

Disproportionate Minority Contact in New Hampshire

Juvenile Justice DMC Assessment

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About this paper

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Executive Summary

Disproportionate Minority Contact (DMC) is a measure of racial disparity among juvenile offenders in the juvenile justice system. DMC refers to the overrepresentation of racial and ethnic minorities at all points in that system, from arrest to referrals, adjudication, diversion, detention, confinement, and finally movement into the adult court and adult corrections systems.

Our earlier identification analysis indicated that DMC does exist in the New Hampshire juvenile justice system. However, we noted that there are significant hurdles, both in terms of data reliability and statistical precision, in calculating trustworthy DMC measurements in New Hampshire, particularly outside of the state's larger municipalities.

In this assessment analysis, we examine the likely causes of DMC in New Hampshire's juvenile justice system. We find that disproportionate treatment of minority juveniles is at its highest at the first point of contact (arrest). While indirect effects and misinterpretation of cultural differences could explain DMC in New Hampshire, procedures and policy could also contribute to differential treatment of minorities.

An online survey of New Hampshire juvenile justice stakeholders revealed that most believe that indirect effects in high-minority neighborhoods—such as reduced educational opportunities, low income, high unemployment, and drug-infested neighborhoods—placed minority youth at a higher risk of involvement in crime. This observation was echoed in interviews with judges and community leaders. While this qualitative research measured the attitudes of stakeholders in the system, it does not represent the perspectives of everyone affected, including families and juveniles themselves.

In order to truly assess and disentangle exactly what causes DMC in New Hampshire, a statistical, multivariate data analysis would have to be performed. That analysis could not be accomplished due to the lack of available data. But in the absence of these data, key informant perspectives are valuable in providing instruction, insight, and direction.

New Hampshire suffers the same problem as many smaller, rural states: the lack of a comprehensive database that invites statistical analysis of DMC. Therefore, our most important recommendation addresses improvements in the juvenile justice data collection and analysis.

Recommendations

- Improve procedures to track the movement of juveniles from arrest to adult court, by race and ethnicity. This would include a database allowing a statistical analysis that measures individual juvenile intake, detention, probation, and commitment, and the ability to measure those procedures against gender, age, school status, family status, residential mobility, economic inequality, crime type and living arrangements.
- Develop intervention strategies that are focused on addressing indirect effects (increasing direct services and enacting systems change), with particular focus on the entry point to the system (juvenile arrests). This means law enforcement and community based solutions.

- Encourage the Department of Juvenile Justice Services (DJJS) and the courts to adopt risk-based guidelines for placing juveniles within the continuum of placement options.
- Because policy can be also changed and improved through qualitative research New Hampshire should pursue a true in-depth qualitative analysis of this issue, using peer reviewed research questions based on similar national studies, incorporating multi-level stakeholders, including stakeholders, youth and families.

Overview

In 2012 the New Hampshire Division of Juvenile Justice Services, New Hampshire State Advisory Group (SAG) on Juvenile Justice contracted with the New Hampshire Center for Public Policy Studies to help identify and assess disproportionate minority contact (DMC) in New Hampshire's juvenile justice system. This report on the Assessment Phase is the second of two reports on DMC. The first report addressed the Identification Phase.

Assessing Disproportionate Minority Contact

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) defines Disproportionate Minority Contact (DMC) as a description of “the extent to which minority youth are overrepresented in that jurisdiction’s juvenile justice system.”¹ The DMC provision was added to the law² because of the disparities in the treatment of minority youth in the juvenile justice system.³

In New Hampshire, the minority population includes any race that is not white, and those whose ethnicity is Hispanic or Latino. New Hampshire is a small state (about 1.3 million people), with a small minority population. However, the minority population in New Hampshire is growing faster than the white non-Hispanic population. While minorities represented only 4.9 percent of New Hampshire’s population in 2000, they produced 50 percent of the population gain between 2000 and 2010. Even though the white non-Hispanic population accounts for about 95 percent of the population in the state, minorities are becoming an increasing share of the population throughout the state.

The OJJDP has identified nine points of contact where DMC should be measured. They include:

1. Arrest
2. Referral
3. Diversion
4. Detention
5. Petition/charges filed
6. Delinquency findings
7. Probation
8. Confinement in secure correctional facilities
9. Transfers to Adult Court

¹ Disproportionate Minority Contact Technical Assistance Manual, Office of Juvenile Justice and Delinquency Prevention, July 2009, page 1-1.

² The Juvenile Justice and Delinquency Prevention (JJDP) Act of 1974 was amended in 2002 to require states participating in the JJDP Act’s Part B Formula Grants program to “address juvenile delinquency prevention efforts and system improvement efforts designed to reduce, without establishing or requiring numerical standards or quotas, the disproportionate number of juvenile members of minority groups, who come into contact with the juvenile justice system.”

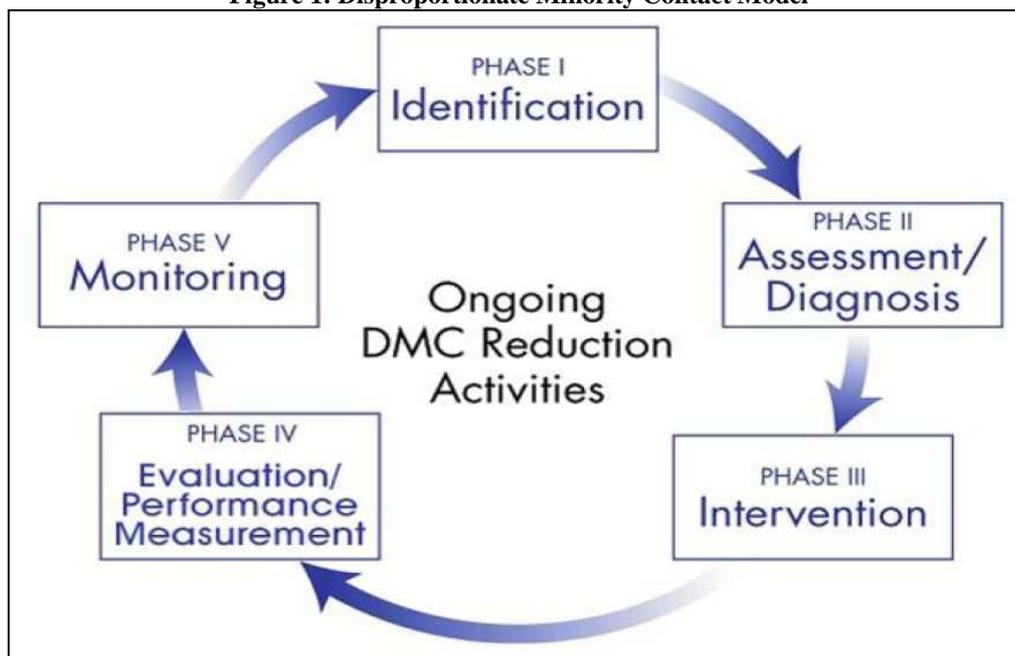
³ <http://www.thecrimereport.org/viewpoints/2013-05-time-to-reauthorize-the-juvenile-justice--delinquenc>

The quantitative definition of DMC is the ratio of the racial/ethnic population in the juvenile justice system compared to that of the majority (white, non-Hispanic) population for the nine points of juvenile contact within the system, from police contact to juvenile corrections and transfer to adult court. This ratio is called a Relative Rate Index (RRI).

Since 1998, the Juvenile Justice Delinquency Prevention (JJDP) Act has required all states that receive formula grant program funding to determine whether the proportion of minority youth in confinement exceeds their proportion of the population, and, if so, to develop corrective strategies.

OJJDP has designed a DMC–Reduction Model to help states reduce racial disparities within their systems. OJJDP also provides technical assistance to states to help them learn more about DMC and to develop individualized DMC–reduction plans. The DMC model helps guide states through a variety of DMC activities, including identifying where DMC is a problem in particular jurisdictions and at particular decision points, assessing contributing factors to DMC, implementing strategies to reduce DMC, and evaluating and monitoring DMC–reduction efforts. The model has five phases: 1) identification, 2) assessment, 3) intervention, 4) evaluation, and 5) monitoring, as shown in Figure 1.

Figure 1: Disproportionate Minority Contact Model



Source: Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice. 2009. Disproportionate Minority Contact Technical Assistance Manual, Fourth Edition. Washington, D.C.: OJJDP. Available at http://www.ojjdp.gov/compliance/dmc_ta_manual.pdf, Intro–1

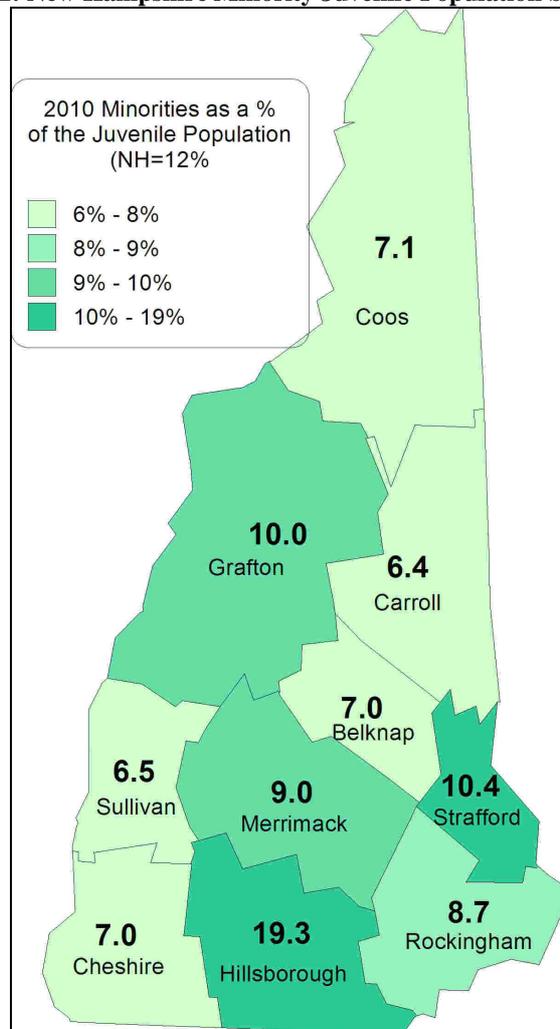
Although formal reports on Identification, and now Assessment, have been produced, it is important to note that DMC Reduction is a process of continual improvement. Each phase informs the next phase, with the goal of minimizing overrepresentation of minorities in juvenile justice.

New Hampshire is becoming more racially and ethnically diverse, but this diversity remains concentrated in the state’s larger population centers. The size of the juvenile minority population, in absolute terms and relative to the white youth population, varies considerably across the state.

Table 1: New Hampshire Juvenile Population by Race and Ethnicity, 2010 Census

Juveniles (10 to 17 Years Old)	White Alone	Black or African American	American Indian or Alaskan Native	Asian	Hawaiian or Pacific Islander	Some Other Race	Two or More Races	Hispanic or Latino	Percent Minority
New Hampshire	128,636	2,108	375	2,825	44	1,650	4,034	5,694	12.0%
Belknap County, New Hampshire	5,834	31	11	108	2	17	135	124	7.0%
Carroll County, New Hampshire	4,415	33	14	44	0	10	114	83	6.4%
Cheshire County, New Hampshire	6,882	35	19	76	0	34	171	170	7.0%
Coos County, New Hampshire	3,008	17	13	25	0	10	84	75	7.1%
Grafton County, New Hampshire	7,411	65	32	190	3	50	257	200	10.0%
Hillsborough County, New Hampshire	39,366	1,257	125	1,208	13	1,156	1,545	3,311	19.3%
Merrimack County, New Hampshire	14,748	219	52	289	4	55	416	390	9.0%
Rockingham County, New Hampshire	32,140	278	64	550	16	236	838	970	8.7%
Strafford County, New Hampshire	10,659	145	32	302	4	61	376	280	10.4%
Sullivan County, New Hampshire	4,173	28	13	33	2	21	98	91	6.5%

Figure 2: New Hampshire Minority Juvenile Population by County



Racial and ethnic diversity is greater among the state’s youth populations, with 12.2 percent of New Hampshire’s under-18 population belonging to a racial minority in 2010. This is because the minority population in New Hampshire, on whole, is much younger than the non-minority population in the state, as shown in the following population pyramids for the year 2010.

Figure 3: White Alone, Not Hispanic Population by Gender and Age

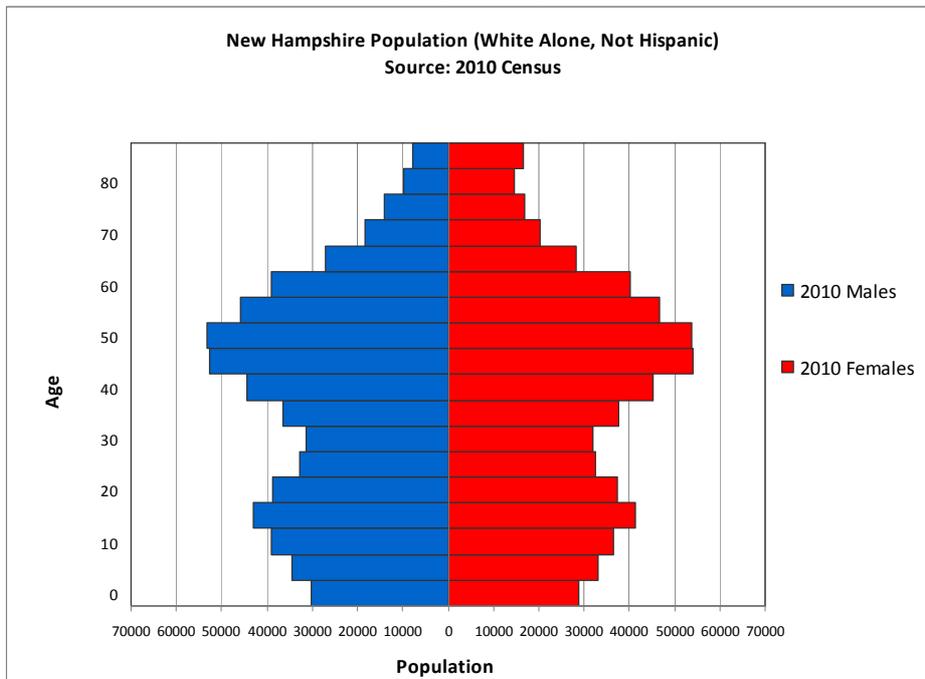
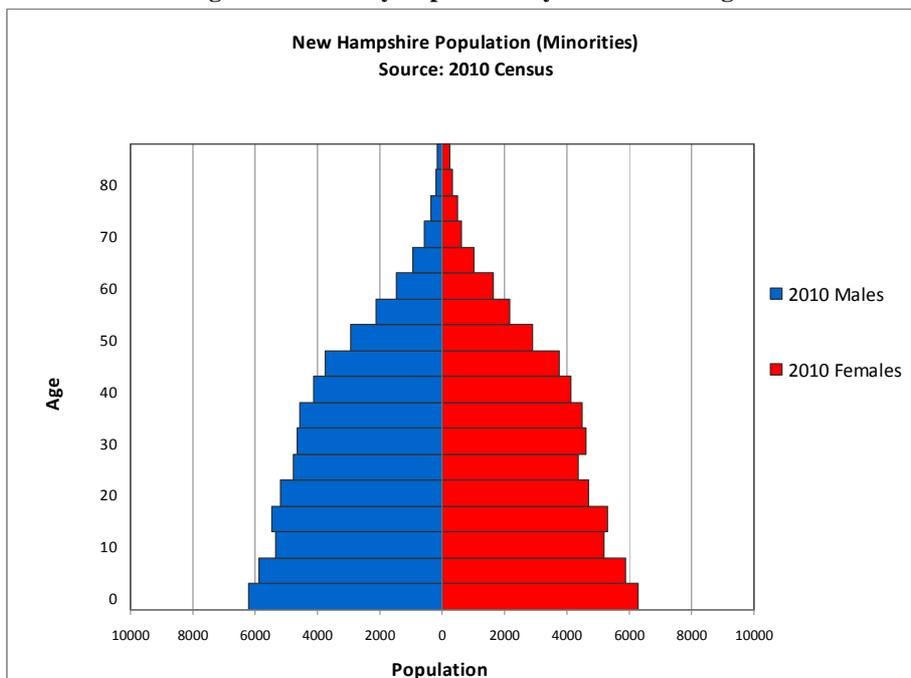
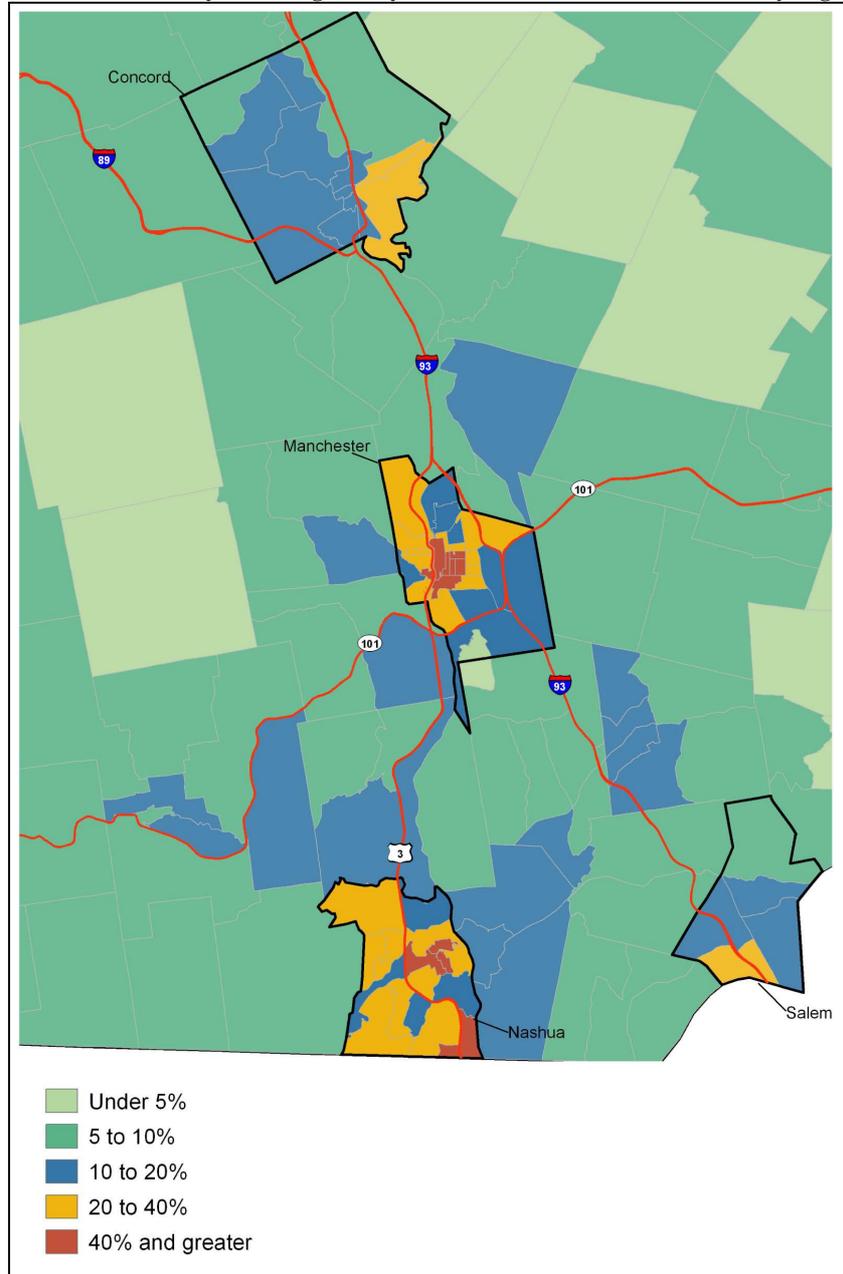


Figure 4: Minority Population by Gender and Age



Demographer Kenneth Johnson of the University of New Hampshire’s Carsey Institute noted in a recent report that New Hampshire is becoming more racially and ethnically diverse, although this diversity remains spatially concentrated in the larger urban counties and their constituent cities (See Figure 5.)⁴

Figure 5: Percent minority under age 18 by Census tract in Merrimack Valley region, 2010⁵



Source: Carsey Institute, University of New Hampshire⁶

⁴ “New Hampshire Demographic Trends in the Twenty-First Century”, Kenneth M. Johnson, The Carsey Institute, University of New Hampshire, May 2012. Available at www.carseyinstitute.unh.edu

⁵ The Merrimack Valley region of New Hampshire includes some of the larger population centers in Hillsborough, Merrimack and Rockingham counties.

