Colorado's
Plan for Compliance with the Disproportionate Minority Contact (DMC) Requirement of the JJDP Act

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Submitted to the Office of Juvenile Justice and Delinquency Prevention

The Division of Criminal Justice (DCJ)/Office of Adult and Juvenile Justice Assistance (OAJJA) employs a State Disproportionate Minority Contact (DMC) Coordinator at 75% time, whose responsibilities are coordination of the state's DMC efforts to address the DMC core requirement of the JJDP Act. The DMC Coordinator has been a DCJ employee since 1993 and has a thorough understanding of the DMC causes, correlates and contributing mechanisms. The DMC Coordinator attends OJJDP DMC Conferences, participates in DMC conference calls and webinars and is seen as a resident expert on DMC for the State of Colorado. In addition, the Juvenile Justice and Delinquency Prevention Council (SAG) has a DMC committee, the Coalition for Minority Youth Equality (CMYE), in place since 1994 which serves in an advisory capacity to the JJDP Council (State SAG).

Plan for compliance with the disproportionate minority contact (DMC) core requirement:

I. Identification

Data collection needs to occur at the five points below. At each data point**, your state must provide percent of population** data using the most recent U.S. Census data.

Table A: OJJDP Provided DMC Data Builder Results

_____Colorado_____	Race:	White	Black	American Indian	Asian	Hispanic
Population		373978	30546	7098	27318	220891
Arrest	Number	11690	3752	51	233	6804
	Percentage	3.13%	12.28%	0.72%	0.85%	3.08%
Diversion	Number	1480	189	20	21	483
	Percentage	0.40%	0.62%	0.28%	0.08%	0.22%
Detention	Number	2141	1079	51	39	1859
	Percentage	0.57%	3.53%	0.72%	0.14%	0.84%
Secure Confinement	Number	160	80	3	2	154
	Percentage	0.04%	0.26%	0.04%	0.01%	0.07%
Adult Transfer	Number	39	33	0	1	9
	Percentage	0.01%	0.11%	0.00%	0.00%	0.00%

Table B: Percent of Each Decision Point Represented by Each Race/Ethnicity

	Total Youth	White	Black	American Indian	Asian	Hispanic
Pop at Risk (10-17)	659,831	57 %	4.6 %	1.1 %	4.1 %	34 %
Arrests	22,530	52 %	17 %	.2 %	1 %	30 %
Diversion (state funded only)	2,193	68%	8.7%	.9%	1%	22%
Detention	5,169	41 %	21 %	1 %	.8 %	36 %
Commitment	399	40 %	20 %	.8 %	.5 %	39 %
Direct File to Adult Court	82	48 %	40 %	0	1.2 %	11 %

II. Action Plan

1. What do your DMC numbers tell you about your jurisdiction?

Table A represents the percent of the Race or Ethnicities occurrence at a decision point in relation to that race or ethnicities representation in their census general population 10-17 numbers. (Please note that when referring to the general population, general population is a reference to youth 10-17 years of age within the overall Colorado population.) For example, at arrest the table indicates that 3.13% of the population of White youth ages 10-17 were arrested in that given year (July 1, 2017 – June 30, 2018). It also indicates an over representation of Black youth at the arrest decision point, with the data pointing out that, 12.2% of the Black population 10-17 were arrested for that same time-period indicting that Black youth in the State of Colorado were arrested 4 times more than White youth for that given time-frame.

While the data indicates that Hispanic youth were similarly likely to be arrested 3.08% of the population as were White youth 3.13% of the population. By working within communities we know that this is a misrepresentation of the data. In the State of Colorado a reported "arrest" includes both custodial and a summons (ticket) to go before the court. Across the over 200 law enforcement agencies across the state we know of only one that collects ethnicity at the point of an arrest as a result of a summons, thus capturing the Hispanic youth. The rest of the state has a gross under reporting of Hispanic youth being arrested due to the issue identified.

Table B represents arrest similarly, although this table is indicating that at a particular decision point "X" number of arrests were committed by that race/ethnicity. For example because arrest is the first decision point, the data from Table A and Table B tell a similar story. While only 4% of the general population age 10-17 is Black, the percent of Black youth arrested was 17% which indicates that similar to Table A, Black youth were arrested about 4 times more than White youth. When you start looking at decision points past that first arrest one, you will start to see differences in how Table A and Table B are calculated and represent what is happening in the juvenile justice system. Diversion is used as the example of this situation.

Table A indicates that White youth diverted are .4% of the general population while Black youth diverted represented .6% of the general Black juvenile population. This would indicate that Black youth were diverted at a volume larger than White youth. Table B shows a more accurate depiction of the situation at the diversion decision point. In Table B, while Black youth represent 17% of the youth arrested, they are only 8.7% of the youth diverted. This indicates that Black youth are half as likely to be offered a diversion opportunity then White youth. Table B also indicates that even with Hispanic youth likely being under represented at the arrest decision point this still indicates that they represent 30% of the arrests of juveniles but only 22% of the youth offered a diversion opportunity.

Note, the numbers of youth diverted represented in both Tables A and B are only representative of the youth offered diversion by a state funded juvenile diversion program. In the State of Colorado, the general fund allocation for state funded diversion is $1.2 million annually, which is not adequate to fund all the state's diversion programs and or services across the state. For this, reason there are a group of youth that were diverted utilizing local or county funds. A database that collects data for both the state funded and local funded programs does not exist. It is estimated that the data for the state funded diversion programs is representative of about half of the youth diverted in Colorado.

Table B also show us that Black youth are over represented in 4 of the decision points in the juvenile justice system; arrest, detention, commitment, and direct file to adult court, while under-represented in the state funded diversion programs.

