

**Minorities in South Carolina's Juvenile Justice System:
Understanding the Disparities and
Assessing Community Readiness for Change**

EXECUTIVE SUMMARY

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**December 2003
(Revised August 2004)**

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There is no shortage of research findings that point to the pervasiveness of racial and ethnic disparities throughout the juvenile justice system. Typical of such research is the finding that disproportionate minority representation is evident at each stage of the juvenile justice system and becomes more apparent as youth progress into the system. While minority youth make-up about one-third of the juvenile population in the nation, they account for about two-thirds of the population in secure juvenile facilities. Similarly in South Carolina, African American and other minority youth accounted for nearly seventy percent of juveniles in residential placement/custody in fiscal year 2002.

The causes of disproportionate minority involvement in the juvenile justice system reflect two primary thoughts: differential treatment (i.e., minority youth are systematically processed differently within the juvenile justice system) and differential offending (i.e., increased rates of crime and offending by minority youth have resulted in the overrepresentation of minority youth in the juvenile justice system). A significant body of research points to “race” as having effects on the processing of minority youth in the juvenile justice system. While there is convincing evidence that “race matters” in explaining the large numbers of minority youth in the juvenile justice system across the nation, other research has shown the contrary.

The Juvenile Justice and Delinquency Act (JJDP) of 1974, as amended in 1988, requires all states to address the disproportionate confinement of minority (DMC) youth. The Act provides that all states must assess the level of such confinement and implement strategies to reduce identified disparities. In the 1992 amendments to the JJDP Act, DMC was elevated to a core requirement with future funding eligibility tied to State compliance. In the 2002 reauthorization of the Juvenile Justice and Delinquency Act, Congress requires states to address overrepresentation at all points (i.e., contact) versus its previous mandate to address disproportionate representation at secure confinement.

South Carolina has identified disproportionate minority confinement as a central concern. The current investigation represents a focused effort to address disproportionate minority contact within the state. This analysis uses both a quantitative study and qualitative study to (1) aid in further understanding the disparities in the juvenile justice system and (2) to prepare South Carolina for focused action planning.

QUANTITATIVE STUDY

The data for the quantitative study were provided by the South Carolina Department of Juvenile Justice and included information in three areas: (1) demographics, (2) referrals, and (3) detentions. Four data sets were used for this project: 1983 Birth Cohort, 1984 Birth Cohort, 2000 Fiscal Year Family Court Referral Cohort, and 2001 Fiscal Year Family Court Referral Cohort.

The quantitative study investigated whether there were differences in the manner in which minority and white youth were processed at four stages or decision points in the juvenile justice system: pre-trial detention; prosecution; reception and evaluation; and commitment. The factors that were investigated to find their association with the four decision points were in two categories, demographic and legal history. Three analytic models were run to assess the disparity between the

rates at the various points in the juvenile justice system. Model 1 included only the extra legal variables of gender, minority status and age. Model 2 added legal history variables and Model 3 added referral county location (urban/rural).

Multivariate logistic regression (odds ratio) and relative risk (predictive probability) were used for data analysis.

The detailed findings are contained within the full report. The overall trends are presented here:

1. The juvenile's legal history is the most important determinant of outcome. High numbers of prior detentions increased the chance of being detained for the current referral; high numbers of prior commitments increased the chance of being committed again.
2. After factoring out age, gender and legal history,
 - Minority youth were more likely to be detained and committed than white youth.
 - White youth were more likely to be prosecuted than minority youth.
 - No disparity existed between minority and white youth at R & E.
 - Location of referral county made a significant difference in the likelihood of being detained. Youth from urban settings had greater probabilities of detention than those from rural counties.
 - Gender did not show a consistent pattern across analyses. The only instance where females had slightly higher, and significant, odds of an outcome was in the year 2000 data set, at the prosecution stage. Females were just over 0.08% more likely to be prosecuted than were males.

QUALITATIVE STUDY

To provide contextual support to the quantitative study and to support potential local planning efforts, qualitative community studies were carried out in three communities within the state. Within each community, key informant interviews, focus groups, family court and other community observations were used to gain knowledge relative to disproportionate minority confinement.

Across the three selected communities, there is significant community concern about the welfare of youth and their families. While there is some interest in the issue of disproportionate minority confinement, it is not the primary concern in any of the communities. DMC is largely seen as an issue that becomes important when it touches someone personally. It is not viewed as a priority community issue. There is a need to help communities become more aware of DMC if it is to become a community issue. All three communities recognize that DMC is a problem, agree that something needs to be done about the issue, and are actively involved in planning efforts that affect minority youth. However, the primary focus of these community efforts is not DMC. Disproportionate minority confinement is generally perceived within the community as an issue that is related to social and economic factors (e.g., poverty, single parent households, substance abuse, gangs). Not only are these social and economic factors seen as predictors of delinquency, thus increasing the large numbers of minority youth who become involved in the justice system, they are also seen as factors that lead to inequitable treatment or bias against minority youth (i.e., poor black youth from single parent homes are more likely to get harsher treatment than white middle-class youth from two-parent homes). In fact, family court judges acknowledge that often

family and community resources play more significant roles than offense history in their decisions to order youth to secure confinement options. Parents point out clearly that there is racial bias and prejudice against black youth. Communities recognize that systemic issues, including differential treatment by race, are factors in DMC.

