



Federal Fiscal Year 2018 Report on

# **Equity in Indiana's Juvenile Justice System**

The Honorable Eric J. Holcomb, Governor

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## DEFINITIONS

**Arrests:** Taking a child into custody as described in IC 31-37-4.

**Case:** Written findings as described in IC 31-33-18-1.5.

**Delinquency Hearing:** Juvenile hearing as described in IC 31-37-6.

**Delinquency Petition:** IC 31-37-10-1 Sec.1. The prosecuting attorney may file a petition alleging that a child is a delinquent child. IC 31-37-10-3 Sec.3. A petition must: (1) be verified; (2) be entitled “In the Matter of \_\_\_\_, a Child Alleged to be Delinquency Child”; and (3) contain the following information: (A) a citation to the provision of the juvenile law that gives the juvenile court jurisdiction in the processing. (B) A citation to the status that the child is alleged to have violated. (C) A concise statement of the facts upon which the allegations are based, including the date and location at which the alleged act occurred. (D)The child’s name, birth date, and residence address if known. (E) The name and residence address of the child’s parent, guardian, or custodian, if known. (F) The name and title of the person signing the petition.

**Delinquent Act:** IC 31-37-1-2 Sec.2. A child commits a delinquent act if, before becoming eighteen (18) years of age, the child commits an act that would be an offense if committed by an adult, except an act committed by a person over which the juvenile court lacks jurisdiction under IC 31-30-1.

**Delinquent Child:** IC 31-37-2-1 Sec.1. A child is a delinquent child if, before becoming eighteen (18) years of age, the child: (1) commits a delinquent act described in this chapter; and (2) needs care, treatment, or rehabilitation that: (A) the child is not receiving; (B) the child is unlikely to accept voluntarily; and (C) is unlikely to be provided or accepted without the coercive intervention of the court.

**Direct file:** Pursuant to Ind. Code 31-30-1-4(a), the juvenile court does not have jurisdiction over an individual who is at least sixteen (16) years of age but less than eighteen (18) years of age at the time of the alleged violation of: (1) Attempted Murder (Ind. Code 35-41-5-1(a)); (2) Murder (Ind. Code 35-42-1-1); (3) Kidnapping (Ind. Code 35-42-3-2); (4) Rape (Ind. Code 35-42-4-1); (5) Criminal Deviate Conduct (Ind. Code 35-42-4-2) (before its repeal); (6) Robbery (Ind. Code 35-42-5-1), if: (A) The robbery was committed while armed with a deadly weapon; or (B) The robbery results in bodily injury or serious bodily injury; (7) Carjacking (Ind. Code 35-

42-5-2) (before its repeal); (8) Carrying a Handgun without a License, if charged as a felony (Ind. Code 35-47-2-1); (9) Children and Firearms, if charged as a felony (Ind. Code 35-47-10); (10) Any offense that may be joined under Ind. Code 35-34-1-9(a)(2) with any crime listed in this subsection.

**Disparity**: Rates of contact with any point of the juvenile justice system that are different for different races or ethnicities, regardless of the cause. (Office of Juvenile Justice and Delinquency Prevention, 2014)

**Dispositional Decrees**: The final resolution of a matter by a juvenile court as described in IC 31-37-19-1.

**Diversions**: Withholding of prosecution, grounds, conditions as described in IC 33-39-1-8 Sec. 8. A through I.

**Probation**: Probation is a criminal sanction wherein a convicted individual agrees to accept conditions upon his or her behavior in lieu of secured detention.

**Referral**: Receipt and forwarding of information concerning a delinquent child; preliminary inquiry. IC 31-37-8-1; Sec.1. (a) A person may give an intake officer or a prosecuting attorney written information indicating that a child is a delinquent child. (b) If the information is given to the intake officer, the intake officer shall: (1) Immediately forward the information to the prosecuting attorney; and (2) complete a dual status screening tool on the child as described in IC 31-41-1-3. (c) If the prosecuting attorney has reason to believe the child has committed a delinquency act, the prosecuting attorney shall instruct the intake officer to make a preliminary inquiry to determine whether the interests of the public or of the child require further action.

**Relative Rate Index**: A means of comparing the rates of juvenile justice contact experienced by different groups of youth. (Office of Juvenile Justice and Delinquency Prevention, n.d.)

**Secure Detention**: A juvenile detention facility is a secure facility that (1) is only used for the lawful custody and treatment of juveniles and meets state standards and licensing requirements as provided in department of correction rule 210 IAC 6; or (2) is located on the same grounds or in the same building as an adult jail or lockup and meets four (4) criteria as described in IC 31-31-8-2 Sec 2. (2) (A) through (D).

**Statistically Significant:** There is evidence that a difference in the rates is unlikely to have occurred by chance. (Office of Juvenile Justice and Delinquency Prevention, n.d.)

**Status Offense:** Acts deemed delinquent in nature due to the underage status of the individual; see those delinquent acts listed under IC 31-37-2.

## **INTRODUCTION**

The Indiana Criminal Justice Institute (ICJI) is the authorized state agency responsible for ensuring that Indiana complies with the Juvenile Justice and Delinquency Prevention Act (JJDP). One of the core requirements of the JJDP is to assess and address the disproportionate contact of minority youth in the juvenile justice system from arrest through detention and confinement. States achieve compliance by adhering to the United States Department of Justice's Office of Juvenile Justice and Delinquency Prevention guidelines to reduce Disproportionate Minority Contact (DMC).

