

A photograph of the California State Capitol building, showing its iconic dome and classical architectural details like columns and arches. The building is set against a clear blue sky. A dark blue curved line separates the image from the white background of the text.

**RECOMMENDATIONS FOR THE COLLECTION AND
REPORTING OF JUVENILE RACE AND ETHNICITY DATA**

JUVENILE JUSTICE STANDING COMMITTEE

DECEMBER 2017

Introduction

Enacted in 2016, Assembly Bill 1998 (AB 1998) requires the Board of State and Community Corrections (BSCC) to “develop recommendations for best practices and standardization for counties on how to disaggregate juvenile justice caseload and performance and outcome data by race and ethnicity.” As assigned to BSCC, this task is consistent with the Board’s statutory mission of providing “leadership, coordination and technical assistance” to California’s juvenile and adult criminal justice systems and with related data mandates in the Penal Code (Sections 6024-27).¹

A driving force behind the implementation of AB 1998 was to address the problem that current data collection methods used by some community corrections agencies do not accurately represent the number of Latino youth in the juvenile justice system.² This deficiency of some collection methods has been highlighted by several governmental and advocacy policy groups. For example, the National Association of Latino Elected and Appointed Officials has a current policy brief³ and the Council of State Governments adopted a resolution on the issue.⁴

The BSCC Board delegated responsibility for developing these recommendations to the Juvenile Justice Standing Committee (JJSC). The JJSC was formed in 2012 to assist in fulfilling the statutory requirements in relation to a wide range of juvenile justice issues that are within the purview of the BSCC. Among its key responsibilities, the JJSC analyzes and reviews data and performance outcomes.

This report focuses on Assembly Bill 1998’s directive that the BSCC develop recommendations on the disaggregation of data by race and ethnicity. The report will provide an overview of the current state of data collection by race and ethnicity from counties. It also summarizes applicable federal law and standards, California law, and existing Model Guidelines. The report concludes with specific recommendations.

This document is intended to provide guidance for community corrections systems and agencies collecting race and ethnicity data. The BSCC recognizes that data collection systems will vary in capacity and capability among all localities. Accordingly, while the guidelines and processes described in this report are consistent with federal standards

¹ AB 1998; Stats. 2016, ch. 880.

² Dean, Matt. (2016, April 16). Assembly Committee on Public Safety AB 1998 Bill Analysis. Retrieved from https://leginfo.legislature.ca.gov/faces/billAnalysisClient.xhtml?bill_id=201520160AB1998.

³ NALEO Education Fund Policy Brief (2017). The Census Bureau’s Proposed “Combined Question” Approach Offers Promise for Collecting More Accurate Data on Hispanic Origin and Race, but Some Questions Remain. Retrieved from: https://d3n8a8pro7vhmx.cloudfront.net/naleo/pages/190/attachments/original/1497288838/Hispanic_Origin_and_Race_Brief_fin_05-17.pdf?1497288838

⁴ The Council of State Governments, CSG Executive Committee (2003). Resolution regarding Latino youth in the justice system. Retrieved from: www.csg.org/knowledgecenter/docs/LatinoYouth.pdf.

and California law, the guidelines are meant to serve as a resource and not a definitive requirement. The BSCC encourages the consistent and accurate data collection of race and ethnicity among jurisdictions. Anyone may use and widely distribute this document for educational purposes.

Current State of Data Collection by Race and Ethnicity from Counties

There are federal and state laws and federal standards regarding the collection of race and ethnicity data and how to disaggregate those data.⁵ However, the federal law and standards are not imposed on local governments in California, including community corrections agencies (court, probation, sheriff's, police, mental health, social services, and other community-based service providers). Moreover, California law does not mandate community corrections agencies to collect data on race and ethnicity in a prescribed manner. As a result, there is no standardized manner for the collection of race and ethnicity data among community corrections agencies within California's 58 counties. Thus, data collection methods vary greatly across the agencies.

