks a lot of questions but does not provide him with feedback summarizing his findings and recommendations. Several participants expressed fear and anxiety related to their relationships with their JCCOs. Given the role of the JCCO, some may argue some fear or anxiety related to engaging with correctional staff is

*“I feel like they are judging you just by the color of your skin or by where you grew up or by your culture or by some type of thing. But they are judging you before they know you.”*

typical. However, this fear and anxiety may be exacerbated due to race. Participant experiences varied across JCCOs, but the relationship with the JCCO was consistently cited as an important factor.

As mentioned, not all respondents were critical of their JCCOs. In fact, when they believe that unfair racial treatment is factored out, they had a more pleasant experience.

<sup>20</sup> RRI rates are provided for contact points where DMC was found to be statistically significant. No DMC was evident at probation, thus no findings for that decision point are included here.

Some participants praised their JCCOs and found the relationships that they had with JCCOs as supportive. One youth shared: “My JCCO, he was pretty cool. He really wanted to get to know me.”

*“I messed up one day [while on probation]. I went to court and I got arrested. I came out three days later and that [white] kid was still doing the same thing [even though we were arrested for the same thing]. He went to court and they let him go.”*

committed the same crimes. “I messed up one day [while on probation]. I went to court and I got arrested. I came out three days later and that [white] kid was still doing the same thing [even though we were arrested for the same thing]. He went to court and they let him go.” Some participants indicated that youth of color and specifically immigrant youth were treated differently. Those participants believed that their JCCOs did not care for youth of color.

While this feeling was not shared by the majority of youth interviewed, it was nevertheless voiced by several of respondents. One youth acknowledged how his JCCO went above and beyond by helping him with his transportation challenges.

#### **Differential Treatment Based on Race**

Several youth mentioned that their JCCOs treated white youth on probation more favorably. One participant described that white youth and youth of color were treated differently even when they





## What Is the Rate of Disproportionality for Detention?

- *Androscoggin, All Youth of Color*

Youth of color were detained at two times the rate of white youth in 2011.

- *Androscoggin, Black/African American Youth*

For the last two years of analysis, Black/African American youth were detained at a higher rate than white youth. For the last year of analysis, the Black/African American detention rate was one-and-three-quarter times the rate of white youth.

- *Aroostook, All Youth of Color*

Youth of color were detained at more than two-and-a-quarter times the rate of white youth in the last year of analysis. In the year prior, rates for youth of color and white youth were similar, and prior to that there were an insufficient number of cases for analysis.

- *Cumberland, All Youth of Color*

Youth of color were detained at a higher rate compared to white youth for the last four years of analysis. Over those four years, the rate increased; in the last year of analysis youth of color were detained at more than two times the rate of white youth

- *Cumberland, Black/African American Youth*

Black/African American youth were detained at a higher rate than white youth for five of the six years of analysis. Between 2008 and 2011 the Black/African American rate ranged from about one-and-a-half to two times the rate of white youth. In the last year of analysis, the detention rate for Black/African American youth was one-and-three-quarter times the rate of white youth.

- *Kennebec, All Youth of Color*

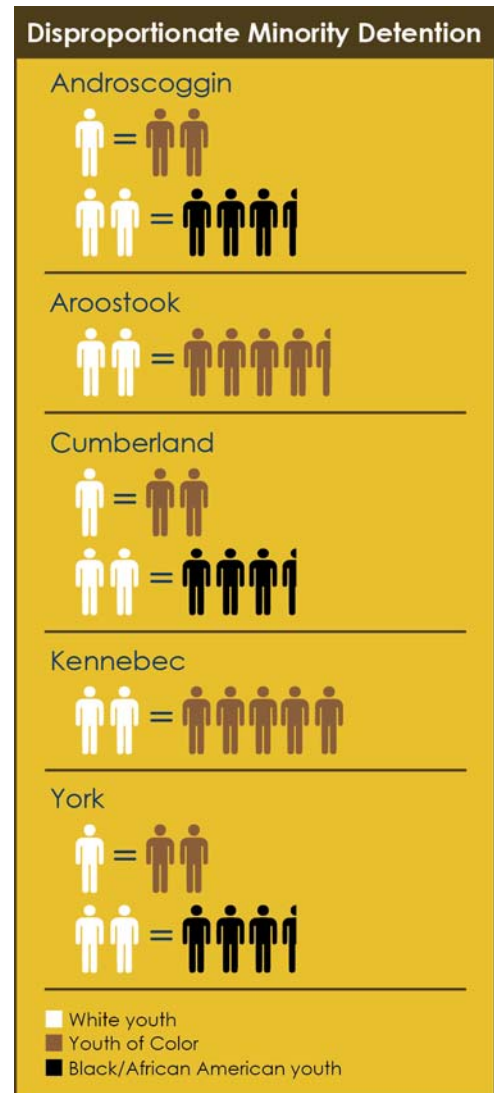
In the last three years of analysis, youth of color were detained at more than twice the rate of white youth. In the last year of analysis, the rate for youth of color was over two-and-a-half times the rate of white youth. In the three years prior, rates were not statistically different.

- *York, All Youth of Color*

Detention rates were higher for youth of color than for white youth in all six years. In the last year of analysis, the detention rate for youth of color was two times the rate of white youth.

- *York, Black/African American Youth*

In the last year of analysis, Black/African American youth were detained at more than one-and-three-quarter times the rate of white youth. In the year prior, the rates were similar. Prior to that there were an insufficient number of cases for analysis.



## What Is the Rate of Disproportionality for Commitment?

- *Androscoggin, All Youth of Color*

In the last year of analysis, youth of color were committed to secure facilities at twice the rate of white youth.

- *Cumberland, All Youth of Color*

Youth of color were committed at more than twice the rate of white youth for the last two years of analysis. In the last year of analysis, the rate for youth of color was more than two-and-a-quarter times the rate of white youth. Prior to that, rates were similar.



## What Are the Perspectives of Youth and Parents of Color on Their Experiences with Detention and Commitment?

Interview subjects were asked to describe their relationship with facility staff at LCYDC. Responses can be categorized into the following overlapping themes:

- **Differential Treatment and Access to Services Based on Race.** Many youth felt that LCYDC staff were unfair and judgmental towards them due to their race. Some interviewees claim they received longer stays than white youth.
- **The Importance of Relationship with LCYDC Staff.** Some youth interviewed praised some of the LCYDC staff.
- **Committed Youth Need Improved Counseling and Reentry Support.** Some youth and family members mentioned the need for more and better counseling services.
- **Detained Youth Need More Services.** Many interviewees mentioned that committed youth receive more services than those that are detained. Counseling and the Need for Other Services.

### Differential Treatment and Access to Services Based on Race

Participants felt that youth of color did not receive similar programming/treatment compared to white youth. “[T]hey give the white people the program over the Black people.” The perception held among youth of color, especially Black males, is that white youth get preferential treatment when it comes to scarce programming within facilities and for release to residential programs (i.e. substance abuse treatment) even when white youth and youth of color have committed similar offenses. Other comments included that it is hard to file a grievance at LCYDC and rules (in general) are applied inconsistently.

The majority felt that their treatment by LCYDC staff was not fair and that staff members were judgmental towards them due to their race.

Youth felt that staff members stick together and retaliate if a resident accuses one of them of doing something. One youth shared that staff does not like youth of color “sticking together”.

Fairness was a dominant theme when it came to commitment. Participants offered that they believe youth of color receive longer stays compared to white youth for similar offenses. Youth felt strongly that youth of color are more readily targeted by law enforcement and hence have a greater chance of

*"[T]here seems to be more African children at Long Creek than other races. There are more immigrant kids in my experience at Long Creek."*

receiving a sentence of commitment. Some point to the fact that there are disproportionately more youth of color at LCYDC. "[T]here seems to be more African children at Long Creek than other races. There are more immigrant kids in my experience at Long Creek." Some described that youth of color are stereotyped leading to the perception among committed youth of color that they are treated differently. A number of youth suggested that their experiences with

confinement were negative or that there was very little support offered.

### **The Importance of Relationship with LCYDC Staff**

Similar to their experiences with JCCOs, there were mixed responses about relationships with LCYDC staff. Not all the comments about LCYDC staff were negative nor did any youth express that belief that all staff engaged in differential treatment based on race. While participants were able to give several detailed examples to illustrate racial bias in policy or by some staff, they were also able to describe the differences it made when they received fair treatment. Youth mentioned that LCYDC had some good staff members. One youth said that the experience was not as bad as expected. Another youth expressed that LCYDC staff members in general were doing its best. Several youth who were interviewed in the community spoke retrospectively about their experiences at Long Creek. Several of them indicated that they were treated respectfully while they were at LCYDC, that services were good, and that they learned a lot from the LCYDC staff. One participant described the counseling he received as helpful. Finally one parent suggested race was not playing a part in her/his child's treatment at LCYDC. "[Y]eah because I had to go through other things where I know that the race card was played. But as far as what he is going through now, they are treating him just like everybody else."

