State of New Mexico Disproportionate Minority Contact Statewide Assessment: Preliminary Report

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INTRODUCTION

The disproportionate minority contact (DMC) mandate of the federal Office of Juvenile Justice and Delinquency Prevention (OJJDP) requires states to institute multi-pronged intervention strategies including juvenile delinquency prevention efforts and system improvements to assure equal treatment of all youth. Disproportionate minority contact (DMC) is defined as an overrepresentation of minority youth at any stage within the juvenile justice system (Huizinga et al., 2007). The nine stages within the juvenile justice system where contact occurs are: arrest; referral; diversion; case petitioned; secure detention; delinquency finding; probation; confinement in secure correctional facility; and case transferred, certified, and waived to adult court (OJJDP, 2009A).

The purpose of this assessment is to begin to determine the mechanisms contributing to DMC in New Mexico. This assessment is based primarily on juvenile justice system data provided by the New Mexico Children, Youth and Families Department (CYFD) Data Analysis/FACTS Bureau. Other sources of information used in this report include: relative rate index trends, the review of reports compiled by other states, a review of other literature, a review of the New Mexico juvenile justice system, and formal and informal discussions with CYFD staff. We also briefly describe other aspects of our research that includes a review of juvenile justice system prevention and intervention programs that provide additional context to the NM juvenile justice system.

This report follows general guidelines provided by OJJDP for conducting a DMC statewide assessment/study (OJJDP, 2009B).

The federal Office of Juvenile Justice and Delinquency Prevention requires all states participating in the Formula Grants program to address the four core requirements of the JJDP Act. To address the DMC core requirement, states are required to submit a completed assessment with the 2012 3-Year Plan. States who have submitted an assessment report since 2003 fulfill the requirement. This report fulfills that requirement.

States not submitting a completed report by the due date may be granted a single, 12-month extension beginning April 2012. States are required to conduct an assessment or update the most recent study within five years of the date of publication. OJJDP is allowed to withhold 20% of the annual formula grant allocation for the subsequent fiscal year when states fail to meet the DMC plan requirement.

According to assessment guidelines, to the extent possible, decisions across the entire juvenile justice system should be examined at arrest, pre-trial detention, court referral, adjudication, and commitment. Guidelines note that final selection of the decision points should be based on: results from RRIs, results from prior studies, commonsense from working experience, resources, and time to conduct the assessment study.

Based on available data, resources, and time to conduct the study we selected three contact points to study. For these same reasons, as well as the OJJDP suggestion that the assessment should span the jurisdiction's entire juvenile justice system, our level of analysis is the state, not counties. New Mexico as a state is unique in that it is one of four states that are majority-minority, meaning that less than half of its residents identify as Non-Hispanic White. The majority of New Mexico's residents are of Hispanic descent, however New Mexico has one

county with a Native American majority. The majority-minority composition does not hold for some counties.

There are four DMC core requirements OJJDP requires States to address (OJJDP, 2009B):

1. Identify the extent to which DMC exists within their jurisdictions
2. Assess the reasons for DMC, if it exists
3. Develop and implement intervention strategies if DMC exists
4. Evaluate and monitor the effectiveness of the chosen intervention strategies

New Mexico has completed phase one which focuses on identifying the extent to which DMC exists. As elsewhere, this has primarily been accomplished by measuring and monitoring the relative rate index (RRI). RRIs are calculated annually and routinely reviewed for both the state and each of New Mexico's 33 counties. RRIs are calculated for all nine contact points and New Mexico has tracked RRI trends over time from July 2002 to June 2010. The review of RRIs is discussed in further detail later in this report and a full report focused on July 2005 to June 2010 has been completed (Scussel, 2010). In addition, CYFD staff have analyzed and reported RRI trends from July 2002 to June 2005.

Briefly, the number of cases at a particular contact point is used to calculate a rate of occurrence by racial/ethnic group and these rates are compared. The result of the comparison is the RRI. So for example, we can compare the referral rate or detention rate of Hispanics and Non-Hispanic White juveniles in New Mexico or any of New Mexico's 33 counties to determine if Hispanic youth have a higher referral rate or detention rate compared to Non-Hispanic White juveniles.

This report focuses on determining if there is quantitative evidence of DMC in New Mexico. Following OJJDP guidelines and similar methods used by other states, New Mexico's assessment process reviews selected decision points to determine if race/ethnicity is statistically significant when other factors are taken into account.

This report also briefly reviews targeted juvenile justice system prevention programs and efforts currently available in New Mexico. The assessment study provides information that increases our understanding of DMC and provides information that can be used to help inform choices by policymakers about strategies for reducing DMC in New Mexico. Importantly, New Mexico, like many other jurisdictions, has strategies currently underway for reducing DMC. In general, this report tracks with the stages suggested by OJJDP for determining factors contributing to DMC in New Mexico with some slight modifications.

Stage 1: Generate possible explanations. At this stage, based upon findings from the review of the extent to which DMC exists within New Mexico specific stages, groups, and jurisdictions to explore are selected for review. This selection is a result of findings from the identification stage. This is briefly described later.

Stage 2: Identify the types of data and the pattern of results needed. The data we collect for analysis is designed to allow us to specifically target developed possible explanations but is also useful for more broadly analyzing other possible explanations.

Stage 3: Obtain the data. This stage, as noted by OJJDP, is designed to identify data sources and determining which sources are most readily available, suitable and practical to use. Because not all data sources are currently available for this assessment it is not possible to analyze each possible explanation noted later (for example family living situation or family income). We note when this occurs and provide information on current or future plans to collect this information. Our plan includes the use of existing information from electronic data we collected using the methods described later.

Stage 4: Analyze the data and identify the most likely mechanism(s) creating DMC in this jurisdiction. Our assessment includes several different analyses that focus on identifying possible explanations and patterns. As noted above, because of data limitations, the mechanism we are able to address are limited. CYFD will begin to develop feedback methods for taking the data results back to the community and key informants to verify the interpretations and begin the process of selecting interventions.

As noted above, this report also briefly describes other research efforts including a review of selected New Mexico juvenile justice system programs. The intent of this research is to shed light on how these selected efforts compare to national best practices and how they are performing. This information is not directly related to DMC and is provided in this report to more generally provide context to current juvenile justice system programs in New Mexico and helps inform DMC.

LITERATURE REVIEW AND OVERVIEW OF DMC
The over-representation of minority youth in secure confinement and more recently the impact of race on juvenile justice decision making and the juvenile justice system has been a topic of much discussion and research. This section focuses on a literature review of current and past empirical research that has broadly studied DMC and specifically other states assessment of DMC. This includes primary findings and a discussion of how other jurisdictions have reduced or mitigated DMC. We include findings for existing state assessments, studies, and reports in this review. This section begins with a broad overview of DMC.

Broad Overview of DMC
As noted earlier disproportionate minority contact (DMC) is defined as an overrepresentation of minority youth at any stage within the juvenile justice system (Huizinga et al., 2007). The nine stages within the juvenile justice system where contact occurs are:

1. Arrest
2. Referral
3. Diversion
4. Secure detention
5. Case petitioned
6. Delinquency finding
7. Probation
8. Confinement in secure correctional facility
9. Case transferred, certified, and waived to adult court (OJJDP, 2009A)

The Juvenile Justice and Delinquency Prevention Act of 2002 require states to institute multi-pronged strategies including juvenile delinquency prevention efforts and system improvements

to assure equal treatment of all youth. As noted in the DMC Technical Assistance Manual (OJJDP, 2009) a number of important lessons have been learned in the field of DMC. Briefly these lessons include:

- Lesson 1 – Disproportional minority contact can exist not only in detention and corrections but also in other contact points of the juvenile justice system.
- Lesson 2 – Many factors contribute to DMC at different juvenile justice system contact points, and a multi-pronged intervention is necessary to reduce disproportional minority contact.
- Lesson 3 – Data are powerful tools, and DMC intervention strategies need to be data based.
- Lesson 4 – DMC reduction requires support from the top.
- Lesson 5 – DMC reduction needs to occur at the local level.
- Lesson 6 – DMC reduction requires strong partnerships.
- Lesson 7 – DMC reduction demands sustained efforts.
- Lesson 8 – Evidence-based DMC reduction efforts are scarce.

The manual notes that to understand the mechanisms that lead to DMC and to design appropriate intervention strategies to address these specific contributing mechanisms, all nine contacts points from arrest to transfer to adult court must first be studied followed by targeted interventions at relevant and selected priority contact points (OJJDP, 2009).

Further, the manual notes, data are essential to determine if minority youth come into contact at disproportionate rates with the juvenile justice system, at which decision points, to what extent, and for which racial or ethnic groups. The use of the relative rate index is described in more detail later. It is also important to study, through the use of additional quantitative and qualitative data, the factors and mechanisms that contribute to the observed disproportion at particular contact points within the juvenile justice system. Moreover, these data, collected over time, should allow jurisdictions to compare changes in DMC trends in a particular location and to examine if specific DMC reduction strategies have led to the intended outcome.

Because a variety of factors can influence DMC it is important to understand these factors and study their influence. A number of factors found in research literature are described in the OJJDP technical assistance manual and listed below (OJJDP, 2009).

- Differential Behavior – the rates at which youth are involved in delinquent activity may differ
- Mobility Effects – youth who reside in one community may spend time in other communities where they may commit delinquent acts.
- Indirect Effects – a broad term that defines a variety of risk factors associated with delinquent behavior (e.g. economic status, education, family, access/eligibility for programming).
- Differential Opportunities for Prevention and Treatment – availability of prevention and treatment resources within communities varies sometime creating disadvantages for some youth.

- Differential Processing or Inappropriate Decision Making Criteria – refers to the criteria used to make decisions, whether they are applied consistently to all groups of youth, and are some groups as a disadvantage.
- Justice by Geography – refers to the concept that there may be different responses to crime dependent on the jurisdiction within a state; such as an urban setting versus a rural area.
- Legislation, Policies, and Legal Factors with Disproportionate Impact – sometimes legislations and administrative policies contain elements that create a disadvantage for minority youth.
- Accumulated Disadvantage – impact of disproportion on minority youth tends to accumulate through the system.

There are differences among groups in vulnerability and exposure to factors that put youth at higher risk for offending making it important to measure differences by racial/ethnic groups and across jurisdictions.

State Sponsored Studies and Findings
There have been numerous studies that have shown there are substantial differences in the processing of minority youth within many juvenile justice systems (Pope and Feyerherm, 1989). The purpose of this brief review is to summarize available literature on the causes or mechanisms of DMC with a focus on state sponsored studies. Studies with an exclusive focus on assessing the extent of DMC are excluded. This review includes both studies with a quantitative focus and qualitative focus. Because our study uses quantitative methods our interest and focus is on studies that used a primarily quantitative methodology.

Studies using quantitative methods relied on the use of RRIs and/or logistical regression. Qualitative methods used observations, interviews, surveys, and/or focus groups. All of the studies reviewed here used some form of quantitative method. Five studies also employed qualitative methods to enhance the results of their findings.

Quantitative
All studies reviewed collected juvenile population data and data from their local juvenile justice system in order to calculate RRIs. Four studies (Young et al., 2011; Leiber et al., 2006; San Diego Association of Governments, 2007; Stevenson et al., 2003) used logistic regression to expand their analysis of the extent of disparities using RRIs and assess underlying factors that contribute to disparities.

Two studies (Bellas, 2007; Kenny & Mishina, 2005) focused on the arrest stage while two other studies (Montana, n.d.; Orchowsky et al., 2010) analyzed and reported RRI data for all 9 contact points. The remaining 9 studies reviewed RRI data from multiple stages. DMC was found in all the studies, however the stage(s) within the juvenile justice system experiencing DMC and the affected population varied by study and location.

In Maryland Yancey et al. (2011) found that at the state level African American youth did not differ from Whites in the likelihood of being detained when controlling for other factors that predict detention. In addition, the study found Latino youth were significantly more likely to be detained while controlling for the same factors. Not unexpectedly, the authors noted there were

a number of other predictors of detention, including delinquency history, type of current offense, and DJS status. At the case petitioning stage the authors found that African American youth were more likely to have their cases petitioned than were White youths controlling for other factors. Importantly, the authors noted the detention and petitioning analyses were limited to available data and did not include some factors that are likely predictors of these outcomes.