While communities are not actively addressing DMC as a principal community concern, communities are very interested in the welfare of minority youth and their families and are able to lead efforts to address DMC. Communities express that the most effective leadership to address the DMC issue should include faith-based leaders, grass-roots leaders, and leaders from within the minority community. In the selected communities, there are active community partnerships, taskforces, and collaborations already in place addressing youth and family issues. Resource development activities are underway in the three communities to support community programs that benefit youth and families. Across the communities, there is a strong interest in early intervention programming, programs to strengthen families, school-based alternatives, and local community-based alternatives to detention. Moreover, there are strong tendencies toward interracial collaboration among community members, professionals, and leaders.

CONCLUSIONS AND POLICY IMPLICATIONS

While each local community must address its unique situation, the findings from both the qualitative and quantitative studies yield important implications for policy and practice to reduce DMC in South Carolina. These implications are presented below:

Implications for State-Level Systems

1. Given the overrepresentation of minority youth at referral to the juvenile justice system and the race effects evident at pre-trial detention, South Carolina should give consideration to a study examining the use of the current risk assessment instrument in the determination of referral and detention decisions.
2. The development of specific family and community-based resources (e.g., diversion programs, family strengthening and family advocacy services, youth courts) are needed as options to aid judges in decision-making regarding disposition of cases. Such resources would be expected to reduce disparity in commitment decisions where extralegal factors increase risk of juvenile justice involvement.
2. Funding priority should be given to community groups organized *specifically* to address disproportionate minority *contact*. Such community groups should be encouraged to build partnerships and collaborations across youth- and family-serving organizations, including faith-based and grassroots entities.
3. Qualitative findings suggest that state level planning with Education, Public Safety, Juvenile Justice, other selected youth serving entities, and the current research group may be a useful strategy to consider innovations to interrupt the transition from school problems to juvenile justice involvement.
4. Strategies should be developed to ensure equity in legal representation and community-based resources for economically disadvantaged youth and their families.

5. Research and evaluation should regularly examine the effects of all state-level prevention and intervention efforts designed to reduce DMC.
6. Given that DMC is not the primary concern in any of the three study communities and given the federal mandate to address this issue, more focused state-level attention may be needed. Enhancing the capacity of the DMC subcommittee of the Governor's Juvenile Justice Advisory Council by broadening its membership and providing resources to support its leadership may advance South Carolina's efforts to reduce DMC.

Implications for Education and Training

1. Elevate the awareness of DMC as a community issue through broad dissemination efforts.
2. Enhance the awareness of public officials to the federal requirement that links addressing DMC to receipt of federal funds.
3. Incorporate DMC as a major component of cultural competence training and other educational programs for all juvenile justice staff.
4. Share DMC research, policies, and practices through public meetings, community groups, professional meetings and workshops, web pages, issue briefs, professional journals, and other similar venues.

Implications for Community-Based Prevention and Intervention Initiatives

1. Community efforts should be uniquely developed based on local data-driven evidence of DMC and assessments of readiness.
2. Considerations at the local level may include attention to following types of prevention and intervention initiatives:
 - a. community-based alternatives to secure detention and secure confinement
 - b. juvenile diversion programs (e.g. youth courts, alternative schools)
 - c. academic attendance (i.e., truancy prevention) and performance programs
 - d. social skills development
 - e. family and peer relations
 - f. cultural specific programs that focus on family strengthening and delinquency prevention.
 - g. cultural specific programs that provide advocacy and support to minority youth and their families.

Implications for Research and Evaluation

1. Statistical models used in the current statewide study should be extended to counties and judicial circuits.
2. The current data sets should be used to study at minimum the following factors that may reveal important findings related to DMC:
 - a. Type of offense (e.g., truancy, drug) and juvenile justice outcomes
 - b. Additional extra legal variables (e.g. social economic status, school status) and juvenile justice outcomes
 - c. Additional stages in the juvenile justice system (e.g., waivers, probation, parole)

3. Currently SCDJJ, in collaboration with the SC Data Warehouse (Budget and Control Board) and other agencies (e.g., Education, Mental Health, Developmental Disabilities and Special Needs, Social Services) is examining the relationship of a youth cohort served in the juvenile justice system with services and outcomes of other human and social services agencies. This initial study is funded by a small grant (one-time funding) from the National Center for Juvenile Justice. However, there is a need for continued research in this area and for additional long-term funding to adequately study such issues.
4. Research efforts should examine data at the level of arrest as well as the level of contact with law enforcement that did not result in arrest. Such “front end” research efforts will be able to address law enforcement priorities, policies, and practices in relation to the issue of DMC.
5. Assessment of state level initiatives such as youth courts, juvenile drug courts, juvenile arbitration programs should be examined for potential impact on the issue of DMC.
6. Research and evaluation should regularly examine the effects of both local and statewide prevention and intervention efforts designed to reduce DMC.