*"[Y]eah because I had to go through other things where I know that the race card was played. But as far as what he is going through now, treating him just like everybody else."*

### **Committed Youth Need Improved Counseling and Reentry Support**

Some youth commented on counseling services and described what makes a good or bad counselor at LCYDC and that counseling was helpful. One parent stated that youth in the criminal justice system need more counseling and substance abuse and re-entry services. The same parent stated that LCYDC does not transform youth.

### **Detained Youth Need More Services**

Youth and parents stated committed and detained youth are treated differently. One parent said his/her child was getting used to life in detention—an interesting comment given that detention is supposed to



be relatively short in duration. One youth indicated he learned a lot from other detained youth, though it was unclear whether this was a good or bad thing.

### Are There Differences in Reasons for Detention?

The next phase of analysis builds upon the RRIs in order to explore how disproportionality is occurring. While different counties showed disproportionate contact at different contact points at different times, there was one contact point—detention—at which there appeared to be widespread disproportionate contact in the most recent time period.<sup>21</sup> Furthermore, in the remaining county there were not enough detention data to analyze reliably, but disproportion nevertheless appeared to be present. Finally, there was disproportion at the statewide level. The statewide RRI for Black/African American youth was 2.01, meaning these youth were twice as likely as white youth to be detained. The statewide RRI for all youth of color was 2.18. These findings make the detention contact point a good candidate for further analysis.

Further analysis is necessary because disproportionality by itself does not show that there was

disparity in treatment between white youth and youth of color. There may, in fact, be differences between these groups other than race/ethnicity that explain the disproportionate contact—differences in age, gender, offense type, or offense class. If, for instance, youth of color are more apt to enter the juvenile justice system with more serious offenses than their white counterparts, then this factor may explain their over-representation at each subsequent point of contact. The following analysis compares white youth and youth of color to see if there are group differences in age, gender, offense type, and offense class at referral—differences which may explain the disproportionality.

#### Referral Analysis

The dataset used for this analysis included 16,188 records of youth who were referred between 2010 and 2012. Of these records, 176 were missing information, leaving 16,012 records for analysis.

Disproportionality by itself does not show that there was disparity in treatment between white youth and youth of color. There may be differences between these groups other than race/ethnicity that explain the disproportionate contact.

There was clear disproportionality at the detention point in five of the six counties that were analyzed separately, and in the remaining county there were not enough detention data to analyze reliably, but disproportion nevertheless appeared to be present.

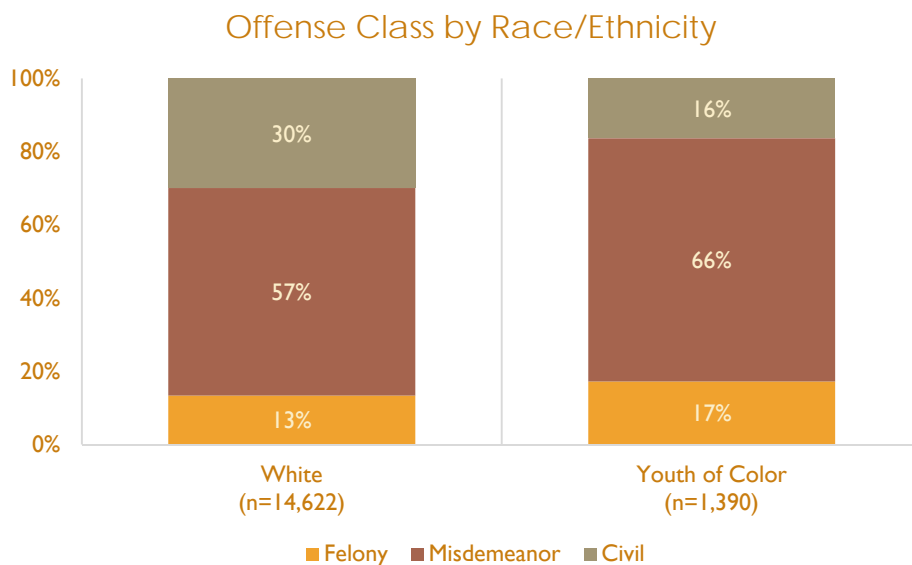
Approximately 91% (n=14,622) of these records were for white youth while 9% (n=1,390) were for youth of color.

#### Offense Class

The majority of referred youth, 58%, were referred for misdemeanor offenses. Another 29% were referred for civil offenses. The remaining 14% were referred for felony offenses. There were, however, differences by race/ethnicity. White youth were more likely than youth of color to be referred for civil offenses.

<sup>21</sup> This is the 2011 time period, which is the average of years 2010 to 2012.

Approximately 30% of white youth were referred with civil offenses, while 16% of youth of color were referred with the same.



This is an important finding since youth with civil offenses are rarely held in detention. Since a greater proportion of white youth were referred for civil offenses, it is reasonable that a greater proportion of white youth will be diverted and a greater proportion of youth of color will be detained. The difference in offense class at referral explains part of the disproportionality at the detention point. In order to explore how much it explains, all records for civil offenses were removed from the referral and detained datasets and the remaining cases were analyzed. The statewide RRI using all data was 2.01 for Black/African American youth and 2.18 for all youth of color; the statewide RRI with civil offenses removed was 1.60 for Black/African American youth and 1.83 for all youth of color. Some, but not all, of the disproportionality at detention is explained by a difference in offense class.

White youth were more likely than youth of color to be referred for civil offenses. With civil cases eliminated, the distribution between misdemeanor and felony offenses was the same for white youth and youth of color.

With civil cases eliminated, there is no statistically significant difference between white youth and youth of color in the distribution between misdemeanor and felony offenses at referral. Approximately 81% of the remaining cases are for misdemeanor offenses and 19% are for felonies.

Some, but not all, of the disproportionality at detention is explained by a difference in offense class.

In addition to offense class, there may be other differences at the referral point that influence detention, such as age, gender, and offense type. Researchers analyzed each of these variables. Since youth referred with civil offenses are almost always diverted, the remaining variables will be explored using only those records with misdemeanor and felony offenses (n=11,407).

On average, white youth were 15.3 years of age at offense, while youth of color were slightly younger, at 15.1 years of age.

### Age

The average age of referred youth was 15.3, but there was a small, statistically significant difference between white youth and youth of color.<sup>22</sup> White youth were 15.3 years of age at offense, while youth of color were slightly younger, at 15.1 years of age. This is a

difference of approximately 3 months. Only if there is a tendency to detain younger youth on the basis of their age would this explain a piece of the disproportionate contact at the detention contact point.

### Gender

Approximately 28% of referred youth were female, but there was a statistically significant difference between white youth and youth of color.<sup>23</sup> Approximately 29% of the white youth were female, while 24% of youth of color were girls. Since a higher proportion of youth of color are males and since males may be more likely to be detained, this difference in the gender distribution between white youth and youth of color may account for some of the disproportion between white youth and youth of color at the detention contact point.

A higher proportion of referred white youth were female (29%) compared to the proportion of referred youth of color who were female (24%).

In order to explore this, all girls were removed from the referral and detention datasets, and the remaining cases were analyzed. The statewide RRI (with no civil offenses) was 1.60 for Black/African American youth and 1.83 for all youth of color; the statewide RRI for males only was 1.61 for Black/African American youth and 1.74 for all youth of color. **Thus, focusing exclusively on males slightly increased the disproportionality for Black/African American youth and decreased it by a small amount for all youth of color.** The difference in gender distribution between white youth and youth of color at referral does not explain the disproportionality between white youth and youth of color at the detention contact point.

### Offense Type

The majority of referred youth (54%) were referred with property offenses, followed by personal offenses (29%), other offenses (11%), and drug/alcohol offenses (6%).

There were statistically significant differences by race.<sup>24</sup> Youth of color were more likely to have been referred with personal offenses and less likely to be referred for property or drug/alcohol offenses. They were just as likely to be referred with other offenses.