Through the use of logistic regression the 2006 Leiber et al. study of Anchorage and Fairbanks, Alaska revealed when legal and extralegal factors and the process leading to detention were taken into account race played a difference in the justice system. A few examples given by Leiber et al. (2006) were: detention screening was less likely to occur for Whites who committed probation violations than for minorities, Whites were less likely to be detained than all other minorities, being detained increased the chance of receiving a petition, and females were more likely to receive informal adjustment.

Using multinomial logistic regression Stevenson et al. (2003) found in Cook County, Illinois Whites were referred to probation more than African Americans, and African Americans were more likely to be incarcerated than Whites.

A 2007 study by the San Diego Association of Governments using 2005 data for San Diego County, California studied two decision points: sustained petition and pre-adjudicated detention. DMC contributing factors were separated into two categories: legal (e.g. prior criminal history, seriousness of offense), and non-legal (e.g. family background, poor school performance). The legal and non-legal factors were compared against race (White, African-American, and Hispanic), and to pre-adjudicated detention. Race was found to be a primary factor to a juvenile being detained in San Diego County. However, other contributing factors that led a youth to be more likely to be detained were their family status, alcohol and drug issues, mental health and the seriousness of the current offense. Race did not increase the likelihood that a youth would be committed to institutional confinement. A youth was more likely to be committed to an institution based on the severity of the current offense, gang involvement, prior criminal history, school performance, and not living with their biological parents.

Qualitative
Five of the 15 studies reviewed used qualitative methods in determining DMC causes. Qualitative methods included: interviewing key personnel at the state and local levels, interviewing service providers, surveying juvenile justice professionals, surveying juvenile investigators, observing court proceedings, focus groups with personnel who comprise a probation-decision making assessment team, focus groups with juveniles in the system, and focus groups with community representatives.

Carmichael et al. (2010) in Texas conducted listening sessions (focus groups) in Texas counties to discuss the causes and solutions to DMC. Separate sessions were held with different groups including juvenile justice system professionals, youth advocates, religious leaders, and other community stakeholders. Several months following the sessions, participants were asked to participate in an email survey in which they were asked to select the top five causes or contributing factors and the five solutions most effective in addressing DMC.

Causes fell into family/social circumstances (i.e. broken families, poverty, lack of role models, under-valuing education), justice system factors (i.e. lack of intervention programs, lack of detention), special populations of concern (i.e. minority youth, immigrant youth, homeless

youth), school related factors (i.e. school discipline policies), and supervised programs (i.e. lack of supervision programs).

Solutions comprised preventive solutions (i.e. early intervention programs, prevention programs for at risk youth), school-related solutions (i.e. engaging youth at school, more paths of study), family based solutions (i.e. hold parents accountable, parenting education), justice system solutions (i.e. treatment diversion, hold juveniles accountable), and community/system solutions (i.e. reduce poverty, community partnerships).

In Anchorage and Fairbanks, Alaska Leiber et al. (2006) observed court proceedings, held focus groups with juveniles in the justice system, and interviewed juvenile justice personnel.

- The court proceeding observations showed: Juveniles chances of escalating within the system increased if parents do not have a responsible presence in the juveniles' lives; more often juveniles are released to their parents' custody if the parents appear to be engaged in their child's life and are present for the youth to be released to them; if parents were available to pick up their child after arrest then it was more likely their child would be released to them, if the parents were not available the juvenile tended to escalate further into the system; if parents were not present during court proceedings, their child was more likely to be assigned to detention.
- The focus groups of juveniles in the system reported juveniles were dissatisfied with their probation officers, and wanted a say in their treatment plans.
- The interviews with juvenile justice personnel revealed: There was a lack of awareness regarding DMC; poverty and lack of parental support contributed to DMC; there was a need for neutral advocates for youth; there was a need for court sensitivity training and more minority decision makers.

Interviews with service providers, and state, local and community representatives along with focus groups of community representatives were conducted during the 1996 evaluation of the DMC initiative in Oregon by OJJDP in order to determine if 3 differing methods (advocacy, collaboration, and alternative resources) employed by 3 different counties (Lane, Marion, and Multnomah) proved to impact the juvenile justice system.

- The advocacy program in Lane County, Oregon proved to meet the ethnically diverse needs of the population, enhance the staff's cultural awareness and skill, and facilitated community involvement in planning and providing services.
- The collaboration in Marion County, Oregon provided increased sensitivity and cultural awareness.
- The Multnomah County, Oregon alterative resource project provided a diversion from jail; however the results from the alternative resource showed the program in fact did not produce a significant reduction in recidivism as was one of its design goals. There is an unsubstantiated explanation for the lack of reduction of recidivism: the program offered too many services and would have been more effective if it concentrated on only providing a few services.

During the San Diego Association of Governments (2007) study 15 interviews were conducted with various juvenile justice personnel (including judges, probation officers, and both a deputy district attorney and public defender), and 4 focus groups (total of 15 individuals) were

conducted with probation-decision making assessment teams (2 with the Probation Screening Committee, 1 with the Breaking Cycles Assessment team, and 1 with the Detention Control Unit). The interviews and focus groups were intended to gather the professionals' feedback on DMC, how to address DMC, and to contextualize the data gathered into how decisions were made. The interviews and focus groups indicated that there was not a biased toward arresting and detaining minority youth. However, there was room for improvement and currently measures are being taken to provide cultural awareness and trainings, to improve support provided to youth with mental health and substance abuse issues, and to assist parents maneuvering through the justice system.

In Cook County, Illinois Stevenson et al. (2003) distributed surveys to juvenile justice personnel to gather their perceptions of racial biases or issues within the system, and to juvenile investigators to gather case characteristics and interrogation outcomes.

- The survey distributed to the juvenile justice professionals revealed: Law enforcement professionals were less likely to believe minorities were treated differently in system, were more likely to attribute negative qualities to minorities, and perceptions and attitudes of system decision makers contributed to DMC at earlier law enforcement related stages.
- The survey distributed to juvenile investigators showed the juveniles' attitudes and demeanors during the interrogation were the largest factors in predicting post interrogation juvenile dispositions. Some of the interrogators stated minorities have more negative attitudes.

Varying methods across states and counties were used to assess where DMC exists, who is affected by DMC, and why DMC exists. The majority of the studies reviewed RRIs in order to assess where DMC exists in their juvenile justice systems. Three studies took the quantitative analysis a step further by employing logistic regression which helped to more accurately pinpoint which populations were being most affected by DMC. Interviews, observations, focus groups and surveys helped to reveal why DMC existed.

DMC was shown to exist at various stages within the juvenile justice system and the population affected by DMC differed between the studies reviewed. Why DMC exists also differed between the various studies. However, most studies that used qualitative methods to determine why DMC exists agreed training provided to decision makers in the juvenile justice system and to treatment providers on cultural awareness and DMC would be beneficial in reducing DMC. Multiple sites are implementing training on cultural awareness and on DMC in their local jurisdictions already, including the state of Ohio led by The Ohio State University Center for Learning Excellence and The University of Toledo (ODYS, 2010).

STATE AND LOCAL DMC DELINQUENCY PREVENTION AND SYSTEMS IMPROVEMENT STRATEGY

This section describes recent and current DMC efforts in New Mexico. These efforts include DMC specific efforts as well as broader system improvements and strategies that impact the entire juvenile justice system. Like many states, New Mexico has taken a broad approach that includes DMC efforts as well as detention reform and diversion from formal contact with the juvenile justice system.

The New Mexico Children, Youth, and Family Department (CYFD) is responsible for children and their families in New Mexico. CYFD includes four divisions (Early Childhood Services, Protective Services, Juvenile Justice Services, and Program Support) and additional services, like behavioral health, licensing and certification and AmeriCorps, which deal with different aspects of children and their involvement with the state (http://www.cyfd.org/pdf/cyfd_org_structure_aug29.pdf). The Juvenile Justice Services (JJS) division is responsible for secure facilities, reintegration facilities, probation and supervised release, community corrections, youth in transition, releasing juveniles, and contains the federal State Advisory Group (SAG), which in New Mexico is called the Juvenile Justice Advisory Committee (JJAC). JJS staff is primarily responsible for DMC delinquency prevention and systems improvements in New Mexico. The Data Analysis/FACTS Bureau maintains JJS's case management system and is the source for juvenile delinquency data in New Mexico including DMC data.

The origins of DMC and associated problems are multiple, and CYFD and other groups continue to work to reduce DMC and implement interventions to address these problems. Part of New Mexico's strategy is to continue networking with minority group advocates by developing and implementing strategies for collaborative programs and educational efforts. Technical assistance has also helped New Mexico's efforts. Targeted training programs for specific audiences such as law enforcement and judges have been developed that are designed to help address this problem. A major change that has been implemented is a detention-screening process called the Screening Admissions and Releases Application (SARA), which use an instrument named the Risk Assessment Instrument (RAI). The RAI provides a mechanism for the equitable and consistent screening of children referred for detention statewide. CYFD and JJAC have also focused efforts in four specific counties for DMC.

Juvenile Justice Advisory Committee
The Juvenile Justice Advisory Committee (JJAC) is appointed by the Governor and is advisory to CYFD, the Governor and the Legislature. JJAC advocates for the prevention of delinquency, alternatives to secure detention, improvement of the juvenile justice system and the development of a continuum of graduated sanctions for juveniles in local communities. The JJAC allocates federal and state grant funds to communities in New Mexico for these purposes. JJAC is responsible for carrying out the requirements of the Juvenile Justice and Delinquency Prevention (JJDP) Act and an appointed Juvenile Justice Specialist is responsible for developing a 3-Year plan and administering the formula grants program. JJAC participates in the development and implementation of the State's 3-Year plan.

Nineteen regional Juvenile Justice Continuum Boards have been developed in communities that serve 21 counties across the state to address the goals of JJAC. Regional Juvenile Justice Continuum Boards:

- Analyze local trends that put youth at risk
- Assess community resource gaps that effect youth and families
- Build partnerships with key community leaders that positively impact policy regarding youth
- Fund programming that directly impacts the concerns and issues facing our youth
- Involve community leaders and experts to address youth and family issue

These boards help implement best practice programs to prevent youth from getting into trouble and to provide local sanctions and services that divert youth from commitment to state facilities.

Further, the Juvenile Justice Continuum Boards help develop and implement a continuum of services from prevention to intervention and graduated sanctions for juveniles arrested and referred to juvenile probation, or at risk of referral. The Juvenile Continuum Boards and their participating partners conduct planning, assess needs, and design a continuum of services for these youth. The Juvenile Justice Continuum Boards generally do not directly implement or operate programs.

Juvenile justice intervention programs describe a range of programs that are designed to both prevent youth from entering the juvenile justice system and to provide alternatives to detention for youth who have escalated to the juvenile justice system.

Disproportionate Minority Contact Data Collection and Programs
Since approximately 2006, four New Mexico counties (Bernalillo, Santa Fe, Dona Ana, and Taos) have received funding through JJAC and the CYFD to collect data and develop programs designed to address DMC.   These four counties began this process by determining what DMC contact points should be addressed in their county through best practices models, assessment and data analysis.

As of late 2011 some of the baseline work is still being done, even as counties work to develop study, fund and improve alternatives to detention. The goal is to reduce the number of minority youth having contact with the juvenile justice system.

New Mexico Disproportionate Minority Contact Blue Ribbon Panel
From 2004-2010, there was a New Mexico Disproportionate Minority Contact Blue Ribbon Panel appointed by the Secretary of the Children Youth and Families Department. The Panel was made up of individuals from a cross section of law enforcement, judicial, education, behavioral health and programmatic agencies that are committed to examining the issue of systematic overrepresentation of minorities in our juvenile justice system. The panel was designed to include youth advocates.

- To collaborate with state agencies while working with local communities to reduce the over representation of minority youth in all phases of the juvenile justice system.
- To incorporate into the allocation of juvenile justice and juvenile justice related resources at the state and local levels consideration of disproportionate minority representation.
- To impact those circumstances in which New Mexico's juvenile justice system may foster over representation of minorities.