DMC Assessment Research Task

The Assessment Phase is the search for factors that may contribute to DMC, with the goal that the results may lead to strategies or interventions to reduce DMC. The Assessment process looks more carefully at the decision points than the Identification process to determine how DMC is created or amplified, specifying the mechanisms at work in a particular jurisdiction. The outcome of the Assessment study should result in an understanding of the DMC process that will allow policymakers at all levels (including state and local law enforcement, the courts, juvenile justice service programs), to make better choices about strategies for reducing DMC along all nine points of contact.

According to OJJDP administrative interpretation, state DMC assessments must, at minimum, identify and explain differences at several stages or points of contact. In some cases, the New Hampshire data exists to perform this task, while in other cases limitations in data availability hamper an accurate DMC assessment.

- **Arrest** – New Hampshire was one of the first states to adopt the National Incident Based Reporting System (NIBRS), which provides a great deal of information on juvenile arrests by race and ethnicity, type of crime, and disposition within the local law enforcement agency. However, data prior to 2007 must be viewed with caution, as the state’s largest city, Manchester, did not fully implement NIBRS until that year.
- **Diversion** – Diversion from the system could be informal (recommendation from law enforcement) or formal (assigned by the courts). In New Hampshire the court must approve any diversion once a delinquency petition has been filed. Formal diversion (diversion ordered or approved by the family court) is tracked within the New Hampshire juvenile justice system. However, informal diversion statistics (diversion that may occur before a New Hampshire juvenile petition is filed) are not available because the Diversion Network group, representing two dozen Diversion Programs in the state, has no formal agreement to provide such data to the state juvenile justice system.⁷
- **Adjudication rates (i.e. petitions/charges filed)** – Adjudication data is collected from the Department of Health and Human Services, Division of Children, Youth and Families (DHHS/DCYF) Bridges Database. However, this data was not available in sufficient detail to be analyzed using econometric methods. Some simple analysis of averages and percentages could be performed on the New Hampshire data.
- **Rates and periods of prehearing detention in the secure dispositional commitments to secure correctional facilities** – Detention data is collected from the DHHS/DCYF Bridges Database, but also was not available in sufficient detail to be analyzed using more sophisticated methods. In addition, New Hampshire is a Juvenile Detention Alternative Initiative (JDAI) site sponsored by the Annie E. Casey Foundation, and uses a Detention Assessment Screening Instrument to determine whether youth should be detained or confined. However, this data was also not available for analysis.
- **Transfers to adult court** – At present, the New Hampshire court system and juvenile justice system do not keep individual records on juvenile transitions to adult court. In

⁶ IBID

⁷ As noted in the Identification report we recommend that the network be approached and asked to provide simple summary annual statistics: number of annual cases by race/ethnicity, for example, for juveniles in their programs.

New Hampshire, a prosecutor petitions to treat a juvenile as an adult, which moves the individual from circuit court to superior court to a new indictment. Counts of these cases are kept, but breakdowns by race and ethnicity are not available. In New Hampshire, the age of majority is 17 years.⁸

As outlined previously, the DMC analysis begins with the Identification phase to determine whether disparity exists, and if so, to what extent. In order to provide a standard measure of DMC at each decision point, OJJDP developed the Relative Rate Index (RRI), a method of comparing the rates of system contact among different groups of youths. The RRI measures a rate of contact within the juvenile justice system among juveniles of a specific minority group that is significantly different from the rate of contact for whites (i.e. non-Hispanic Caucasians) or other minority groups.

For example, in 2011 New Hampshire had nearly 127,000 white (non-Hispanic) youths, and 4,949 arrests in 2011 involving such youth. The rate of arrests per 1,000 white non-Hispanic youth was $4,949 / 126,954 \times 1,000 = 38.98$.

New Hampshire in 2011 had about 2,100 (non-Hispanic) black or African-American youth with 277 arrests in 2011. The rate of arrest per 1,000 non-Hispanic black or African-American youth was $277 / 2,135 \times 1,000 = 129.74$

Therefore the Relative Rate Index indicating the relative volume of arrests involving black or African-American youth compared to white youth would be the ratio of the two rates. The RRI = $129.74 \div 38.98 = 3.33$, indicating that the rate of arrests of black/African-American youth was more than 3 times higher than that for white non-Hispanic youth.

The following tables give a historical perspective on the DMC RRI for New Hampshire and for New Hampshire's three largest counties (Hillsborough, Rockingham and Merrimack). The RRI method involves comparing the relative volume (rate) of activity for each major stage of the juvenile justice system for minority youth with the volume of that activity for white youth. On each table, the RRI at all nine points of contact is shown for the total minority juvenile population, for the Black or African-American population, and for the Hispanic or Latino population in that area.

⁸ As noted in the Identification report, the court system has committed to redesigning the juvenile petition to better capture race and ethnicity case juvenile data according to the current Office of Management and Budget (OMB) standard, and to tracking the movement of juveniles to adult court by race and ethnicity in the future.

Table 2: RRI for State of New Hampshire - 2007 to 2011

State : New Hampshire		County : Statewide				
All Minorities	2007	2008	2009	2010	2011	
1. Juvenile Arrests	1.94	1.18	1.62	1.03	1.63	
2. Refer to Juvenile Court	**	**	**	**	**	
3. Cases Diverted	**	1.63	1.22	1.65	0.41	
4. Cases Involving Secure Detention	2.05	2.44	1.53	2.10	1.15	
5. Cases Petitioned	1.67	1.54	1.14	1.35	1.00	
6. Cases Resulting in Delinquent Findings	0.87	0.94	1.04	1.08	0.98	
7. Cases resulting in Probation Placement	1.04	1.14	0.83	0.91	0.92	
8. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	1.93	1.31	1.54	2.04	1.47	
9. Cases Transferred to Adult Court	**	**	**	**	**	
Key:						
Statistically significant results:			Bold font			
Results that are not statistically significant			Regular font			
Group is less than 1% of the youth population			*			
Insufficient number of cases for analysis			**			
Missing data for some element of calculation			---			
Black or African-American	2007	2008	2009	2010	2011	
1. Juvenile Arrests	2.02	1.62	1.97	3.37	3.33	
2. Refer to Juvenile Court	**	**	**	**	**	
3. Cases Diverted	**	1.13	1.06	1.14	0.69	
4. Cases Involving Secure Detention	1.18	2.13	1.08	0.77	1.70	
5. Cases Petitioned	1.53	1.07	1.17	1.08	1.25	
6. Cases Resulting in Delinquent Findings	0.67	0.89	0.98	1.07	1.04	
7. Cases resulting in Probation Placement	1.11	1.23	0.74	0.90	1.11	
8. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	1.47	1.30	1.03	1.08	1.60	
9. Cases Transferred to Adult Court	**	**	**	**	**	
Hispanic or Latino	2007	2008	2009	2010	2011	
1. Juvenile Arrests	*	1.36	2.14	1.34	2.37	
2. Refer to Juvenile Court	*	**	**	**	**	
3. Cases Diverted	*	0.75	1.06	1.62	**	
4. Cases Involving Secure Detention	*	1.74	1.35	2.86	0.93	
5. Cases Petitioned	*	1.24	0.85	1.08	0.74	
6. Cases Resulting in Delinquent Findings	*	0.81	1.05	1.27	1.03	
7. Cases resulting in Probation Placement	*	0.99	0.77	0.97	0.79	
8. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	*	2.04	2.14	3.21	1.38	
9. Cases Transferred to Adult Court	*	**	**	**	**	

Source: Office of Juvenile Justice and Delinquency Prevention, Relative Rate Index (RRI) Web-based Data Entry System Website

Note that the most recent data for 2011 shows a reduction in RRI as juveniles move through the nine points of contact. For example, the state juvenile arrest RRI for Black or African-American youth is 3.33 in 2011, but only 1.25 for cases petitioned in the same year. The RRI data tend to suggest that equitable disposition of minority youth may actually improve as juveniles move through the New Hampshire juvenile justice system.

Table 3: RRI for Hillsborough County, New Hampshire - 2007 to 2011

State : New Hampshire		County : Hillsborough				
All Minorities	2007	2008	2009	2010	2011	
1. Juvenile Arrests	2.58	1.42	1.30	1.17	1.31	
2. Refer to Juvenile Court	**	**	**	**	**	
3. Cases Diverted	**	2.70	3.12	2.50	**	
4. Cases Involving Secure Detention	2.30	2.90	2.24	2.27	1.32	
5. Cases Petitioned	1.49	1.75	2.26	1.75	1.67	
6. Cases Resulting in Delinquent Findings	1.39	0.88	0.89	1.04	0.99	
7. Cases resulting in Probation Placement	0.83	1.00	0.87	1.16	1.12	
8. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	1.29	1.42	1.61	2.05	**	
9. Cases Transferred to Adult Court	**	**	**	**	**	
Key:						
Statistically significant results:			Bold font			
Results that are not statistically significant			Regular font			
Group is less than 1% of the youth population			*			
Insufficient number of cases for analysis			**			
Missing data for some element of calculation			---			
Black or African-American	2007	2008	2009	2010	2011	
1. Juvenile Arrests	2.30	1.58	2.01	3.04	2.74	
2. Refer to Juvenile Court	**	**	**	**	**	
3. Cases Diverted	**	**	2.21	1.94	**	
4. Cases Involving Secure Detention	**	3.74	**	**	1.04	
5. Cases Petitioned	1.57	1.68	1.94	1.50	1.45	
6. Cases Resulting in Delinquent Findings	1.06	0.71	0.88	1.06	1.07	
7. Cases resulting in Probation Placement	0.88	**	0.67	1.06	1.32	
8. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	**	**	0.95	0.96	**	
9. Cases Transferred to Adult Court	**	**	**	**	**	
Hispanic or Latino	2007	2008	2009	2010	2011	
1. Juvenile Arrests	*	1.85	1.42	1.38	1.29	
2. Refer to Juvenile Court	*	**	**	**	**	
3. Cases Diverted	*	**	3.45	2.57	**	
4. Cases Involving Secure Detention	*	1.97	2.91	3.08	1.91	
5. Cases Petitioned	*	1.46	2.19	1.71	1.66	
6. Cases Resulting in Delinquent Findings	*	0.78	0.96	0.98	1.00	
7. Cases resulting in Probation Placement	*	**	0.88	1.37	0.84	
8. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	*	**	2.07	3.16	**	
9. Cases Transferred to Adult Court	*	**	**	**	**	

Source: Office of Juvenile Justice and Delinquency Prevention, Relative Rate Index (RRI) Web-based Data Entry System Website

Note that the Hillsborough County juvenile arrest RRI for Hispanic or Latino youth has declined from 1.85 in 2008 to 1.29 in 2011. A forthcoming analysis attributes the decrease in the Hispanic or Latino juvenile arrest RRI to strategies undertaken in Hillsborough County such as improving data accuracy, engaging police chiefs in DMC work, and providing training to police officers in diversity and police-youth interactions in the county municipalities.⁹

⁹ "Hillsborough County, New Hampshire; Disproportionate Minority Contact Reduction Case Study" draft July 2013, Elizabeth Spinney, Research Analyst at Development Services Group.

Table 4: RRI for Rockingham County, New Hampshire - 2007 to 2011

State : New Hampshire		County : Rockingham				
All Minorities	2007	2008	2009	2010	2011	
1. Juvenile Arrests	1.46	0.78	5.25	0.96	5.14	
2. Refer to Juvenile Court	**	**	**	**	**	
3. Cases Diverted	**	**	**	**	**	
4. Cases Involving Secure Detention	**	2.44	**	**	**	
5. Cases Petitioned	1.35	4.43	0.56	1.48	0.25	
6. Cases Resulting in Delinquent Findings	1.10	0.83	1.17	1.24	1.48	
7. Cases resulting in Probation Placement	0.68	0.82	0.63	**	0.80	
8. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	**	**	**	**	**	
9. Cases Transferred to Adult Court	**	**	**	**	**	
Key:						
Statistically significant results:			Bold font			
Results that are not statistically significant			Regular font			
Group is less than 1% of the youth population			*			
Insufficient number of cases for analysis			**			
Missing data for some element of calculation			---			
Black or African-American	2007	2008	2009	2010	2011	
1. Juvenile Arrests	1.83	1.29	2.57	*	*	
2. Refer to Juvenile Court	**	**	**	*	*	
3. Cases Diverted	**	**	**	*	*	
4. Cases Involving Secure Detention	**	**	**	*	*	
5. Cases Petitioned	0.68	**	0.97	*	*	
6. Cases Resulting in Delinquent Findings	**	**	**	*	*	
7. Cases resulting in Probation Placement	**	**	**	*	*	
8. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	**	**	**	*	*	
9. Cases Transferred to Adult Court	**	**	**	*	*	
Hispanic or Latino	2007	2008	2009	2010	2011	
1. Juvenile Arrests	*	0.69	10.10	1.72	13.61	
2. Refer to Juvenile Court	*	**	**	**	**	
3. Cases Diverted	*	**	**	**	**	
4. Cases Involving Secure Detention	*	**	**	**	**	
5. Cases Petitioned	*	**	0.31	0.76	0.16	
6. Cases Resulting in Delinquent Findings	*	**	1.35	**	1.67	
7. Cases resulting in Probation Placement	*	**	**	**	**	
8. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	*	**	**	**	**	
9. Cases Transferred to Adult Court	*	**	**	**	**	

Source: Office of Juvenile Justice and Delinquency Prevention, Relative Rate Index (RRI) Web-based Data Entry System Website

Even though Rockingham County is the second largest in New Hampshire, DMC calculations are difficult to obtain for reasons previously stated. For example, there were only 25 Black or African-American juvenile arrests in all of Rockingham County in 2011. The very high juvenile arrest RRIs for Hispanic or Latino youth in Rockingham County in 2009 and 2011 may represent a statistical aberration.

Table 5: RRI for Merrimack County, New Hampshire - 2007 to 2011

State : New Hampshire		County : Merrimack				
All Minorities	2007	2008	2009	2010	2011	
1. Juvenile Arrests	1.46	0.76	1.10	1.01	0.77	
2. Refer to Juvenile Court	**	**	**	**	**	
3. Cases Diverted	**	**	**	**	**	
4. Cases Involving Secure Detention	**	**	**	**	6.24	
5. Cases Petitioned	1.52	1.98	1.18	1.35	1.54	
6. Cases Resulting in Delinquent Findings	0.82	1.19	0.88	1.07	1.47	
7. Cases resulting in Probation Placement	**	**	**	0.71	**	
8. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	**	**	**	**	**	
9. Cases Transferred to Adult Court	**	**	**	**	**	
Key:						
Statistically significant results:			Bold font			
Results that are not statistically significant			Regular font			
Group is less than 1% of the youth population			*			
Insufficient number of cases for analysis			**			
Missing data for some element of calculation			---			
Black or African-American	2007	2008	2009	2010	2011	
1. Juvenile Arrests	1.91	1.50	1.85	4.67	*	
2. Refer to Juvenile Court	**	**	**	**	*	
3. Cases Diverted	**	**	**	**	*	
4. Cases Involving Secure Detention	**	**	**	**	*	
5. Cases Petitioned	**	**	1.20	1.08	*	
6. Cases Resulting in Delinquent Findings	**	**	**	1.06	*	
7. Cases resulting in Probation Placement	**	**	**	**	*	
8. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	**	**	**	**	*	
9. Cases Transferred to Adult Court	**	**	**	**	*	
Hispanic or Latino	2007	2008	2009	2010	2011	
1. Juvenile Arrests	*	0.57	0.64	0.49	0.47	
2. Refer to Juvenile Court	*	**	**	**	**	
3. Cases Diverted	*	**	**	**	**	
4. Cases Involving Secure Detention	*	**	**	**	**	
5. Cases Petitioned	*	**	**	**	**	
6. Cases Resulting in Delinquent Findings	*	**	**	**	**	
7. Cases resulting in Probation Placement	*	**	**	**	**	
8. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	*	**	**	**	**	
9. Cases Transferred to Adult Court	*	**	**	**	**	

Source: Office of Juvenile Justice and Delinquency Prevention, Relative Rate Index (RRI) Web-based Data Entry System Website

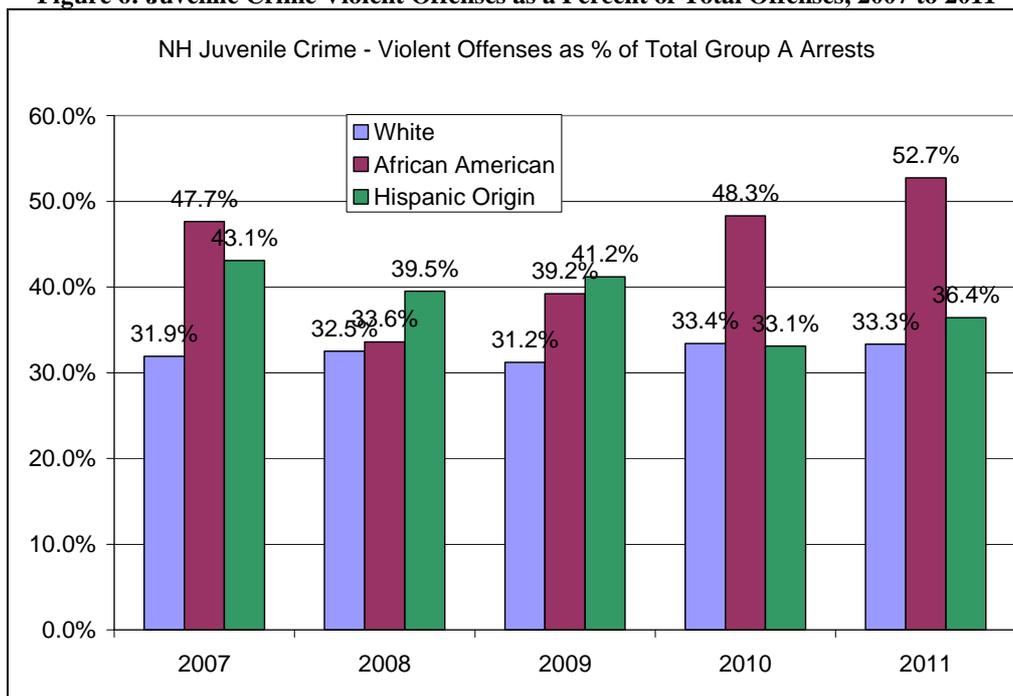
Although Merrimack is New Hampshire’s third largest county, statistically significant RRI results along the nine points of DMC are largely unobtainable, due to an insufficient number of cases or the minority youth population being less than one percent of the total youth population.