The Need for Standardization

There are compelling reasons for having a standard method for the collection of juvenile justice caseload data by race and ethnicity across counties and within community corrections agencies. Standardization can help ensure that accurate information is collected and reported. Accurate information would ensure more complete and inclusive information about youth in the justice system is available. Having a more complete and accurate information about the juveniles in the justice system would enable administrators, legislators, program administrators and policy makers to:⁶

- Identify trends and address the needs of individuals in the juvenile justice system.
- Plan for services to respond to youth and their families, such as cultural competency training for staff, culturally appropriate programs and services for youth and their families, translators and interpreters, documents in primary languages, and bilingual and bicultural staff.

⁵ In general, race is defined as a group of people that share physical and genetic characteristics, such as hair and skin color. Ethnicity refers to cultural factors, including nationality, regional culture, ancestry, and language. See https://www.diffen.com/difference/Ethnicity_vs_Race.

⁶ Torbet, P., Hurst, H., & Soler, M. (2006, October). *Guidelines for collecting and recording the race and ethnicity of juveniles in conjunction with juvenile delinquency disposition reporting to the juvenile court judge's commission*. Retrieved from <http://www.cclp.org/wp-content/uploads/2016/06/11-Guidelines-for-Collecting-and-Recording-Data-2.pdf>.

Illinois Juvenile Justice Commission (2008). *Guidelines for collecting and recoding race and ethnicity of youth in Illinois' juvenile justice system*. Retrieved from http://ijjc.illinois.gov/sites/ijjc.illinois.gov/files/assets/Guidelines_for_Collecting_and_Recording_the_Race_and_Ethnicity_of_Youth_in_Illinois_Juvenile_Justice_System.pdf.

- Monitor and examine how the system, at all key decision points, is responding to youth of color.
- Share this information with stakeholders and the community.
- Identify the overrepresentation of certain races and ethnic communities in the juvenile justice system.
- Comply with the Federal Juvenile Justice and Delinquency Prevention Act, which requires states to assess and address disproportionate minority contact across all decision points in the criminal justice system.

There are many benefits to having a standard method of collecting juvenile justice race and ethnic data. The next section will address the current Federal and California law, as well as model guidelines.

Existing Federal and California Law

Federal Standards and Current Research

There is no single federal law that sets forth the standards for the collection of race and ethnicity data. But rather there is a single federal agency designated to promulgate such standards: the Executive Office of the President, Office of Management and Budget (OMB). Additionally, states and local units of government turn to the United States Census Bureau's implementation as guidance.

The OMB is statutorily charged with promulgating the standards of collecting and recording Federal information on race and ethnicity (see Appendix A). The Census Bureau is the federal government's largest statistical agency whose mission is to "serve as the leading source of quality data about our country's people." Whereas the OMB sets the collection standards, the Census Bureau's practices demonstrate the implementation of those standards. The Census Bureau also continually conducts research to improve the design and function of its questions, including its race and ethnicity questions.

For example, the OMB standard allows two methods for the collection of race and ethnicity data: 1) a two-question format for data that is self-reported and 2) a combined question format for data collected by observations. The Census Bureau collects race and ethnicity data using the OMB's two-question format for self-reporting. The two-question format has individuals report ethnicity first as either "Hispanic or Latino" or "Not Hispanic or Latino." Individuals then report race selecting one or more of five race categories (American Indian or Alaska Native, Asian, Black or African American, Native Hawaiian or Other Pacific Islander, White). In addition to using the two-question format, the Census Bureau allows a third option. Specifically, Congress requires the Census Bureau to allow

individuals to select an additional race category called “some other race.”⁷ This option is not an official race category and was intended to be an option for a residual subset of respondents.

Over the years the Census Bureau’s research shows that the number of respondents classified as “some other race” has increased. Indeed, the option has become the third largest race group in 2000 and 2010.⁸ Most of the individuals classified as “some other race” were Hispanic, indicating Hispanics do not identify with the OMB race categories. Additionally, Afro-Caribbean and Middle Eastern or North African populations identified as “some other race.” This result prompted two Census Bureau research studies, the 2010 Alternate Question Experiment⁹ and the 2015 National Content Test,¹⁰ to discern how the question format (two-question or combined formats) and the level of detail of response options provided impacted respondents’ reporting of their race and ethnicity. Appendix B provides a summary of the findings from these studies.