The panel has established goals to identify, assess, intervene, evaluate, and monitor DMC in New Mexico. The goals of the panel are to collaborate with higher educational institutions for continued research and evaluation of DMC, enhance public awareness and education of DMC, implement prevention and early intervention tactics for at-risk youth, monitor and identify data trends, and enhance the cultural competence of law enforcement officers (DMC Blue Ribbon Panel, 2006). The panel has worked with researchers at New Mexico State University (NMSU) and the University of New Mexico (UNM).

DMC Continuum Sites
From 2009 – 2010, there were three DMC reduction programs. The City of Las Cruces, in Dona Ana County, focused on determining the contact points to be addressed through a best practice model, assessment and data analysis. The City of Santa Fe, in Santa Fe County, developed a Restorative Justice project that identified high-risk youth in three primarily Hispanic elementary and one middle school. The town of Taos, in Taos County, assessed contact points data and determined best practice programs needed in the community.

From 2010 – 2011, there were three additional DMC reduction programs. Bernalillo County in collaboration with the La Pazita in the south valley with zip codes 87121 and 87105 set a DMC goal of reducing detention populations of minority youth from that specific zone. The Sandoval County DMC project involved the planning and facilitation of a town hall meeting format with five communities to determine patterns of disparities related to contact issues with the juvenile justice system. The Santa Fe County DMC project addressed factors associated with disparities in an effort to keep youth from being arrested. The project targeted high-risk youth at two elementary and middle schools levels. The determinate used consisted of behaviors that were major violations of the schools code of conduct.

Review of Selected Juvenile Justice Programs
In conjunction with the RRI review and trend analysis and the DMC assessment we were asked by CYFD to conduct a review of selected juvenile justice programs. This review while not directly related to the RRI review/trend analysis and DMC assessment is useful for providing context to the New Mexico situation and the status of juvenile justice programming in New Mexico.

Objective research into the effectiveness of juvenile programming can help managers and policy makers make decisions that will, ideally, achieve the best results for the least cost. In recent years the lack of information on what works and best practice model programs has caused an increase in monitoring programs for their effectiveness.

Juvenile justice intervention programs describe a range of programs that are designed to prevent youth from entering the juvenile justice system and to provide alternatives to detention for youth that have escalated to the juvenile justice system. Our review focused on the study of juvenile justice programs funded by the JJAC in nine New Mexico counties. The six program types contracted for review are:

- Reception and Assessment Centers
- Restorative Justice Panels
- Girls Circles
- Day Reporting Centers
- Intensive Community Monitoring
- DMC Reduction Initiative

This review has taken place in four distinct but related phases. First, a review of existing literature regarding the targeted programs was conducted (Phase 1). The purpose of the literature review was to report on best practices in the area of juvenile justice intervention programs, focused on the five distinct types of programs that are the subject of this review.

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The completion of Phase One provided us useful information that describes in general how these projects should operate and what components they should include. Importantly, we found that in general there is a limited body of literature on these programs and even less literature that has assessed the effectiveness of these programs. The current literature, while in its early stages for programs such as girls circles and day reporting centers, generally supports each of the respective juvenile justice programs that are the subject of this study. At the very minimum, these programs offer alternatives that in some instances have outcomes that are better than, and in most instances are less expensive than that of detention. The limited findings also show that in many instances alternative to detention produce more positive outcomes for youth than detention. Lipsey and Wilson (1998) claim that juvenile justice programs have a greater positive effect on youth convicted of serious and violent offences than youth convicted of minor offenses.

Second, Phase Two focused on interviews of program administrators. The interviews were intended to find out, from the perspective of administrators, how the particular programs operate. The interview contained sections on program information, client information, services provided by the program, and client outcomes. Nineteen interviews were conducted in 10 counties for the 5 programs and the DMC Reduction Initiative. Phase Three consists of interviews with line staff that provide direct services to document how the targeted programs in the sites operate from their perspective. Because some of the programs are small and have few staff it was not always possible to interview administrative and program staff. Fourteen interviews were conducted in 8 counties in the 5 programs. Phase Four consists of a review of program client records. This is intended to help us better understand how long clients stay in programs and what services they receive.

Individually each phase will provide useful information but collectively the completion of these four phases tells us more. Using information from the four phases we hope to be able to describe how these programs compare to known best practices. This was constructed as a thoughtful process to more completely try to discover what is happening in New Mexico. All four phases are meant to study and report on how these programs contribute to the understanding of law enforcement and juvenile justice system factors and analyze the impact of juvenile justice programming in selected New Mexico counties.

At the time of this report data collection for Phase Three and Phase Four had been completed but the data had not been analyzed or reported. The final report will be completed by June 30, 2012.

Juvenile Detention Alternatives Initiative
The Annie E. Casey Foundation (http://www.aecf.org/MajorInitiatives/JuvenileDetentionAlternativesInitiative.aspx) launched the Juvenile Detention Alternatives Initiative (JDAI) in 1992. JDAI is designed to support the Foundation's vision that all youth involved in the juvenile justice system have opportunities to develop into healthy, productive adults.

JDAI focuses on the juvenile detention component of the juvenile justice system because youth are often unnecessarily or inappropriately detained at great expense, with long-lasting negative consequences for both public safety and youth development.

JDAI promotes changes to policies, practices, and programs to:

- reduce reliance on secure confinement;
- improve public safety;
- reduce racial disparities and bias;
- save taxpayers' dollars; and
- stimulate overall juvenile justice reforms

Since its inception in 1992, JDAI has repeatedly demonstrated that jurisdictions can safely reduce reliance on secure detention. There are now approximately 100 JDAI sites in 24 states and the District of Columbia. New Mexico is a state site with five sites (Bernalillo County, Dona Ana County, Lea County, San Juan County, and Santa Fe County). Bernalillo County is one of four JDAI model sites.

As noted above there are a variety of initiatives underway in New Mexico that are designed to more completely identify DMC and implement interventions to address DMC.

IDENTIFYING DMC

OJJDP has chosen the use of RRIs to guide intervention efforts at targeted decision points where DMC is occurring. Interventions should also be guided by the use of data that can be analyzed to shed light on the causes of DMC at decision points. Further, research should be undertaken to study interventions to measure integrity, process and best practices (Orchowsky, et al, 2010).

In addition to RRIs New Mexico uses the experiences and knowledge of community members and leaders to provide information. This includes CYFD staff, JJAC staff, community members and others. The State of New Mexico also funded the New Mexico Technical Assistance Resource Center (NMTARC), located at the New Mexico State University (NMSU), from July 2007 to May 2009. During this time period NMTARC developed a website (www.dmctarc.nmsu.edu) that reported RRIs trends for the state, by judicial district and by county for 2005 thru 2008. The role of NMTARC was to provide a centralized center for DMC related research and analysis, technical assistance, and training to local communities. NMTARC was designed to serve the broader research and technical assistance needs of the DMC Blue Ribbon Panel and the technical assistance of local communities identified by CYFD and JJAC.

Since June 2009, CYFD has contracted with the New Mexico Sentencing Commission (NMSC) which is housed at the Institute for Social Research (ISR) at the University of New Mexico (UNM) to provide research services that include analyzing available data to shed light on the causes of DMC and to study current interventions focused on integrity, process, and best practices.

NMSC staff also completed a literature review of DMC best practices nationwide and DMC best practice models appropriate for implementation and system reform in New Mexico. In June 2011 NMSC staff published a report entitled, "Disproportionate Minority Contact Relative Rate Index Trends: Fiscal Years 2005 -2010 for Selected Counties in New Mexico". The report tracks RRI trends at all nine contact points of within the juvenile justice system, on a statewide basis and in eight selected counties.

Relative Rate Index
A relative rate index (RRI) is a ratio between two races. This ratio is useful in allowing for comparisons of contacts by race/ethnicity within the juvenile justice system at all 9 points of contact. For example if Non-Hispanic Whites are considered the majority, then a ratio can be obtained for Non-Hispanic Whites at each of the 9 points of contact within the juvenile justice system by dividing the number of Non-Hispanic White youth represented at the specific point of contact by the total at risk population of Non-Hispanic White juveniles. The same procedure is performed for the comparison minority group. Then the minority group's ratio at a specific point of contact is divided by the Non-Hispanic White majority group at the same specific point of contact. The quotient of the two ratios is the RRI for the minority group at the specific juvenile justice stage. The Non-Hispanic White majority RRI is the equivalent of 1.00. The RRI is a multiplier of how many minority youth are represented at a specific point of contact compared to the Non-Hispanic White majority race at the same specific point of contact. For example an RRI of 1.87 for Black/African American youth at the arrest point of contact means 1.87 Black/ African American youth are arrested for every 1 Non-Hispanic White youth. A complete description of how RRIs are calculated can be found elsewhere (OJJDP, 2006).

New Mexico is unique because the majority race/ethnicity group is Hispanic/Latino. For the purposes of this analysis Non-Hispanic White is still used as the reference group in the interest of consistency in interpretation with other research.

Interpreting Relative Rate Index Results
Broadly RRI trends in the following graphs can be interpreted in a number of ways. Over a period of time, RRI values may be stable, may increase or decrease, or may be mixed (Table 1). Generally the interpretation of these broad trends can be useful in relating intervention strategies to the observed RRI value changes. Broad trends can also be useful in policy discussions to generate hypotheses and other potential explanations for observed changes over time in the different relative rate indexes by contact point.

OJJDP suggests jurisdictions must consider at least four alternatives in addition to simply concluding existing DMC interventions are working or not working as planned.

Table 1 Trend Type Description

Trend Type	Description
Constant Values	Relatively constant RRI values may indicate system stability and generate greater confidence that the RRI pattern reflects real differences in minority contact rates.
Increasing Values	A pattern of increasing RRI values may indicate an increasing level of DMC, and, therefore, should be examined carefully to become part of ongoing intervention efforts.
Decreasing Values	A pattern of decreasing RRI values may indicate a decreasing level of DMC. Decreases may be due to system change, interventions or natural changes such as demographic or economic shifts.
Mixed Results	The system may be unstable relative to DMC issues; that is, the findings for any single year may be a statistical artifact.

Statewide RRIs for fiscal years 2005 to 2010

The following 9 graphs (Figure 1 thru Figure 9) represent the RRIs for Black/African Americans, Hispanic/Latinos, American Indians, and All Minorities at the 9 points of contact for the state of New Mexico. Arrests for All Minorities held relatively constant from 2005 to 2010 with an average RRI of 1.62. The RRI for cases referred to court remained constant with an average of 1.85 between the years of 2005 and 2007, then dropped to an average of 1.12 for years 2008-2010. The RRI for cases resulting in confinement in a correctional facility started at 2.00 in 2005, then decreased to an average of 1.36 for years 2006-2010. For cases transferred to adult court the RRI started at 1.39 in 2005 and then decreased in 2007 to 1.19. There were an insufficient number of cases for analysis in 2008-2010.
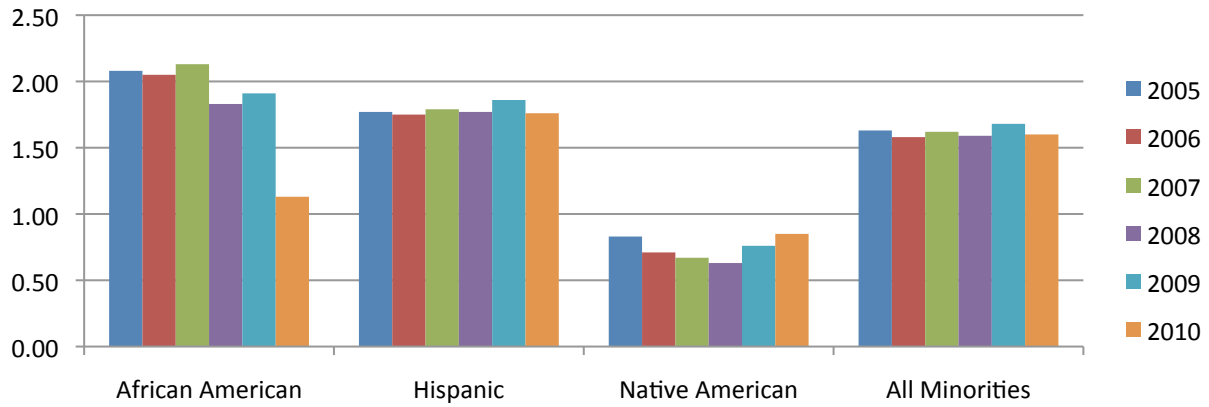
Figure 1 - Arrests, Statewide
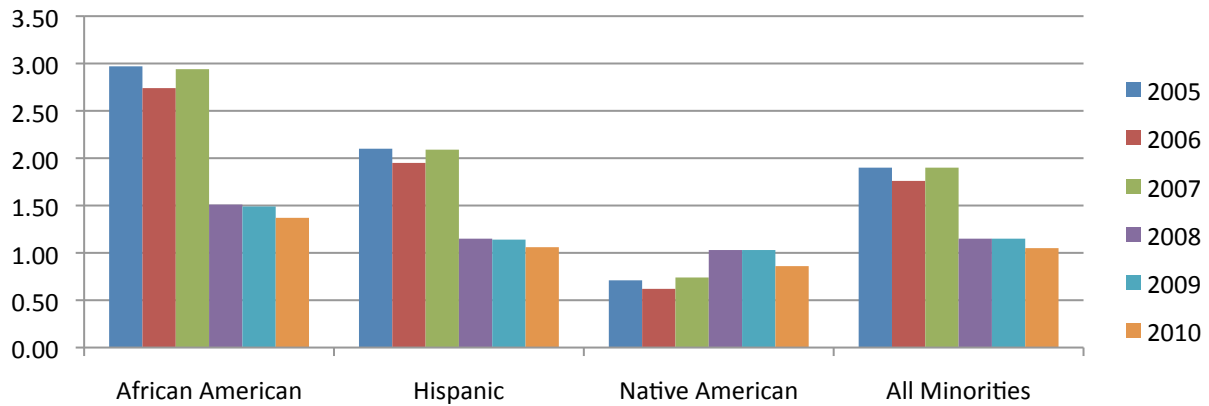