National studies of DMC have explored the phenomenon of “Accumulated Disadvantage.”¹⁰ In most stages of the juvenile justice system, minority youth (particularly black and Hispanic youth) appear to be treated harsher than their white counterparts. Also, national studies have indicated that decisions made at earlier stages, such as detention, affect outcomes at later stages and, in particular, judicial disposition. Therefore, RRIs are likely to increase as juveniles move through the nine points of contact of the justice system.

However, this does not appear to be the case in New Hampshire, based on the RRI data in the previous tables. Generally, RRIs for minority youth are higher at the first point of DMC contact (juvenile arrests) than at subsequent points of contact (secure detention, petitions, delinquency findings and secure confinement).

Arrest rates are higher for New Hampshire minority youth than for white, non-Hispanic youth. The available juvenile arrest data also shows minority youth in New Hampshire are more likely to be arrested for violent offenses. The fact that minority juveniles are more likely to be arrested for violent offenses may in part explain the slightly higher RRIs for juvenile detention and confinement in New Hampshire, since it could be likely that more violent youth are more likely to be confined.

Figure 6: Juvenile Crime Violent Offenses as a Percent of Total Offenses, 2007 to 2011



Source: NIBRS data from the New Hampshire Department of Safety

¹⁰ One of the more disturbing aspects of the DMC issue is that the impact on minority youth as a group tends to accumulate, rather than dissipate, through the system. For example, there may be a higher rate of arrest for minority youth, followed by a lower rate of diversion, higher rates of formal processing as delinquent, etc. Another example where race and ethnicity may work indirectly through factors that influence decision making is the impact of earlier stages on later stages of the justice system, such as the impact of pre-adjudicatory detention.
http://www2.dsgonline.com/dmc/CM_accumulated_disadvantage.aspx

Based on the RRIs, results from prior studies, past working experience, resources limits, and time restrictions in conducting the assessment study, we have chosen to concentrate our analysis primarily on the first point of contact: arrests. Higher RRIs at this first point of contact, along with the apparent diminishing of RRIs at the remaining eight points of contact, suggest that a full analysis of juvenile arrests (where juveniles enter the system) is the most productive diagnosis of DMC in New Hampshire. High RRI for arrests could in part be explained by observed indirect effects (including higher rates of poverty, unemployment and lack of health insurance in the minority population).¹¹

It is also important to note again that statistically significant results are difficult to observe for all points of contact in all areas of New Hampshire, due to previously identified data analysis challenges having to do with the size of minority population and the number of cases in the state.

DMC Assessment in Other States

We examined the DMC Assessment studies in several states in order to inform our own analysis. Smaller, more rural states like New Hampshire have relied mostly on qualitative research (surveys and focus groups) to measure the extent to which and reasons why DMC might occur in their juvenile justice systems. Larger states with larger minority populations (and more data and analytical resources) have supplemented their qualitative analysis with quantitative measurements, including sophisticated statistical techniques such as multinomial logistic regression. The following is a brief summary of our findings:

- **Vermont** has evidently had little success assessing DMC in their state. The 2011 Vermont annual report on delinquency prevention noted that “there have been insufficient commitments to assuring that the race of youth charged as delinquent is adequately collected to meet federal expectations. Staff of the Children and Family Council for Prevention Programs (CFCPP) has identified the problem and developed numerous unsuccessful solutions with law enforcement, prosecutors, and court administrators but to date, the rate of race data collection has not improved beyond an estimated 65 percent. With a state minority race population well under 10 percent, it cannot be determined if racial disparities exist in the Family Court system.”
- **Maine** published its last detailed DMC Assessment study in 2009. That assessment was conducted using interviews of system stakeholders. The Muskie Law School at the University of Maine selected a group of students to carry out the fieldwork associated with this study. Working with their faculty advisor and the Maine Juvenile Justice Advisory Group, which funded the study, the students developed a list of system stakeholders and survey questions for eighteen individuals.
- **Utah** conducted interviews with members of seven police departments around the state for a DMC Assessment published in September 2012, concentrating on DMC at the point of arrest. Interviews were supposed to be followed by collection of de-identified data from each of the local police departments to examine DMC issues/explanations proposed in Phase 1. However, quantitative data analyses were restricted primarily to descriptive

¹¹ See the “Indirect Effects” discussion in this report

data (e.g., means, percents) due to the varying sample sizes and difficulty of identifying exact numbers for population at risk (e.g., Census provides estimates of all youth under age 18, not only youth age 10-17). Statistical significance was not calculated, but practical significance was assessed by looking for trends or large differences in percentages and other measures.

- **Washington** released a DMC Assessment study in January 2013 relying on in-depth interviews with 3-7 stakeholders in each of the state's twelve counties. Sixty-three interviewees took part in this process statewide, including representatives of court administrations, judges, law enforcement, community advocates, and others. No quantitative analysis was performed, other than calculating RRIs.
- **Nebraska** noted in a March 2012 DMC Assessment study that, like many assessments of this type, they were limited by the availability and quality of data. Data analyses included frequency distributions, cross tabs and regression analyses. The primary research consisted of focus groups with four local DMC committees, and interviews with stakeholders representing: prosecuting attorneys, public defenders, juvenile diversion providers, detention centers and Youth Rehabilitation Treatment Centers.
- **Virginia** released a Statewide Assessment of Disproportionate Minority Contact in the Virginia Juvenile Justice System on December 20, 2012. The DMC Assessment focused on three jurisdictions that had a history of interest and experience in tackling DMC issues but still exhibited significant RRIs - Fairfax County, the City of Norfolk, and the City of Richmond. The assessment included two major data components: 1) the conduct of qualitative interviews with juvenile justice practitioners in the three jurisdictions, and 2) the analysis of quantitative data on the processing of juveniles at various juvenile justice contact points in the three jurisdictions. The quantitative analysis used multinomial logistic regression approach on 28,000 juvenile intake cases over the years 2008 to 2010, including snapshots of the intake, detention, probation, and commitment contact points. The study analyzed allegation severity and prior history against juvenile demographics and found that for DMC issues related to African American youth, highest odds ratios were associated with either confinement or transfer to the adult system.
- **Pennsylvania** released a study in January 2012 used a statistical analysis that found that controlling for variables like gender, age, school status, family status, crime type and living arrangement did not diminish the presence of DMC; in several instances, RRIs were more pronounced for the minority population. This was especially evident when examining the analysis for delinquent findings and residential placement, indicating that RRIs are more reflective and representative of decisions made by juvenile justice practitioners rather than the individual characteristics of a specific juvenile. A further analysis controlling for community level variables (residential mobility, school performance, family status, living arrangements, and economic inequality) showed results that were inconclusive. However the most prominent community-level factor influencing DMC is family status, indicating that youth who come from families in which parents are separated, divorced or never married were more likely to be arrested.

Large states that have been able to diagnose Disproportionate Minority Contact using a multivariate statistical or econometric approach have had access to a database of administrative records on individual juveniles in their systems. These databases typically include not only the characteristics of the youth in the system (race/ethnicity, age, gender, and type of offense), but

also community characteristics and the history of youth involvement in the system. The so called “independent variables” that should be part of the ideal database would include:¹²

Youth characteristics

- Race/ethnicity
- Age
- Gender
- Socioeconomic status (SES)
- Family situation (single parent household, grandparents with parental responsibility, etc.)
- Mental health and substance abuse issues
- Whether and/or how often and/or at what point the youth has experienced unfair/differential treatment from their perspective

Current offense characteristics

- Severity of the charge
- Involvement of a weapon
- Person or property offense
- Race/ethnicity of the victim
- Relationship to the victim

Community characteristics

- Economic conditions (household income, unemployment, etc)
- Racial/ethnic composition of the community in which the youth resides
- Urban, suburban, rural designation
- Where the offense occurred, versus where the youth lives

Prior court involvement

- Prior delinquency
- Severity of past disposition
- Whether youth was under authority of the court at the time of the current offense.

Each of the data points above should be considered measures of decision points in the juvenile justice system – information that should determine how youth are handled in the system. By using multivariate methods with the above data, the statistically based assessment studies can demonstrate whether or not an apparent disparity by race/ethnicity is still significant when the independent variables are examined (when the other differences between youth are neutralized). Ideally, the statistical analysis would show that race/ethnicity is NOT a significant factor explaining the decisions made on the disposition of juveniles in the justice system.¹³

New Hampshire currently does not have such a database. However this data could be collected in part if the New Hampshire Division for Children Youth & Families (DCYF), courts, and law

¹² Developing DMC Assessment Plans Webinar Presentation, March 9, 2011 Presented by: Dr. Michael Leiber, University of South Florida, and author’s additions.

¹³ Interaction effects could be present where race/ethnicity is significant when interacted with other variables, which makes race/ethnicity difficult to isolate out completely.

enforcement were to adopt risk-based guidelines for placing children within the continuum of placement options. Such a risk assessment approach would include an empirically validated risk-needs-tool, which would capture the above data for every juvenile that enters the system. The Department of Juvenile Justice Services is pursuing this approach, and the department anticipates that it could have such a model in place by 2014.¹⁴

DMC Analysis and Results

The Office of Juvenile Justice and Delinquency Prevention reviewed hundreds of DMC studies in order to identify the most likely mechanisms creating DMC. According to this research, DMC can most often be traced to:

- Differential Treatment
- Differential Processing or Inappropriate Decision Making Criteria
- Indirect Effects
- Legislation, Policies, and Legal Factors with DMC

Differential Treatment

National studies note that differential treatment of minorities within the juvenile justice system can occur from bias concerning minorities, both intentional and unintentional. Intentional bias is typically overt and is based on stereotypes and assumptions. Unintentional bias is typically indirect and operates through standard decision-making and rules that unintentionally disadvantage minority youth.¹⁵

Behavior prevention and treatment resources across communities are seldom the same for every racial or ethnic group. Resources must of necessity (and scarcity) be allocated in what appear to be appropriate ways but may still disadvantage minority youth. For instance, access to resources could be limited by geography or hours of operation. Also, the eligibility for some programs could be set to exclude certain populations, including minority populations, in the interest of excluding youth who might be disruptive. There are cases where the physical environment of a treatment facility could not be inviting because of a lack of appreciation for different cultures, and the staffing at such facilities may not reflect the clientele demographic.¹⁶

But identifying the causes behind DMC is often difficult, given the wide range of factors at play in the juvenile justice system. A recent review funded by the federal Office of Juvenile Justice and Delinquency Prevention looked at a decade of studies of how minority youth are processed by juvenile justice systems across the country.¹⁷ The review, which looked at 79 earlier state-based studies of DMC, concluded that 80 percent of studies (63 out of 79) found some race

¹⁴ State Of New Hampshire, Juvenile Justice Services Pre-Adjudicated Placements Performance Audit Report, Office Of Legislative Budget Assistant, March 2013

¹⁵ Tal Klement & Elizabeth Siggins, A Window of Opportunity: Addressing the Complexities of the Relationship between Drug Enforcement and Racial Disparity in Seattle, 1 Seattle J. Soc. just. 165 (2002).

¹⁶ Manchester Police Chief David Mara recently acknowledged the need for more diversity in his force. "It's not a matter of affirmative action; it's a matter of effective policing." We are getting more minorities and women applying." <http://nhpr.org/post/live-blog-manchester-police-chief-david-mara>

¹⁷ <http://www.juvenilejustice-tta.org/sites/default/files/DMC%20Webinar%202-%20What%20the%20Data%20and%20Research%20Tell%20Us%2010%2024%2012.pdf>

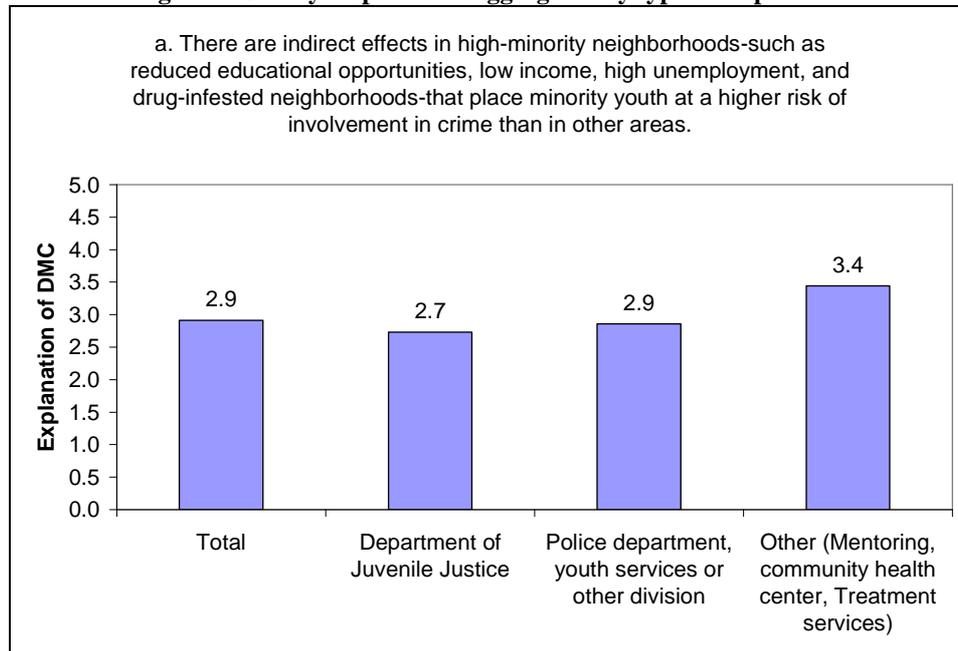
effects in the processing of minority youth, indicating that at least one minority group showed significant disadvantages compared with white youth. Of those studies that showed some race effect, the majority (52 out of 63) reported “mixed” results, meaning that race effects were found for some minority youths, but not all, and at some points in the juvenile justice process, but not all. This review also concluded that addressing racial disparities in the early points of the juvenile justice process was more critical than later stages, as it is the early stages that show greater disadvantages for minority youth.

The Center attempted to measure attitudes regarding differential treatment in New Hampshire juvenile justice system through an online survey of juvenile justice stakeholders and through interviews with family court judges and community leaders. The reader is cautioned that the responses given by interviewees, even juvenile justice professionals, can be subjective or incorrect, but they can also provide insight into the attitudes of system stakeholders.

The survey attracted 72 respondents. The survey response rate could not be calculated accurately, since the survey was open to anyone receiving notice of its availability.

Half of the respondents (59 percent) identified themselves as juvenile justice probation and parole officers, while the remainder of the respondents represented local police departments, juvenile courts and service agencies specializing in delinquent youth. The full survey results are included as an appendix to this report (including comments).

- Respondents displayed the least amount of agreement on the question of whether “indirect effects in high-minority neighborhoods—such as reduced educational opportunities, low income, high unemployment, and drug-infested neighborhoods—placed minority youth at a higher risk of involvement in crime than in other areas.” 42 percent of the respondents thought indirect effects were a moderate to strong reason that minority youth were over-represented in the juvenile justice system, while 36 percent thought indirect effects were a weak explanation of disproportionate minority contact.
- A subgroup analysis of respondents to the above question revealed little difference between survey respondents. In other words, juvenile justice officers did not answer the question in a way that differed from the average response of police and other stakeholders.

Figure 7: Survey responses disaggregated by type of respondent

Source: Stakeholder Survey

- 84 percent of respondents believe that minority youth have the same opportunities to participate in delinquency prevention and early intervention programs as nonminority youth
- 72 percent of respondents said the assertion that minority youth commit more crime was a weak explanation for DMC.
- 72 percent of the respondents also believe that minority youth are treated the same as non-minority youth by police, judges, and other juvenile justice system stakeholders.
- 69 percent of respondents found the following to be a weak explanation for DMC: legislative and administrative policies such as “zero tolerance policies” can end up affecting minority youth differently than nonminority youth.
- Other factors that respondents thought could contribute to DMC in New Hampshire included “cultural differences that affect the way in which a juvenile answers when questioned by someone in authority,” learned behaviors that are different in other cultures, and family structure associated with differing racial and ethnic groups.
- Several respondents thought that minorities were not over-represented, simply because there were very few minority youth in their geographic areas. (Based on the comments provided by the survey respondents).
- Two out of five respondents could not think of any recent changes in procedures, laws or shifts in population that would contribute to DMC. (Based on the number of responses that were No or NA to the open ended question).
- Respondents noted policy changes such as “zero tolerance” and loss of funding for early intervention programs like Headstart as potentially contributing to DMC.
- Several respondents cited recent increases in the refugee population (particularly in Manchester) as a contributor to DMC.