ICJI is committed to ensuring that Indiana addresses the needs of all Indiana youth through the gathering of accurate data, providing data analysis to counties, and supporting thoughtful implementation of intervention strategies. Therefore, the intention of this document is to:

1. Provide transparent statewide data analysis to help the public understand where Indiana currently stands in regards to DMC in the juvenile justice system.
2. Inform local leaders at the county-level that DMC data analysis is available upon request to assist in determining if DMC exists in their jurisdiction and, if so, at what level.
3. Thank the counties and its leaders for their continued support in ensuring the State of Indiana remains in compliance with the federal requirements.
4. Inform county leaders of the technical assistance available to juvenile justice stakeholders across the state to address the contributing factors to DMC in their respective counties.

## **METHODOLOGY**

The Indiana Office of Court Services enacted Judicial Administrative Rule 1G in May 2016. This rule requires all 92 Indiana counties to report DMC data into a statewide repository. ICJI's research specialist analyzes county-reported data to determine if DMC exists and, if so, at what level. Relative Rate Index (RRI) is used to calculate DMC. RRI produces a value, which is an indicator of whether or not DMC exists. The rate of contact for the minority youth divided by the rate of contact for the majority youth is the RRI value. The RRI value provides information that could indicate potential DMC contributing factors, though not necessarily a disparate treatment of minority youth within a jurisdiction.

## **WHAT IS DMC?**

DMC refers to minority youth who come into contact with the juvenile justice system at a rate that is not proportionate to their representation in the general population.

The different racial and ethnic groups described in this report are:

- American Indian or Alaska Native (Non-Hispanic)
- Asian (Non-Hispanic)
- Black or African American (Non-Hispanic)
- Hawaiian or Other Pacific Islanders (Non-Hispanic)
- Hispanic or Latino (of any race)
- Mixed or Other (Non-Hispanic)
- White (Non-Hispanic)

Contact refers to the different steps along the juvenile justice system, including:

- Arrest
- Referral
- Secure Detention
- Diversion
- Delinquency Petition
- Delinquency Hearing
- Probation
- Confinement
- Waived to Adult Court



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## **HIGHLIGHTS**

- 100 percent of Indiana counties reported DMC data for the Federal Fiscal Year 2018 reporting period, which is October 1, 2017 through September 30, 2018.
- White youth made up about three-fourths of the total youth population in Indiana and minority youth made up the remaining quarter.
- 57 percent of referrals were associated with white youth and 35 percent of referrals were associated with minority youth in the juvenile justice system.
- Males were more likely to have contact with the juvenile justice system than females.
- All counties with sufficient youth populations displayed some degree of disparity within one or more decision points across all minority categories.
- 41 percent of all Indiana counties have statistically significant disproportionate minority contact at one or more juvenile justice decision points for each racial and ethnic population.
- A higher percentage of Black/African American youth were referred to the juvenile justice system compared to other youth.
- A higher percentage of Black/African American youth were sent to diversion compared to other youth.
- The percentage of youth placed in detention was the highest for Black/African American youth when compared to other youth.
- The percentage of Hispanic youth placed in detention was the second highest, and still higher than the percentage of White youth.
- A higher percentage of Black/African American youth were placed in secure confinement compared to other youth.

## **2018 RESULTS**

As of 2017, there were a total of 720,451 youth ages 10 – 17 in Indiana. Figure 1 below splits this population into “White” and “All Minorities” racial/ethnic categories. White youth make up about three fourths of this youth population, and the minority youth make up the remaining quarter. The “All Minorities” category includes populations of Black or African American, Hispanic, Asian, and American Indian youth.