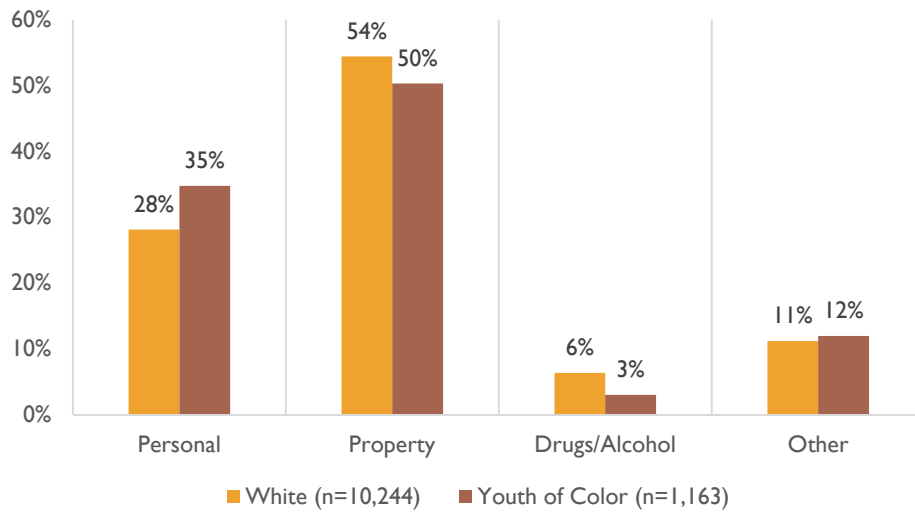
The disproportionality between white youth and youth of color at the detention contact point cannot be explained by gender distribution between white youth and youth of color at the point of referral.

<sup>22</sup> Independent t-test:  $t(1389.4) = 5.152, p < .001$

<sup>23</sup>  $\chi^2(1, 11,407) = 12.60, p < .001, \text{Phi} = .03$

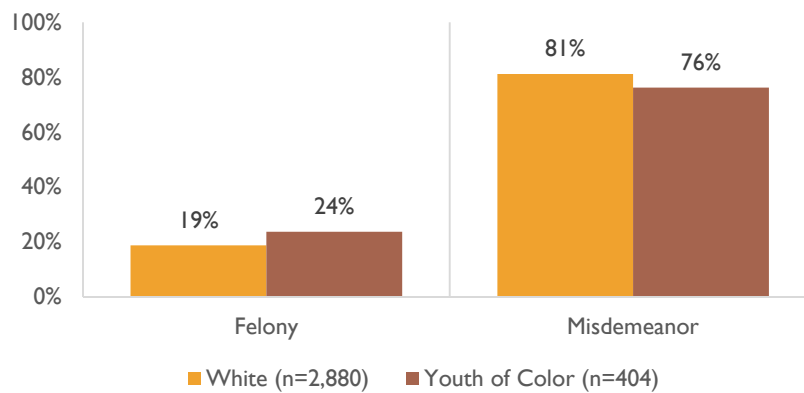
<sup>24</sup>  $\chi^2(3, 11,407) = 38.94, p < .001, \text{Phi} = .06$

### Referral Offense Type by Race/Ethnicity



Furthermore, the personal offenses for which youth of color were referred were slightly more likely to be felonies.<sup>25</sup> Approximately 24% of the personal offenses for which youth of color are referred are felonies, compared to 19% for white youth.

### Personal Offenses by Race/Ethnicity



This difference may appear to explain some of the disproportionality that exists at the detention contact point. Felonies are the most serious class of crime, and personal crimes have human victims. The youth who commit these crimes may pose more of a threat to society and thus may be more likely to be detained. However, the overall proportion of referred youth who committed personal felonies is small—less than 6% of all the referrals were for personal felonies.

Youth of color were more likely to have been referred with personal offenses and less likely to be referred for property or drug/alcohol offenses.

<sup>25</sup>  $\chi^2 (1, 3284) = 5.53, p = .019, \text{Phi} = .041$

It is unlikely that the unequal distribution of personal felonies between racial groups at the referral contact point explains much of the disproportion between racial groups at the detention contact point.

In order to explore this, all records containing personal felonies were removed from the referral and detention datasets, and the remaining cases were analyzed. The statewide RRI (no civil offenses) was

1.60 for Black/African American youth and 1.83 for all youth of color; the statewide RRI with personal felony offenses removed was 1.59 for Black/African American youth and 1.77 for all youth of color. Eliminating these most serious cases does not have much of an effect on the RRI.

A very small proportion of youth committed personal felonies. The difference in distribution between white youth and youth of color in this small group does not explain much of the disproportion between racial groups at the detention contact point.

The rate of contact for youth of color remains higher than the rate of contact for white youth. Differences between white youth and youth of color in terms of age, gender, offense type, and offense class do not adequately explain the disproportionality that occurs at the detention contact point. The following section of this report will explore detention further by taking a closer look at the types of detention.

### Detention Type Analysis

Youth who are detained must first be arrested then referred to a JCCO; following arrest and referral, youth may (or may not) be detained. This is the most direct route to detention, but there are several other, more circuitous, routes to detention:

- Youth who are referred to a JCCO may be released pending a court date. If they are released with conditions and violate them, they may subsequently be detained.
- Youth who are released, with or without conditions, may not show up for their court date. Failure to appear may result in the issuance of a bench warrant, and these youth may subsequently be held in detention pending their next court date.
- Youth who are given a court hearing may be adjudicated and given a determinate commitment, also referred to as a “shock sentence,” which is a period of detainment for up to 30 days.
- Youth who are given a court hearing may be adjudicated and given a disposition of probation. If youth violate the conditions of probation, they may subsequently be detained.

Differences between white youth and youth of color in terms of age, gender, offense type, and offense class do not adequately explain the disproportionality that occurs at the detention contact point.

Thus, the different pathways that led to detainment can be seen as different types of detention. This section of the report will

take a closer look at detention types in order to determine if there were differences by race/ethnicity. This analysis utilized a detention dataset from 2012 with 813 detailed records.

Of these, 1 record was missing race and ethnicity data, and 51 records were for other types of detention,<sup>26</sup> leaving 761 records for analysis.

The most frequently observed type of detention was probation violation (29%), followed by violations of conditional release (27%), shock sentences (23%), bench warrants (11%), and holds for new offenses (11%).

Detention Type	#	%
<b>Probation Violations (PV)</b>		
PV, new offense	(114)	(15%)
PV, tech only	(106)	(14%)
<b>PV Total</b>	<b>220</b>	<b>29%</b>
<b>Violations of Conditional Release (VCR)</b>		
VCR, new offense	(107)	(14%)
VCR, tech only	(97)	(13%)
<b>VCR Total</b>	<b>204</b>	<b>27%</b>
Shock sentence	172	23%
Bench warrant	82	11%
New offense	83	11%
<b>Total</b>	<b>761</b>	<b>100%</b>

There were, however, differences in these frequencies by race/ethnicity. Detained youth of color were more likely to be detained for bench warrants than white youth.<sup>27</sup> Approximately 15% of detained youth of color were detained on bench warrants, while 10% of white youth were detained for this reason.

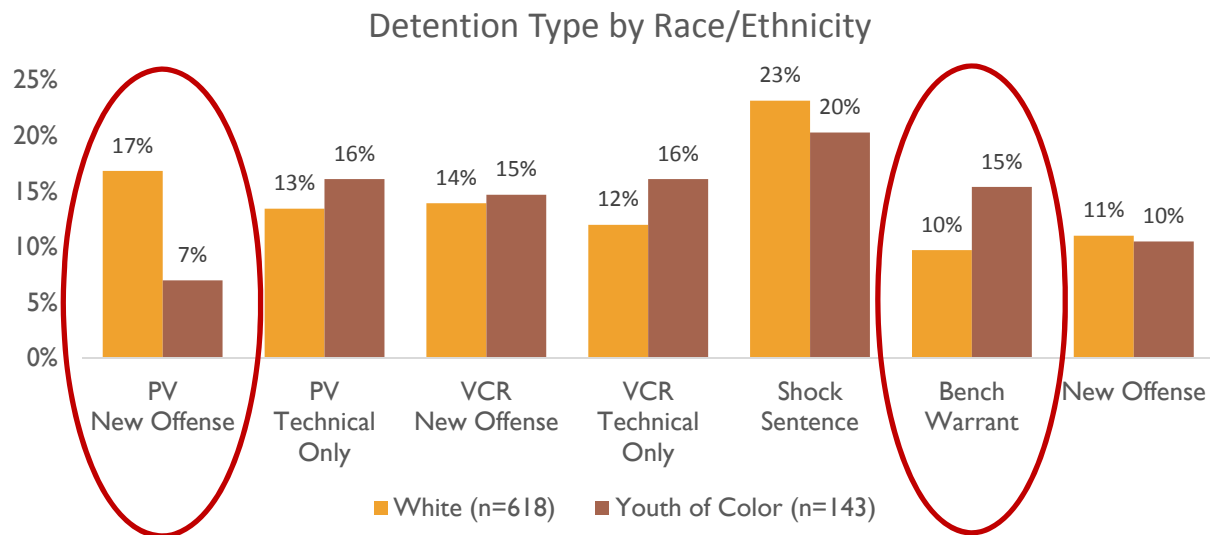
There are different types of detention denoting different pathways leading to detainment.