Figure 2 - Referrals, Statewide
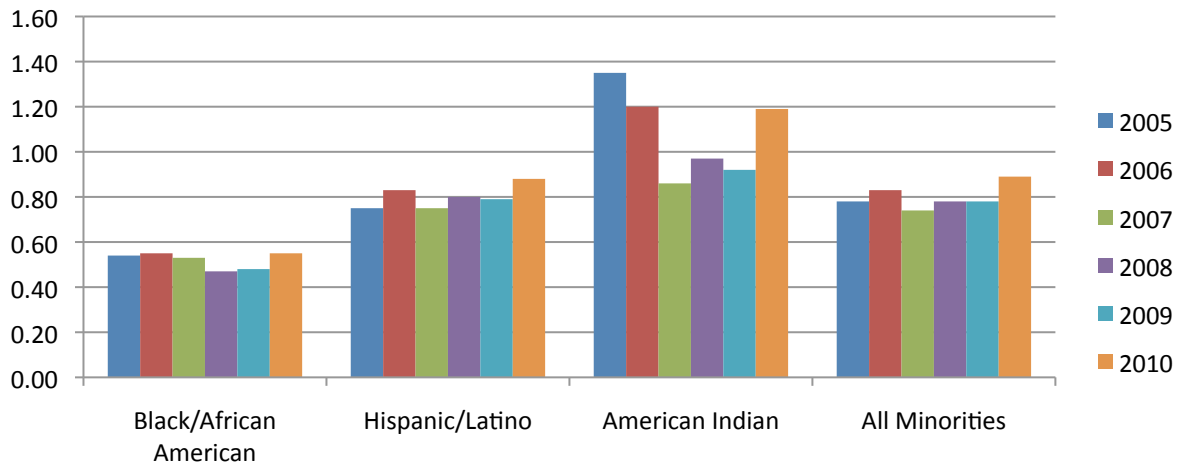

Figure 3 - Diversion, Statewide

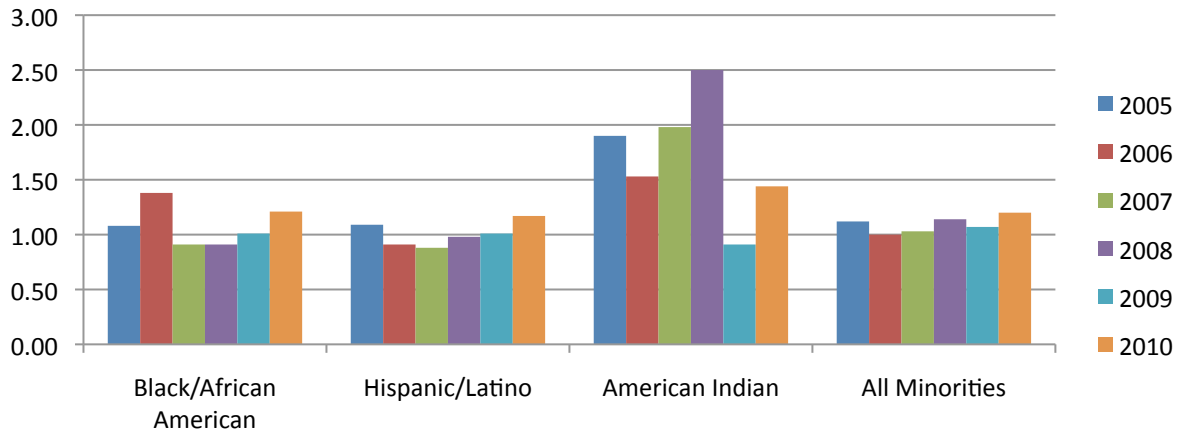**Figure 4 - Detention, Statewide**

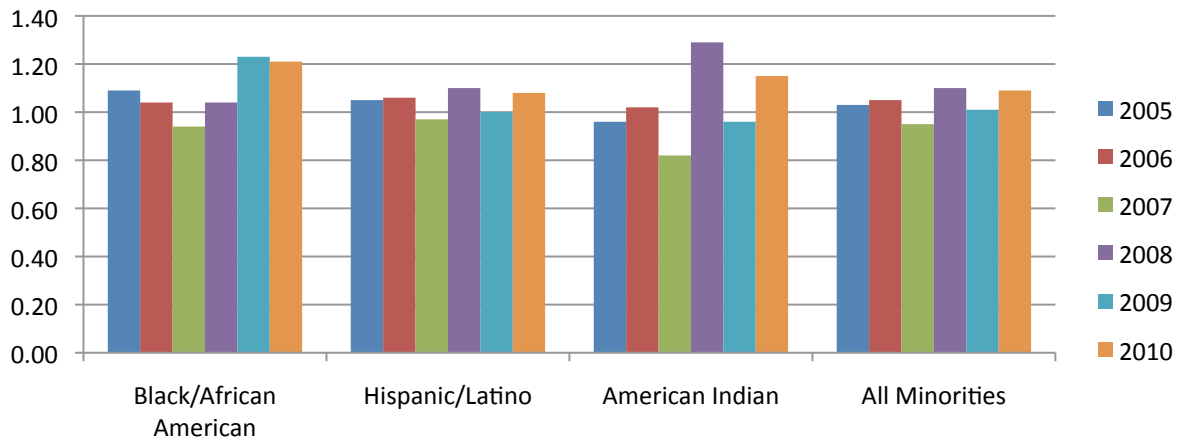**Figure 5 - Petitioned/Charges, Filed Statewide**

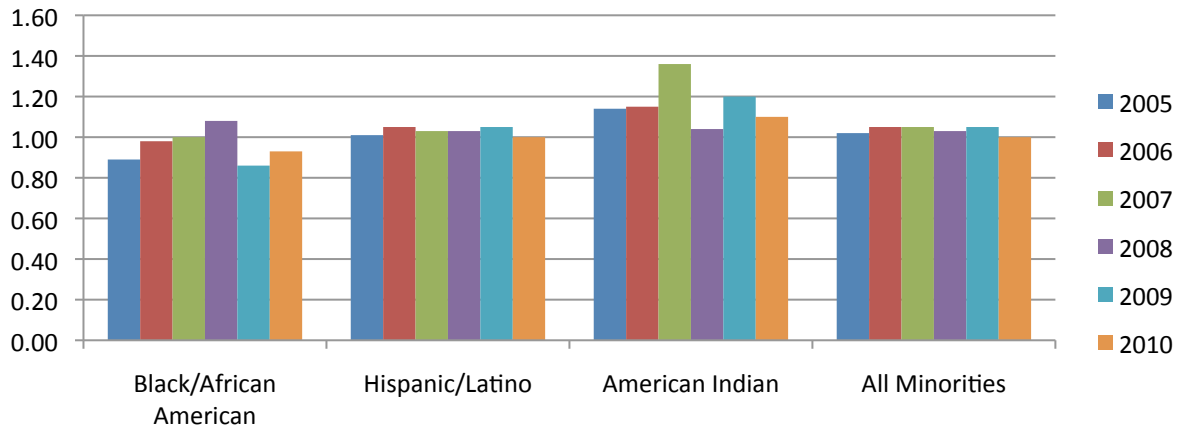**Figure 6 -Delinquent Findings, Statewide**