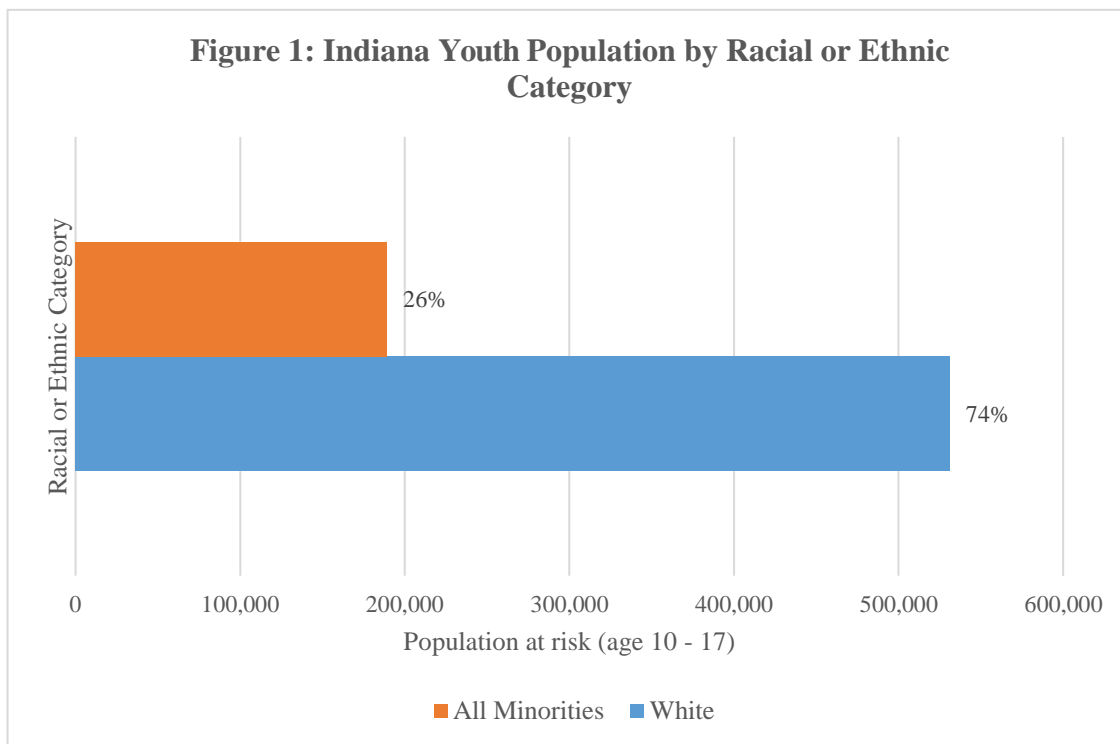
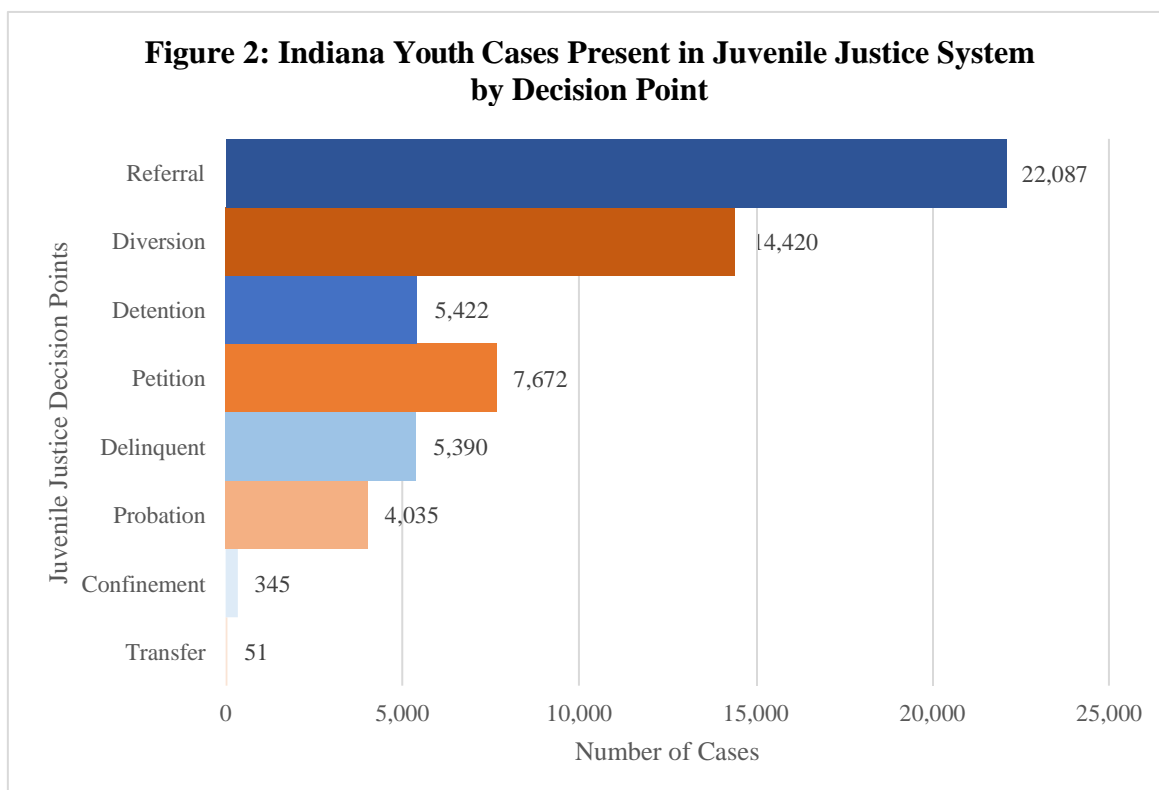
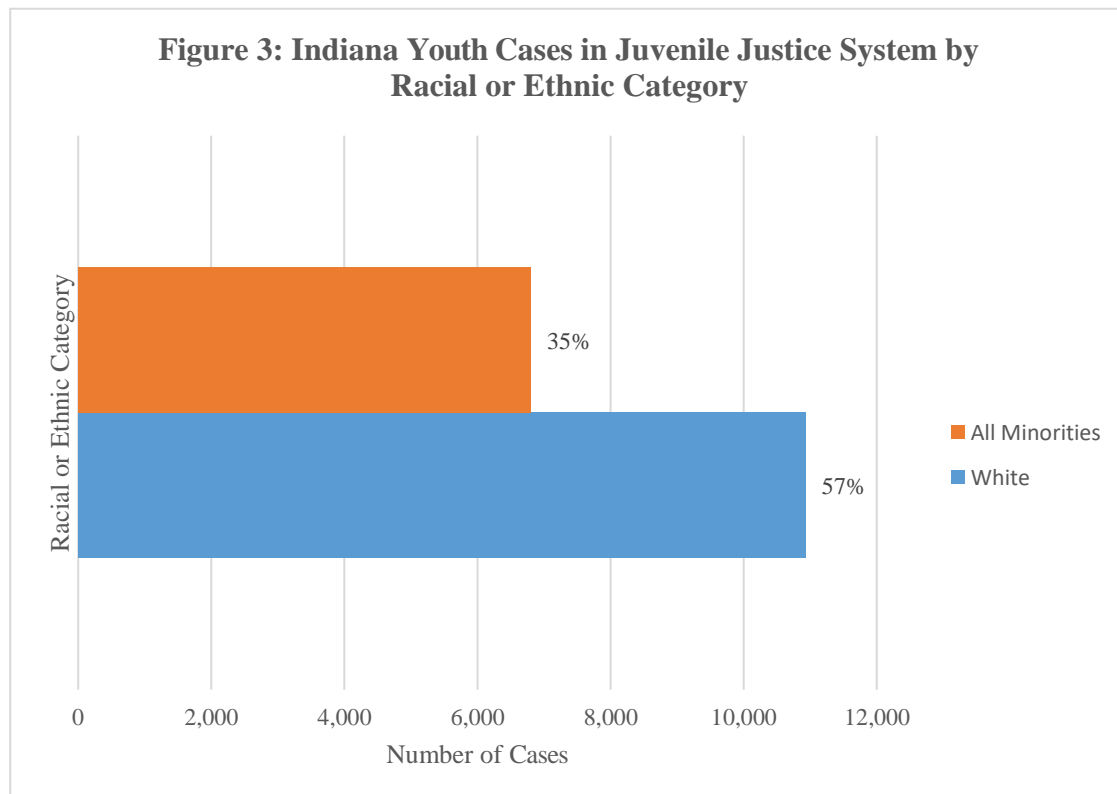


