

State Advisory Committee on Juvenile Justice and Delinquency Prevention
Racial and Ethnic Disparity (R.E.D.) Subcommittee Meeting
August 19, 2020

Introduction

This document is presented to the R.E.D. Subcommittee to help guide the R.E.D. Scope of Work development. Staff will lead the Subcommittee through facilitated discussions by asking key questions regarding the Scope's purpose, timeline, funding, and other critical decision points. These responses will help inform the final Scope of Work.

To aid the Subcommittee in its decisions, this paper includes headers that identify a section as either "Information" or "Action." Sections marked as Information are there to provide background information and identify requirements or mandates. These sections will generate the discussion that will inform decisions as the group moves along. Sections that request input and/or decisions are designated as Action.

R.E.D. Core Requirement INFORMATION

Title II Core Protections:

- Deinstitutionalization of Status Offenders
- Jail Separation
- Jail Removal
- Racial and Ethnic Disparity

Pursuant to the JJDP Act at 34 U.S.C. § 11133(a)(15), in order to achieve compliance with the RED requirement, states and territories must "implement policy, practice, and system improvement strategies at the state, territorial, local, and tribal levels, as applicable, to identify and reduce racial and ethnic disparities among youth who come into contact with the juvenile justice system, without establishing or requiring numerical standards or quotas, by:

- A. Establishing or designating existing coordinating bodies, composed of juvenile justice stakeholders (including representatives of the educational system) at the state, local, or tribal levels, to advise efforts by states, units of local government, and Indian Tribes to reduce racial and ethnic disparities;
- B. Identifying and analyzing data on race and ethnicity at decision points in state, local, or tribal juvenile justice systems to determine which such points create racial and ethnic disparities among youth who come into contact with the juvenile justice system; and
- C. Developing and implementing a work plan that includes measurable objectives for policy, practice, or other system changes, based on the needs identified in the data collection and analysis under subparagraph (B)."

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The term “racial and ethnic disparity” means minority youth populations are involved at a decision point in the juvenile justice system at disproportionately higher rates than non-minority youth at that decision point. 34 U.S.C. § 11103(41).

Data Collection Points INFORMATION

States must submit statewide data at key juvenile justice decision points where research has shown that potential disparity may occur. Data collection must occur for at least four of the five points below. At each data point, states must provide the percent distribution of race or ethnic groups compared to the general population distribution in the most recent U.S. Census data.

Juvenile Justice Reauthorization Act Changes in Data Collection Points		
	Prior Data Collection Points	New Data Collection Points
1	Arrests	Arrests
2	Court Referrals	
3	Pre-Trial Detention	Pre-Trial Detention
4	Diversion	Diversion (Probation, Court)
5	Petitioned	
6	Delinquency Finding	
7	Probation Placement	
8	Secure Confinement	Secure Confinement
9	Adult Court Transfer	Adult Court Transfer

NOTE: States can provide more data collection points but must provide four of the five listed above. The Relative Rate Index (RRI) cannot be used in lieu of the data required above. States are allowed to continue the use of the RRI for internal purposes.

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Change in Data Reporting from Relative Rate Index to Population Percentage
Relative Rate Index 2017

Population Based Relative Rate Index Values									
State : California					Reporting Period Jan / 2017				
County: Statewide					through Dec / 2017				
	White	Black	Hispanic	Asian	Pacific Islander	American Indian	Mixed	All Minorities	
2. Juvenile Arrests	1.00	4.67	1.31	0.26	1.81	1.62	--	1.38	
3. Refer to Juvenile Court	1.00	4.88	1.38	0.21	1.63	2.28	--	1.42	
4. Cases Diverted	1.00	2.64	1.00	0.16	1.17	2.04	--	1.00	
5. Cases Involving Secure Detention	1.00	8.30	1.74	0.20	2.59	3.97	--	1.93	
6. Cases Petitioned	1.00	6.93	1.66	0.22	2.29	2.51	--	1.78	
7. Cases Resulting in Delinquent Findings	1.00	7.31	1.80	0.20	2.19	2.50	--	1.90	
8. Cases resulting in Probation Placement	1.00	8.82	1.84	0.18	2.69	1.65	--	2.03	
9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	1.00	7.95	2.44	0.18	1.31	5.44	--	2.40	
10. Cases Transferred to Adult Court	1.00	16.00	5.99	--	--	22.11	--	5.54	
Group meets 1% threshold?		Yes	Yes	Yes	No	No	Yes		