- Regarding the data collected to measure DMC, 30 percent of respondents thought the data were very reliable, but another 31 percent of the respondents were unsure of the reliability of the data used to measure DMC.
- When asked about their awareness regarding strategies or programs to reduce disparate minority involvement in the juvenile justice system, respondents mentioned standardized tools to calculate eligibility for detention or commitment, local leadership (including local DMC committees), diversion programs, and cultural awareness training.

The Center conducted interviews with two circuit court judges who handle juvenile cases in New Hampshire. The interviews suggested attitudes regarding DMC in New Hampshire that were similar to those found in the above survey. Judges pointed to differing cultural backgrounds (between whites and minorities) as the leading cause of DMC. Children of immigrant parents adapt quickly to the culture, while their foreign-born parents do not understand the system, do not trust institutions, and their parents struggle with the language barrier, the judges said. This was particularly true in diversion cases, because parents do not understand the court requirements and do not keep appointments, among other hurdles. The judges also noted that the service infrastructure was insufficient for foreign born families, citing in particular a lack of interpreters.

The Center also interviewed community leaders in Manchester (New Hampshire's largest city with one of the state's significant minority populations), who noted that community policing has been improving in the city. The community leaders gave credit the city's police chief, who was making a sincere effort to reach out to the minority community. They noted that problems with DMC come from language barriers and cultural differences, at least in part. However these leaders also noted that the nine points of DMC contact do not create a lot of pressure points for community involvement. In their words DMC is an "inside game" that involves the institutional stakeholders, including police, the courts, and the juvenile system (probation/parole). The community organizers find it difficult to "fit in" to the nine points of contact, and thereby contribute to addressing DMC in the local juvenile justice system.

Differential Processing or Inappropriate Decision Making Criteria

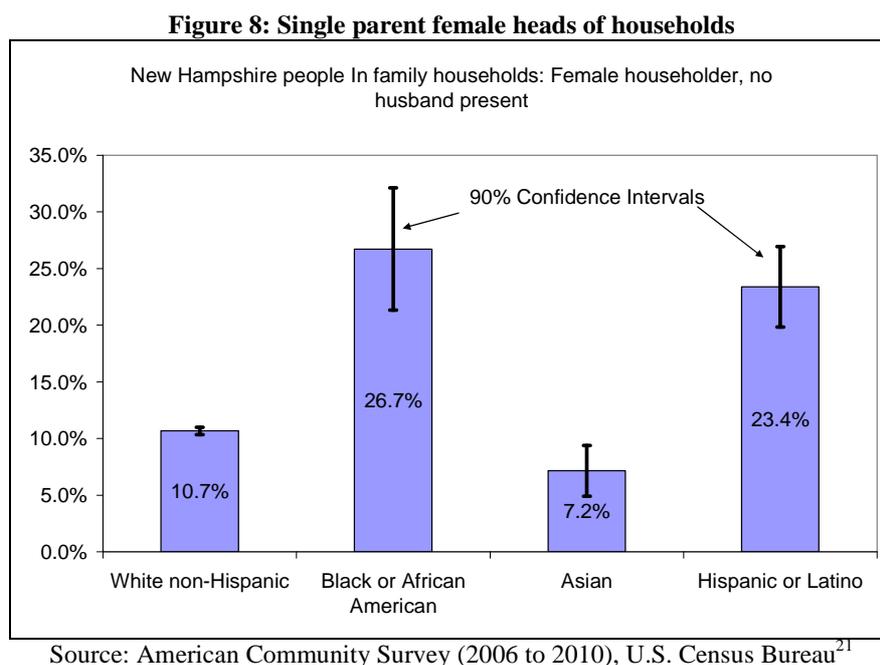
According to national studies reviewed by the Office of Juvenile Justice and Delinquency Prevention, Disproportionate Minority Contact in the juvenile justice system can occur because minority youth are processed in a different way relative to white youth. Decisions on how to handle youth in the juvenile justice system could be made differently for one group compared to another.

Decisions could be made based on inconsistent criteria, which might come from cultural values of whites, and misinterpretation of minority language and behavior.¹⁸ Examples of inappropriate decision making include a judge in Kentucky that was using zip codes to inform his juvenile

¹⁸ In an area where over 90% of the residents are white, non-Hispanic the dominant norms are likely based on white culture. Therefore decision makers are likely making decisions based on their own cultural frame, assuming the person in power making the decision is likely always white.

justice decisions, and a California judge that was treating Asian juveniles more harshly because they would not “look up” at him when he spoke to them.¹⁹

For example, a number of studies have indicated that juvenile justice decision makers respond differently to youth from an “intact” two-parent family setting than to youth from a single-parent home.²⁰ As shown on the following chart, in New Hampshire Black or African American families and Hispanic families are twice as likely be headed by a female with no husband, as compared to white and Asian families.



In another jurisdiction, the juvenile court espoused a strong emphasis on *parens patriae*²² at a time when multiple minority groups were moving into the area and local perceptions held that these groups did not adhere to middle-class standards of dress, demeanor, marriage, and respect

¹⁹ Comments from Andrea R. Coleman, Disproportionate Minority Contact Coordinator, U.S. Department of Justice’s Office of Juvenile Justice and Delinquency Prevention (OJJDP), Effectively Addressing DMC in New Hampshire training session, May 30, 2013

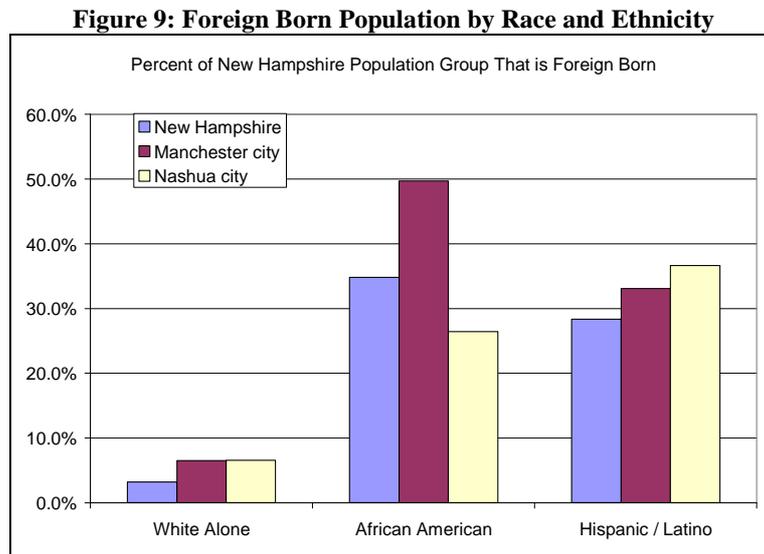
²⁰ Bishop, D., and Frazier, C. 1996. —Race effects in juvenile justice decision-making: Findings of a statewide analysis *Journal of Criminal Law & Criminology* 86:392–414.

²¹ The minority population in New Hampshire is relatively small. In order to verify that size of the minority population did not limit the statistical significance of these estimates, we examined the statistical significance of the ACS estimates at the state level. The confidence intervals in the above chart are based on the Census provided Margin of Error (MOE) for those estimates. As a rule of thumb, if the 90 percent confidence intervals do not overlap, then the difference is definitely statistically significant. ACS 5 year data is used to yield smaller sampling errors with little loss of timeliness.

²² *Parens patriae* is a Latin term, meaning 'parent of the nation'. It is a legal term that refers to the power of the police of a state to intervene in certain situations and act as parents of a child. For example, if a parent is abusive to a child, *parens patriae* allows the police to intervene and protect that child.

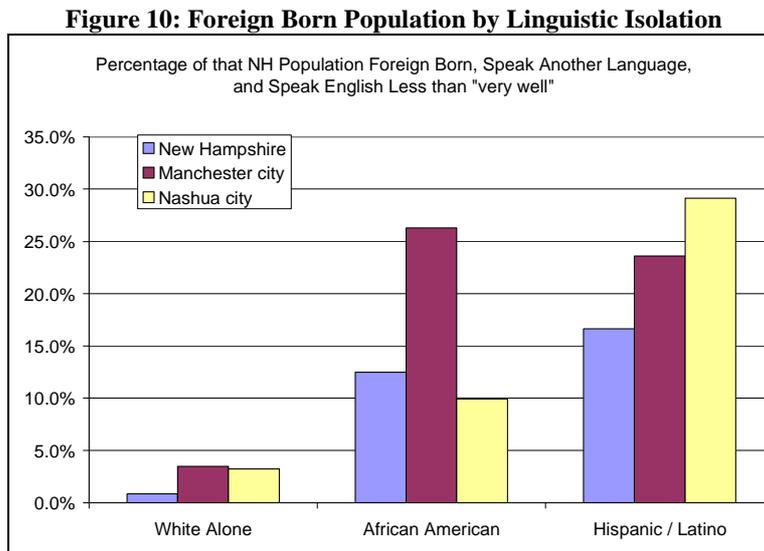
for authority. As a consequence, the court responded to minority youth differently than white youth.²³

In New Hampshire, minority groups are much more likely to be foreign born than is true for the white population, as shown on the following chart.



Source: American Community Survey (2006-2010), U.S. Census Bureau

In Manchester, about half of the Black or African American population is foreign born. In addition, the foreign born population in New Hampshire is much more likely to be linguistically isolated, which could increase the likelihood of misinterpretation of language of behavior.



Source: American Community Survey (2006-2010) U.S. Census Bureau

²³ Leiber, M. 2003. *The Contexts of Juvenile Justice Decision Making: When Race Matters*. Albany, NY: State University of New York Press.

Law enforcement has discretion; juveniles could be handled inside the department, or referred to other authorities. The NIBRS data available through the New Hampshire Department of Safety captures the disposition of juvenile arrests into those two broad categories – “Handled Within Department” and “Referred to Other Authorities”. NIBRS defines “Handled Within Department” as the “Juvenile released to parent/guardian, released with warning, etc.”, while “Referred to Other Authorities” is defined as “Juvenile referred to family court, Dept of Children and Families, State’s Attorney, other police agency, etc.”.²⁴ Looking at this data for the New Hampshire average, it does appear that in the year 2010 African American and Hispanic or Latino youth were more likely to be referred to other authorities than handled within the department.

Table 6: Disposition of Juvenile Arrests in New Hampshire, 2010

Portion of Arrests	Handled Within Department	Referred to Other Authorities
Total Youth (Under Age 18)	34.3%	65.7%
White	35.0%	65.0%
African American	30.8%	69.2%
Hispanic or Latino	26.4%	73.6%
Asian/Pacific Islander	51.7%	48.3%
Native American/Alaskan Native	25.0%	75.0%

Source: NIBRS data from the New Hampshire Department of Safety

However, an examination of the same data for Manchester (which contains almost one third of New Hampshire’s Black juvenile population and one quarter of the Hispanic juvenile population) shows a much higher percentage of juveniles referred to other authorities across all racial and ethnic groups.

Table 7: Disposition of Juvenile Arrests, Manchester, New Hampshire, 2010

Portion of Arrests	Handled Within Department	Referred to Other Authorities
Total Youth (Under Age 18)	11.4%	88.6%
White	10.4%	89.6%
African American	13.8%	86.2%
Hispanic or Latino	13.3%	86.7%
Asian/Pacific Islander	0.0%	100.0%
Native American/Alaskan Native	50.0%	50.0%

Source: NIBRS data from the New Hampshire Department of Safety

Manchester contains a large percentage of minority juvenile population in the state, and it appears all juveniles in Manchester (regardless of race or ethnicity) are less likely to be handled within the department. This could be skewing the state statistics to make it appear that minority

²⁴ These are very broad definitions, meant to apply generally to all states in the country that report criminal offenses under the NIBRS based reporting system. In New Hampshire, for example, no youth are referred to the State’s Attorney office.

juveniles are being disposed differently statewide. The larger portion of referrals to other authorities in Manchester could be due to more available resources for serving juvenile offenders in the city as well as other factors.²⁵

In order to further examine the issues of differential processing, we queried a database of 64,000 juvenile petitions for the year 2011. The database included hearings for arraignment, adjudication, and review, among other hearing types.

The table below shows a breakdown by race and ethnicity of orders by type for juvenile arraignment in 2011, restricted to findings that were true by plea (the juvenile equivalent of a guilty plea).

Table 8: 2011 Orders by Type for Juvenile Arraignment – True by Plea

OrderType	White,			Total	White,			Total
	Non- Hispanic	Black, Non- Hispanic	Hispanic, Any Race		Non- Hispanic	Black, Non- Hispanic	Hispanic, Any Race	
Other	609	54	20	722	19.7%	19.7%	15.7%	19.9%
Conditional Release	287	16	9	324	9.3%	5.8%	7.1%	8.9%
School District Joined as a Party	215	13	8	244	7.0%	4.7%	6.3%	6.7%
All Prior Orders In Effect	180	21	5	212	5.8%	7.7%	3.9%	5.9%
Community Service	169	9	10	197	5.5%	3.3%	7.9%	5.4%
Random Drug Testing	132	10	6	153	4.3%	3.6%	4.7%	4.2%
Counseling, Individual Outpatient	135	6	2	145	4.4%	2.2%	1.6%	4.0%
Placement with Parent or Guardian	114	3	11	133	3.7%	1.1%	8.7%	3.7%
Motion Granted	85	3	3	96	2.8%	1.1%	2.4%	2.6%
Good Behavior	87	1	1	94	2.8%	0.4%	0.8%	2.6%
Restitution	79	2	0	82	2.6%	0.7%	0.0%	2.3%
Fine	60	2	14	80	1.9%	0.7%	11.0%	2.2%

Source: Bureau of Organizational Learning and Quality Improvement Children Youth & Families Juvenile Justice

The breakdown shown in the above table covers two thirds of the findings for arraignment that were true by plea in 2011. The result shown in the table is the same across hearing types and findings. Specifically, there appears to be observable differences in order types by race and ethnicity. For example, white juveniles appear to be four times as likely to be ordered to do counseling as other groups. Hispanics are twice as likely as other groups to be ‘placed to be with a parent’.

The table below shows a breakdown by race and ethnicity of orders by type for juvenile adjudicatory hearings in 2011, restricted to findings that were true by plea (the juvenile equivalent of a guilty plea).

²⁵ Nashua, New Hampshire’s second largest city and home to the second largest minority population in the state, had a 2010 juvenile disposition breakdown that was almost the same as the state average.

Table 9: 2011 Orders by Type for Juvenile Adjudication - True by Plea

OrderType	White,			Total	White,			Total
	Non-Hispanic	Black, Non-Hispanic	Hispanic, Any Race		Non-Hispanic	Black, Non-Hispanic	Hispanic, Any Race	
Other	1396	137	109	1746	19.4%	18.6%	19.9%	19.5%
School District Joined as a Party	497	46	34	607	6.9%	6.2%	6.2%	6.8%
All Prior Orders In Effect	477	51	30	592	6.6%	6.9%	5.5%	6.6%
Conditional Release	441	42	40	565	6.1%	5.7%	7.3%	6.3%
Good Behavior	317	27	27	387	4.4%	3.7%	4.9%	4.3%
Placement with Parent or Guardian	255	19	29	322	3.5%	2.6%	5.3%	3.6%
Counsel Appointed	250	37	10	311	3.5%	5.0%	1.8%	3.5%
Transportation Services	214	39	28	293	3.0%	5.3%	5.1%	3.3%
Counseling, Individual Outpatient	217	24	8	264	3.0%	3.3%	1.5%	2.9%
Random Drug Testing	229	12	10	261	3.2%	1.6%	1.8%	2.9%
School attendance	197	16	17	239	2.7%	2.2%	3.1%	2.7%
Community Service	203	10	13	237	2.8%	1.4%	2.4%	2.6%

Source: Bureau of Organizational Learning and Quality Improvement Children Youth & Families Juvenile Justice

Again the breakdown in the above table covers two thirds of the adjudicatory hearing findings that were true by plea in 2011. There are noticeable differences in “Placement with Parent or Guardian”, “Counsel Appointed” and “Transportation Services” orders between groups.

The final table below shows a breakdown by race and ethnicity of orders by type for juvenile review hearings in 2011, restricted to findings that were true by plea (the juvenile equivalent of a guilty plea).

Table 10: 2011 Orders by Type for Juvenile Review - True by Plea

OrderType	White,			Total	White,			Total
	Non-Hispanic	Black, Non-Hispanic	Hispanic, Any Race		Non-Hispanic	Black, Non-Hispanic	Hispanic, Any Race	
Other	1268	116	213	1782	19.3%	20.0%	31.1%	21.4%
All Prior Orders In Effect	816	63	69	983	12.4%	10.8%	10.1%	11.8%
Conditional Release	424	40	26	517	6.5%	6.9%	3.8%	6.2%
School District Joined as a Party	341	30	25	409	5.2%	5.2%	3.7%	4.9%
Transportation Services	206	40	61	325	3.1%	6.9%	8.9%	3.9%
Motion Granted	193	33	18	295	2.9%	5.7%	2.6%	3.5%
Counsel Appointed	215	24	26	268	3.3%	4.1%	3.8%	3.2%
Random Drug Testing	207	10	9	245	3.2%	1.7%	1.3%	2.9%
Home-Based Services	213	6	6	242	3.2%	1.0%	0.9%	2.9%
Good Behavior	182	19	26	235	2.8%	3.3%	3.8%	2.8%
Counseling, Individual Outpatient	199	6	7	224	3.0%	1.0%	1.0%	2.7%
Placement with Parent or Guardian	169	15	23	214	2.6%	2.6%	3.4%	2.6%

Source: Bureau of Organizational Learning and Quality Improvement Children Youth & Families Juvenile Justice

As in previous tables the breakdown above covers two thirds of the review hearings in 2011 that were true by plea. Minority youth were more likely to receive orders for Transportation Services, while less likely to receive orders for Home-Based Services.