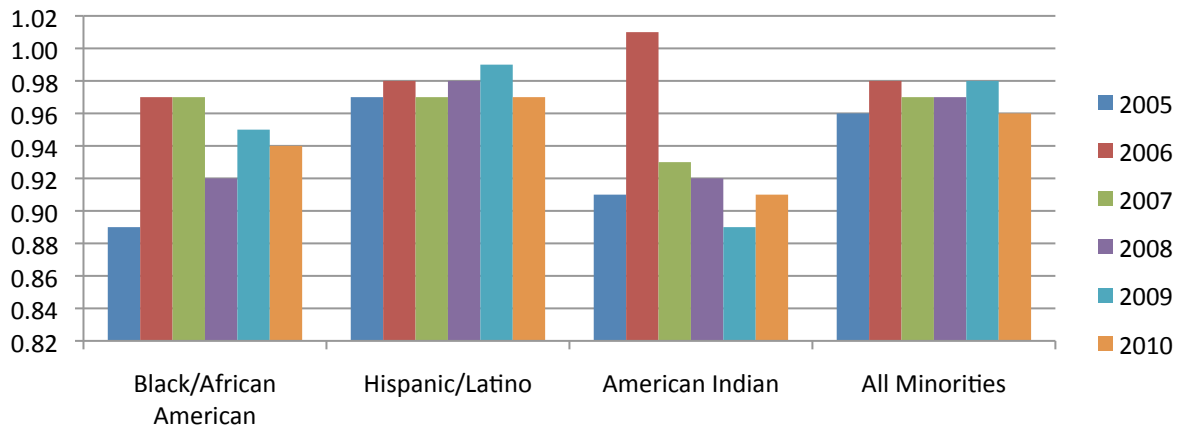**Figure 7 - Probation, Statewide**

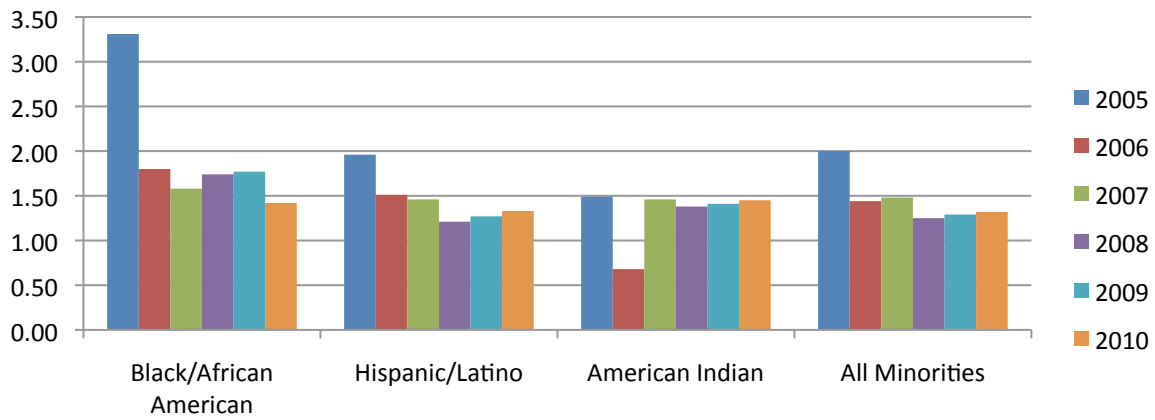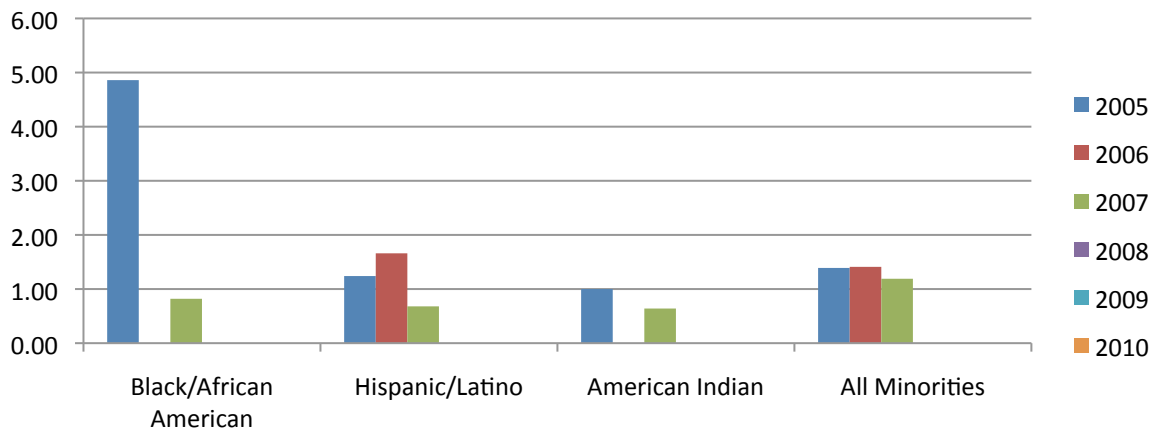**Figure 8 - Correctional Facility, Statewide**

Figure 9 - Transferred to Adult Court, Statewide

QUANTITATIVE ASSESSMENT
This section is focused on describing the assessment process, which focuses on assessing potential causes for DMC. This is done following OJJDP guidelines and similar methods used by other states and discussed in other reports. New Mexico's assessment process reviews particular contact points to determine possible factors that may cause DMC at the state level. As noted earlier we also briefly describe other aspects of our research that includes a review of juvenile justice system prevention and intervention programs that provide additional context to the NM juvenile justice system.

Assessing potential causes for DMC is useful for searching for factors that contribute to DMC, with the goal of using the results to inform policy, strategies, and/or interventions to reduce DMC. The RRIs discussed in the previous section (identification stage) with the RRIs shown statewide for New Mexico illuminate the fact that DMC is in fact present at contact points, and give an idea of the extent to which minorities are overrepresented in the New Mexico juvenile justice system. RRIs are one dimensional only looking at the percentage of each group relative to the Non-Hispanic White majority group at each contact point and do not control for factors such as the severity of the referring offense, prior delinquency referrals, age, or gender.

Is there evidence of disparate treatment of minority youth compared to Non-Hispanic White youth when severity of offense, previous delinquency referrals, and other demographic variables are taken into account? This question is addressed using a data-driven quantitative methodology, and is the focus of this section of the assessment and the primary focus of this report.

Contact Points Studied
The analysis of RRI trends discussed above guided our selection of contact points to include in our analysis. Ultimately data availability, discussions with CYFD staff, and New Mexico's juvenile justice case processing flow informed which contact points were selected. Analysis of all contact points, and sub-analysis at the county level was not feasible given the small number of observations at later contact points when broken out by county. Additionally analysis of this type was cost prohibitive. Our analysis is limited to the state at three decision points. These decision points are:

1. Referral to CCA
2. Delinquency finding
3. Sanctions – Time Waiver/Consent Decree/Probation/Detention/Commitment

Methods
This section describes the statistical methods used. The suggested Federal guidelines for exploring potential causes of DMC as identified by the RRIs were utilized. Specifically the question addressed is:

Can disparate contact among minority youth compared to Non-Hispanic White youth at various contact points in the system be accounted solely by differential criminal activity among racial/ethnic groups and criminal histories?

In addition to race categories, age, gender, severity of charge, prior delinquency referrals and Families in Need of Court Ordered Services (FINS) referrals to CYFD are included. Juveniles

that have prior FINS referrals represent instances where a child or family has refused family services or CYFD has exhausted appropriate and available family services. In these cases court intervention is necessary to provide family services in situations of truancy and runaways. Multivariate analysis in the form of logistic regression is employed to address this question.

Logistic Regression is used as the multivariate analytical technique because it is an appropriate technique for analyzing the effects of a set of independent variables on a dichotomous dependent variable. This analytical method is widely used in research to address questions where the phenomena (such as a youth penetrating further into the system at a given point) to be explored is dependent upon one or more factors and it is expressed in terms of yes or no (a dichotomy) dependent variable. This analytical technique allows the development of a model of those explanatory variables that best profile and predict the occurrence of the event in terms of probability. In addition, it allows inclusion of a set of independent variables of mixed types. For categorical variables such as race, it allows comparison of minorities to Non-Hispanic White (the reference). The effects of continuous or count variables such as age or number of priors can also be used within the same model. Of utmost importance, it provides a tool with which to look at race effects while holding other variables constant that can be used to measure mechanisms, such as differential offending, thereby deciphering the causes of minority over-representation at the chosen decision points in the system.

Ordered logistic regression is also used because one of our dependent variable is not dichotomous. Ordered logistic regression is used when the dependent variable is rank-ordered with more than two categories.

Potential Mechanisms of DMC
The method involves generating possible explanations of disparate treatment. Given that this is a data driven method, the potential causes are represented by variables available in the electronic CYFD data as well as theoretical considerations. In addition, where there is a relationship between race and a listed cause of DMC, then that factor may influence DMC or be considered a mechanism; where it has an influence on the relationship between race and the contact point modeled. *It important to identify mechanisms (causes) in an assessment, as sources of DMC within a jurisdiction at any given point in the process they can lead to targets for reduction.* Appendix B contains a listing of factors and a more detailed list from OJJDP (OJJDP, 2009A).

We are able to model two possible mechanisms of differential offending behavior. For the first-differential offending mechanism; variables were constructed which represent offense categories and level of severity (differential criminal activity). There are also counts of prior delinquent referrals (criminal history).

Second, a proxy was used for indirect effects which are a count of prior FINS referrals per youth. Simple accumulated disadvantage is a mechanism we investigate and can be inferred after assimilating the results. A higher arrest rate, then lower rate of diversion can lead to a higher rate of formal processing (for minorities). In other words, as a youth penetrates further into the system (as evidenced in the succession of contact points modeled), and minorities are over represented for the more severe sanction within each contact point (holding offense characteristics constant), this could be a mechanism or cause of DMC. Finally, if this pattern emerges it may be worthwhile to explore differential processing and policies with

disproportionate impact as potential mechanisms. Justice by geography or mobility effects is not addressed here as this is a statewide assessment.

Data and organization/reduction methods
Data for this assessment comes from the CYFD data system known as the Family Automated Client Tracking System (FACTS). FACTS is a case management tool used by protective services, early childhood, juvenile justice, youth and family, and financial services. FACTS is used by juvenile justice services to track juveniles from referral to the Juvenile Probation Office (JPO) through final disposition from the juvenile justice system. Pre-adjudication jail detention information is maintained in a separate information system known as Screening Admissions and Release Application (SARA) that was not used in this report. Among other things, SARA provides screening of juveniles referred for detention and monitors the status of youth in detention. FACTS collects demographic information (i.e. age, gender, race/ethnicity), type of offense (i.e. probation violation, new charge [i.e. shoplifting, truancy, drug charges, violent charges]), disposition (i.e. probation, dismissed, detention), and sanctions. Because of data availability it is not possible to analyze each possible mechanism noted earlier. For this reason, this assessment is exploratory and preliminary in nature.

FY07 (July 1, 2006) through FY09 (June 30, 2009) data sets were merged, which formed a working data set of 36 months containing the relevant outcome variables required to specify the three contact points. The data also includes characteristics of the referral and petition charges to proxy causes (as described above). Demographics are included, where race is used to determine if DMC is present while controlling for other variables. The time period was chosen for the express purpose of tracking juveniles backward through the system in order to explore whether a youth was involved in the juvenile justice system at any time prior to when they appeared in the study sample.

The preliminary merged data set contained multiple charges per referral and multiple referrals per juvenile over the study period. Reduction included choosing the most severe charge per referral and one closed-case status referral per juvenile based on the latest referral date (enabling analysis based on the juvenile rather than their referrals). This means that for juveniles who had multiple referrals during the study period we selected the last referral date. Cases where age, race, gender or JPO decision was missing (or pending) were removed from the study. After conversations with CYFD staff, the following decisions were made regarding which cases should be included in the final data set. Ultimately, after the reduction described above, all juveniles referred in FY07 – FY09, regardless of the referral source, aged 10 to 21 and for who the most severe charge was not a probation violation was included. Table 1 Appendix B illustrates the transformation from referrals to youth counts as well as counts of missing cases that were disregarded.

MODEL COMPONENTS
Explanatory variables as potential causes
The overall dataset provides data to follow CYFD's process while particular variables proxy as potential causes of DMC at each decision point. The objective is to explore the effect of race on these decision points while accounting for differential offending behavior and offending histories. Arrest/referral charge categories were constructed from severity and crime category to represent the current referral and petition charges. For example, if a juvenile was arrested for a property crime, and that crime is classified as a felony then that juvenile will have a yes

indicator for the variable Property Crime Felony Charge. Each juvenile is only counted in one offense category that represents their most severe charge at referral and petition.

Offense history, or an indicator for more frequent involvement is measured by two variables; counts of delinquent priors handled informally and those referred to the CCA. Counts of FINS priors treated informally are a proxy for other contacts with CYFD. Age is in single years. Males are compared to females. Additionally a region variable was created using the CYFD regions. The effect of each region is measured relative to Region 3, Bernalillo County, which has the largest number of referrals.

The fact that other variables are held constant in a logistic regression model enables us to compare the probability of the more severe outcome of all other minorities versus Non-Hispanic White. Hispanic, African American and Native American are compared separately.

Dependent Variable Contact Point One: Probability of Being Referred to Children's Court
Once a juvenile is arrested or referred to JJS a preliminary inquiry is conducted by a juvenile probation officer (JPO). The juvenile's case may be referred to the Children's Court Attorney (CCA) for further action or it may be handled informally (Children, Youth and Families Department, 2009A). The dependent variable is composed of two opposite (or dichotomous) outcomes: referred to the CCA (yes-CCA) or handled informally (no-CCA). The model results are interpreted as the magnitude and direction of each of the explanatory variables (mechanisms) and of the relationship the demographics to the probability of being referred to the CCA.

Dependent Variable Contact Points Two and Three: Petition Outcome
Once a petition is filed, the case is heard by a judge who makes a decision. Juveniles can be found to have committed a delinquent act or the charges are dismissed or nolle prosequi (Children, Youth and Families Department, 2009B). The dichotomy of being adjudicated delinquent versus dismissed or nolled could be modeled separately, however for the purposes of this analysis the sanctions that youth receive will be further broken out rather than included in a separate model.

For petitions that are not dismissed, there are five possible outcomes. The juvenile can either have a disposition of time waiver, consent decree, judge ordered probation, sentenced to detention, or commitment. A time waiver is a decision between the client, the client's attorney, the CCA and the JPO to allow the client to follow conditions for 6 months at the end of which the petition is nolled or dismissed if the conditions are followed and the client receives no new referrals during that time period. A consent decree provides youth with an opportunity to earn a clean record after successful completion of a period of probation. Since both time waivers and consent decrees give youth the option of having a clean record after completing probation they are grouped separately from judge ordered probation. Judges can order youth to spend 15 days detention in a local detention facility or a longer-term commitment to a CYFD facility.