These studies’ findings demonstrate that a combined question format is more consistent with the way people view race and ethnicity, and it results in more complete and accurate race and ethnic information compared with the two-question format endorsed in the federal standards. Further, the Census Bureau concluded the combined format with detailed checkboxes is “the optimal question format”¹¹ (see Appendix B).

The findings of the Census Bureau’s studies prompted the OMB to review parts of the federal standards for the collection of race and ethnic data.¹² The working group charged with the review proposed revisions to the standards, consistent with the Census Bureau’s research, in March 2017 and OMB’s decision regarding the proposals was expected in mid-2017, so that revisions, if any, could be reflected in the 2020 Census.¹³ However, the decision has been delayed and it is unclear when a decision will be made.¹⁴

⁷ H.R. 2862, 109th Cong. (2005 – 2006).

⁸ Mathews, K., Phelan, J., Jones, N. A., Konya, S., Marks, R., Pratt, B. M., Coombs, J., & Bentley, M. (2017, February 28). *2015 national content test race and ethnicity analysis report*. Retrieved from U.S. Census Bureau website: <https://www.census.gov/newsroom/press-kits/2017/nct.html>.

⁹ Compton, E., Bentley, M., Ennis, S., & Rastogi, S. (2013, February 28). *2010 census race and Hispanic origin alternative questionnaire experiment*. Retrieved from U.S. Census Bureau website: https://www.census.gov/2010census/pdf/2010_census_race_HQ_AQE.pdf.

¹⁰ *2015 national content test race and ethnicity analysis report*, U.S. Census Bureau.

¹¹ *2015 national content test race and ethnicity analysis report*, U.S. Census Bureau, p. xii.

¹² Office of Management and Budget Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity, 81 Fed. Reg. 67398 (September 30, 2016). Retrieved from https://obamawhitehouse.archives.gov/sites/default/files/omb/inforeg/directive15/race-ethnicity_directive_2016FRN1.pdf.

¹³ Office of Management and Budget, Proposal from the Federal Interagency Working Group for Revision of the Standards for Maintaining, Collecting, and Presenting Federal Data on Race and Ethnicity, 82 Fed. Reg. 12242 (March 1, 2017). Retrieved from <https://www.gpo.gov/fdsys/pkg/FR-2017-03-01/pdf/2017-03973.pdf>.

¹⁴ Wang, Hansi Lo. “How the U.S. Defines Race and Ethnicity May Change Under Trump.” *Capitol Public Radio*, November 3, 2017. <https://www.npr.org/2017/11/22/564426420/how-the-u-s-defines-race-and-ethnicity-may-change-under-trump> (accessed January 29, 2018).

California Law

California law expressly requires the collection of race and ethnicity data in California. Government Code sections 8310.5 and 8310.9 mandate state agencies, boards, and commissions to collect race and ethnicity data. Government Code 8310.5 further mandates that this collection of data must include and report each major Asian group, including, but not limited to, Chinese, Japanese, Filipino, Korean, Vietnamese, Asian Indian, Laotian, and Cambodian, and each major Pacific Islander group, including, but not limited to, Hawaiian, Guamanian, and Samoan.

California law also provides guidance of collection of ethnicity and racial data for multiracial Californians. Government Code section 8310.9 establishes that state agencies, boards, and commissions collecting data on ethnic origin, ethnicity, or race shall provide the option of selecting one or more ethnicity or racial designations. Additionally, when tabulating or reporting race and ethnicity data state agencies, boards, and commissions shall include the following:

- The number or percentage of people within each ethnicity or racial designation who identify solely with that designation (i.e., does not identify with other categories).
- The number or percentage people that identify with each ethnicity and racial designation, either alone or in combination with other racial designations.
- The number or percentage of people who identify with multiple ethnicities or racial designations.

State agencies, boards, and commissions are expected to comply with these requirements by January 1, 2022. It is important to note that section 8310.9 incorporates the OMB standards.