White youth who were detained were more likely than youth of color to be detained for new offenses while on probation.<sup>28</sup> Approximately 17% of white youth who were detained were detained for new offenses while on probation, while 7% of youth of color were detained for this reason.

<sup>26</sup> The other types of detention include court ordered continuances, bench warrants with a right to release, federal detentions, interstate compacts, and prosecutorial detention hearings. All of these categories contain fewer than 20 cases each and as a result could not be included in the analysis.

<sup>27</sup>  $\chi^2 (1, 761) = 3.89, p = .049, \text{Phi} = .072$

<sup>28</sup>  $\chi^2 (1, 761) = 8.82, p = .003, \text{Phi} = .108$



A ranking of the various types of detention by race/ethnicity likewise suggests that the gateways into detention are different for white youth and youth of color. Regardless of race/ethnicity, the most frequent gateway to detention is shock sentence, but after this category, the paths of white youth and youth of color diverge. Following shock sentences, white youth are next most likely to be detained for new offenses while on probation. Youth of color are next most likely to be detained for technical offenses while on probation and conditional release, followed by bench warrants. Bench warrants are the last gateway to detention for white youth.

- Gateways into detention are different for white youth and youth of color.
- Detained white youth were more likely than youth of color to be detained for new offenses while on probation.
- Detained youth of color were more likely than white youth to be detained for technical offenses.
- Detained youth of color were more likely than white youth to be detained for bench warrants.

White Youth			Youth of Color		
Detention Type	#	%	Detention Type	#	%
Shock Sentence	143	23%	Shock Sentence	29	20%
PV, New Offense	104	17%	PV, Technical Only	23	16%
VCR, New Offense	86	14%	VCR, Technical Only	23	16%
PV, Technical Only	83	13%	Bench Warrant	22	15%
VCR, Technical Only	74	12%	VCR, New Offense	21	15%
New Offense	68	11%	New Offense	15	10%
Bench Warrant	60	10%	PV, New Offense	10	7%
<b>Total</b>	<b>618</b>		<b>Total</b>	<b>143</b>	

In summary, this analysis fails to identify differences between referred white youth and referred youth of color that sufficiently explain their disproportionate representation in detention. The slight differences between racial groups in terms of age, gender, offense type, and offense class mitigate the RRI rates but only to a small degree. **The remaining difference in rates seems not to be explained by characteristics of the offender or offense.** Youth who share common characteristics in terms of the variables explored here nevertheless appear to have different outcomes—a higher proportion of youth of color are detained.

**Furthermore, there are racial differences in why youth are detained. White youth who are detained are more likely to be detained for committing new offenses while on probation, while youth of color are more likely to be detained on bench warrants.**



## VI. Youth and Family Recommendations

Participants were asked to reflect on what would be most helpful in keeping youth of color out of the juvenile justice system and what improvements they would like to see in the juvenile justice system. The responses (or suggestions for improvements) can be categorized into the following overlapping themes:

- 
- Desired Access to Community and School Support
  - Acknowledgement of Personal Responsibility and Skill Gaps
  - Desired Family Involvement and Support
  - Desired Reentry and Transition Support
  - Address Staff and Systematic Bias toward Youth of Color
  - Invest in System Reform
- 

### Desired Access to Community and School Support

Many participants mentioned that youth of color need ready access to job training and/or employment opportunities while they are under supervision and afterwards. Participants believe that developing these opportunities for success will keep youth of color out of the juvenile justice system. Participants also indicated mentors and role models would be helpful to keep youth out of trouble. **“They definitely, like, need mentors that will stay in touch with them. They need a community that supports them.”** Parents also expressed that young people need adults who “push” or encourage them. One youth opined that youth of color, and particularly refugee and immigrant youth, could benefit from having cultural brokers to bridge the gaps in culture and communication.

Youth also want assistance developing plans to go back to school and believe that there should be better school programs. Youth expressed that more academic and social supports in schools might keep some students engaged and in school.

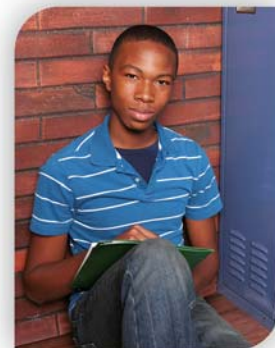
Participants suggested that community service and overall support from the community would be helpful. They want to be meaningfully involved in structured and engaging activities/pursuits that lead to positive outcomes. They also desire community support in the form of residential substance abuse counseling and felt that they were frequently overlooked for access to this support.

### Acknowledgement of Personal Responsibility and Skills Gaps

Youth suggested that they need to make good choices and use common sense moving forward. Youth acknowledged that they need the skills to make the right choices. Further, youth described the need to stay more positive and engaged in positive things to avoid getting into trouble again.

### Desired Family Involvement and Support

The family’s role in preventing further offending behavior was stressed by both youth and parents. Participants suggested that families need to be more involved and engaged in their children’s post-supervision lives. Participants suggested that the family can help the youth by providing structure and



routine after supervision ends. One parent said, “The biggest thing that would be helpful is something that can maintain some type of structure in their life.”

Youth shared that they miss their families while committed. Given their prior behavior, some youth mentioned that they need to earn their parents’ trust again.

Lastly, participants suggested that some parents, especially those who are not English proficient, need some assistance understanding the terms and conditions of their children’s release and re-entry plans following confinement. Parental support was raised as a possible strategy to help strengthen families who are caught in the cycle of oppression themselves.

### **Desired Reentry and Transition Support**

Youth said they need more follow-up services such as counseling and re-entry planning, some expressing that they did not feel prepared for life

outside the system or the anger they experienced as a result of living at LCYDC. Some expressed concern that lack of transitional support may lead some youth into the adult system. A parent was emphatic in stating several times that youth need more from probation services. This person went on to offer, “I would expect more support, more services. Support for him to go back to school, to get a job, even if they were independent, some support to keep them on the right track. What I get is, ‘Oh since you are doing good at home I don’t have to worry about you.’ This is the message that I kept getting—that the juvenile officer did not have to worry about him.”

*“I would expect more support, more services. Support for him to go back to school, to get a job, even if they were independent, some support to keep them on the right track. What I get is, ‘Oh since you are doing good at home I don’t have to worry about you.’ This is the message that I kept getting—that the juvenile officer did not have to worry about him.”*

### **Address Staff and Systemic Bias Toward Youth of Color**

Attitudinal changes about young people of color in the justice system need to happen according to youth. Youth described certain staff as punitive toward youth of color and expressed that a less threatening approach is needed. Youth believe that assumptions are made



about them after detention and commitment that are not helpful, and that viewing youth more positively would be more helpful. Some youth expressed the need to shift the workforce at LCYDC. They suggested that LCYDC should employ younger staff with similar life histories to those who are detained or committed whom they can look up to. Youth believe that more LCYDC positions, and other government jobs as well, should be available to people of color.

### **Invest in System Reform**

Reforming the system was consistently cited across youth and parents interviewed. Participants believed youth need more chances, more alternatives to probation and sentencing, probation over commitment, and shorter lengths of stay when commitment is meted out. At a more macro level, respondents suggested that the courts and the Department of Corrections do more to educate parents, especially those who may have language/cultural challenges, about system rules as a means of keeping them involved in their children’s lives. One parent opined that there should be youth-specific courts.

## VII. Conclusions

In summary, this research collectively confirms that disproportionate minority contact persists in Maine's juvenile justice system and that the majority of youth and families of color who were interviewed believe that they receive differential treatment based on race. These data are consistent with national trends relative to the juvenile justice system. The contributing factors to DMC are complex and therefore multidimensional solutions must also be pursued. Piloting and evaluating the impact of data-driven strategies to reduce DMC is essential to a system that ensures a fair, equitable, and responsive experience with the juvenile justice system for all Maine youth. Additionally, further qualitative and quantitative research and data analysis is needed to provide further direction on reducing disparities. Authors offer the following recommendations, based on the findings of this research.