release 1/02/04

Population Percentage 2018

		Race:	White	Black	American Indian	Asian	Hispanic
Population			1088233	228145	16543	462849	2233587
Arrest	Number		9710	10211	274	994	27406
	Percentage		0.89%	4.48%	1.66%	0.21%	1.23%
Diversion	Number		1336	746	33	117	3201
	Percentage		0.12%	0.33%	0.20%	0.03%	0.14%
Detention	Number		2442	3948	115	201	8531
	Percentage		0.22%	1.73%	0.70%	0.04%	0.38%
Secure Confinement	Number		699	1114	46	64	3602
	Percentage		0.06%	0.49%	0.28%	0.01%	0.16%
Adult Transfer	Number		2	7	0	0	13
	Percentage		0.00%	0.00%	0.00%	0.00%	0.00%

Potential Data Sub-Categories (Defined by California Penal Code)

Felony	Misdemeanor	Status
<ul style="list-style-type: none"> • Drug • Property • Violent 	<ul style="list-style-type: none"> • Assault & Battery • Theft • Drug and Alcohol, • Malicious Mischief 	<ul style="list-style-type: none"> • Truancy • Curfew • Incurrible • Beyond Parental Control • Violation of Court Order

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State Plan Timeline
INFORMATION

Responses to the above prompts will be submitted to OJJDP as part of the larger Title II 3-year plan by **February 28, 2021**. The plan will require review and approval by both the SACJJDP and the BSCC Board.

SACJJDP Guidance
INFORMATION

At its November 12, 2019 meeting, the SACJJDP recommended the below framework to the R.E.D. Subcommittee:

The recommendation is to hire a consultant or use a subject matter expert(s) to develop a detailed review of each county, including the assessment of county interventions that are resulting in the reduction of racial and ethnic disparity and the identification of challenges and barriers that may exist within the county juvenile justice system. The review would analyze the RRI data and other sources of data as well as county policies, processes, and procedures. The analysis would demonstrate where disparity exists within the juvenile justice system and the project will highlight projects that are particularly noteworthy, and include information about what makes them noteworthy to provide a framework to help counties to develop more effective interventions and/or replicable strategies.

Scope of Work Funding
INFORMATION

The SACJJDP has allocated \$300,000 to the R.E.D. Subcommittee to develop a Project Scope of Work, hire a consultant/subject matter expert(s), submit required deliverables (R.E.D. State Plan), and complete any additional activities of interest to the committee, and \$200,000 for local projects, totaling \$500,000.

R.E.D. Scope of Work Discussion and Decision Points

ACTION ITEMS

- A. Is the SACJJDP Guidance to the R.E.D. Subcommittee clear?
- B. The SACJJDP Guidance was crafted before OJJDP pivoted away from RRI, does this change/impact the Subcommittee's approach?
- C. What are the required deliverables?
 - 1. Analyze the RRI data and other sources of data as well as county policies, processes, and procedures. The analysis would demonstrate where disparity exists within the juvenile justice system.
 - 2. Develop a detailed review of each county, including an assessment of county interventions that are resulting in the reduction of racial and ethnic disparity.
 - 3. Identify the challenges and barriers that may exist within the county juvenile justice system.
 - 4. Highlight projects that are particularly noteworthy and include information about what makes them noteworthy.
 - 5. Provide a framework to help counties develop more effective interventions and/or replicable strategies.
 - 6. Provide the above in a written report and present the findings to the SACJJDP and R.E.D. Subcommittee.
 - 7. Other deliverables?
- D. What does a successful response for items 1-5 include?
- E. Are there specific data points or data sources the consultant(s)/subject matter expert(s) should focus on? If yes, describe.

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F. By what date must deliverables be provided?

- RFP Completion
- Review and approval of RFP by SACJJDP
- Review and approval of RFP by Board, if needed.
- RFP Release
- Proposal Review
- Length of contract
- Project completion

G. What items, if any, will be completed by the R.E.D. Subcommittee or BSCC staff?

H. How much money should be allocated to the Scope of Work?

I. What criteria do we want the consultant to have?