Sources of Race and Ethnicity Information – Model Guidelines

The sources of race and ethnicity information have a hierarchical preference, with self-report preferred, followed by documents (e.g., birth certificate, school records, etc.), and finally, observer identification. The Models for Change initiative and the National Center for Juvenile Justice provide the following guidelines for gathering juvenile race and ethnicity data:¹⁵

1. Self-identification is the preferred method for collecting race and ethnicity data.
 - Best accomplished during an in-person interview with the respondent.

¹⁵ Torbet, Hurst, & Soler (2006); Illinois Juvenile Justice Commission (2008).

- A prompt can be used to prepare the respondent for the race and ethnicity question (e.g., I am now going to ask you some questions about how you describe yourself).
 - The youth can be handed or shown a piece of paper with the racial and ethnicity categories.
 - Ask the youth, “Please tell me which race you consider yourself to be. You may select more than one.”
 - The “Other” category should be used in situations where the youth does not self-identify with one of the other specific categories.
2. In instances where the respondent is unable or unwilling to provide an answer, the observer will need to get information from another source.
- If available, the observer can attempt to get the information from relatives (e.g., mother, father, guardian, etc.).
 - If relatives are unable or unwilling to provide the information, official documents, such as, birth certificates, or school records, can be used.
 - If documents are unavailable, the observer can infer the respondent's race and ethnicity.

Recommendations

Given the underreporting of Latino youth and the increased use of the “some other race” category, advancing the use of a single question format that combines race and ethnicity is necessary to improve the reporting of race and ethnicity data in the justice system. Further, research and guidelines indicate that permitting youth to self-select race and ethnicity, including multiple categories, is preferred.

The recommendations set forth below by the JJSC are intended to provide clear and simple guidelines on the collection of race and ethnicity data without imposing a mandate on county governments. The recommendations are based on accepted research and data collection best practices and may assist system professionals and counties with consistency, accuracy, utility, and fairness in data collection and reporting.

For the collection of juvenile race and ethnicity data, the JJSC recommends:

- Race and ethnic data be collected using a single question that combines both race and ethnicity.
- Eight race and ethnic categories are used, of which seven identify a specific race and ethnicity, and the eighth is an “Other” category: ¹⁶

¹⁶ Examples for each category are: Hispanic or Latino - Mexican or Mexican American, Puerto Rican, Cuban, Salvadorian, Dominican, Colombian, etc.; American Indian or Alaska Native - Navajo Nation, Blackfeet Tribe, Mayan, Aztec, Native Village of Barrow Inupiat Traditional Government, Nome Eskimo Community, etc.; Asian - Chinese,

- Hispanic or Latino
 - American Indian or Alaska Native
 - Asian
 - Black or African American
 - Native Hawaiian or Other Pacific Islander
 - Middle Eastern or North African
 - White
 - Other
- The “Other” category is intended to be a small residual category, used when a youth does not identify with any of the other seven race and ethnic categories.
 - The eight race and ethnic categories represent the minimum number of race and ethnicity categories; additional categories must be able to be aggregated into the eight categories.
 - Self-reporting should be prioritized and used whenever possible. The sources of race and ethnic information have a hierarchical preference: self-reporting is the preferred method, followed by documents (e.g., birth certificate, school records, etc.), and finally, observer identification.
 - A youth may select multiple race and ethnicity categories.

Additionally, the JJSC provides the following suggestions for reporting race and ethnicity data gathered following the recommendations above:

- Report the number of youth selecting only one category for each of the seven race and ethnicity categories.
- Report detailed distributions of all possible combinations of racial and ethnic categories, to the extent possible.¹⁷
- Care should be taken not to count youth more than once; where there are data for multiple responses, the total number of youth reporting Hispanic or Latino and one or more races and the total number of youth reporting more than one race should be noted.