Indirect Effects

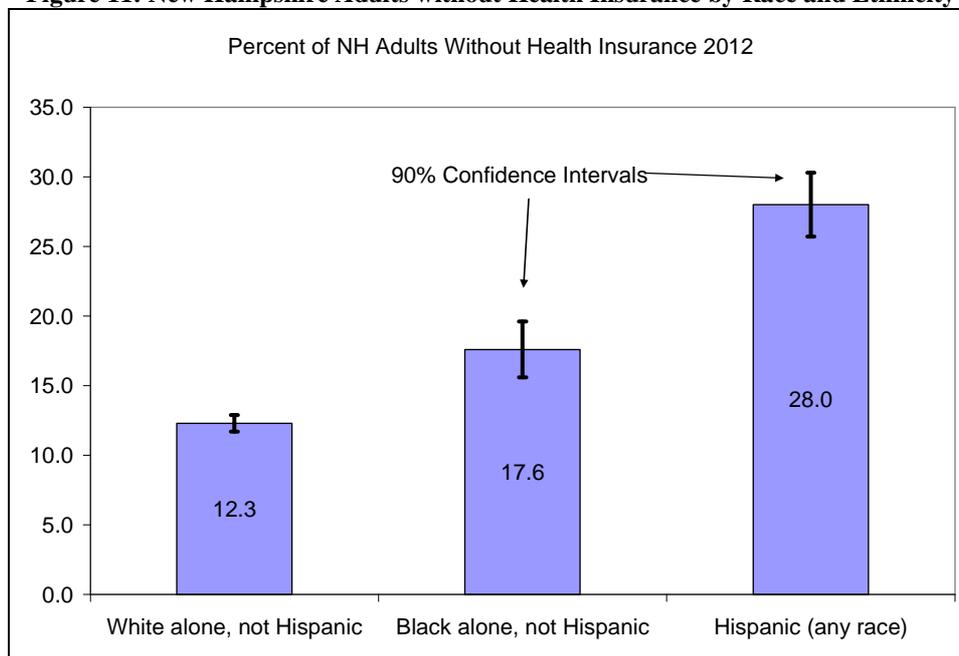
The national literature on DMC refers to “indirect effects,” a broad term that reflects the fact that economic status, education, location, and a host of risk factors associated with delinquent

behavior, among other factors, are linked with race and ethnicity.²⁶

In an example of indirect effects, access to some forms of behavioral health or substance use treatment is often contingent on medical insurance coverage. That insurance coverage is, in turn, often contingent on economic circumstances, which places many minority families at a disadvantage in obtaining such services. Lack of access to behavioral health and substance abuse treatment can increase the likelihood of juvenile delinquency.²⁷

The following figure examines health insurance coverage by race and ethnicity in New Hampshire. The data comes from the U.S. Census Small Area Health Insurance Estimates program for the year 2012.

Figure 11: New Hampshire Adults without Health Insurance by Race and Ethnicity



Source: Small Area Health Insurance Estimates (SAHIE) program, U.S. Census²⁸

As shown on the above chart, Black and Hispanic adults in New Hampshire are much less likely to carry health insurance than white, non-Hispanic adults. As found in previous research, lack of health insurance can also restrict access to behavioral health services, placing minority families at a disadvantage relative to the white, non-Hispanic families. Lack of access to behavioral

²⁶ See the Center's Health and Equity Report Card, prepared in partnership with the New Hampshire Department of Health and Human Services, Office of Minority Health & Refugee Affairs; <http://www.nhpolicy.org/report/health-and-equity-in-new-hampshire-2013-report-card>

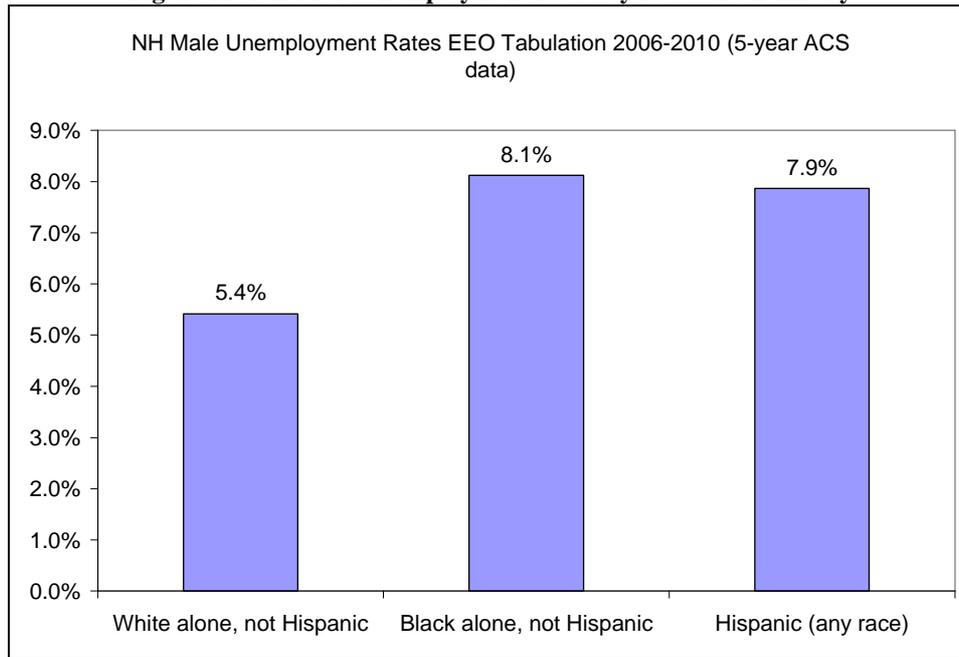
²⁷ Committee on Government Reform — Minority Staff Special Investigations Division, United States House of Representatives, *Incarceration of Youth who are Waiting for Community Mental Health Services in the United States* ii (2004).

²⁸ The SAHIE program does publish MOEs for its estimates (which are in turn taken from the American Community Survey). The fact that the 90% confidence intervals do not overlap suggest that the differences in insurance rates are statistically significant.

health services could put more minority juveniles at risk of committing offenses, and being arrested, relative to white, non-Hispanic juveniles.

In another example, one study discovered that male unemployment is related to family disruption, a risk factor related to delinquency rates, thus creating a set of links with particular impact on African American youth.²⁹

Figure 12: NH Male Unemployment Rates by Race and Ethnicity



An examination of Equal Employment Opportunity (EEO) data for New Hampshire reveals that unemployment rates for Black and Hispanic males are higher than for white Non-Hispanic males. The EEO data implies a higher risk factor for minority juvenile delinquency rates in New Hampshire, based on the research.

School attendance and completion can be an important factor in diagnosing DMC.³¹ Disengagement from school has been shown to lead to more serious social adjustment problems, including juvenile delinquency. Unfortunately, many school systems discipline inappropriate student behavior by suspending or expelling the student, leading to further disengagement from school.

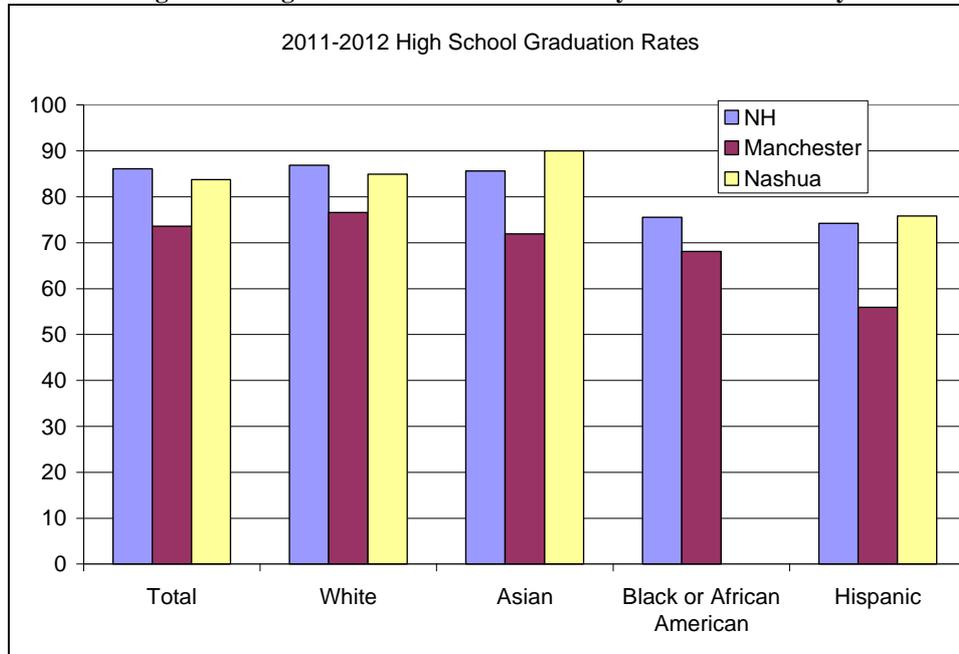
²⁹ Sampson, R. 1987. —Urban black violence: The effect of male joblessness and family disruption. *American Journal of Sociology* 93:348–382.

³⁰ The EEO Tabulation is sponsored by four Federal agencies consisting of the Equal Employment Opportunity Commission (EEOC), the Employment Litigation Section of the Civil Rights Division at the Department of Justice (DOJ), the Office of Federal Contract Compliance Programs (OFCCP) at the Department of Labor, and the Office of Personnel Management (OPM).

³¹ “Interactions Between Schools and Juvenile Justice”, Models for Change supported by the John D. and Catherine T. MacArthur Foundation, <http://www.modelsforchange.net/about/research/cuellar-piehl.html>

The New Hampshire Department of Education has recently started tracking high school completion rates (graduation rates) by race and ethnicity. That data is shown for the latest year available, and for the cities of Manchester and Nashua on the following chart.

Figure 13: High School Graduation Rates by Race and Ethnicity



Source: New Hampshire Department of Education³²

New Hampshire Black or African-American students, and New Hampshire Hispanic students, show lower rates of graduation from high school, as compared to Asian students and white students.³³ Note that Manchester's high school graduation rates are lower than the state average for all high school students, and for every group. It is also interesting to note that Nashua's graduation rate for Asians is higher than the state average graduation rate.

The New Hampshire Youth Risk Behavior Survey (YRBS) was administered to a sample of public high schools in New Hampshire during the spring of 2011.³⁴ High schools were given the option to participate in an additional Community Survey, which used the 2011 YRBS questions to collect data from the majority of the students in their individual schools. Over 34,000 high school students participated in the 2011 Community YRBS surveys. A special tabulation allows examination of the YRBS by race and ethnicity. It is important to note that the students surveyed in the YRBS self-identified by these racial and ethnic groups, rather than having had a grouping assigned to them by another party.

³² The Black or African High School graduation rate for Nashua was not calculated in this year.

³³ The New Hampshire Department of Education High School graduation rates are based on counts of administrative data, and therefore not subject to concerns regarding the statistical significance of the estimates.

³⁴ <http://www.education.nh.gov/news/2011/yrbs11.htm>

The New Hampshire Department of Education calculated that there were 63,000 students enrolled in public high schools in New Hampshire as of October 2010. This means that slightly more than half of the high school students in New Hampshire participated in the 2011 Community YRBS surveys. Survey participation rates for the minority high school population were equal to and in some cases greater than for the white non-Hispanic high school population. Larger samples increase the chance of significance because they more reliably reflect the population mean. Given the large sample size (half of the high school students in New Hampshire answered the survey, including half of the minority students), the YRBS results can be considered statistically significant.

According to the YRBS - and as shown on the following table - minority youth in New Hampshire are much more likely than white youth to have experimented with smoking, alcohol, marijuana, and sex at an early age (before age 13). Risky behaviors in adolescence can lead to higher levels of juvenile delinquency.³⁵ New Hampshire minority youth are more likely than white youth to be involved in a physical fight, to carry a weapon to school, to have attempted suicide, to have used harder drugs (cocaine, heroin, methamphetamines), and to have gone hungry because there was not enough food at home.³⁶

³⁵ “Adolescent Development and the Regulation of Youth Crime,” by Elizabeth Scott and Laurence Steinberg in *The Future of Children: Juvenile Justice*, Volume 18, Number 2, Fall 2008. www.futureofchildren.org.

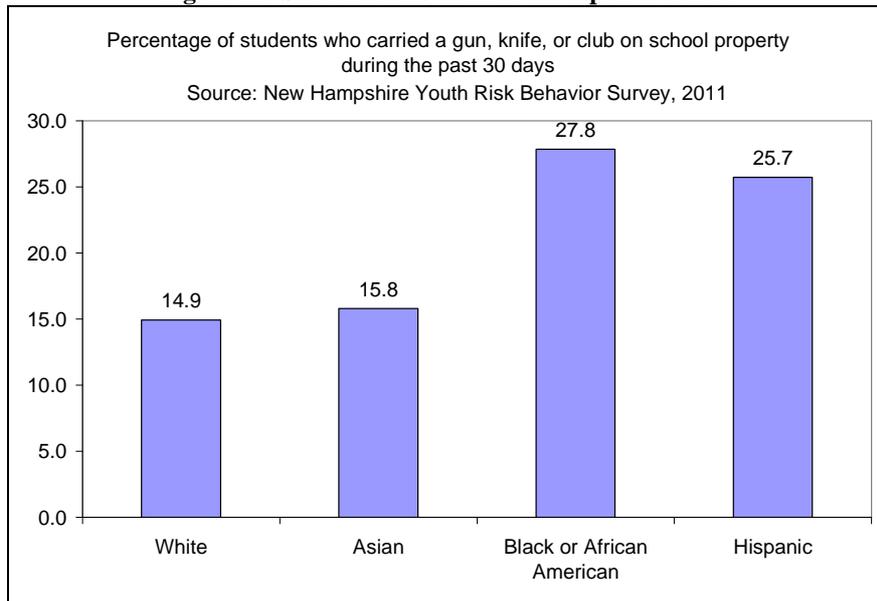
³⁶ “Any number of isolated behavior problems can represent adolescent problems and delinquency-shoplifting, truancy, a fight in school, drug or alcohol ingestion.”, http://www.aamft.org/imis15/content/consumer_updates/adolescent_behavior_problems.aspx

Table 11: 2011 New Hampshire Youth Risk Behavior Survey

New Hampshire Data - 2011 Youth Risk Behavior Survey		White	Asian	Black or African American	Hispanic
Num:	Question (Percentages responding yes to the question):				
8	Describe your grades in school as mostly A's and B's.	72.4	77.8	55.7	57.1
10	When riding in a car driven by someone else, never or rarely wear seatbelt.	10.6	12.8	23.1	22.2
13	Percentage of students who carried a gun, knife, or club on school property during the past 30 days	14.9	15.8	27.8	25.7
14	Did not go to school because felt would be unsafe at school or on the way to or from school.	3.9	10.7	15.3	14.7
15	Percentage in a physical fight one or more times during the past 12 months	22.5	22.6	41.6	40.5
16	Injured in a physical fight and had to be treated by a doctor or nurse one or more times during the past 12 months'.	2.9	7.5	13.0	11.2
17	In a physical fight on school property on one or more times during the past 12 months'.	8.0	11.5	21.8	20.6
18	During the past 12 months, did your boyfriend or girlfriend ever hit, slap, or physically hurt you on purpose?	7.3	10.4	18.9	18.6
19	Experienced an unwanted sexual advance because of other students' drinking (in the past 12 months)?'.	4.6	8.4	15.4	14.6
20	Percentage of students who have ever been physically forced to have sexual intercourse when they did not want to	5.8	8.1	14.4	15.6
21	During the past 12 months, have you ever been bullied on school property?	23.6	19.2	22.6	26.0
24	During the past 12 months, did you ever seriously consider attempting suicide?	14.2	16.2	20.0	22.8
26	Percentage of students who actually attempted suicide one or more times during the past 12 months'.	5.4	9.3	16.2	15.2
27	Percentage of students whose suicide attempt resulted in an injury, poisoning, or overdose that had to be treated in a hospital	1.7	4.3	9.1	8.1
29	Percentage smoking before age 13.	8.5	11.2	20.6	20.1
30	During the past 30 days, did you smoke cigarettes on one or more days?	17.9	14.4	27.7	27.9
34	Percentage drinking before age 13.	13.3	17.8	28.7	30.2
35	During the past 30 days, did you have at least one drink of alcohol on one or more days?	37.3	24.3	42.2	48.5
36	Had 5 or more drinks in a row, within hours, on one or more days?	23.2	15.3	31.1	33.0
40	Percentage smoking marijuana before age 13.	6.8	7.4	19.6	18.0
41	During the past 30 days, did you use marijuana on one or more days?	26.5	17.4	38.3	37.4
42	Used marijuana on school property on one or more times during the past 30 days'.	5.7	7.9	17.3	15.2
43	Used any form of cocaine, including powder, crack, or freebase one or more times during their life'.	6.1	9.6	19.2	17.2
44	Used any form of cocaine, including powder, crack, or freebase one or more times during the past 30 days'.	2.8	8.6	15.8	13.3
45	During your life, have you taken a prescription drug (such as OxyContin, Percocet, Vicodin, codeine, Adderall, Ritalin, or other) on school property?	18.6	16.4	27.7	28.2
48	Students who in the last 30 days used over-the-counter drugs to get high	4.9	8.1	16.3	15.1
49	Sniffed glue, breathed the contents of aerosol spray cans, or inhaled any paints or sprays to get high one or more times during their life'.	10.5	12.2	21.1	20.0
50	Used heroin one or more times during their life'.	2.4	7.7	15.7	12.5
51	Used methamphetamines one or more times during their life'.	3.0	8.5	15.8	13.1
52	Used ecstasy one or more times during their life'.	6.7	9.5	20.2	18.4
53	Used steroid pills or shots one or more times during their life'.	1.7	7.1	14.9	12.1
54	During the past 12 months, anyone offered, sold, or given you an illegal drug on school property?	22.3	20.3	29.9	33.8
55	Have you ever had sexual intercourse?	44.7	29.0	56.9	59.5
56	Percentage having sexual intercourse before age 13.	3.5	7.5	17.5	16.2
60	The last time you had sexual intercourse, did you or your partner use a condom?	63.0	60.9	56.5	57.7
61	The last time you had sexual intercourse, used birth control pills to prevent pregnancy	29.3	20.1	16.7	19.2
62	Percentage of students who had sexual contact with females and males during their life'.	4.2	5.5	11.1	10.9
87	Think people at Great Risk harming themselves (physically or in other ways), if they have five or more drinks of alcohol in a row, within hours, on one or more days?	35.6	51.0	36.6	33.4
	Number of Students	29,911	1,016	901	2,313

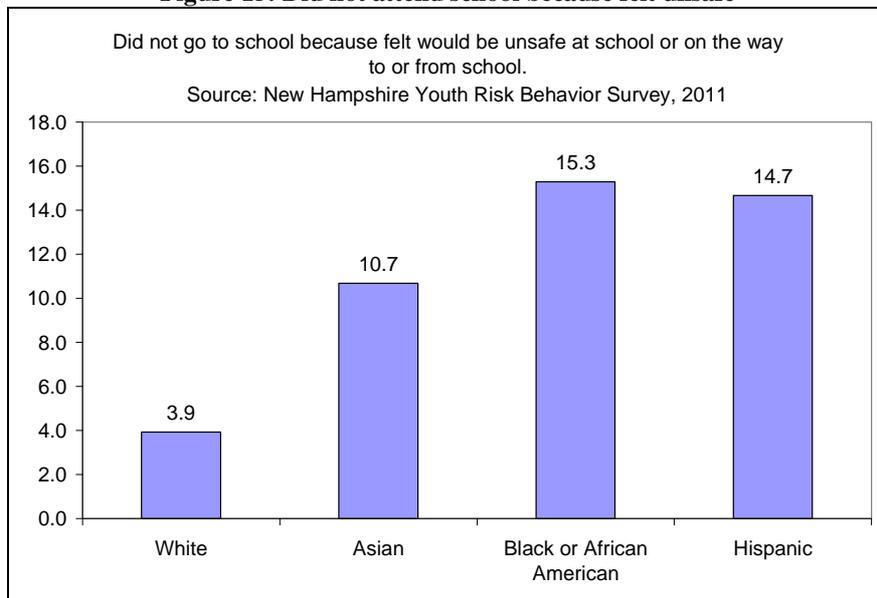
Source: New Hampshire Department of Education, Special Tabulation of YRBS 2011

Figure 14: Students who carried a weapon to school



DMC professionals often point to a national annual report that examines crime occurring in school as well as on the way to and from school. The Indicators Of School Crime And Safety, 2011, noted “the percentage of (U.S.) white students who reported carrying a weapon anywhere was higher than that of Black students (19 vs. 14 percent)...or Hispanic students (6 percent)”³⁷ In contrast the New Hampshire 2011 YRBS shows minorities in New Hampshire are more likely to carry a weapon to school than white, non-Hispanic students.