The dependent variable ranks petition outcome in the following order: petition dismissed or nolled, time waiver/consent decree, judge ordered probation, sentenced to detention, and commitment. The model results are interpreted in magnitude and direction for each explanatory variable on the odds of a youth receiving a commitment compared to the combined effect of the other petition outcomes with all other variables being held constant.

The primary reason for using a combined model is the lack of variation in the dependent variable at the sanction stage. Nearly 92% of juveniles who reach that contact point receive a probation sanction (time waivers, consent decrees, judge ordered probation) while 8% receive secure confinement (detention or commitment). Given the small number of youth that receive a sanction of secure confinement, when explanatory variables are added to the model (for example they are 12 African Americans that received either detention or commitment) the generalizability of any findings is extremely tentative.

DATA ANALYSIS

This section describes the working data set. The total of 28,071 cases represents all juveniles arrested or referred to CYFD in FY07 – FY09 as described in the data section above. Table 1 report referral charges, referral severity, gender, and race/ethnicity.

Property Misdemeanor/Petty Misdemeanor (M/PM) crimes accounted for 23.6% off all crimes, followed by Public Order M/PM (20.8%), Person M/PM (13.9%), Drug Charges M/PM (12.3%), and Possession of Alcohol M/PM (11.6%). Felony charge types (Person, Weapon, Drug, and Property) accounted for 15.4% of all charges.

Males accounted for 63.1% of the sample. Hispanics accounted for the majority of cases (61.8%) followed by Non-Hispanic Whites (28.7%), Native Americans (7%), and African American (2.5%).

Table 1 – Referral Charges/Severity, Gender, and Race			
Variables		Count	%
Charges and Severity	*Rank*		
Person Felony	10	1,265	4.5%
Weapon Charge	9	928	3.3%
Drug Charge Felony	8	471	1.7%
Property Felony	7	1,659	5.9%
Person M/PM	6	3,891	13.9%
Drug Charge M/PM	5	3,451	12.3%
Property M/PM	4	6,624	23.6%
DWI (w/other)	3	688	2.5%
Poss. Alcohol M/PM	2	3,243	11.6%
Public Order M/PM	1	5,851	20.8%
Total		28,071	100.0%
Gender			
Male		17,709	63.1%
Female		10,362	36.9%
Race			
Non-Hispanic White		8,054	28.7%
Hispanic		17,350	61.8%
African American		706	2.5%
Native American		1,961	7.0%
Total		28,071	100.0%

The number, range, mean and standard deviation for delinquent priors and age (the continuous dependent variables) are presented in Table 2. Delinquent priors are split into two categories based on how they were handled: referred to CCA or informal recommendations. These categories are not mutually exclusive, and individuals can have both referrals that were referred to the CCA and referrals that were handled informally. In total, 41.2% of the study sample had a prior delinquent offense. Nearly 34% of the study sample had a delinquent offense that had been handled informally (average 1.6) and 20% had a delinquent offense that had been referred to the CCA (average 2.2). Average age of study group members was 15.4 years of age.

Table 2 – Delinquent Priors, FINS Priors and Age			
Variables	N	Mean	Std. Dev
Delinquent Priors			
Referred to CCA	5,631	2.2	1.9
Handled Informally	9,507	1.6	0.9
FINS Priors			
Handled Informally	1,589	1.3	0.7
Age			
Juveniles aged 10-21	28,071	15.4	1.7

Specification of the dependent variables differs somewhat from the flow of the New Mexico Juvenile Justice Division Referral Intake Process State of New Mexico Children, Youth and Families Department (2010). The point is to simplify a rather complex process in order to convey an outcome for each dependent variable. Table 3 reports the distribution of race/ethnicity by contact point as reflected in the working data set.

Race	Total		Non-Hispanic White		Hispanic		African-American		Native-American	
Contact Points	Count	%	Count	%	Count	%	Count	%	Count	%
State Population	298,623	100.0%	92,778	31.1%	161,951	54.2%	10,151	3.4%	33,743	11.3%
Arrests	28,071	100.0%	8,054	100.0%	17,350	100.0%	706	100.0%	1,961	100.0%
Refer to CCA	7,904	28.2%	2,201	27.3%	4,873	28.1%	264	37.4%	566	28.9%
Diversion (Informal)	20,167	71.8%	5,853	72.7%	12,477	71.9%	442	62.6%	1,395	71.1%
Secure Detention										
Petitioned	4,651	100.0%	1,243	100.0%	2,858	100.0%	159	100.0%	391	100.0%
Dismissed/Nolle Prosequi	1,307	28.1%	380	30.6%	741	25.9%	53	33.3%	133	34.0%
Delinquent Findings	3,344	71.9%	863	69.4%	2,117	74.1%	106	66.7%	258	66.0%
Sanctions Percentages total to Delinquent Findings and are Relative to Petitions Filed										
Time Waiver/Consent Decree	2,413	51.9%	663	53.3%	1,549	54.2%	77	48.4%	124	31.7%
Probation	650	14.0%	152	12.2%	391	13.7%	17	10.7%	90	23.0%
Detention	169	3.6%	31	2.5%	102	3.6%	4	2.5%	32	8.2%
Confinement	112	2.4%	17	1.4%	75	2.6%	8	5.0%	12	3.1%
Transferred to Adult Court										

Table 3 – Race Distribution for each Contact Point

The two models are presented below while results for all are presented separately in the findings section.

Model I - Referral to CCA = f [differential offending behavior (10 referral charge variables), delinquent priors, FINS referrals, age, race, gender, region]

Model II - Petition Outcomes = f [differential offending behavior (felony versus misdemeanor), delinquent priors, FINS referrals, age, race, gender, region]

Theoretical Considerations
Theoretically, we believe that referral to CCA is highly dependent on offending behavior, and that the probability of referral is higher as the seriousness of the offense increases. Alternatively, it is expected for less serious crimes (misdemeanor and petty misdemeanor) juveniles are more likely to be treated informally. For the first four felony crimes, significantly more juveniles are referred to the CCA. The opposite is true for those referred to informal services with the exception of DWI (w/other misdemeanor and petty misdemeanor charges), where the counts are virtually equal. As juveniles progress through the system, it is expected that their referral charges are not as strong a predictor (and additional explanatory variables should be collected for future analysis of these later points).

We also expect that juveniles are more likely to progress into the system if they have priors. For example, those with two or more delinquent priors that were referred to the CCA are more likely to be referred to the CCA on their current offense. Overall, it is expected having delinquent priors has a positive effect on the probability of the more serious outcome.

Results/Findings

Logistic regression has been used in previous studies exploring causes of DMC (Bishop et al, 1996 and Keaton et al, 2008) and is one of the suggested quantitative methods in Leiber et al 2009. It was chosen as an analytical tool in this study because it is an efficient method to study the causes of DMC. When a race category compared to Non-Hispanic White is significant and greater than one, DMC (for over-representation) can be inferred. Odds ratios are a relatively understandable and common method used to interpret the regression results. Interpretation of the direction and magnitude of the effect per variable is relatively straight forward enabling the testing of plausible explanations of DMC while incorporating theoretical considerations.

Contact Point One: Referral to the Children's Court Attorney
Differential offending, history and risk factors
The estimated odds ratios for this model are presented in Table 4, column headed "Model I". The 10 crime category/severity variables are divided into two categories; the more serious felony offenses and less serious misdemeanors/petty misdemeanors (M/PM). All 10 crime categories are significant, supporting that they have an effect on whether or not a juvenile is referred to the CCA. The odds ratios for categorical variables are interpreted in the following way: they have a positive effect if greater than one, in this contact point meaning the odds of the event (referral to the CCA) increase. For these variables, we are measuring the odds of referral to CCA for those having that particular charge *relative* to those who do not have that particular charge: The groupings under Different Offense Categories express the following:

1. The probability of a juvenile being referred to the CCA with a felony offense is significantly greater than if they were not charged with that particular offense. It ranges from six times greater (weapon charge) to 43 times (felony person charge).
2. The direction of the effect of M/PM offenses is in the opposite direction (as expected), and is interpreted in the following way. A juvenile with a PM/M effect is *less* likely to be referred to the CCA. For those offenses with an estimated ratio of 0.1 they are about 10 times *less* likely to be referred to the CCA. Similarly, for misdemeanor person offenses juveniles are 5 times less likely to be referred to the CCA. While DWI (w/other) are 2 times less likely to be referred to the CCA.

The interpretation of log ratios differs for variables which are not grouped into categories. For continuous or measurement variables: an estimated ratio close to one implies very little or no difference. When interpreting: the difference from one is considered the effect and it is expressed in percentage terms.

1. Under History (more frequent involvement in the system); for those with a history of priors treated informally the estimated odds of being referred to the CCA increase by 40% for each additional prior.
2. The estimated odds of referral to CCA is approximately 70% for each additional prior treated formally.
3. FINS priors are a proxy for other contacts with CYFD (an effort to test for indirect effects). The odds of referral to the CCA increase 30% for each FINS prior.

Demographics
The regression results show that Race/Ethnicity is significant in the model. The estimated ratios measure the odds of referral for each race group (minority) *relative* to White Non-Hispanic.

1. The odds of referral to CCA for a African-American juvenile are greater than a Non-Hispanic White juvenile, though close to one. At 1.3, the probability of a African-American juvenile being referred to the CCA is slightly higher for African-American juveniles relative to a Non-Hispanic White.
2. Alternatively, the odds of referral to CCA are slightly less for a Hispanic *as compared to* a Non-Hispanic White juvenile. The estimate is highly significant, though very close to one indicating that the difference is not substantive.
3. Native American is not significant at this contact point.
4. Age and gender are significant. The estimated odds ratio rounds to one for age meaning there is really no difference in probability of being referred to CCA for a year increase in age. The ratio for gender is also close to one. At 1.3; the probability of males being referred to the CCA is slightly higher than females.

Region
The regression results show that CYFD region is significant. The estimated ratios measure the odds of referral for each region relative to Region 3 (Bernalillo County).

1. The odds of referral to CCA for a juvenile in Region 1 (Northwestern NM) are greater than Region 3, though close to one. At 1.2, the probability of a juvenile in Region 1 being referred to the CCA is slightly higher relative to Region 3.
2. The odds of referral to CCA for a juvenile in Region 5 (Southwestern and South Central NM) are less than Region 3 though close to one. At 0.7, the probability of a juvenile in Region 5 being referred to the CCA is slightly lower relative to Region 3.
3. The odds ratios for Region 2 and Region 4 are statistically significant, however they are very close to one indicating that the difference is not substantive.

Contact Points Two and Three: Petition Outcomes
The petition outcome comprises the outcomes of contact point two (delinquency finding) and contact point three (sanction) simultaneously. The estimated odds ratios are presented in Table 4, column labeled "Model II". These odds are proportional, meaning they are interpreted as the odds of commitment versus the combined odds of dismissed, time waiver/consent decree, probation, and detention given that all other variables are held constant.

Differential offending, history and risk factors

1. A juvenile is less likely to get a sanction of commitment if their most serious petition charge is a misdemeanor. The odds of commitment versus the combined odds of dismissed, time waiver/consent decree, probation, and detention is 0.9 times lower when all other variables are held constant.
2. Juveniles with prior referrals that were handled informally are more likely to receive a sanction of commitment. For each additional prior informal referral, the odds of getting a sanction of commitment goes up 20% versus the combined odds of

dismissed, time waiver/consent decree, probation, and detention when all other variables are held constant.

3. Juveniles with prior referrals that were handled formally are more likely to get a sanction of commitment. For each additional prior formal referral, the odds of receiving a sanction of commitment goes up 30% versus the combined odds of dismissed, time waiver/consent decree, probation, and detention when all other variables are held constant.

4. Juveniles with prior FINS referrals are more likely to get a sanction of commitment. For each additional prior FINS referral, the odds of receiving a sanction of commitment goes up 30% versus the combined odds of dismissed, time waiver/consent decree, probation, and detention when all other variables are held constant.

Demographics

1. Native Americans are 2 times *more* likely than Non- Hispanic White juveniles to receive a sanction of commitment versus the combined odds of dismissed, time waiver/consent decree, probation, and detention given that all other variables are held constant. It is important to note while this is highly statistically significant, the net difference between Native American juveniles and Non-Hispanic White juveniles is 3.1% compared to 1.4% not controlling for other variables.