### Recommendations

- **Develop, resource and implement a racial equity plan across Maine's juvenile justice system.** The causes and factors that contribute to disproportionality are layered and require a comprehensive, multidimensional and intersectional approach. Staying the course with such a plan requires vision, leadership, coordination, and community partnerships.
- **Create a youth and parent advisory committee to guide plan.** Virtually all youth and parents of color interviewed for this study were constructive and willing to offer ideas and insight on how to improve Maine's justice system. In order to reverse these trends and ensure youth and families experience a fair and balanced justice system, youth and parents of color must be engaged as partners in this work. Section VI of this report details recommendations from participants interviewed.
- **Invest in training staff and system actors across the juvenile justice system in bias.** Youth and families who were interviewed consistently described experiences of systemic bias and being treated differently from white youth based on race. While some bias may be explicit, implicit bias often drives decision-making. The concept of implicit bias is based on decades of research across multiple disciplines and holds that there are biases that operate outside of consciousness and which influence the perception and treatment of others even when decision-making is believed to be objective.<sup>29</sup> Training staff and systems in how to address implicit bias is an essential strategy in promoting racial equity.<sup>30</sup>

---

<sup>29</sup> For a full explanation of implicit bias, see the Kirwan Institute's *State of the Science: Implicit Bias Review 2014*: <http://kirwaninstitute.osu.edu/wp-content/uploads/2014/03/2014-implicit-bias.pdf>

<sup>30</sup> For an explanation of how implicit bias relates to court systems see The National Center for State Courts' *Helping courts Address Implicit Bias* report: <http://www.ncsc.org/~media/Files/PDF/Topics/Gender%20and%20Racial%20Fairness/Implicit%20Bias%20FAQs%20rev.ashx>

- **Develop a workforce development strategy to diversify Maine's correctional workforce.** Youth and families consistently raised the importance of hiring younger staff with similar life histories to those who are detained or committed whom they can look up to. Youth believe that more LCYDC positions, and other government jobs as well, should be available to people of color.
- **Pilot data-driven strategies to promote racial equity in the juvenile justice system and monitor data to ensure desired results.** For example, based on this research, youth of color are more likely to be detained on a bench warrant than white youth for failure to appear in court. Accordingly, a strategy to support youth of color in making their court appearances and preventing bench warrants should yield more parity in the results. Further development of this strategy requires a factor analysis of this issue and additional analysis to answer questions not answered by this research, such as: *Are youth of color more likely than white youth to fail to appear for court or are they more likely to have bench warrants issued for them when they do? If youth of color are more likely than white youth to fail to appear for court, why is this so?*
- **Explore the relationship between school discipline and referrals which lead to contact with the juvenile justice system in Maine (sometimes referred to as the school to prison pipeline).** Youth and parents frequently cited social and academic challenges at school and school discipline as contributing factors that led to their justice involvement. Racial achievement gaps and disparities in discipline exist in our education system and more research should be done to explore the degree to which they persist in Maine.
- **Explore the degree to which differences in pathways to detention are the result of youth behavior or detention decisions.** For example, explore whether youth of color are more likely to engage in behaviors that result in technical violations while on probation and conditional release, or whether they are more likely to be detained for them.

## VIII. Bibliography

- Annie E. Casey Foundation. *Race for Results: Building a Path to Opportunity for All Children*. Baltimore, MD: Annie E. Casey Foundation, 2014. <http://www.aecf.org/resources/race-for-results/>
- Annie E. Casey Foundation. *Using Data to Identify, Analyze and Reduce Racial and Ethnic Disparities (Draft)*. Baltimore, MD: Annie E. Casey Foundation, 2014.
- Council of State Governments Justice Center and Public Policy Research Institute. *Breaking Schools' Rules: A Statewide Study of How School Discipline Relates to Students' Success and Juvenile Justice Involvement*. New York: Council of State Governments Justice Center, 2011. [http://issuu.com/csgjustice/docs/breaking\\_schools\\_rules\\_report\\_final-1/3?e=2448066/1603396](http://issuu.com/csgjustice/docs/breaking_schools_rules_report_final-1/3?e=2448066/1603396)
- Creswell, John W. *Qualitative Inquiry and Research Design: Choosing Among Five Approaches*, 2<sup>nd</sup> Ed. (Thousand Oaks, CA: SAGE Publications, 2007), 125-129.
- Justice Policy Institute. *Sticker Shock: Calculating the Full Price Tag for Youth Incarceration*, 2014. [http://www.justicepolicy.org/uploads/justicepolicy/documents/sticker\\_shock\\_final\\_v2.pdf](http://www.justicepolicy.org/uploads/justicepolicy/documents/sticker_shock_final_v2.pdf)
- Kirwan Institute. *State of the Science: Implicit Bias Review*, 2014. <http://kirwaninstitute.osu.edu/wp-content/uploads/2014/03/2014-implicit-bias.pdf>
- National Center for State Courts. *Helping courts Address Implicit Bias*. <http://www.ncsc.org/~media/Files/PDF/Topics/Gender%20and%20Racial%20Fairness/Implicit%20Bias%20FAQs%20rev.ashx>
- Noreus, Becky, Teresa Hubley, and Michael Rocque. *Disproportionate Minority Contact in Maine: DMC Assessment and Identification*, (Portland, ME: Muskie School of Public Service, 2009). [http://muskie.usm.maine.edu/justiceresearch/Publications/Juvenile/Juvenile\\_DMC\\_AssessmentandIdentificationReport2009.pdf](http://muskie.usm.maine.edu/justiceresearch/Publications/Juvenile/Juvenile_DMC_AssessmentandIdentificationReport2009.pdf)
- Rocque, Michael, Brandon C. Welsh, Peter W. Greenwood, and Erica King. "Implementing and Sustaining Evidence-Based Practice in Juvenile Justice: A Case Study of a Rural State," *International Journal of Offender Therapy and Comparative Criminology* 58, no. 9 (2013): 1033-1057.
- U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention. *Disproportionate Minority Contact Technical Assistance Manual, 4<sup>th</sup> Edition*, (Washington, DC: U.S. Department of Justice). [http://www.ojjdp.gov/compliance/dmc\\_ta\\_manual.pdf](http://www.ojjdp.gov/compliance/dmc_ta_manual.pdf)

## IX. Appendix – County Analysis

### Androscoggin, All Youth of Color

	Rolling RRs <sup>†</sup>					
	2006	2007	2008	2009	2010	2011
2. Juvenile Arrests	<b>1.78</b>	<b>1.77</b>	<b>2.06</b>	<b>1.99</b>	<b>2.08</b>	<b>2.11</b>
3. Referred to JCCO	1.24	1.24	1.20	1.12	1.05	0.96
4. Cases Diverted	<b>0.61</b>	<b>0.60</b>	<b>0.55</b>	<b>0.50</b>	<b>0.49</b>	<b>0.52</b>
5. Cases Involving Secure Detention	<b>1.57</b>	1.38	1.32	<b>1.45</b>	<b>1.69</b>	<b>2.02</b>
6. Cases Petitioned	1.11	1.18	1.18	1.15	<b>1.26</b>	<b>1.25</b>
7. Cases Resulting in Delinquent Findings	0.98	0.82	0.81	0.82	0.78	0.73
8. Cases Resulting in Probation Placement	0.91	0.85	0.94	1.36	<b>1.74</b>	1.44
9. Cases Resulting in Confinement	1.22	1.35	<b>1.68</b>	1.68	2.02	<b>2.21</b>
10. Cases Transferred to Adult Court	**	**	**	**	**	**

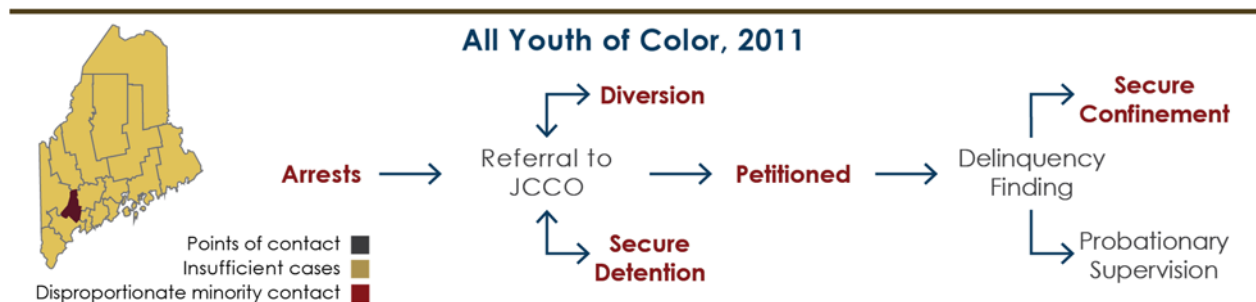
**Bold Red** = Statistically significant results

\*\* Insufficient number of cases for analysis

\* Group is less than 1% of the youth population

† The label for rolling RRs is the midpoint year

- The **arrest** rate of youth of color relative to white youth increased from 2006 to 2011. For the last two years of analysis, youth of color were arrested at more than twice the rate of white youth.
- Youth of color were **diverted** at about half the rate of white youth.
- Youth of color were **detained** at two times the rate of white youth in the last year of analysis.
- Youth of color were **petitioned** at one-and-a-quarter times the rate of white youth for the last two years of analysis.
- Youth of color were placed on **probation** at similar rates to white youth except for one year, 2010, in which the probation rate for youth of color was .74 times higher than the rate of white youth.
- Youth of color were **committed** to secure facilities at twice the rate of white youth in the last year of analysis.