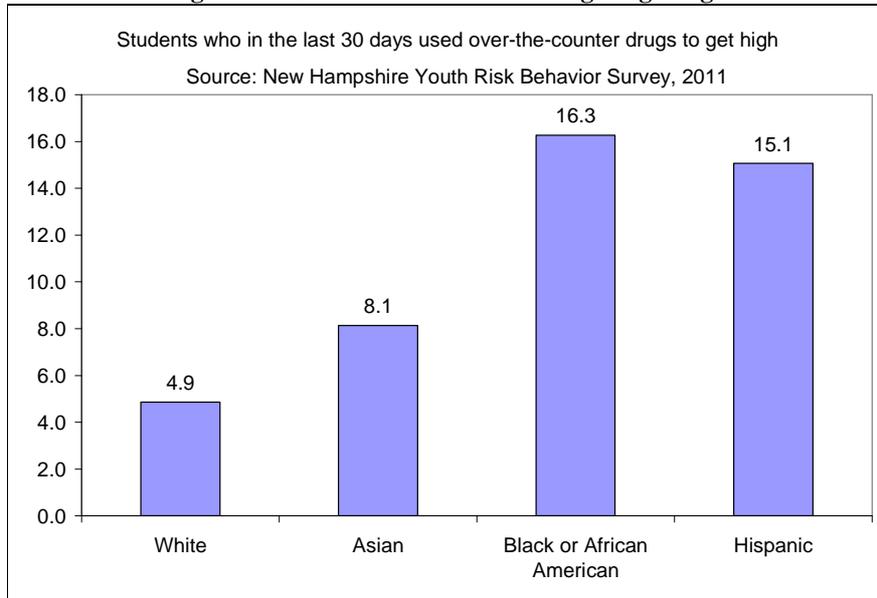
Figure 15: Did not attend school because felt unsafe



³⁷ Source: Robers, S., Zhang, J., and Snyder, T.D. *Indicators of School Crime and Safety: 2011*. Washington, DC: US. Department of Education’s National Center for Education Statistics and U.S. Department of Justice’s Office of Justice Programs.

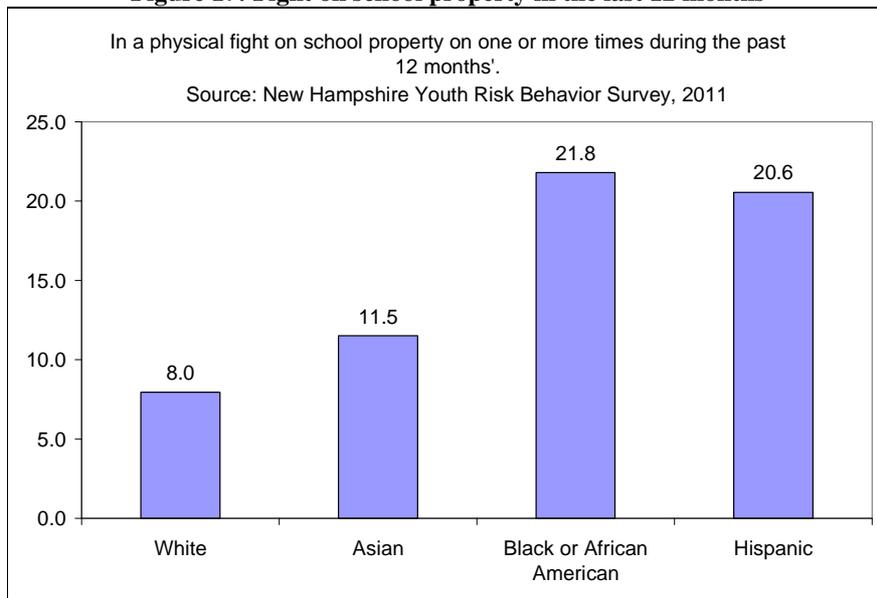
Asian students were twice as likely as white students to say they did not go to school because they felt unsafe. Black and Hispanic students were three times more likely to feel unsafe, and not attend school as a result.

Figure 16: Used over the counter drugs to get high



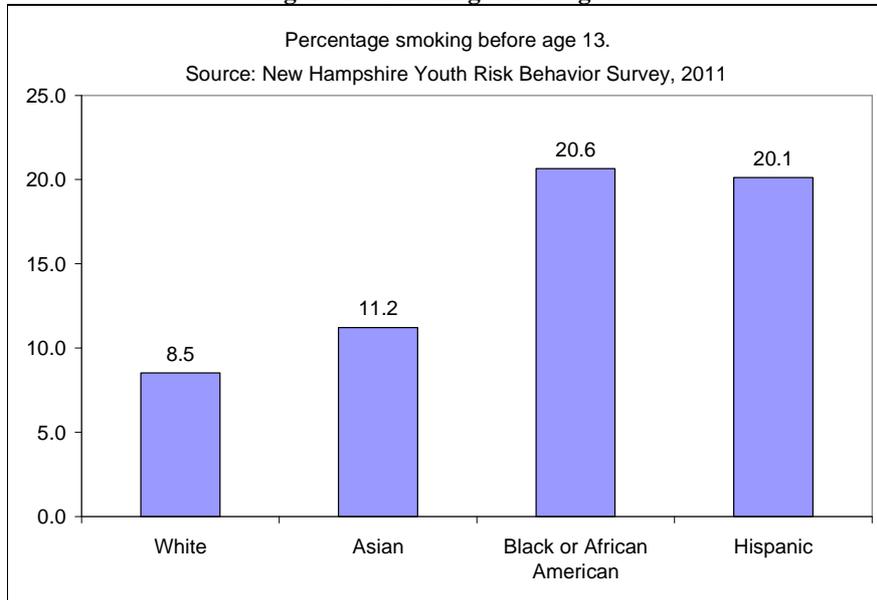
New Hampshire minority students surveyed said that were more likely to use over-the-counter drugs to get high, compared to white students.

Figure 17: Fight on school property in the last 12 months



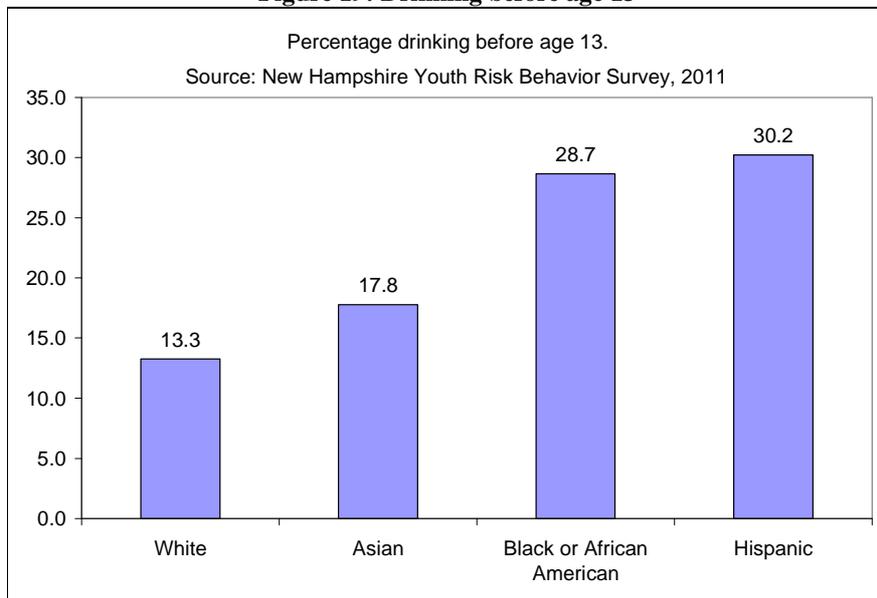
New Hampshire minority students surveyed were more likely than white students surveyed to say that they were involved in a physical fight on school property in the last year.

Figure 18: Smoking before age 13



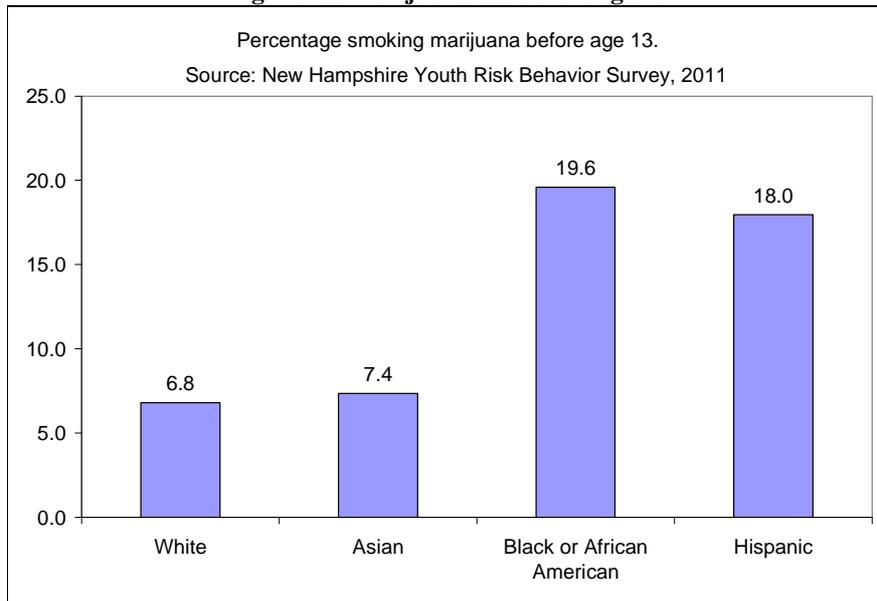
As shown above and on the following charts, minority youth in New Hampshire are more likely to say that they engaged in harmful behaviors as adolescents. This includes minorities having a higher likelihood of smoking before age 13.

Figure 19: Drinking before age 13



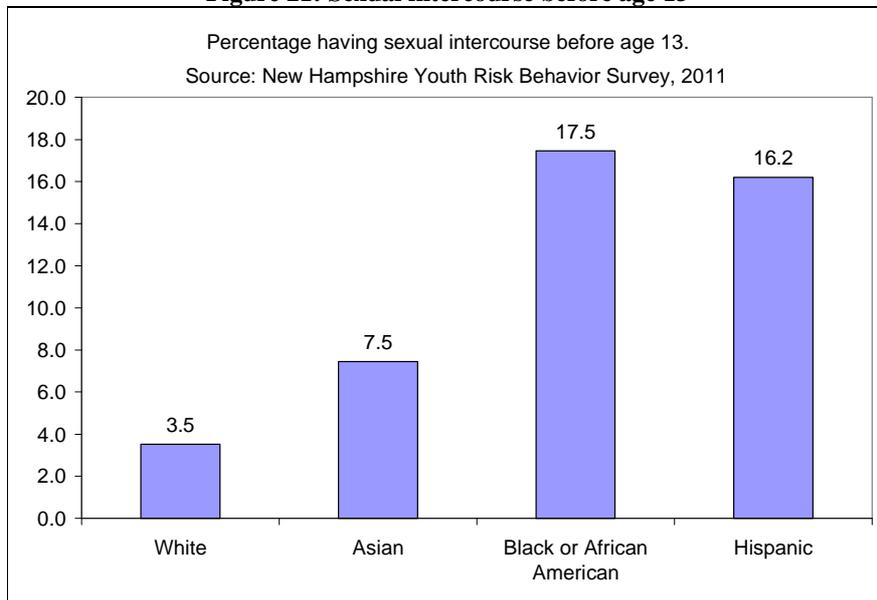
Minority youth in New Hampshire are also more likely to have been drinking alcohol before the age of 13.

Figure 20: Marijuana use before age 13



Black or African American high school students and Hispanic high school students in New Hampshire were almost twice as likely as white and Asian students to have smoked marijuana before the age of 13.

Figure 21: Sexual intercourse before age 13



Finally, minority high school students were, according to the survey results, more likely to have had sexual intercourse before age 13.

Legislation, Policies, and Legal Factors with DMC

Disadvantages from policy may occur for a variety of reasons, but the most common are those that target some specific aspect of delinquent behavior, those that target specific locations, and those that use prior delinquent or criminal history as an element of policy.

For example, policies that mandate specific handling (e.g., moving a case to adult court) may have eligibility or threshold criteria based on prior delinquency or offense histories. In addition, the lack of a standard set of procedures for determining the placement of juveniles within the system could work to the disadvantage of minorities.

The New Hampshire juvenile justice system is focused on placing juveniles in the least restrictive, most appropriate placement while ensuring the safety of the child and the community. New Hampshire's juvenile justice system operates primarily under RSAs 169-B (delinquency) and 169-D (Children in Need of Services). State laws encourage maintaining juveniles in their homes and favor diversion from courts rather than involvement in the juvenile justice system.

Juveniles almost always enter the system through contact with local law enforcement. Law enforcement must contact a judge for any pre-adjudicatory placement outside of the home or to hold a child for longer than four hours. If seeking placement in secure detention, the police department must complete the *Detention Assessment Screening Instrument*.³⁸ If the child scores 12 points or more on the instrument, law enforcement may request the child be placed in detention at the SYSC pending arraignment. However, if the child scores less than 12 points but, based on the child's circumstances or history, the police determine the SYSC³⁹ is the most appropriate place for the child, they may request the judge override the instrument. The court has complete discretion on whether or not to approve the request.⁴⁰

While the *Detention Assessment Screening Instrument* helps to determine whether a juvenile should be placed in secure detention, it would not ensure the juvenile is placed in the least restrictive placement along the continuum of out-of-home placements (e.g., shelter care versus residential or other options).

Neither the DCYF nor the New Hampshire courts have formal assessment guidelines to aid in determining the least restrictive, most appropriate out-of-home placement options other than secure detention. While the system has "guiding principles" (safety, permanency, and well-

³⁸ New Hampshire adopted the Detention Assessment Screening Instrument in 2008, <http://www.aecf.org/MajorInitiatives/JuvenileDetentionAlternativesInitiative/Resources/Dec08newsletter/JDAISiteUpdates2.aspx>

³⁹ The Sununu Youth Services Center (SYSC) is the only secure detention and confinement facility in New Hampshire.

⁴⁰ According to a March 2013 audit of the NH juvenile justice system by the Legislative Budget Office, the effectiveness of the Detention Assessment Screening Instrument is viewed differently by those who employ it. The majority of the juvenile probation and parole officers do not think it is effective "because it does not tell the whole story" (page E-2), and they frequently ask to override it based on their own knowledge of the case. The majority of the judges surveyed think it is effective, but still occasionally override it based on the specifics of the case (page F-2). New Hampshire Office of Office Of Legislative Budget Assistant, Juvenile Justice Services Pre-Adjudicated Placements, Performance Audit Report March 2013

being) which require a juvenile be placed in the least restrictive placement option available, there are no objective, risk-based criteria against which to apply the juvenile's specific situation.