Figure 2 below illustrates the number of youth cases (ages 10 - 17) present in each decision point of the Indiana juvenile justice system reported between October 1, 2017 and September 30, 2018. All cases begin in the “Referral” decision point (therefore, all cases in the dataset equal the total number of cases in referral) and may “travel” to a different decision point, depending on the circumstances.



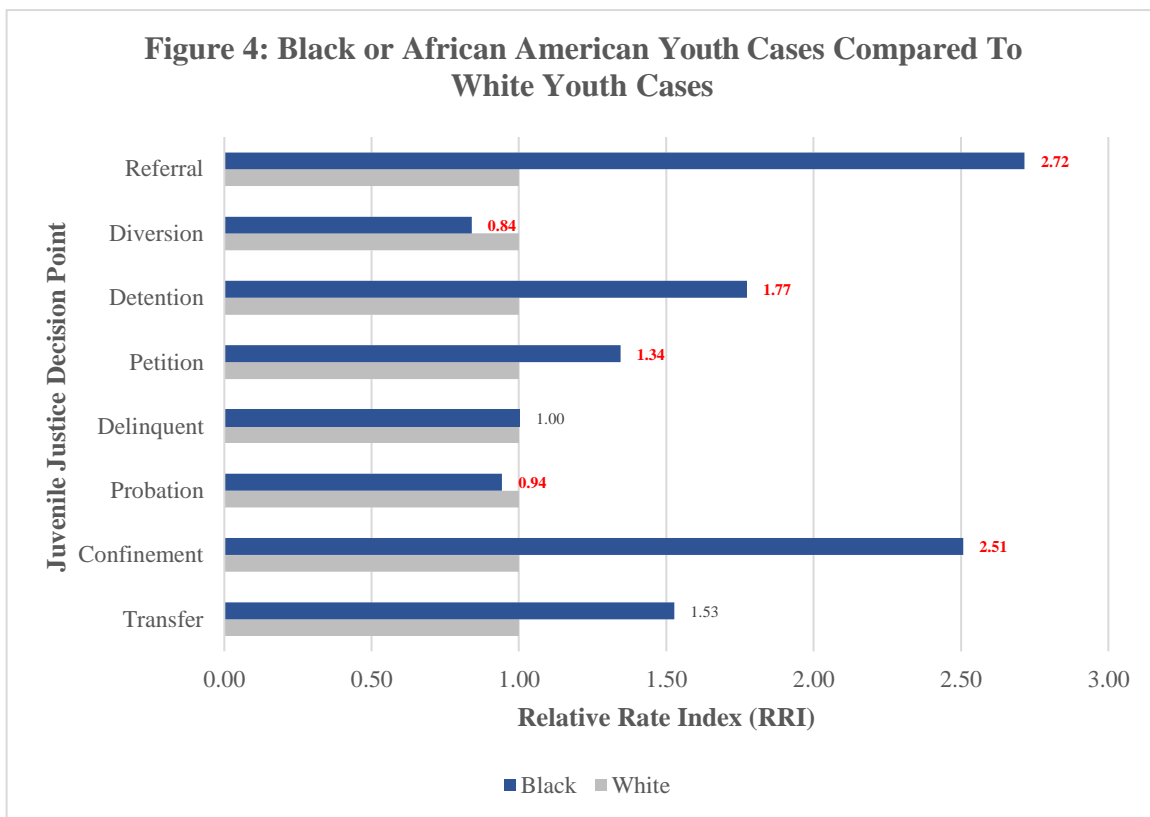
Data Source: Trial Court Technology

Figure 3 below illustrates that, of all the cases in the juvenile justice system between October 1, 2017 and September 30, 2018, 57% of cases are associated with White youth and 35% of cases are associated with the “All Minorities” category (e.g., Black or African American, Hispanic, Asian, and American Indian). A direct comparison cannot be made between number of youth in the population and the number of cases in the system. However, it is clear that minority youth-associated cases make up a large portion of the total number of cases, especially when considering that they only represent a quarter of the total youth population.



Data source: Trial Court Technology

Figure 4 below illustrates RRI values for Black or African American youth cases as they compare to the neutral value of 1.00 for White youth. This shows that cases associated with Black or African American youth are disparately represented in all decision points, with the exception of the “Delinquent” decision point.