Figure 1 within Appendix B provides an example of how race and ethnicity data may be collected in accordance with the JJSC’s recommendations. This figure provides the combined question format with detailed checkboxes endorsed by the Census Bureau. In accordance with the JJSC’s recommendations, the detailed checkboxes within each of

Filipino, Asian Indian, Vietnamese, Korean, Japanese, etc.; Black or African American - African American, Jamaican, Haitian, Nigerian, Ethiopian, Somali, etc.; Native Hawaiian or Other Pacific Islander - Native Hawaiian, Samoan, Chamorro, Tongan, Fijian, Marshallese, etc.; Middle Eastern or North African - Lebanese, Iranian, Egyptian, Syrian, Moroccan, Algerian, etc.; White - German, Irish, English, Italian, Polish, French, etc.; Other - Some other race, ethnicity, or origin.

¹⁷ Care should be exercised to ensure that reported tables do not include information that will violate confidentiality; for instance, in a small community with a small minority population, identifying a single individual’s race and ethnicity could single them out and violate confidentiality.

the race and ethnic categories are optional. Community corrections agencies have the discretion to determine whether to use this model.

The BSCC and its Juvenile Justice Standing Committee offer these data recommendations in the spirit of providing community corrections agencies with useful information and guidance. As recommendations, they are not intended to serve as mandates or requirements to which county agencies must adapt. They are, nevertheless, based on research and on best practices cited in the text of this report. We submit the recommendations in fulfillment of the AB 1998 requirement and in furtherance of BSCC's overall mission of providing information and technical assistance to help local agencies develop and use consistent, useful and accurate information on race and ethnicity in the California juvenile justice system.

Appendix A: Federal Standards

The federal standards for the collection of race and ethnic data¹⁸ provide minimum standards for maintaining, collecting, and presenting data on race and ethnicity. The race and ethnicity categories and definitions outlined in the federal standards are:

- American Indian or Alaska Native – A person having origins in any of the original peoples of North and South America (including Central America), and who maintains tribal affiliation or community attachment
- Asian – A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam
- Black or African American – A person having origins in any of the black racial groups of Africa
- Hispanic or Latino – A person of Cuban, Mexican, Puerto Rican, Cuban, South or Central American, or other Spanish culture or origin, regardless of race
- Native Hawaiian or Other Pacific Islander – A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands
- White – A person having origins in any of the original peoples of Europe, the Middle East, or North Africa

The federal standards provide for two different question formats and provide data reporting guidelines for each. These question formats and reporting guidelines are:

- Two-question format.
The preferred format for collecting race and ethnic data, used in situations where people self-report or self-identify their race and ethnicity. Respondents answer separate questions about race and ethnicity. Ethnicity is collected first using the categories “Hispanic or Latino” and “Not Hispanic or Latino.” When asked about race, respondents are allowed the option of selecting more than one racial designation using the following categories:
 - American Indian or Alaska Native
 - Asian
 - Black or African American
 - Native Hawaiian or Other Pacific Islander
 - White

¹⁸ Statistical Policy Directive No. 15, Race and Ethnic Standards for Federal Statistics and Administrative Reporting (Office of Management and Budget Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity, 62 Fed. Reg. 58782 (Oct. 30, 1997).).

When using the two-question format, data reporters are encouraged to report the number of respondents who identify as Hispanic or Latino and report the number of respondents identifying only one of the five race categories. Reporters should also provide detailed distributions of all possible combinations of multiple responses to the race question; if multiple responses are collapsed the number of respondents selecting “more than one response” should be reported.

- Combined question format.

Used in situations where an observer collects race and ethnicity data..

Both the race and ethnicity of an individual should be collected when feasible, although the selection of one category is acceptable. The six minimum race and ethnic categories are:

- American Indian or Alaska Native
- Asian
- Black or African American
- Hispanic or Latino
- Native Hawaiian or Other Pacific Islander
- White

When using the combined question format, data reporters are encouraged to: report the number of respondents who marked only one category for each of the six categories; report detailed distributions of all possible combinations of multiple responses; and, in situations where data on multiple responses are collapsed, the total number of respondents reporting “Hispanic or Latino and one or more races” and the total number reporting “more than one race” shall be provided.