## Androscoggin, Black/African American

	Rolling RRs†					
	2006	2007	2008	2009	2010	2011
2. Juvenile Arrests	<b>3.63</b>	<b>3.48</b>	<b>3.84</b>	<b>3.27</b>	<b>3.21</b>	<b>3.16</b>
3. Referred to JCCO	1.01	1.04	0.97	0.95	0.93	0.90
4. Cases Diverted	<b>0.54</b>	<b>0.50</b>	<b>0.46</b>	<b>0.41</b>	<b>0.39</b>	<b>0.40</b>
5. Cases Involving Secure Detention	<b>1.64</b>	1.38	1.40	1.37	<b>1.60</b>	<b>1.78</b>
6. Cases Petitioned	1.10	1.18	1.25	1.25	<b>1.34</b>	<b>1.33</b>
7. Cases Resulting in Delinquent Findings	1.03	0.82	0.81	0.79	0.76	<b>0.72</b>
8. Cases Resulting in Probation Placement	0.70	**	0.88	1.11	1.55	1.38
9. Cases Resulting in Confinement	1.18	1.20	1.59	1.61	1.87	2.00
10. Cases Transferred to Adult Court	**	**	**	**	**	**

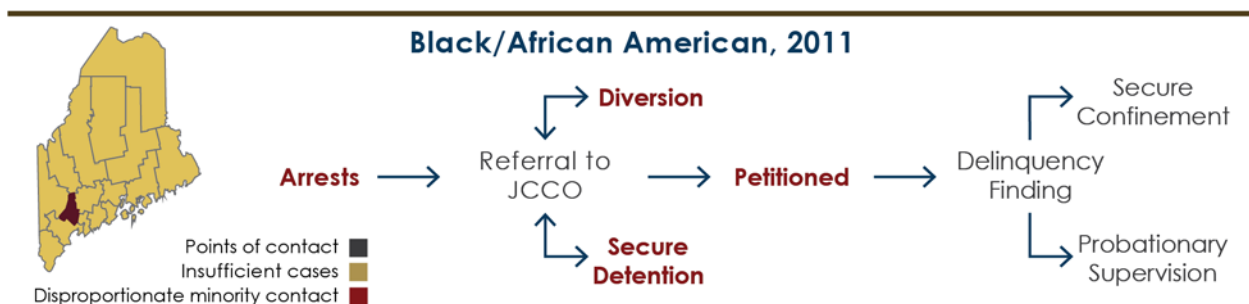
**Bold Red** = Statistically significant results

\* Group is less than 1% of the youth population

\*\* Insufficient number of cases for analysis

† The label for rolling RRs is the midpoint year

- Black/African American youth were **arrested** at more than three times the rates of white youth for all six years of analysis.
- Black/African American youth were **diverted** at a lower rate than white youth. For the last four years of analysis, Black/African American youth were diverted at less than half the rate of white youth.
- For the last two years of analysis, Black/African American youth were **detained** at a higher rate than white youth. For the last year of analysis, the Black/African American detention rate was one-and-three-quarter times the rate of white youth.
- For the last two years of analysis, Black/African American youth were **petitioned** at one-and-a-third times the rate of white youth.
- Black/African American youth were **adjudicated** at a lower rate than white youth for the last year of analysis (a positive finding).





## Aroostook, All Youth of Color

	Rolling RRIs <sup>†</sup>					
	2006	2007	2008	2009	2010	2011
2. Juvenile Arrests	<b>0.48</b>	<b>0.54</b>	<b>0.44</b>	<b>0.46</b>	<b>0.39</b>	<b>0.44</b>
3. Referred to JCCO	**	**	**	**	**	**
4. Cases Diverted	0.93	0.79	0.93	0.78	0.70	0.66
5. Cases Involving Secure Detention	**	**	**	**	1.58	<b>2.29</b>
6. Cases Petitioned	1.10	1.09	1.23	0.96	0.88	0.80
7. Cases Resulting in Delinquent Findings	0.69	0.81	0.85	**	**	**
8. Cases Resulting in Probation Placement	**	**	**	**	**	**
9. Cases Resulting in Confinement	**	**	**	**	**	**
10. Cases Transferred to Adult Court	**	**	**	**	**	**

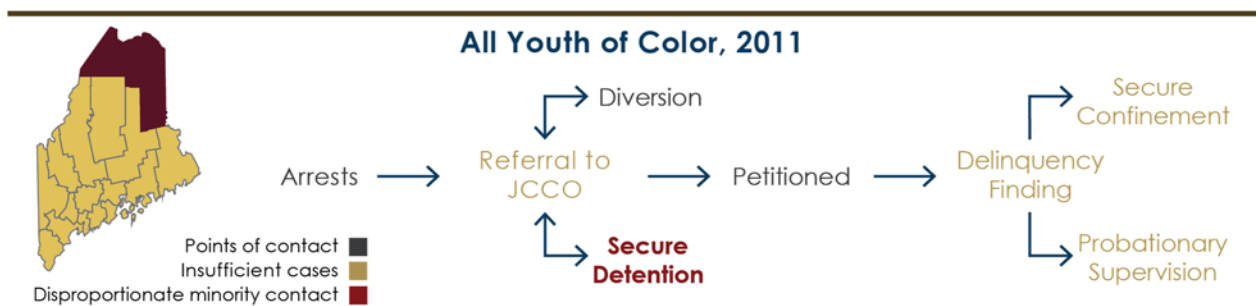
**Bold Red** = Statistically significant results

\*\* Insufficient number of cases for analysis

\* Group is less than 1% of the youth population

† The label for rolling RRIs is the midpoint year

- Youth of color were **arrested** at a lower rate than white youth for all six years of analysis (a positive finding).
- Youth of color were **detained** at more than two-and-a-quarter times the rate of white youth in the last year of analysis. In the year prior, rates for youth of color and white youth were similar, and prior to that there were an insufficient number of cases for analysis.
- Note:** Arrest data do not include arrests made by tribal police. This means that the numbers reported for Native American arrests are an undercount and do not represent all arrests of Native American youth. This, in turn, results in a reported RRI for Native American youth arrests that is lower than the true rate.<sup>31</sup>



<sup>31</sup> Previous attempts to obtain arrest data for Native American youth in order to include these numbers in DMC reports have been unsuccessful.

## Cumberland, All Youth of Color

	Rolling RRs†					
	2006	2007	2008	2009	2010	2011
2. Juvenile Arrests	0.86	0.89	<b>0.79</b>	<b>0.72</b>	<b>0.72</b>	<b>0.71</b>
3. Referred to JCCO	<b>2.21</b>	<b>2.04</b>	<b>1.88</b>	<b>1.57</b>	<b>1.51</b>	<b>1.51</b>
4. Cases Diverted	<b>0.54</b>	<b>0.50</b>	<b>0.54</b>	<b>0.59</b>	<b>0.61</b>	0.76
5. Cases Involving Secure Detention	0.96	1.14	<b>1.37</b>	<b>1.91</b>	<b>1.96</b>	<b>2.11</b>
6. Cases Petitioned	0.95	1.00	1.10	<b>1.22</b>	<b>1.17</b>	1.10
7. Cases Resulting in Delinquent Findings	0.85	0.77	0.78	0.85	0.86	1.02
8. Cases Resulting in Probation Placement	0.91	0.96	1.04	1.14	1.17	1.07
9. Cases Resulting in Confinement	1.27	1.42	1.78	1.40	<b>2.15</b>	<b>2.29</b>
10. Cases Transferred to Adult Court	**	**	**	**	**	**