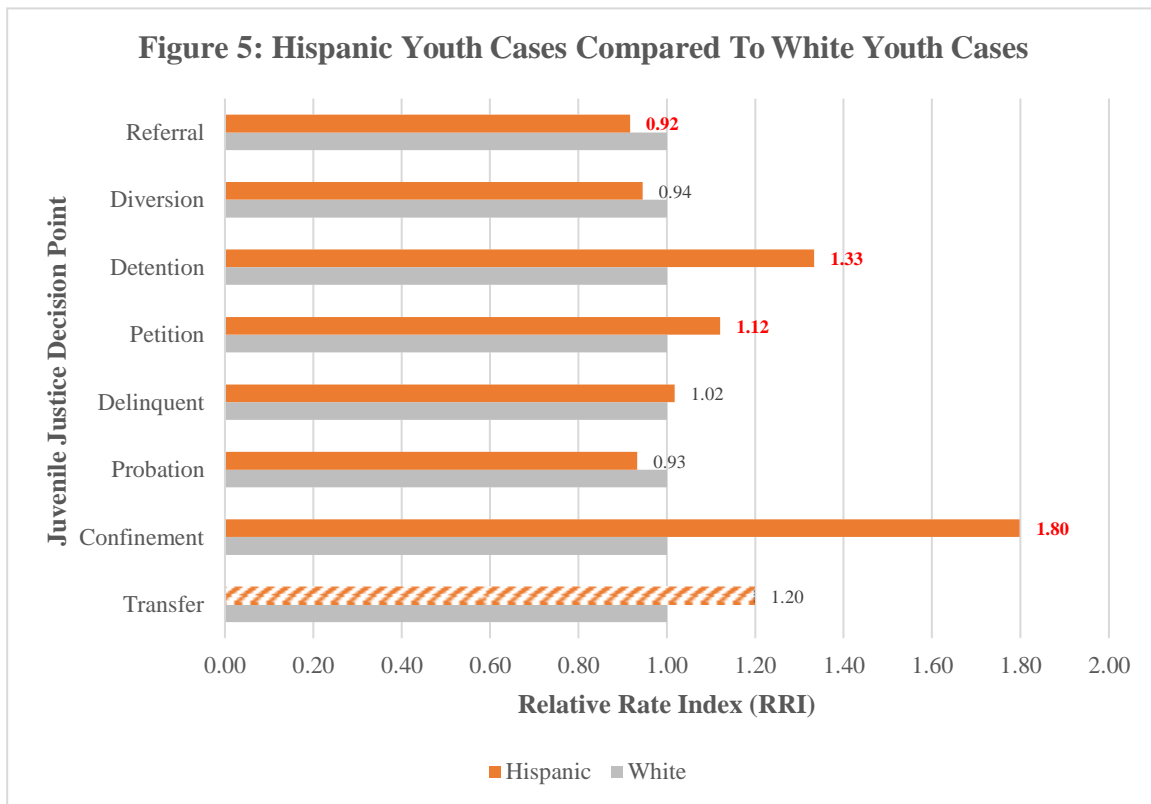


Data source: Indiana Court Information Technology Extranet (INcite) Application

\*Red bold font value next to the bar indicates statistically significant disparity.

\*Regular black font value next to the bar indicates disparity that is not statistically significant.

Figure 5 below illustrates RRI values for Hispanic youth cases as they compare to the neutral value of 1.00 for White youth. This shows that cases associated with Hispanic youth are disparately represented in all decision points.



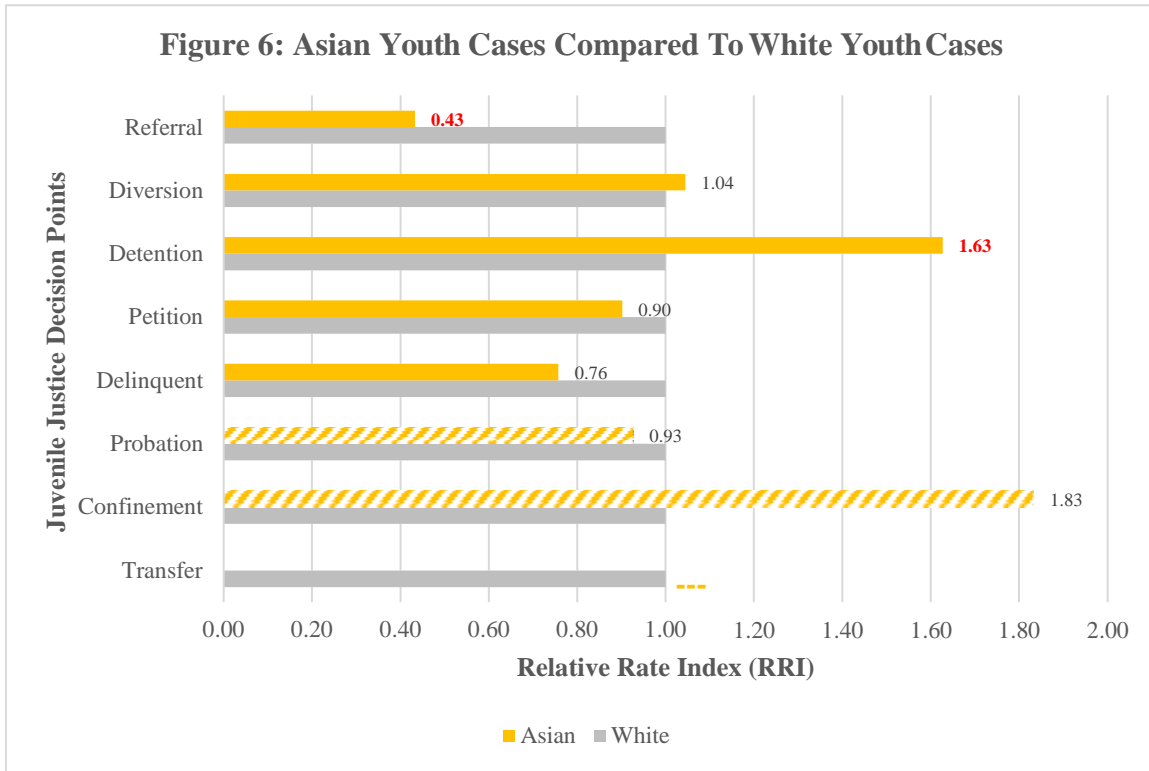
Data source: Indiana Court Information Technology Extranet (INcite) Application

\*Red bold font value next to the bar indicates statistically significant disparity.