DJJS has noted that in March of 2011, the department commissioned a process evaluation of the juvenile justice system. The overarching purpose of the evaluation was to support enhancements to the ongoing formulation of a long-term plan for comprehensive juvenile justice system improvement. Among the recommendations of that evaluation were the development and implementation of a comprehensive statewide and empirically validated risk-needs-responsivity approach to JJS case management. In response to that recommendation, the department has evaluated several risk- needs models, selected one and is actively engaged in discussions with the provider on how (and at what cost) to implement that model in New Hampshire. The department anticipates that it could have such a model in place by 2014.⁴¹

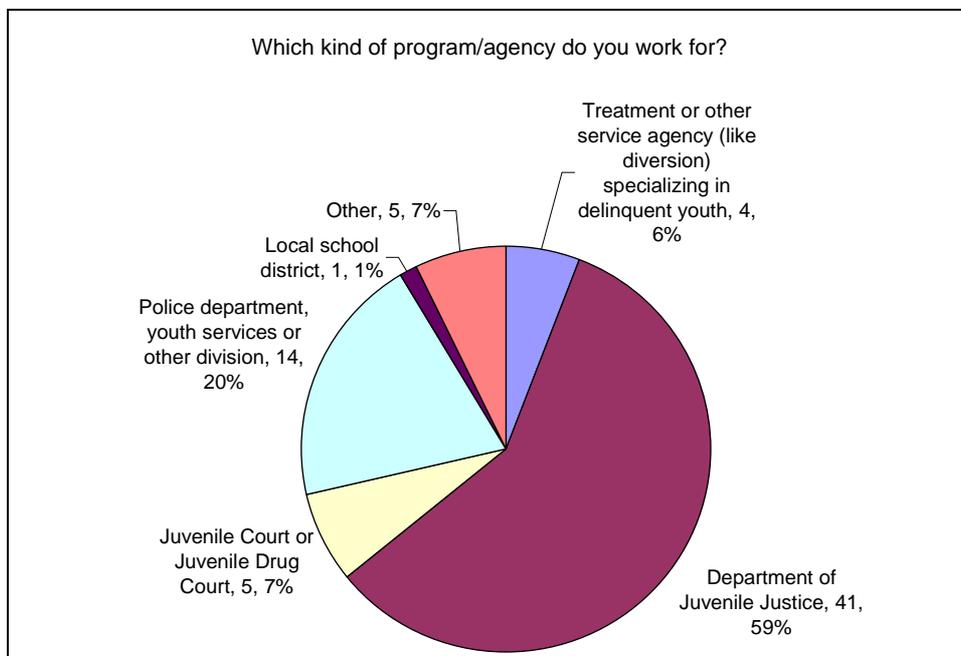
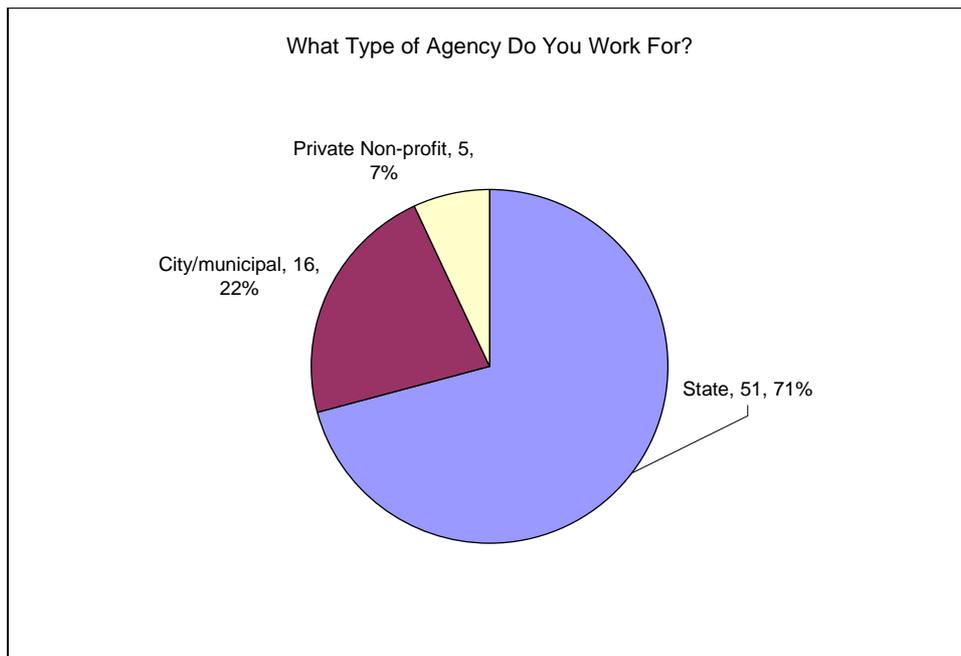
The United States' Office of Justice Programs, through the Office of Juvenile Justice and Delinquency Prevention (OJJDP), recommended that juvenile justice agencies adopt risk assessment tools to improve programming for young offenders. The Juvenile Justice Delinquency and Prevention Act (JJJPA) of 2002 urged that juvenile justice experts should assist states in "the design and utilization of risk assessment mechanisms to aid juvenile justice personnel in determining appropriate sanctions for delinquent behavior" (Juvenile Justice and Delinquency Prevention Act of 1974).

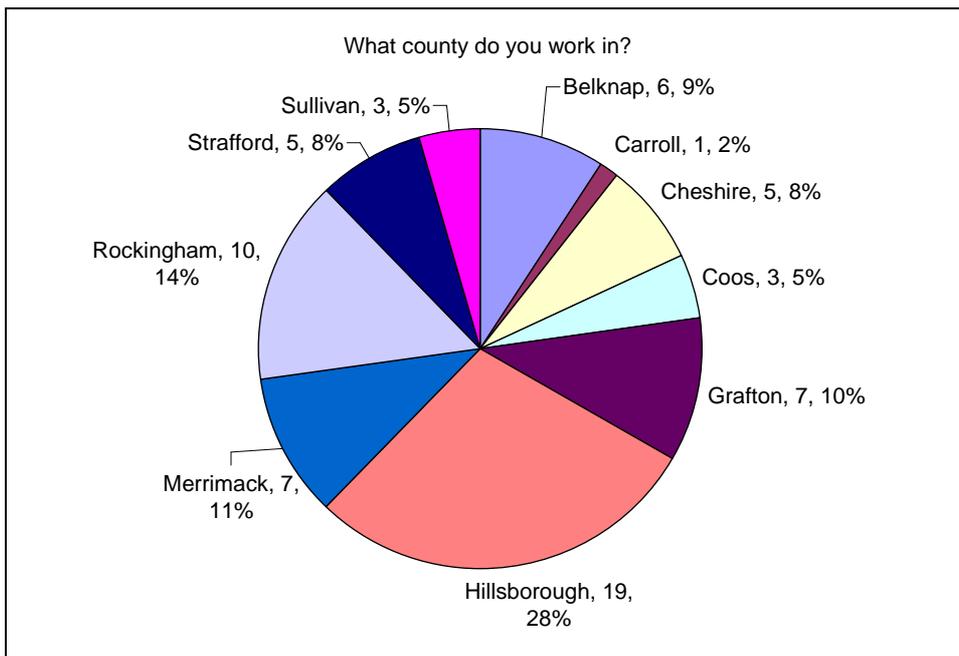
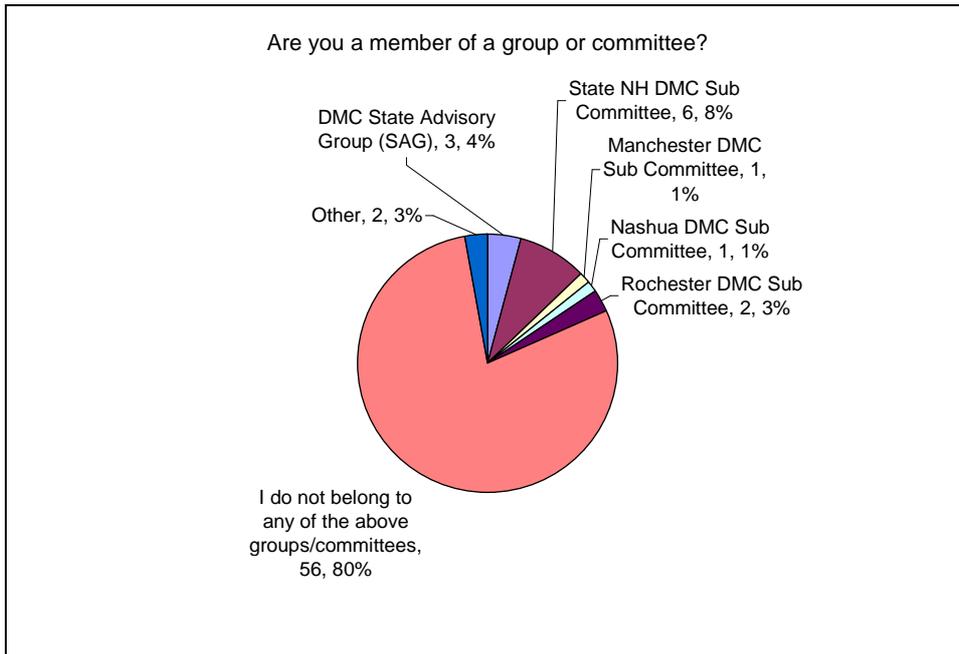
The point of the above is that while DCYF does have a formal assessment guideline to determine whether or not a juvenile requires detention or confinement (the Detention Assessment Screening Instrument), DCYF does not have a risk-based guideline for placing juveniles within the continuum of placement options. Lack of specificity could potentially encourage DMC, since the evaluation is not demonstrably objective.

⁴¹ New Hampshire Office of Office Of Legislative Budget Assistant, Juvenile Justice Services Pre-Adjudicated Placements, Performance Audit Report March 2013

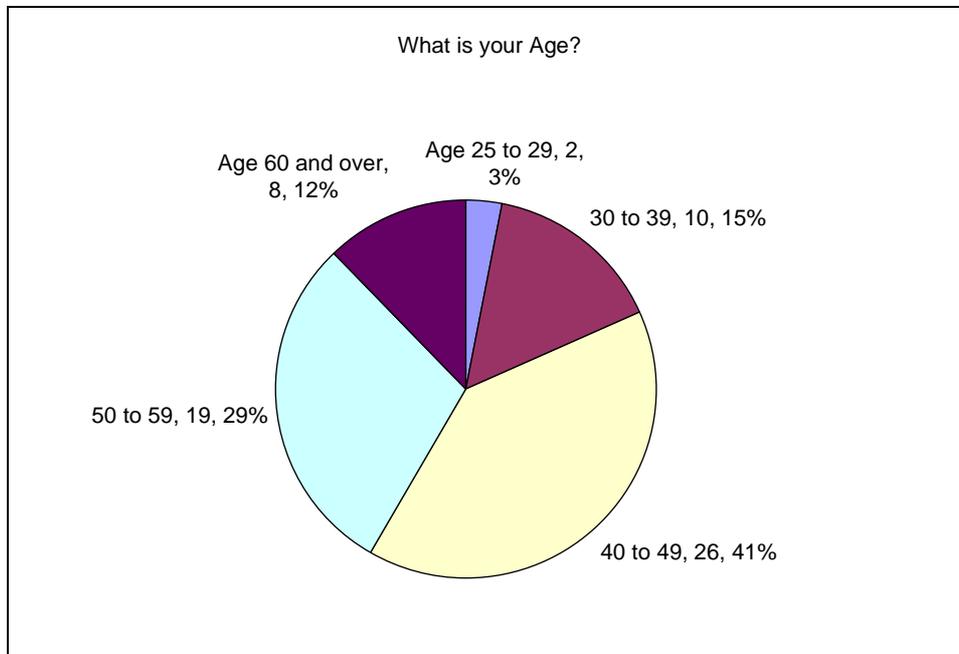
Appendix
New Hampshire 2013 DMC Assessment Survey
Profile of the 72 Survey Respondents

Majority of 72 respondents were from DJJS (most likely juvenile probation/parole officers) and did not belong to a formal DMC committee.





The majority of respondents to the online survey had been in their current position from 6 to 15 years, and were 40 to 59 years old. Respondents were equally split by gender, and the survey respondents were almost entirely white, non-Hispanic.



How long have you worked for the agency?

2 years or less	6
3 to 5 years	9
6 to 10 years	11
11 to 15 years	21
16 to 20 years	6
more than 20 years	15

How would you describe yourself (Race)?

White/caucasian	62
Black/African-American	1
Asian	0
Native Hawaiian / Other Pacific Islander	0
American Indian/Alaskan Native	1
Other race/ethnicity	0

How would you describe yourself (Ethnicity)?

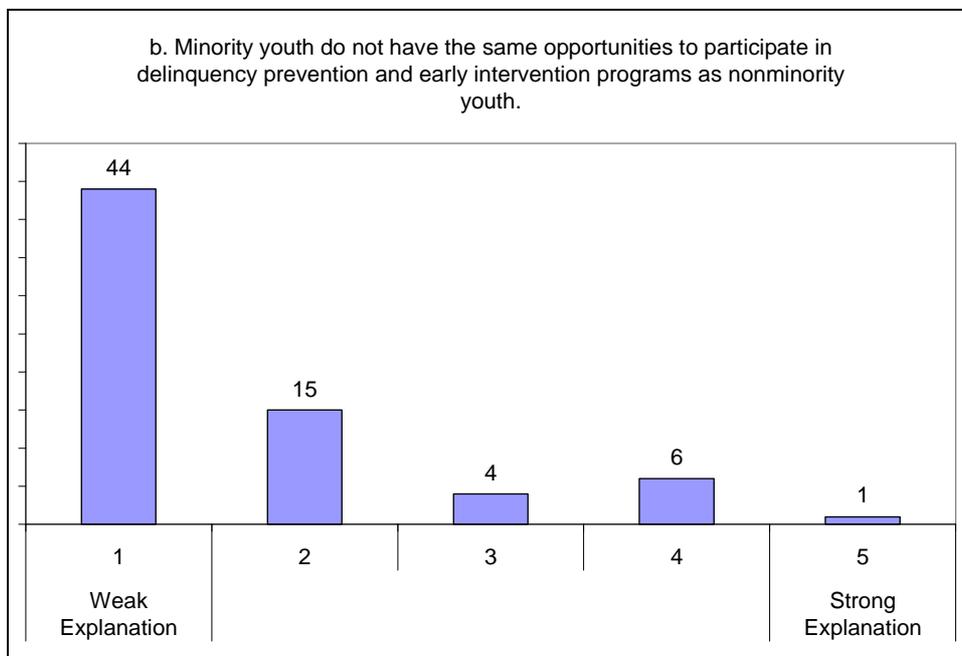
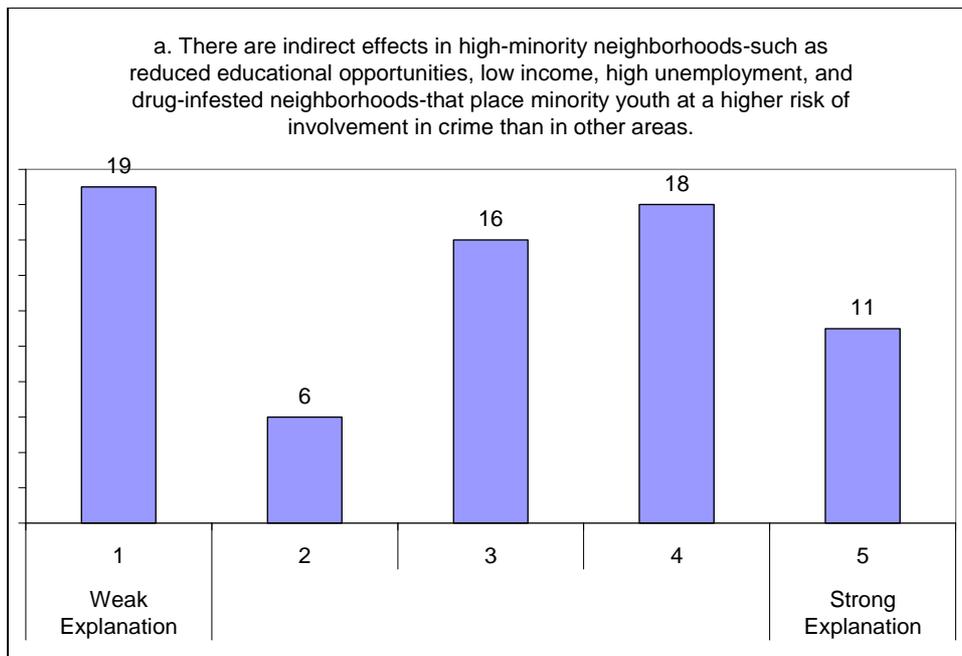
Hispanic/Latino	3
Not Hispanic/Latino	61

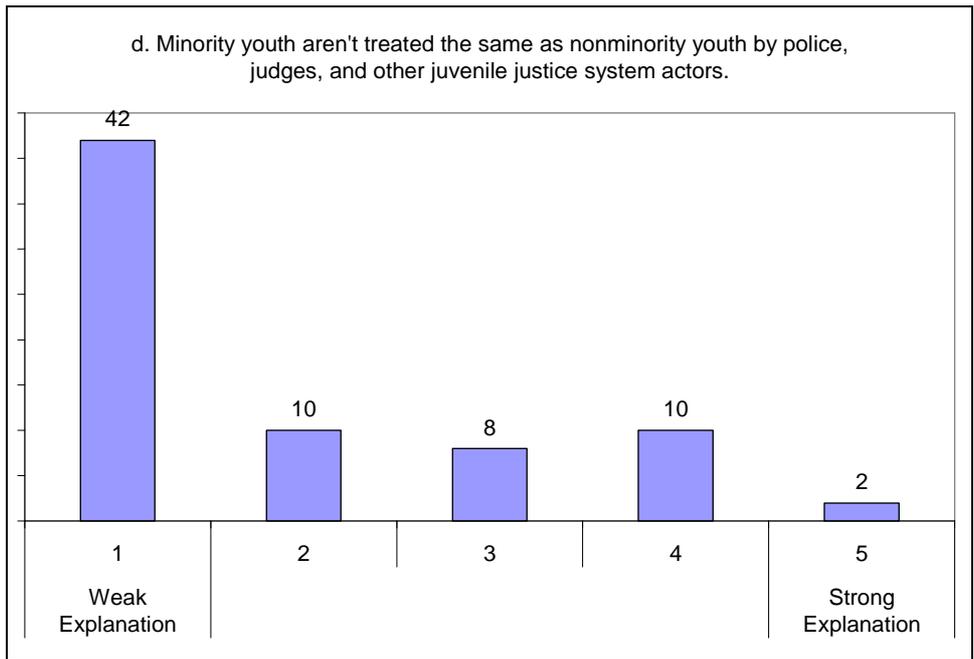
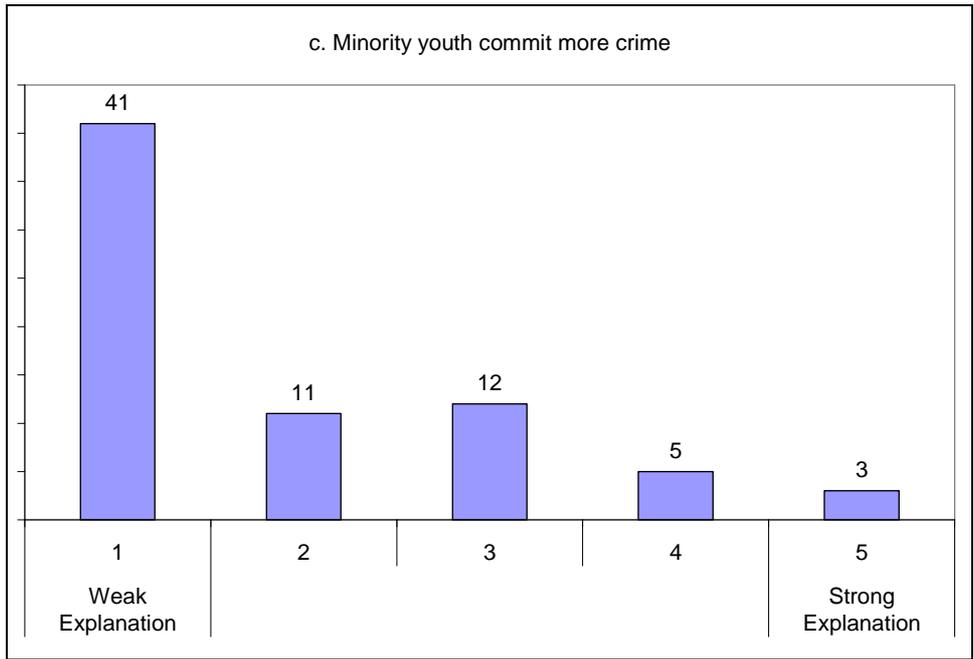
What is your gender?