Appendix B: Summary of Census Bureau’s Research Findings

The Census Bureau’s 2010 Alternate Question Experiment and 2015 National Content Test looked at how question format impacted respondents’ reporting of their race and ethnicity. A summary of the findings from these studies follows:

- A combined format did not reduce the proportion of Hispanics or Latinos, Blacks or African Americans, American Indians or Alaska Natives, Asians, or Native Hawaiians or Pacific Islanders compared to the two-question format.
- The combined format did reduce the reporting of “some other race.” In the two-question format, up to seven percent of respondents reported “some other race,” compared with only a half of a percent of respondents in the combined format.
- The combined format allows Hispanics or Latinos to report their Hispanic or Latino identity more easily.
- The combined question lead to higher overall consistency for Hispanics or Latinos.
- In the combined format, the reporting of white dropped to levels reflecting the Non-Hispanic white population.
- The combined format yielded lower item nonresponse rate.
- The combined format reflects racial and ethnic self-identity better.
- The combined format seemed a more fair and equitable treatment for all groups.
- Detailed reporting was the same or higher across all major categories for the combined question format, when used in conjunction *with detailed checkboxes*.

Following the 2015 National Content Test, the Census Bureau recommended the combined format with detailed check boxes for the collection of race and ethnic data. A graphic of this question format is provided in Figure 1 below.

Figure 1. Census Bureau's combined question format with detailed check boxes.

8. Which categories describe Person 1?
 Mark all boxes that apply **AND** print details in the spaces below.
 Note, you may report more than one group.

WHITE – Provide details below.

<input type="checkbox"/> German	<input type="checkbox"/> Irish	<input type="checkbox"/> English
<input type="checkbox"/> Italian	<input type="checkbox"/> Polish	<input type="checkbox"/> French

Print, for example, Scottish, Norwegian, Dutch, etc. ↴

HISPANIC, LATINO, OR SPANISH – Provide details below.

<input type="checkbox"/> Mexican or Mexican American	<input type="checkbox"/> Puerto Rican	<input type="checkbox"/> Cuban
<input type="checkbox"/> Salvadoran	<input type="checkbox"/> Dominican	<input type="checkbox"/> Colombian

Print, for example, Guatemalan, Spaniard, Ecuadorian, etc. ↴

BLACK OR AFRICAN AM. – Provide details below.

<input type="checkbox"/> African American	<input type="checkbox"/> Jamaican	<input type="checkbox"/> Haitian
<input type="checkbox"/> Nigerian	<input type="checkbox"/> Ethiopian	<input type="checkbox"/> Somali

Print, for example, Ghanaian, South African, Barbadian, etc. ↴

ASIAN – Provide details below.

<input type="checkbox"/> Chinese	<input type="checkbox"/> Filipino	<input type="checkbox"/> Asian Indian
<input type="checkbox"/> Vietnamese	<input type="checkbox"/> Korean	<input type="checkbox"/> Japanese

Print, for example, Pakistani, Cambodian, Hmong, etc. ↴

AMERICAN INDIAN OR ALASKA NATIVE – Provide details below.

<input type="checkbox"/> American Indian	<input type="checkbox"/> Alaska Native	<input type="checkbox"/> Central or South American Indian
--	--	---

Print, for example, Navajo Nation, Blackfeet Tribe, Mayan, Aztec, Native Village of Barrow Inupiat, Nome Eskimo Community, etc. ↴

MIDDLE EASTERN OR NORTH AFRICAN – Provide details below.

<input type="checkbox"/> Lebanese	<input type="checkbox"/> Iranian	<input type="checkbox"/> Egyptian
<input type="checkbox"/> Syrian	<input type="checkbox"/> Moroccan	<input type="checkbox"/> Algerian

Print, for example, Israeli, Iraqi, Tunisian, etc. ↴

NATIVE HAWAIIAN OR OTHER PACIFIC ISLANDER – Provide details below.

<input type="checkbox"/> Native Hawaiian	<input type="checkbox"/> Samoan	<input type="checkbox"/> Chamorro
<input type="checkbox"/> Tongan	<input type="checkbox"/> Fijian	<input type="checkbox"/> Marshallese

Print, for example, Palauan, Tahitian, Chuukese, etc. ↴

SOME OTHER RACE, ETHNICITY, OR ORIGIN – Print below. ↴