\*Regular black font value next to the bar indicates disparity that is not statistically significant.

\*Striped bar indicates unreliable data due to insufficient number of cases.

Figure 6 below illustrates RRI values for Asian youth cases as they compare to the neutral value of 1.00 for White youth. This shows that cases associated with Asian youth are disparately represented in all decision points.



Data source: Indiana Court Information Technology Extranet (INcite) Application

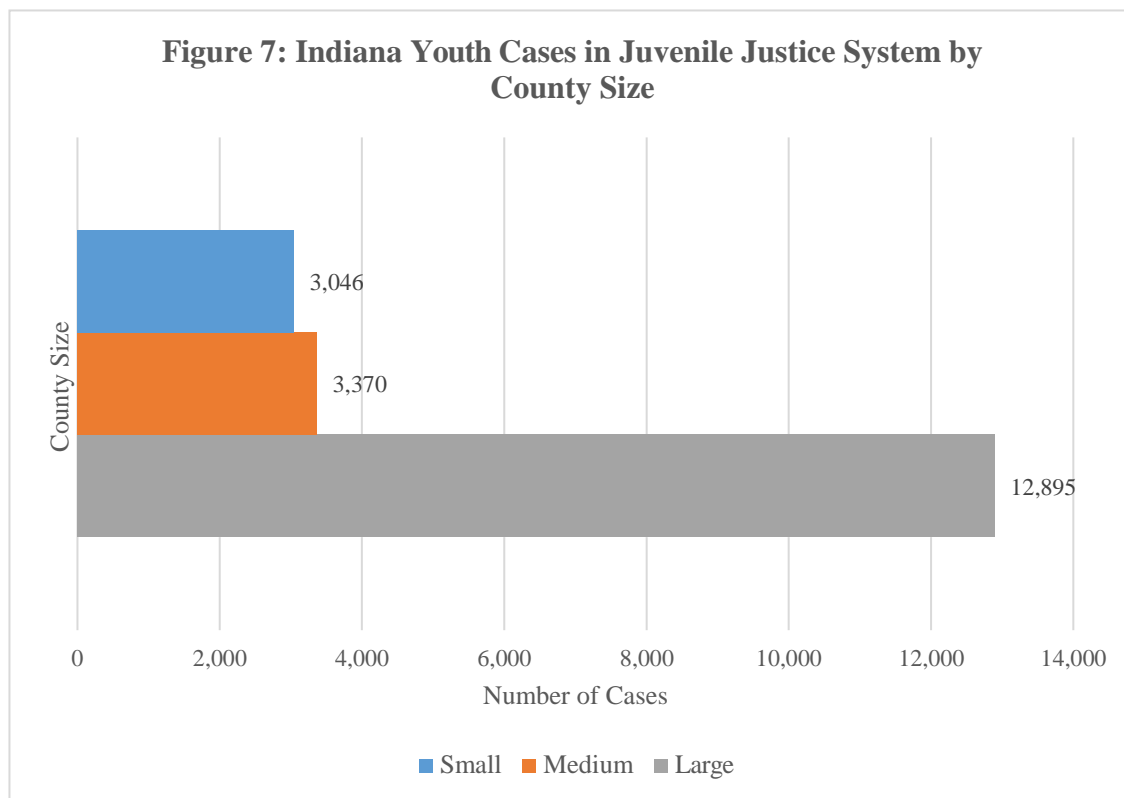
\*Red bold font value next to the bar indicates statistically significant disparity.

\*Regular black font value next to the bar indicates disparity that is not statistically significant.

\*Striped bars indicate unreliable data due to insufficient number of cases.

\*Yellow dashes indicate missing data for elements of calculation; therefore, a bar was not illustrated.