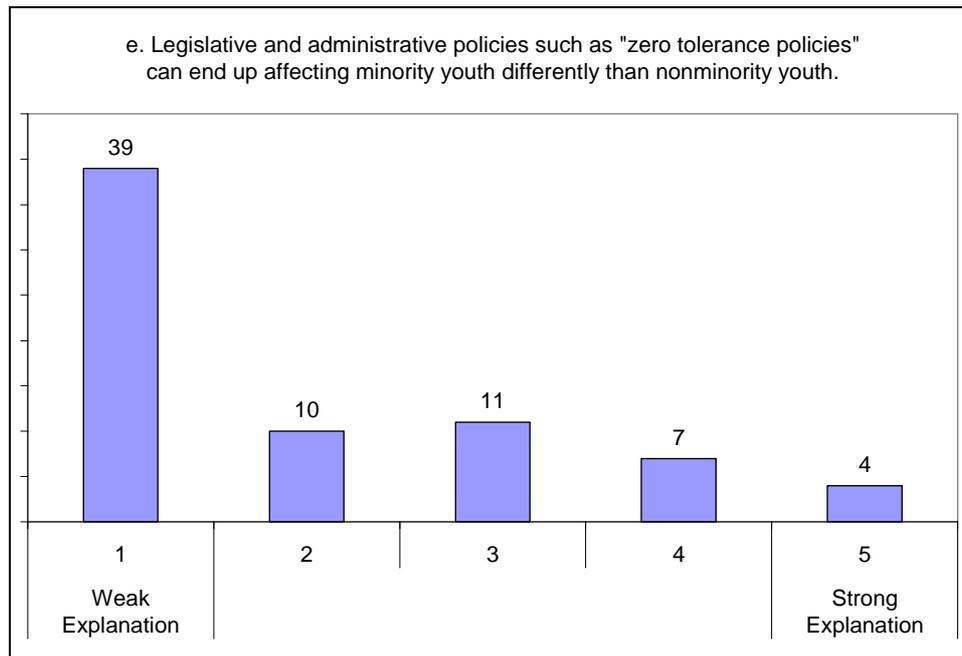
Male	35
Female	32

New Hampshire 2013 DMC Assessment Survey – Summary and Comments

1. There are many possible reasons why minority youth might be over-represented in the juvenile justice system. Below please find a list of commonly cited reasons. Please rank them from 1 to 5 where 1 means that it is a weak explanation for DMC in your area and 5 means that it is a strong explanation for DMC in your area.







2. What other factors do you think contribute to a differential minority presence in the juvenile justice system in comparison to whites?

- There are cultural differences that affect the way in which a juvenile answers when questioned by someone in authority. Also, there is an innate belief that everyone in authority automatically deserves respect and DOESN'T need to earn. This sets up a dynamic and the end result could have been written differently if those in authority do not allow their power to go to their heads.
- Learned behaviors that are different than other cultures, culturally acceptable or not acceptable such as smoking illegal substances tend to be more acceptable in other cultures than American households.
- Cultural differences and understanding of them.
- Minority Youth are more noticeable.
- Leadership insensitivity at the primary point of contact and zero interest in Diversity and Minority Awareness Education. Budget cuts make it easy to cut this kind of training first. The "head in the sand" mentality will not make these issues go away. No one is going back to where they came from also.
- Unconscious bias.
- Poverty and family substance abuse has a substantial impact on all youth in our area.
- I think it has more to do with the lack of community involvement for the families of our minority youth. Many parents don't speak English which creates a lack of understanding of what their child is doing. Grades tend to be poor as English is a second language which means they cannot participate in many sports which would assist them.
- Regardless of race or ethnicity, parental supervision and involvement with their children, in my opinion is the biggest preventative measure to juvenile delinquency.

- Extreme poor housing, lack of mentors and mentor programs, lack of affordable activities and camps, lack of knowledge by the professionals about the culture of African Americans.
- The minority youth that I deal with come from mothers who are white and fathers who are black. I believe the mixed racial unions cause the juveniles additional emotional/psychological issues.
- While it does not speak directly to racial disparities within the community, increasing socioeconomic deprivation has influenced Court population. The rising rate of economic hardship, lack of employment opportunity and increased societal and legal pressures have resulted in families relying on systemic intervention as opposed to seeking relief on their own. Within some communities and resultant Court's this may equate to an elevated presence of racial and ethnic minorities.
- Single parent households.
- The culture, demographics.
- Minority populations tend to congregate in communities and neighborhoods with a higher police presence that can lead to more apprehensions.
- cultural and linguistic factors, including the needs of immigrant and refugee families
- That some areas are Federal Refugee Cities, whereby children and families are moved here without the extensive support and services that they may need to be successful on their own.
- Many of the Hispanic families tend to live together with relatives, cousins, grandparents, aunts, uncles, sister-in-laws, etc. in one undersized apartment and or house. There are so many people living in these households that it is difficult to know who is in charge or spends the most time with a specific juvenile. There is much confusion, and chaos created by having such a large number of "extended family" living together that there is little time, and or room for a juvenile to get individual attention from their parent(s). Depending on the hierarchy of the "whole" family, the juvenile's may get confused on who is in charge of them, or the juvenile learns to keep a low profile and leave the home without people noticing that they are gone and when they return to the home.
- Once a juvenile of minority population has committed a crime the Police and others look to them first if any additional crimes are committed.
- That federal refugee's are brought to neighborhoods and not provided with the full depth of services and needs that may require. Therefore they are placed at higher risk for issues within the family, community and over all integration.
- Poor Family structure based upon cultural acceptance of the newly defined family with one parent. Family has the greatest influence on a child's upbringing...social services do help, but aren't usually timely in their application to affect or modify a child's behavior.
- The fact that 73% of the black community ends up a 1 parent household
- There are individuals who hold prejudice views that sometimes negatively impact minority youth. Such an individual may be a teacher, police officer, human service provider, and/or community member. Thankfully, it is not the norm.
- The criminal justice system, from police to judges and every step in between respond to alleged criminal acts. Minority youths either commit more crimes or get caught more often. I think that the biggest factor is the degradation of the minority family, government becoming the bread winner and diminishing the role of the father. Without the need to

consume ones time at the task of earning a living, idle hands are the devils workshop. Non-minority families are quickly catching up. This is a societal degradation issue.

- It's hard for minorities to feel like they belong. Often, an easy group to belong to will have negative and at-risk characteristics - doesn't have to be a gang - but it's the same principle.
- I disagree that there is a problem in regard to minorities being overly represented in the juvenile justice system. My caseload is solely made up of white males and females. I have had few minorities in the time working as a JPPO. 4 total which were three black and one Bosnian. At least in the area that I work in Laconia NH and in past Claremont NH I believe that the population of youth involved in the juvenile justice systems seems similar to that of the population in those areas in general.
- We have such low numbers of minorities in our area that if just a few minority children get involved in JJ it is statistically relevant.
- we have very few minority in our area so people have difficulty with culture competency and we don't have any special programs for minorities because we have so few
- lack of knowledge and tolerance by professionals
- values
- Do not know.
- Question is too vague to answer.....
- In my community we have very little Juvenile crime and even less juvenile crimes that are committed by minorities.
- We don't see Disproportionate Minority Contact in our area, other than for Caucasian youth. We have very, very few minorities. 98% of my caseload is white.
- In my jurisdiction I do not feel I have had to deal with this issue as the majority of juveniles I deal with are white. I treat all races the same and base why they are before the Court on what they have done and led them there not by their race. I have not seen an example that I can recall where a juvenile was treated differently because of their race except to consider an understanding of why they might be there due to cultural beliefs etc. playing into parenting skills etc.
- In the area that I work in there is not DMC. This is the reason for the answers above being 1 and if there was a N/A choice I would have selected that for my answer.
- I do not see ANY differential treatment in my court or caseload. This survey is making an assumption that is inaccurate for this area.
- I don't see this as an issue in NH
- Do not feel there is a DMC in my jurisdiction
- I have very few minority youth in my catchment area.
- I do not believe there is DMC in my jurisdiction, at least not in my caseload.
- I feel it is pretty equal in our area. We don't have many minorities at all.
- In this area I do not believe we have DMC

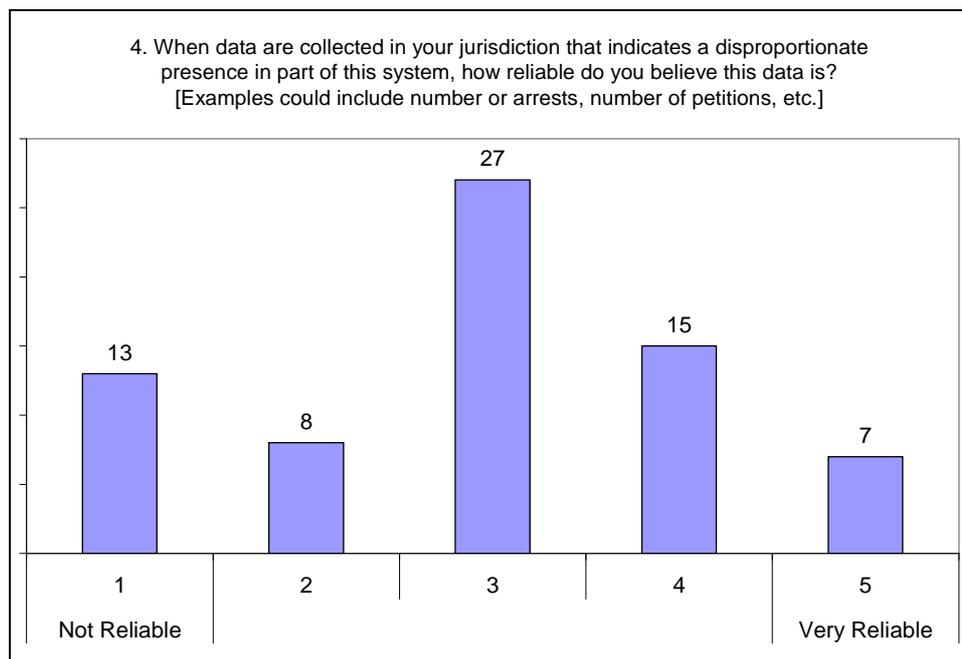
3. Have there been any significant changes (i.e., changes to local or state laws, administrative procedures, political changes, or shifts in the population) that you think might contribute to DMC in your jurisdiction?

- There were 28 “No” or “NA” answers to this question (out of 72 respondents).
- Population growth.
- All of the above contribute and The Police play a crucial role in understanding and application since they are the first point of contact for delinquents.
- An increase in the refugee population in this area. Some low income housing is almost 100 % a certain population which can leave young white juveniles as isolated as minority groups.
- Lack of resources for programming especially in the area of prevention, which does not really occur any more.
- Local law enforcements application of a "zero tolerance" policy has effectively terminated individual officer discretion. This policy requires law enforcement agents to bring petitions before the Court in all criminal behavior within a school setting, despite any effective or sensible remediations by the family or school administration.
- There has been an increase in minorities moving to the coverage area.
- I have only experienced The State making sure employees are aware of cultural differences etc in working with families to ensure better outcomes and worker safety when necessary if a family has a legal history of incarceration/gang involvement etc. But not to foster racial or cultural insensitivity.
- Not really. I think part of this is the vestige of long term institutional practices stemming from more racist times.
- Loss of funding for early intervention programs (such as Headstart and the like) could potentially result in DMC in my jurisdiction.
- positive changes due to education and awareness efforts locally, reinstating aspect of the CHINS law may help with the needs of many families
- Increasing minority population
- The Hispanic, the African, and the Asian population in Manchester have grown very quickly in a relatively short period of time. Their emergence into the city is very often overwhelming for the families, and they become isolated. The services offered them and their families are the same as those services offered to other populations. The problem is that the language barrier. The non-English speaking individuals can be driven or carefully directed as to where to get help, however more times than not, the services don't have interpreters available. Much of what happens in "lost in translation." The children of the non English speaking parents learn English and frequently use that ability to get away with things that they know their parent would not approve of. Another issue is the cultural differences. What may be acceptable means of disciplining their children in the country the family has originated because no laws or at least not many laws that dictate whether a parent can physically punished their children. Striking a child with a hand, or even a stick, is an acceptable way in many of their cultures and the parents have a difficult time not using disciplinary measures on their kids that they have used for at least 10 years or more, and the parents of those parents also used the same methods of punishment.. The parents want to know what gives this country the right to say when their child gets punished or not and they surely don't understand why their child can go to

an agency and be taken out of the home because the child and or the child's teacher has reported that the parents "beat" their child when the parents are just using the only form of punishment that has been in their culture for many years.

- There is a growing population of many minorities in some of the southern and central areas of the state. Again. Not seeing it as an issue here, except if you want to count Caucasian youth as being the disproportionately targeted youth.

4. When data are collected in your jurisdiction that indicates a disproportionate presence in part of this system, how reliable do you believe this data is? [Examples could include number or arrests, number of petitions, etc.]



5. Perception of DMC Efforts: What strategies or programs are you aware of, if any, to reduce disparate minority involvement in the juvenile justice system in your city? (Please list any current and/or past efforts that you know of.)

- Of those that did choose to answer the question, **20** were not aware of any strategies or programs, current or past (out of 72 respondents).
- "Teen Nights"
- Diversion programs.
- Juvenile Court Diversion opportunities for all youth.
- The diversion program and staff are extremely effective at addressing juvenile justice issues in our area.
- Community-wide training on cultural differences and acceptance
- Police training to handle juveniles with different cultural backgrounds
- Local SubCommittee to prevent DMC

- Positive Police Interaction With Youth
- Leadership Commitment at the Police Department, Educational Training on Youth Behavior and Diversity and strategic focus on the demographics should support our proactive DMC strategy.
- DMC Committees -- statewide and in Manchester and Nashua
- OYS, City Year, Minority Coalition
- Standardized tools to calculate eligibility for detention or commitment
- The State of NH Juvenile Justice System uses a detention screening instrument that determines the necessity of detaining juveniles for alleged delinquencies based upon the juveniles risk level to reoffend while awaiting judicial hearings. This document (in part) collects racial and ethnicity data.
- All the youth are treated equally in terms of exposure to the same educational, pro-social and community based resources. Having said that, Belknap County has a fairly good resource base for prevention programs. It's a matter of the youth and the parents having an interest in accessing these programs voluntarily.
- The Office of Youth Services.
- Training, an active DMC coordinator, an active team.
- Some more aggressive recruitment of minority law enforcement personnel.
- SAG DMC Committee has done a really good job in the past few years
- I believe all youth have the same opportunities to participate in programs
- Increase awareness of DMC and strategies has helped to lower the numbers of DMC contacts. Strong leadership at the PD's, state agencies. Trainings in Diversity & Effective Police Interactions. Overall decrease in crimes nationally. Better tracking and data analysis.
- Have at least a Spanish interpreter or two for DJJS/DCYF. DCYF should offer English Classes on an ongoing basis with levels of speaking English, and reading and writing it at the same time. Of course English instruction would have to be like school. Span. 1, Span 2, Span 3.
- In my area every youth is afforded the opportunity to participate in the local Diversion agency.
- Several programs are in existence to work on monitoring/tracking DMC. Training and in-service presentations are being conducted across the state to provide extended knowledge to the nine points of contact around juvenile DMC.
- Other than this study, I am not aware of any.

Please give us any additional comments here:

- I hope that all DJJS staff is privy to the results of the survey, as well as the public and legislature.
- It would be good to have more culture knowledge for this area but there is 95 % white people so it's difficult to have people focus on this as an issue since we have such few minorities.
- I do think the few minorities groups have difficult transition because they are 1 in a 100 so I believe they have racial profiles stories to tell. It will be an ongoing educational and cultural shift in this rural area. I believe there is a reason why we don't have lots of racial

diversity. We have three colleges in the area and that's where most of our racial diversity comes from.

- I would love to see more diversity in this area but our major cities tend to have the major populations."
- While surveys support objective criteria it is important to use accurate data to plan DMC Strategy. DMC exists here as it does in every other state. If things are going well it is not appropriate to reduce funding and focus on DMC. The juvenile minority population is the fastest growing segment in NH. They deserve a fair chance to succeed and prosper like everyone else.
- When you asked me to describe my ethnicity you only left two options. Is there really only two options? Just asking!
- When deciding the best recommendation for services for a youth, the same criteria of least restrictive and most appropriate is used regardless of race, or ethnicity. Community based services and intervention are used in all cases as the first consideration, which is weighed against the severity of the offense. Parental care and supervision help shape a youth's value system.
- Carroll County is spelled incorrectly in the drop-down menu. I don't believe that much (if any) of this applies to our area.
- The territory in which I cover is predominantly white and we seldom work with minority groups.
- The principle is that "justice is blind" and for me I place no weight on the color or ethnicity of the offender. I will observe however that the so-called "entitlements" are seen as handouts and recipients are devalued, have lower self-esteem and become dependent upon them and therefore feel "entitled." What we should be focused on is giving people a "hand up" by requiring more of them to earn the help, gain skills, learn English, become employable and employed, etc. A dependent class weakens America and American values.
- This is not an issue in my area as my case load does not have a disproportionate minority population. In my area I truly believe that the police departments, Courts, JJS, and other stakeholders treat every case with the same respect and professional conduct no matter whom they are working with.
- Blaming the judicial system for minority youth will not solve the problem. Restore traditional values and family and the problem will begin to correct itself.
- There is no minority adult leadership in this community to take proactive steps toward solving this issue.