While the data indicate that Hispanic youth are not over-represented at arrest, there is still the belief that there is an undercount of Hispanic youth due to issues of collecting ethnicity data. When looking at Hispanic youth based on the percent of arrest, they are over-represented in detention and commitment and also under-represented at diversion (generally seen as a positive outcome where underrepresentation is not a positive outcome).

2. What would success in DMC reduction look like for your state?

Success for the State of Colorado would be based on the work being done within the two judicial districts where intensive (at least monthly) technical assistance is provided by the DMC Coordinator. While CO has 22 judicial districts, when focusing on DMC, our focus is on the nine larger judicial districts where the majority of the youth of color 10-17 reside. Addressing DMC at a judicial district level makes sense for CO because many of the systems needed as partners and support are based at that local level. This includes education, human services, law enforcement, diversion, district attorneys and probation. State run systems are: indigent defense counsel, detention and commitment facilities and service operations but even then, the decisions to utilize detention and commitment are made at the local level.

While the state would like to have statewide success, the work must be tailored to specific judicial districts and with the resources available through Title II funding, we are limited to intensively working with two large districts at a time. At this time, two judicial districts are provided intense technical assistance (at least monthly) while 5 others are provided technical assistance as needed or requested. In selecting the two districts several factors are used, including the extent of DMC in that judicial district, the decision points where DMC exists and most importantly the commitment of the community to address DMC. The two judicial districts receiving intense technical assistance focus on one decision point at a time to avoid the temptation

to attempt to fix everything while fixing nothing. The 1st Judicial District is targeting arrest while the 18th has focused on detention for several years and is now ready to move deeper into the system to commitment.

To address arrest disparities through a variety of methods, additional areas to work on are on-going system-improvement work. This includes addressing the disproportionate arrests of Black youth and Hispanic youth (hypothesis) through a collaborative project with the CO Department of Education on the School-Justice Partnership Project. Success would be training at least 5 schools in the next year utilizing the curriculum developed through the School Justice Collaboration. The training addresses the connection between disparate discipline especially exclusionary discipline and the over representation of youth of color referred to law enforcement by schools each year.

Another system improvement method for DMC at the arrest decision point includes an intense focus on the implementation of Connecticut's model training for law enforcement, "Effective Police Interactions with Youth". Success in this area would be that two additional law enforcement agencies not only agree to receive the training but actively implement the curriculum within their law enforcement agency.

To address the under representation of youth of color in some diversion programs. Work with the diversion grant manager to identify programs/judicial districts that may have under-representation of youth of color in their programs. The goal is to identify, notify them, and offer technical assistance in the form of examples and learnings from other judicial districts who have implemented successful intervention strategies that resulted in more youth of color being offered diversion. Success would be identifying and notifying which programs may benefit from strategies to improve the participation of youth of color in their diversion programs.

3. **How much do you want to reduce DMC next year?**

Arrest: In the 1st Judicial District working within the City of Lakewood as a pilot site they are focusing strategies on two high schools residing within two neighborhood sectors with high

numbers of juvenile arrests of youth of color. A 5% reduction in exclusionary discipline for Hispanic youth and a 5% reduction of Hispanic youth referred to law enforcement (arrested) from each of the two schools is the goal. If reductions can be shown, the 1st Judicial District will look for other schools either within a different geographical part of the judicial district or remain in the City of Lakewood but expand to more High Schools or down to Middle Schools to pilot a more preventative approach.

For the 18th Judicial District which has been working on pre-trial <u>detention</u>, the goal for a one-year period is to reduce the percent of Black youth detained by 5% and the percent of Hispanic youth detained by 5%. They have demonstrated their ability to accomplish this in the past by utilizing more discreet data on the reasons for detaining juveniles by race and ethnicity to identify low risk youth who may not need detention if the right services would be in place. They will also move on to focus on a deeper part of the system but intervention strategies will take more time than this one-year period.

Additional <u>arrest</u> work will likely result in process outcomes as were mentioned above. While training <u>5 schools</u> is a process outcome it is just the beginning of addressing DMC; it is the seed that starts schools thinking differently about how to handle low level offenses with at risk youth by utilizing alternatives such as Restorative Justice (RJ). Similarly, it will take time to see the results of training law enforcement but it is a path that has been shown effective in other states and has been successfully implemented in Denver. The success in this area, also a process outcome is to have <u>two more law enforcement agencies in CO implementing the curriculum for their officers</u>.

4. **Is that reasonable? If yes, why?**

A 5% reduction in the areas identified above seems reasonable because the success and reduction is tied directly to areas being addressed and not globally to the state. The process outcomes also seem to be reasonable, although sometimes these type of larger system improvements take longer than one-year; CO and the SAG are committed to these efforts.

5. **What do you need from OJJDP to be successful with your plan?**

CO may need technical assistance in setting up measures of DMC success that more accurately reflect the DMC impact within the state. For instance, selecting measures that are more quantitative, that could measure changes in attitude and skills which is seen as the beginning of changing people's actions.

6. **What safeguards will you put in place to ensure that, as you work to reduce DMC, you are still protecting the public, holding youth accountable, and equipping youth to live crime-free, productive lives?**

The goal of DMC efforts in CO, whether working on direct changes within judicial districts or less tangible system improvement efforts, is to address the disproportionate contact for youth of color with the juvenile justice system for low level subjective offenses such as disturbing the peace, loitering, trespassing, etc. The goal of addressing DMC is not to absolve juveniles of being held accountable for delinquent behavior but is to provide justice in a fair and equitable manner.

III. Outcome-Based Evaluation

Not applicable for FY 2019.