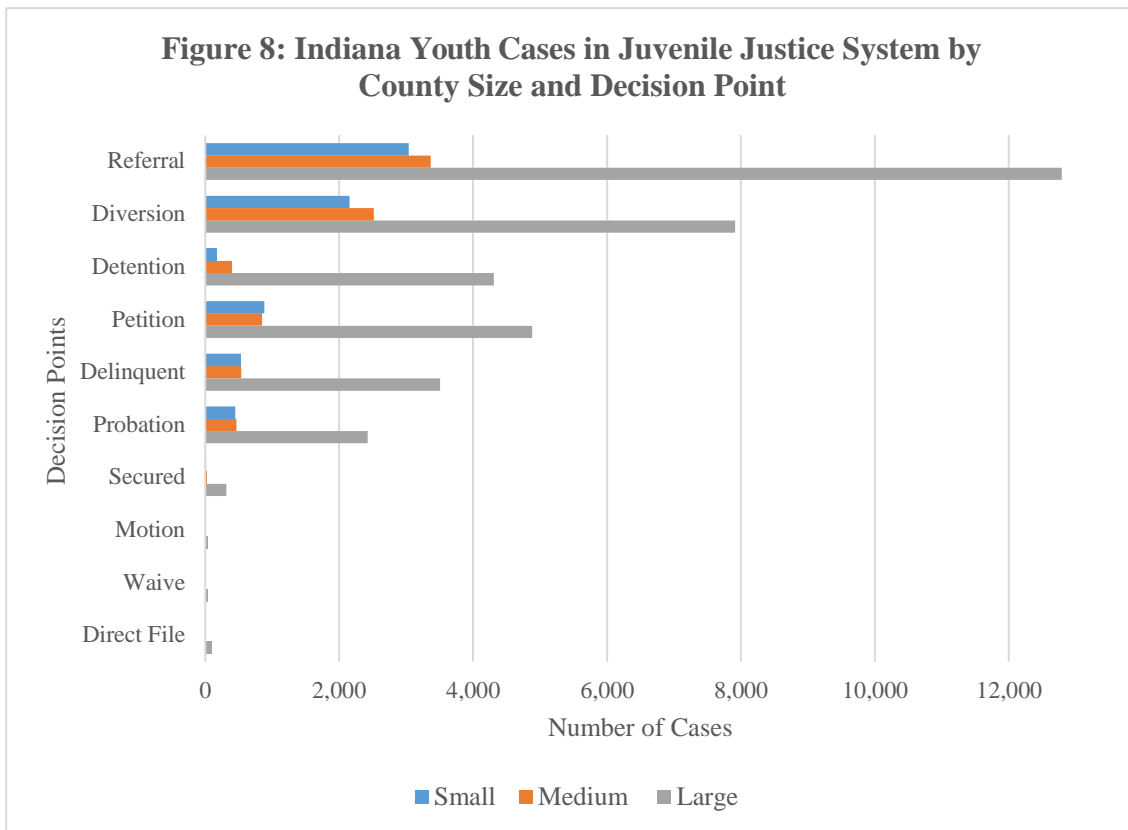
Figure 7 below illustrates the number of youth cases in the juvenile justice system by county size from October 1, 2017 to September 30, 2018. Counties with total populations of less than 40,000 were classified as small, counties with total populations of between 40,000 and 100,000 were classified as medium, and counties with total populations of more than 100,000 were classified as large. The largest amount of cases originated from 18 large counties and almost the same number of cases originated from each of the remaining medium and small counties.



Data source: Trial Court Technology



Figure 8 and Table 1 below illustrate cases within each decision point of the Indiana juvenile justice system by county size from October 1, 2017 to September 30, 2018. This further illustrates that cases associated with large counties are more prevalent than cases in other county sizes. There were more youth cases from small counties in the petition, waive, and direct file decision points when compared to medium counties.

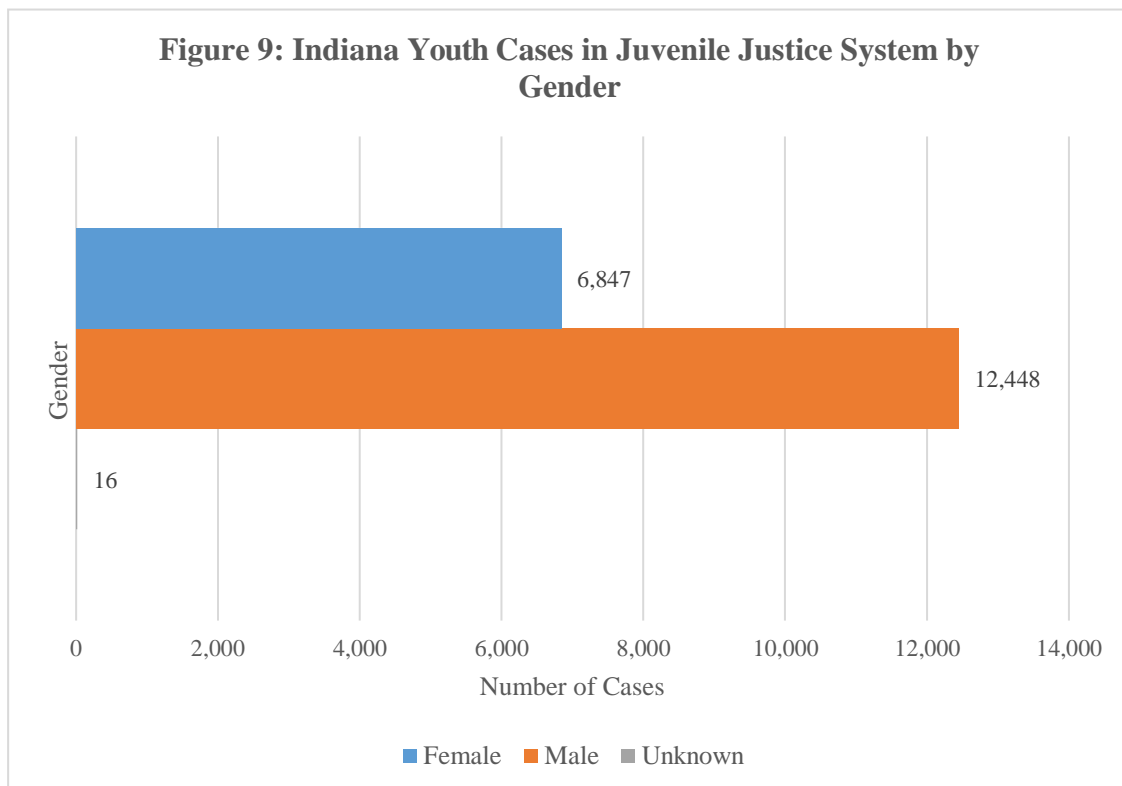


Data source: Trial Court Technology

Table 1: Indiana Youth Cases in Juvenile Justice System by County Size and Decision Point