2. Hispanic juveniles are slightly more likely than Non-Hispanic White juveniles to receive a sanction of commitment versus the combined odds of dismissed, time waiver/consent decree, probation, and detention given that all other variables are held constant. Although the difference is statistically significant, since the odds ratio is very close to one the difference is not substantive.

3. Both age and gender are statistically significant, however since the odds ratios are very close to one the difference is not substantive.

Region

1. Juveniles in Region 4 are nearly 2 times *more* likely than juveniles in Region 3 to receive a sanction of commitment versus the combined odds of dismissed, time waiver/consent decree, probation, and detention when all other variables are held constant.

2. Juveniles in Region 5 are nearly 2 times *more* likely than juveniles in Region 3 to receive a sanction of commitment versus the combined odds of dismissed, time waiver/consent decree, probation, and detention when all other variables are held constant.

3. The odds ratios for Region 2 and 3 are statistically significant, however they round to one indicating that the difference is not substantive.

Table 4					
Effect of Explanatory Variables on the the Probability of a Juvenile Moving Further into the System: Logistic Regression Results for Three Contact Points		**Model I** Refer To CCA		**Model II** Petition Outcome	
		R^2= 0.67		R^2= 0.72	
Variable	Reference	Estimated Odds Ratio		Estimated Odds Ratio	
Rank of referral charges (Model II)					
Misdeamor	Vs Felony			0.9	*
Categories of referral charges that are felonies (Fel.)					
Fel. Personal Crime	Vs. No	43.5	****		
Fel. Weapon	Vs. No	6.1	****		
Fel. Drug	Vs. No	27.7	****		
Fel. Property Crime	Vs. No	34.0	****		
Categories of referral charges that are mis-demeanors or petty misdemeanors (M/PM)					
M/PM Personal Crime	Vs. No	0.2	****		
M/PM Drug	Vs. No	0.1	****		
M/PM Property Crime	Vs. No	0.1	****		
M/PM DWI (w/other)	Vs. No	0.5	****		
M/PM Poss. Alcohol	Vs. No	0.1	****		
M/PM Public Order	Vs. No	0.1	****		
More Frequent Involvement (Delinquent Priors)					
Treated Informally		1.4	****	1.2	****
Treated Formally		1.7	****	1.3	****
History of Status Offenses (Status Priors)					
Treated Informally		1.3	****	1.3	****
Region					
Region 1	Vs Region 3	1.2	****	1.0	****
Region 2	Vs Region 3	1.1	**	1.0	***
Region 4	Vs Region 3	1.1	***	1.9	****
Region 5	Vs Region 3	0.7	****	2.0	****
Race/Ethnicity					
African American	Vs. White	1.3	***	1.1	
Native American	Vs. White	1.0		2.1	****
Hispanic	Vs. White	0.9	***	1.1	**
Age at Referral					
Age (single years)		1.0	***	0.8	****
Gender					
Male	Vs. Female	1.3	****	1.2	***

*P< 0.1, **p<0.05, ***p<0.01, ****p<.0001

Limitations of Model 2

As mentioned in the model components section, the primary reason for using a combined model is the lack of variation in the dependent variable at the sanction stage. Given the small number of youth within some of the petition outcome categories, when explanatory variables are added the generalizability of these findings may become compromised. To better understand and explain the findings above and the possible effect of small sub-groups on the model, some simple bi-variate graphs were created and the predicted probabilities of the five petition outcomes by race were graphed relative to age, prior referrals to the CCA and prior referrals handled informally.

Region

There is evidence that the odds of receiving a sanction of commitment for Region 4 and Region 5 were higher compared to Region 3. Figure 10 is the CYFD region map and is included for reference purposes. Figure 11 is a stacked bar chart that compares the relative percentages of the petition outcomes by region. Looking at the relative size of each petition outcome color across the regions, different patterns emerge. Not controlling for other variables, Region 4 has a commitment percentage of 3.1% while Region 5 has a commitment percentage of 2.8%, and Region 3, the reference for the comparison, has a commitment percentage of 1.6%. While the percentage difference for Region 4 and Region 5 compared to Region 3 seems small, when all other variables are held constant the model shows that the odds of commitment versus the combined odds of dismissed, time waiver/consent decree, probation, and detention is higher for each region individually when compared to Region 3.
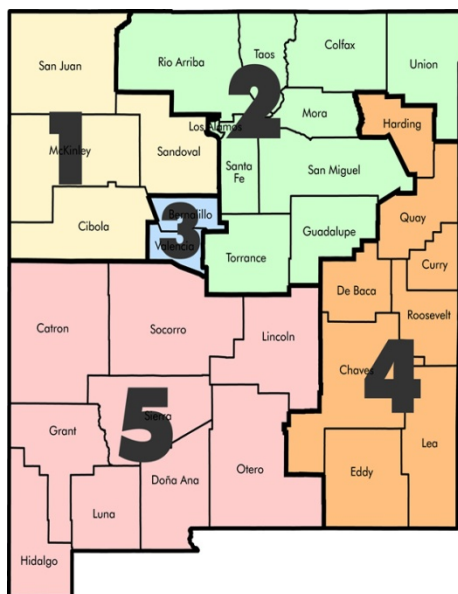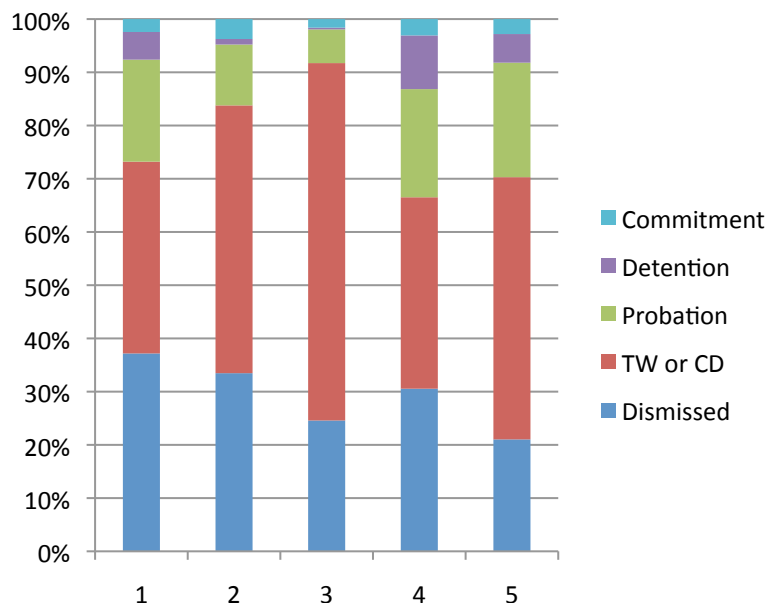
Figure 10. CYFD Region Map

Figure. 11 Comparison of Petition Outcomes by Region

Race

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Native Americans were more likely to receive a sanction of commitment compared to Non-Hispanic Whites. Figure 12 is a stacked bar chart that compares the relative percentages of the petition outcomes by race. Looking at the relative size of each petition outcome color across the race categories, different patterns emerge. The net difference between Native American juveniles and Non-Hispanic White juveniles is 3.1% compared to 1.4% not controlling for other variables. Native Americans are 2 times *more* likely than Non-Hispanic White juveniles to receive a sanction of commitment versus the combined odds of dismissed, time waiver/consent decree, probation, and detention when all other variables are held constant. The actual percentage of African American youth who received a sanction of commitment is actually higher than any other race category (5.0% compared to 1.4% for White Non-Hispanic youth). However when other variables are held constant, the odds of receiving a sanction of commitment versus the combined odds of dismissed, time waiver/consent decree, probation, and detention for African American youth are not statistically different relative to White Non-Hispanic youth. Sub-group size is a potential concern since there were only 112 youth that received a commitment sanction and only 8 were African American.

Figure 12. Comparison of Petition Outcome By Race
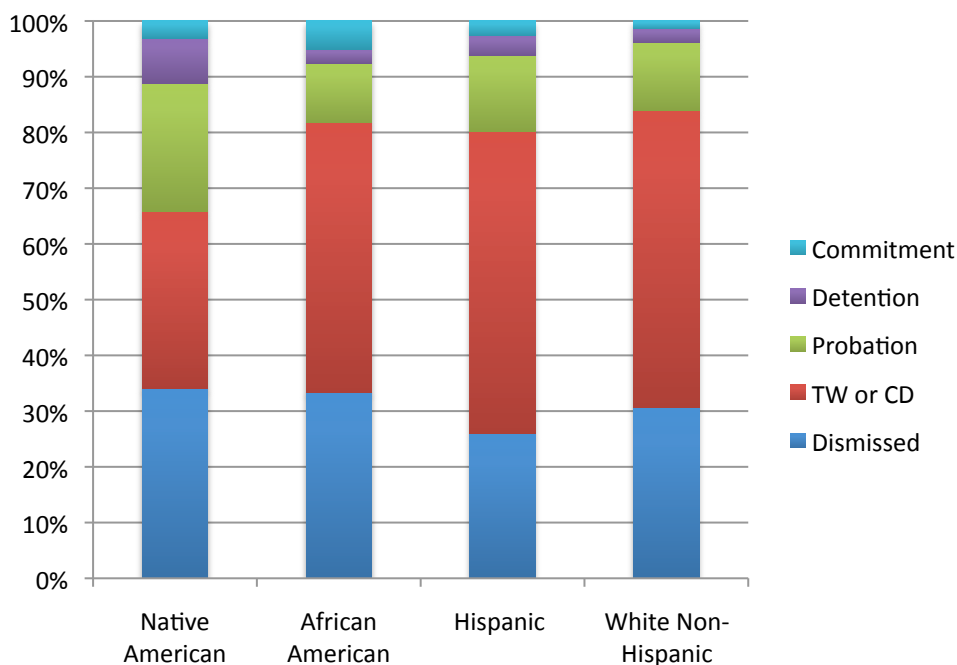
When petition outcome is looked at in cross-tabulations that include both region and race, it becomes clear that in some cases the effect of race in the model is confined to a single region. The most pronounced instance is Native American juveniles that receive a detention or commitment. Thirty-six of the 44 Native American with these petition outcomes are in Region 1. Moreover 71.1% of the Native Americans in the sample are in Region 1.

The most stable variables throughout our analysis are the indicators of prior referrals and age. To illustrate this point we mapped the predicted probabilities by petition outcome and race against age, the number of prior informal referrals, and the number of prior referrals referred to