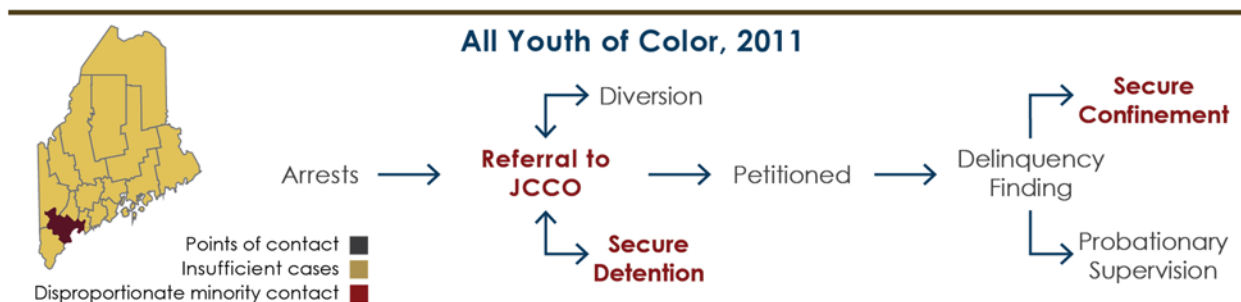
**Bold Red** = Statistically significant results

\*\* Insufficient number of cases for analysis

\* Group is less than 1% of the youth population

† The label for rolling RRs is the midpoint year

- Youth of color were **arrested** at a lower rate than white youth for the last four years of analysis. Prior to that, arrest rates were not statistically different for youth of color and white youth (a positive finding).
- Youth of color were **referred** at a higher rate than white youth, but the rate declined between 2006 and 2011. By the last year of analysis, the rate of referral for all youth of color was one-and-a-half times the rate of white youth.
- Youth of color were **diverted** at about half the rate of white youth for the first three years of analysis, but the rate increased and was no longer statistically different by the last year of analysis.
- Youth of color were **detained** at a higher rate compared to white youth for the last four years of analysis. Over those four years, the rate increased; in the last year of analysis, youth of color were detained at more than two times the rate of white youth.
- **Petition** rates were not statistically different for youth of color and white youth for four of the six years of analysis. For two of the years, 2009 and 2010, youth of color were petitioned at about-one-and-a-fifth times the rate of white youth.
- Youth of color were **committed** at more than twice the rate of white youth for the last two years of analysis. In the last year of analysis, the rate for youth of color was more than two-and-a-quarter times the rate of white youth. Prior to that, rates were similar.



## Cumberland, Black/African American

	Rolling RRs†					
	2006	2007	2008	2009	2010	2011
2. Juvenile Arrests	<b>1.90</b>	<b>1.92</b>	<b>1.63</b>	<b>1.44</b>	<b>1.35</b>	<b>1.31</b>
3. Referred to JCCO	<b>1.78</b>	<b>1.66</b>	<b>1.55</b>	<b>1.25</b>	<b>1.31</b>	<b>1.32</b>
4. Cases Diverted	<b>0.48</b>	<b>0.39</b>	<b>0.37</b>	<b>0.38</b>	<b>0.45</b>	<b>0.57</b>
5. Cases Involving Secure Detention	1.02	<b>1.29</b>	<b>1.54</b>	<b>2.05</b>	<b>1.62</b>	<b>1.78</b>
6. Cases Petitioned	0.94	1.02	1.18	<b>1.38</b>	<b>1.29</b>	1.23
7. Cases Resulting in Delinquent Findings	0.82	0.75	0.75	0.81	0.81	0.95
8. Cases Resulting in Probation Placement	**	0.93	1.01	1.05	**	**
9. Cases Resulting in Confinement	**	1.66	<b>2.11</b>	1.72	**	**
10. Cases Transferred to Adult Court	**	**	**	**	**	**

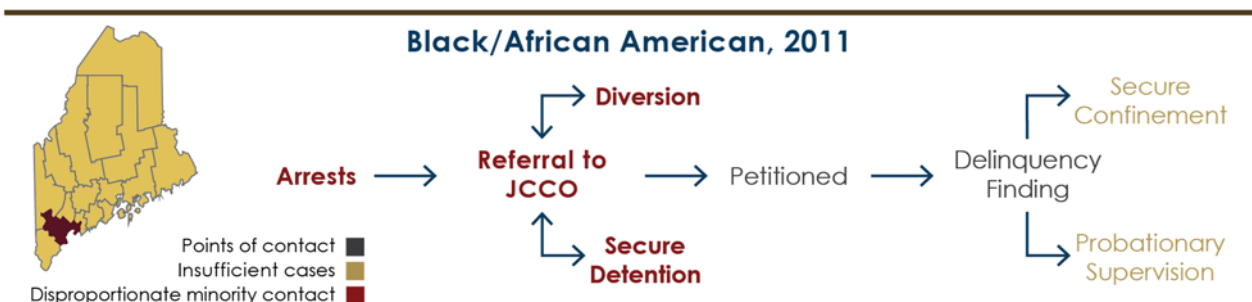
**Bold Red** = Statistically significant results

\*\* Insufficient number of cases for analysis

\* Group is less than 1% of the youth population

† The label for rolling RRs is the midpoint year

- Black/African American youth were **arrested** at a higher rate than white youth; however, the rate declined over the last five years of the analysis. By the last year of analysis, Black/African American youth were arrested at almost one-and-a-third times the rate of white youth.
- Black/African American youth were **referred** at a higher rate than white youth. The rate decreased from 2006 to 2009 and then plateaued so that Black/African American youth were referred at about one-and-a-third times the rate of white youth.
- Black/African American youth were **diverted** at a lower rate than white youth; however, the rate increased over the last four years of analysis. By the last year of analysis, Black/African American youth were diverted at a little more than half the rate of white youth.
- Black/African American youth were **detained** at a higher rate than white youth for five of the six years of analysis. Between 2008 and 2011 the Black/African American rate ranged from about one-and-a-half to two times the rate of white youth. In the last year of analysis, the detention rate for Black/African American youth was one-and-three-quarter times the rate of white youth.
- Black/African American youth were **petitioned** at a higher rate than white youth for two out of the six years of analysis. In the last year of analysis, the rates of petition were not statistically different for Black/African American and white youth.



## Kennebec, All Youth of Color

	Rolling RRs†					
	2006	2007	2008	2009	2010	2011
2. Juvenile Arrests	0.76	0.74	0.75	0.86	0.85	0.77
3. Referred to JCCO	**	**	**	**	**	**
4. Cases Diverted	0.71	<b>0.59</b>	0.72	0.67	0.74	**
5. Cases Involving Secure Detention	1.14	1.18	1.38	<b>2.36</b>	<b>2.58</b>	<b>2.61</b>
6. Cases Petitioned	1.14	0.98	1.04	1.04	1.00	1.07
7. Cases Resulting in Delinquent Findings	**	**	**	**	**	**
8. Cases Resulting in Probation Placement	**	**	**	**	**	**
9. Cases Resulting in Confinement	**	**	**	**	**	**
10. Cases Transferred to Adult Court	**	**	**	**	**	**

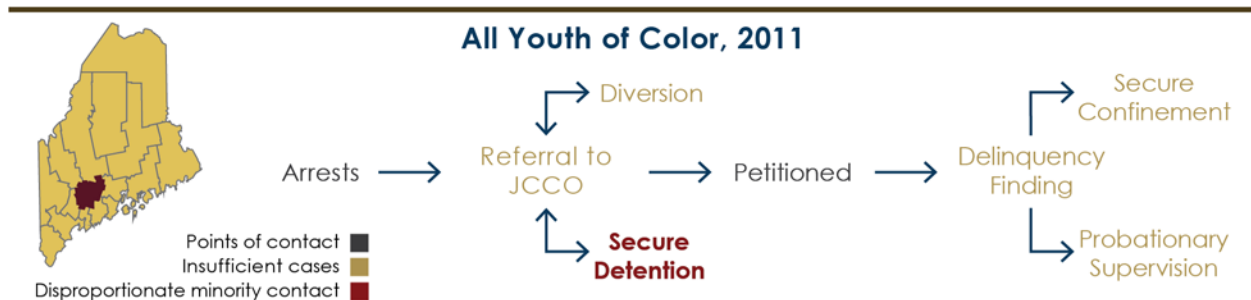
**Bold Red** = Statistically significant results

\* Group is less than 1% of the youth population

\*\* Insufficient number of cases for analysis

† The label for rolling RRs is the midpoint year

- In the last three years of analysis, youth of color were **detained** at more than twice the rate of white youth. In the last year of analysis, the rate for youth of color was over two-and-a-half times the rate of white youth. In the three years prior, rates were not statistically different.