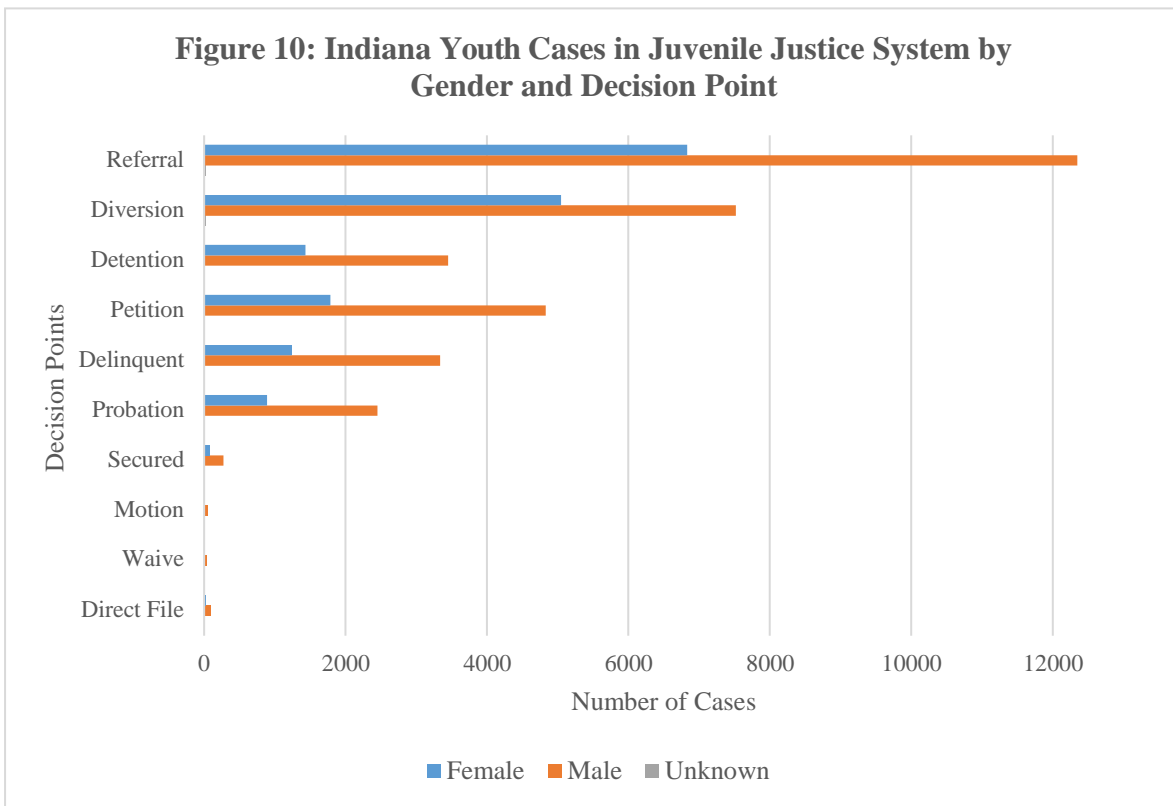
	Referral	Diversion	Detention	Petition	Delinquent	Probation	Secure	Motion	Waive	Direct File
Small	3,036	2,152	173	884	535	450	11	4	9	10
Medium	3,367	2,517	398	850	539	466	18	12	8	3
Large	12,794	7,912	4,310	4,882	3,505	2,426	314	42	30	101
Total	19,197	12,581	4,881	6,616	4,579	3,342	343	58	47	114

Figure 9 below illustrates the 19,311 cases reported in Indiana's juvenile justice system by gender. A case is 1.8 times more likely to be associated with male youth than female youth. There were 16 cases where the gender was unknown, representing only 0.08% of the data.



Data source: Trial Court Technology

Figure 10 and Table 2 below illustrate cases within each decision point of the Indiana juvenile justice system by gender. The following are the percentage of male cases within each decision point: 64% referral, 60% diversion, 71% detention, 73% petition, 73% delinquent, 73% probation, 80% secure confinement, 83% waiver to adult court granted, 83% motion for waiver filed, and 87% direct file.



Data source: Trial Court Technology

*Table 2: Indiana Youth Cases in Juvenile Justice System by Gender and Decision Point*

	Referral	Diversion	Detention	Petition	Delinquent	Probation	Secure	Motion	Waive	Direct File
Female	6,832	5,048	1,432	1,784	1,243	890	69	10	8	15
Male	12,349	7,518	3,449	4,831	3,336	2,452	274	48	39	99
Unknown	16	15	0	1	0	0	0	0	0	0
Total	19,197	12,581	4,881	6,616	4,579	3,342	343	58	47	114

## NEXT STEPS

ICJI encourages counties to request their specific DMC data analysis and RRI documents to further examine and assess the RRI values with the highest degree of disproportionate contact. Although the RRI values provide jurisdictions with a measurable account of minority representation at the eight decision points, any disproportionality should have an in-depth examination to determine specific contributing factors.

<u>Technical Assistance Available for Juvenile Justice Leaders</u>	
Step 1: Request analysis	Request your county's DMC data analysis and RRI sheets by contacting ICJI's Youth Equity Program Director <sup>1</sup> .
Step 2: Data accuracy	Determine if your county's DMC data and analysis is accurate. If not, ICJI Youth Equity Program Director is available for technical assistance.
Step 3: RRI documents interpretation	Determine if your county is able to interpret the DMC data analysis. Are you able to identify the possible factors contributing to DMC? If not, submit request to the Youth Equity Program Director for assistance.
Step 4: Implement system improvement efforts to reduce DMC	Determine if your county can implement system improvement efforts to address any identified DMC issues. Identify evidence-based models that could be used and contact the Youth Equity Program Director for information on possible funding and other resources available.

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<sup>1</sup> ICJI, Youth Equity Program Director; Manpreet Kaur; Email: [makaur@cji.in.gov](mailto:makaur@cji.in.gov); Office Phone: (317) 605 – 5255