CCA. These graphs hold all other variables constant. The Y-axis is the predicted percentage expressed in decimal format (for example .20 represents 20%). These graphs illustrate that the predicted percentages for Non-Hispanic White, African-American, and Hispanic are very similar for each petition outcome. For all the race categories the general shape of the predicted probabilities is similar indicating that an increase in prior informal referrals, prior referrals referred to CCA, and age has similar effects when all other variables are held constant. The predicted probability for dismissal and time waiver/consent decree decreases as these variables increase, and the predicted probability of judge ordered probation, detention, and commitment increases as these variables increases. The Native American predicted probability trend is different than all the other categories. The problem with making any inference about the treatment of Native Americans in New Mexico from this model is that as indicated above the vast majority of the Native Americans are in a single region. Additionally, the lower predicted probability of a time waiver/consent decree compared to judge ordered probation for Native Americans may represent a difference in case processing in Region 1 compared to the rest of the state. Figures 13-15 lists the predicted probabilities by petition outcome and race against age, the number of prior informal referrals, and the number of prior referrals referred to CCA.
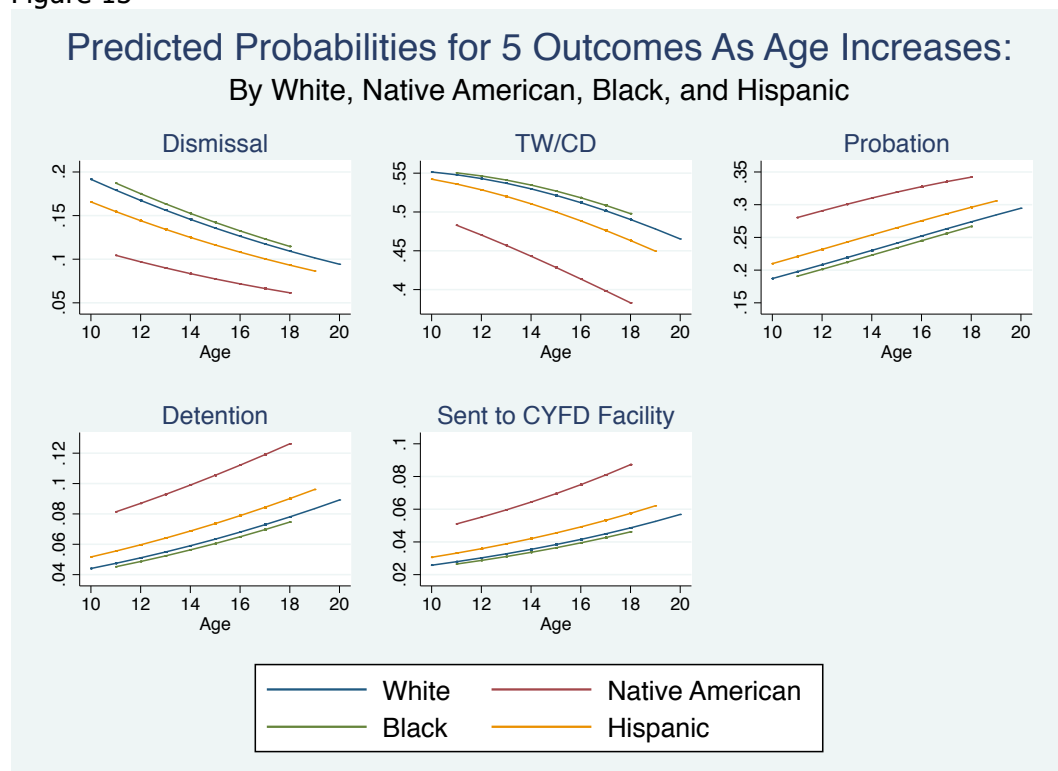
Figure 13

Predicted Probabilities for 5 Outcomes As Age Increases:
By White, Native American, Black, and Hispanic

Figure 14

Predicted Probs for 5 Outcomes As Delinquent Informal Incrs:
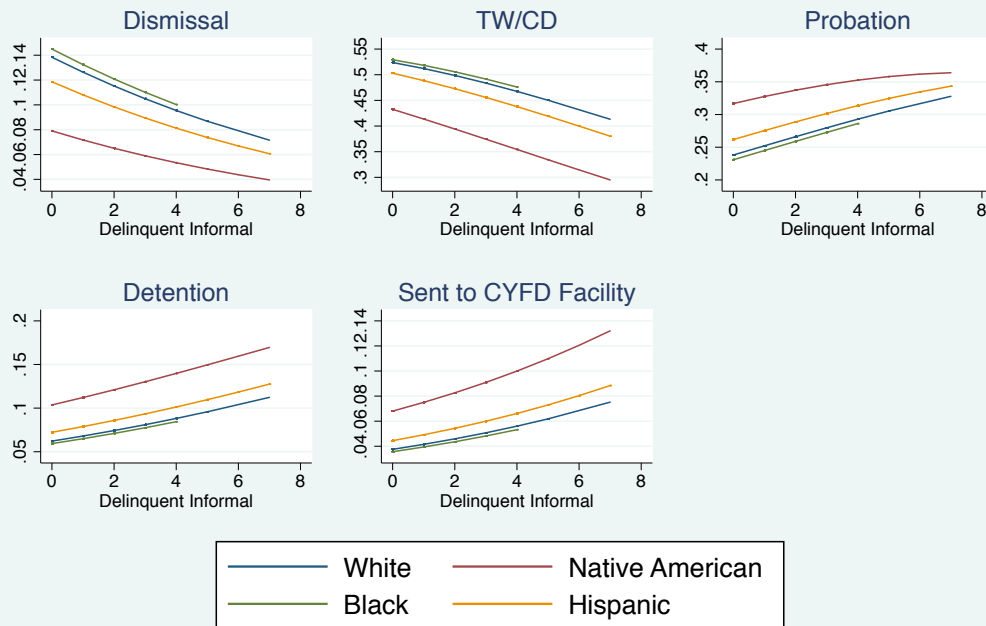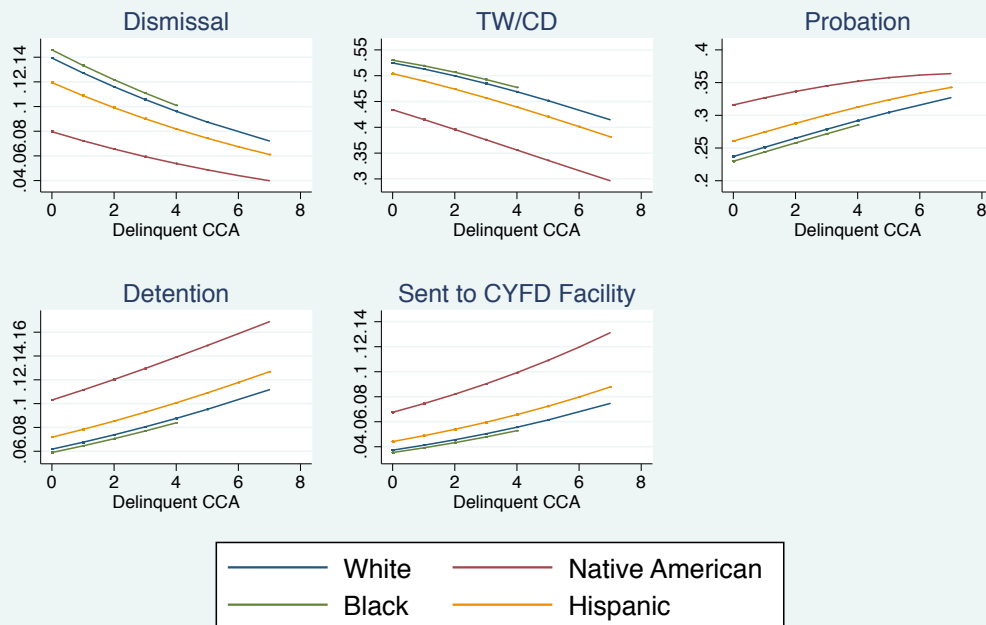### By White, Native American, Black, and Hispanic

Figure 15

Predicted Probs for 5 Outcomes As Delinquent CCA Increases:
By White, Native American, Black, and Hispanic

CONCLUSION AND ADDITIONAL RESEARCH

The goal of this study and report was to begin the process of determining the mechanisms contributing to DMC in New Mexico. This report fulfills the federal requirement that each state complete a statewide assessment. As noted in the introduction this report follows general guidelines provided by OJJDP for conducting a DMC statewide assessment/study (OJJDP, 2009B). New Mexico has now addressed the first two of the four DMC core requirements (core requirement one - identify the extent to which DMC exists within their jurisdictions and core requirement two - assess the reasons for DMC) and the information in this report should be useful in developing and implementing interventions strategies (core requirement three). Further, on-going efforts should be taken to more completely analyze the causes of DMC in New Mexico and evaluate and monitor the effectiveness of chosen intervention strategies (core requirement four). Additional research for assessing the reasons for DMC is discussed in more detail later. This report only addresses preliminary causes for DMC at the state level and does not analyze DMC at the county level. It is important to further study the causes of DMC and to study these causes at the county level.

This assessment is based primarily on juvenile justice system data maintained by the New Mexico Children, Youth and Families Department (CYFD). Other sources of information used in this report include: relative rate index trends, the review of reports compiled by other states, a review of other literature, a review of the New Mexico juvenile justice system, and formal and informal discussions with CYFD staff. We also briefly described other aspects of our research that includes a review of juvenile justice system prevention and intervention programs that provide additional context to the NM juvenile justice system.

The objective of the statistical analysis in the study was to profile three decision points within the New Mexico juvenile justice system in order to ascertain: 1) The factors explaining the decision which results in the more serious outcome, thereby the factors determining whether a juvenile progresses further into the system. 2) Whether race is a significant factor. The multivariate analysis lends itself nicely to addressing these two questions within the limitations of the data.

DMC
After the initial arrest/referral the JPO makes a decision of whether or not to move the juvenile further into the system via referral to the CCA. Model I results show differential offending (referral charge and offending history) play a large role in this decision. By looking at separate charge categories, one can see the effects each has on the decision. Looking at prior history, a history of priors referred to the CCA, priors treated informally and FINS priors all increase the odds of being referred to the CCA. Race also plays a role. It is important to note that even *when prior history and differential offending are accounted for in the model*; race is statistically significant indicating the presence of DMC. African American youth are more likely to be referred to the CCA relative to White Non-Hispanic youth.

Differential Offending as a Mechanism
Appendix B column labeled "Model I" presents evidence that all offending history and charge categories are correlated to race. Therefore, differential offending can be a mechanism for DMC. This is a preliminary finding for two reasons: First, the race effect is moderate. Second, the correlation between race, offense severity and history *may have originated at the arrest*

point. To clarify this relationship it would be useful to further study this particular mechanism with interviews and perhaps focus groups of JPO officers and administrators.

Other CYFD Contacts as a Mechanism
FINS referrals represent instances where a child or family has refused family services or CYFD has exhausted appropriate and available family services and court intervention is necessary to provide family services in situations of truancy and runaways. The effect is modest and significant. It is important to note that this only represents an indirect measure of risk factors, one component of the mechanism of interest, *indirect effects* (Appendix A). It was included in the analysis as a proxy only and not believed to be indicative of all possible risk factors. It is exploratory; and further research is warranted, which will be elaborated on below in the further research section.

Additional Research
The results from our models show some evidence of DMC. Mechanisms of DMC (Appendix A) are important to explore in order to help inform policy and help design appropriate DMC reduction strategies and programs. Recommendations regarding the need for further research are presented in this section which serve to; solidify the findings, and add information regarding mechanisms illuminated in this assessment and provide the opportunity to more completely explain DMC in the N.M. juvenile justice system by exploring other mechanisms.

Differential Offending
Both differential offending factors (offenses as well as histories) are potential mechanisms. It would be useful to augment the current dataset and analysis with variables regarding gang-related involvement. It would also be useful to conduct interviews and/or focus groups with a random sample of the decision makers at this particular juncture in the N.M. juvenile justice system to understand which factors falling under the definition of this particular mechanism help shape their decision.

Indirect Effects
Indirect effects can be embedded in race if their incidence more likely to occur in minority youth. The data available is the counts of FINS referrals which were treated informally. This variable was significant in both models. This potential mechanism deserves further exploration, and we could drill down deeper either through data augmentation, or personal interviews. It would be interesting to look at some or all of the following; economic status, neighborhood composition, family structure and school performance. There also may be a difference in access to behavioral health and substance abuse programs. In addition, the SARA data mentioned above includes a risk assessment tool which may prove to be a better proxy for risk factors than the one included in the models.

Accumulated Disadvantage
There does not appear to be support for accumulated disadvantage. One method to solidify those results and explore the presence *accumulated disadvantage* is to explore the pre-adjudicatory detention contact point in the process. The mechanism addresses the fact that decisions made at earlier stages have an impact or help shape outcome decisions at later stages which put minorities at a disadvantage. Detention can be a catalyst for, and therefore a predictor of more serious outcomes at later stages in the process. This would require the SARA data which contains detention information.

Differential Processing or Inappropriate Decision Making Criteria
This mechanism addresses the decision making process with respect to selection of diversion programs or selecting alternative decision outcomes; if they are structured so as to place minorities at a disadvantage, and if not, are application criteria consistent across races. There does not appear to be evidence of differential processing or inappropriate decision making criteria, however adding a qualitative method would provide additional information on this mechanism.

Mobility Effects/Justice by Geography
Geography related mechanisms (mobility effects and justice by geography) were not addressed as this is a statewide analysis. The use of the CYFD regions is not sufficient to be used as a measure of this mechanism although it does show differences in racial/ethnicity compositional when the state is broken down into sub-groups. Analysis of this mechanism could be approached with additional analysis for sufficiently large geographical areas.

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