## Penobscot, All Youth of Color

	Rolling RRs†					
	2006	2007	2008	2009	2010	2011
2. Juvenile Arrests	<b>0.60</b>	<b>0.48</b>	<b>0.52</b>	<b>0.58</b>	<b>0.62</b>	0.73
3. Referred to JCCO	**	**	**	**	**	**
4. Cases Diverted	0.62	0.87	0.88	0.89	**	**
5. Cases Involving Secure Detention	**	1.61	<b>2.96</b>	<b>2.75</b>	**	**
6. Cases Petitioned	1.05	0.97	1.17	1.27	**	**
7. Cases Resulting in Delinquent Findings	**	**	**	**	**	**
8. Cases Resulting in Probation Placement	**	**	**	**	**	**
9. Cases Resulting in Confinement	**	**	**	**	**	**
10. Cases Transferred to Adult Court	**	**	**	**	**	**

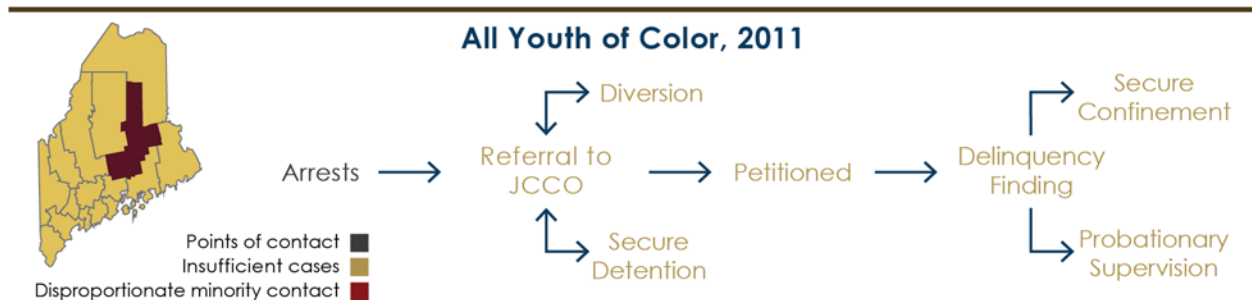
**Bold Red** = Statistically significant results

\* Group is less than 1% of the youth population

\*\* Insufficient number of cases for analysis

† The label for rolling RRs is the midpoint year

- In the last year of analysis, **arrest** rates for youth of color and white youth were not statistically different. Prior to that, youth of color were arrested at a lower rate compared to white youth.
- There were an insufficient number of **detention** cases for analysis in the last two years. In the two years prior, rates for youth of color were about two to three times higher than the rates of white youth.



## York, All Youth of Color

	Rolling RRIs†					
	2006	2007	2008	2009	2010	2011
2. Juvenile Arrests	0.76	0.76	<b>0.68</b>	<b>0.68</b>	<b>0.73</b>	<b>0.75</b>
3. Referred to JCCO	<b>1.63</b>	<b>1.38</b>	<b>1.35</b>	1.11	1.19	1.23
4. Cases Diverted	0.83	0.75	0.77	1.07	1.00	0.99
5. Cases Involving Secure Detention	<b>1.73</b>	<b>2.01</b>	<b>2.64</b>	<b>1.82</b>	<b>1.83</b>	<b>2.01</b>
6. Cases Petitioned	1.09	1.39	1.41	1.28	1.07	0.99
7. Cases Resulting in Delinquent Findings	1.00	0.98	**	**	**	**
8. Cases Resulting in Probation Placement	**	**	**	**	**	**
9. Cases Resulting in Confinement	**	**	**	**	**	**
10. Cases Transferred to Adult Court	**	**	**	**	**	**

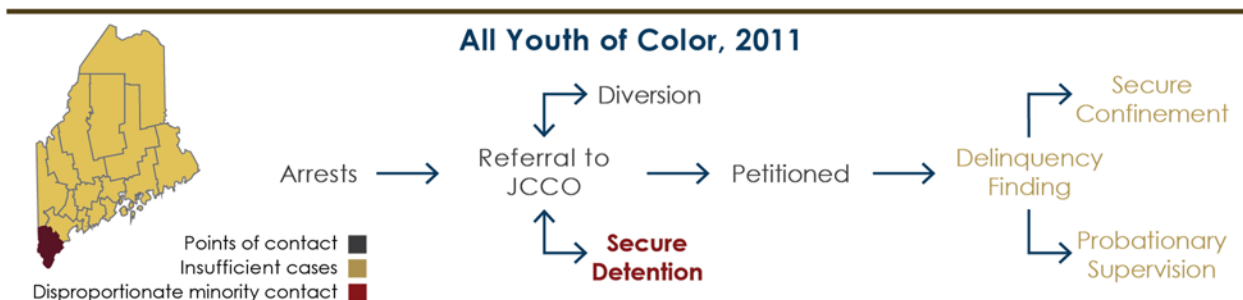
**Bold Red** = Statistically significant results

\*\* Insufficient number of cases for analysis

\* Group is less than 1% of the youth population

† The label for rolling RRIs is the midpoint year

- In the last four years of analysis, **arrest** rates for youth of color were lower than rates for white youth. Prior to that, rates were not statistically different.
- **Detention** rates were higher for youth of color than for white youth in all six years. In the last year of analysis, the detention rate for youth of color was two times the rate of white youth.



## York, Black/African American

	Rolling RRIs <sup>†</sup>					
	2006	2007	2008	2009	2010	2011
2. Juvenile Arrests	<b>2.34</b>	<b>2.05</b>	<b>1.61</b>	<b>1.71</b>	<b>2.12</b>	<b>2.50</b>
3. Referred to JCCO	0.92	0.87	0.94	0.92	0.98	1.05
4. Cases Diverted	**	**	**	**	0.78	0.89
5. Cases Involving Secure Detention	**	**	**	**	1.33	<b>1.86</b>
6. Cases Petitioned	**	**	**	**	1.21	1.12
7. Cases Resulting in Delinquent Findings	**	**	**	**	**	**
8. Cases Resulting in Probation Placement	**	**	**	**	**	**
9. Cases Resulting in Confinement	**	**	**	**	**	**
10. Cases Transferred to Adult Court	**	**	**	**	**	**

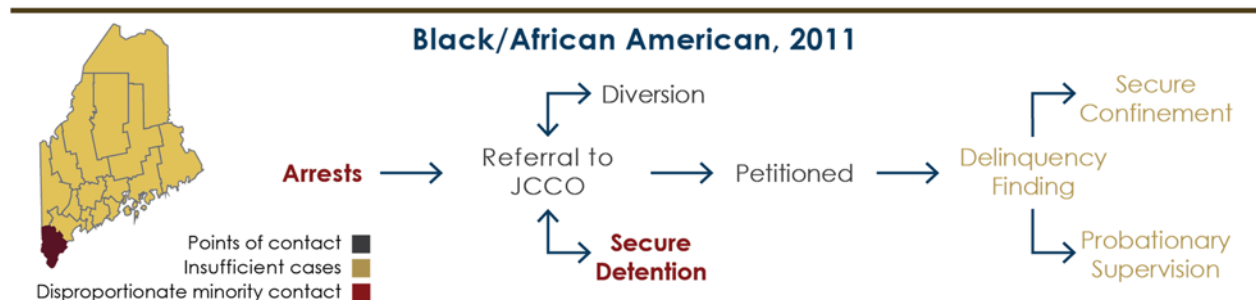
**Bold Red** = Statistically significant results

\*\* Insufficient number of cases for analysis

\* Group is less than 1% of the youth population

† The label for rolling RRIs is the midpoint year

- Black/African American youth were **arrested** at a higher rate than white youth, and the rate has increased steadily over the last three years. In the last year of analysis, Black youth were arrested at two-and-a-half times the rate of white youth.
- In the last year of analysis, Black/African American youth were **detained** at more than one-and-three-quarter times the rate of white youth. In the year prior, the rates were similar. Prior to that there were an insufficient number of cases for analysis.







UNIVERSITY OF  
**SOUTHERN MAINE**  
Muskie School of  
Public Service

### About the Muskie School of Public Service

The Muskie School of Public Service educates leaders, informs public policy, and strengthens civic life through its graduate degree programs, research institutes and public outreach activities. By making the essential connection between research, practice, and informed public policy, the School is dedicated to improving the lives of people of all ages, in every county in Maine and every state in the nation.



### Funder

Funding for this report was provided by the Office of Juvenile Justice and Delinquency Prevention (OJJDP) grant 2013-MU-FX-0051. The opinions, findings, and conclusions expressed in this report are those of the authors and do not necessarily reflect the view of the Juvenile Justice Advisory Group or the Department of Justice.

This report is available on the Maine Statistical Analysis Center Website at:

[http://muskie.usm.maine.edu/justiceresearch/juvenile\\_research.html](http://muskie.usm.maine.edu/justiceresearch/juvenile_research.html)

or by calling 207.780.5871

---

# USM Muskie School of Public Service



University of Southern Maine  
PO Box 9300  
Portland, Maine 04104-9300  
[www.muskie.usm.maine.edu](http://www.muskie.usm.maine.edu)



*A Member of the University of Maine System*