

## MISSOURI'S DMC ACTION PLAN - FY2019

### Question #1 What do your DMC numbers tell you about your jurisdiction?

Since October 2009, the Missouri DPS (DPS), the Missouri Juvenile Justice Association (MJJA), and the Missouri Office of State Courts Administrator (OSCA) have been working to identify and reduce Disproportionate Minority Contact statewide. Data is collected and analyzed to inform the statewide steering committee and local DMC workgroups and to guide their work. In accordance with guidance provided by the Office of Juvenile Justice and Delinquency Prevention (OJJDP), Missouri tracks and updates annually data at the required contact points of Arrest<sup>1</sup>, Diversion, Detention, Secure Confinement, and Adult Transfer. To support our DMC Plan, Missouri utilizes both the newly adopted percentage system provided by OJJDP and Relative Rate Index calculations.

Based on the most recent data, Missouri has determined disproportionality exists at all contact points. While the primary focus remains on the referral contact point, a plan has been created with five achievable objectives, one for each contact point, to reduce disproportionality.

The choice of "Referral" as the primary focus is based on data from the previous five years showing the Relative Rate Index ranged from 2.3 to 2.0. While the RRI has decreased in small increments, Missouri has yet to reach parity at this contact point. In FY2017, 79% of law violation referrals to the juvenile justice system came from law enforcement. The second highest referral source was school personnel and school resource officers who accounted for 15% of referrals received. Based on data from FY2018, black youth accounted for 15% of our youth population yet received 27% of referrals to the juvenile court. White youth account for 76% of youth population and received 69% of the referrals.

In addition to referrals, the state will also focus on reducing the number of youth of color: 1) placed in secure detention and 2) certified as adults. In FY2018, black youth accounted for 39% of youth in secure detentions while white youth accounted for 57%. At the certification contact point youth of color accounted for 63% of the certifications. White youth accounted for 32% of the certifications.

In sum, the data clearly reflects an over representation of minority youth. It is essential this information be disseminated to all juvenile justice stakeholders to move the system forward. Leadership from across the justice system must buy-in and take an active role in sharing this information in an effort to motivate staff and focus the collaborative teams to address not just referrals, but all other contact points.

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

Through a collaborative approach, at both the state and local levels, Missouri continues its efforts to reduce and eliminate disproportionality within its juvenile justice system. To achieve success an action plan with five objectives has been developed:

***Objective 1: Reduce by 5% the number of black youth referred to the juvenile justice system as compared to white youth referred.***

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<sup>1</sup> In Missouri, juveniles do not get "arrested". Rather, youth are taken into custody and *referred* to the juvenile justice system. As such, the term "referral" will be used in lieu of "arrest".

To achieve this objective a two-pronged strategy will be utilized. First, learning opportunities must be created for the leadership and stakeholders so they may understand the scope of DMC and the necessity to enact changes. Everyone must have a clear understanding of DMC, the role DMC plays within the juvenile justice system, and what DMC reduction will entail at the local level. Information is key and must be effectively disseminated. The State DMC Coordinator, Data Analyst, and the juvenile justice community must take deliberate steps to develop the knowledge, roles, and responsibilities of each stakeholder within the system.

The following tasks have been identified to assist in achieving this objective:

1. The State DMC Coordinator and Data Analyst will assist local DMC Coordinators to monitor data and identify processes that have affected DMC (either negatively or positively) at decision points. Based on the outcomes the State DMC Coordinator, Data Analyst, and State Steering Committee can then provide data-driven technical assistance. Efforts will heavily focus upon at the point of referral;
2. The State DMC Coordinator will observe local Juvenile Office operations and juvenile court proceedings to determine the impact of existing policies/procedures to DMC reduction efforts and make recommendations to the local DMC Coordinators and collaborative teams;
3. The State DMC Coordinator and State Steering Committee will research best practices and evidence-based programs, including those successfully implemented in other states, to inform the local DMC Coordinators and Collaborative teams working to establish effective diversion programs. Additionally, opportunities will be sought for cross-system training for juvenile office staff, police officers, school resource officers, school personnel and community partners;
4. The State DMC Coordinator will work with jurisdictions to create and institutionalize policies and protocols necessary to identify, analyze and respond to problems without increasing DMC percentages or reducing public safety;
5. The State DMC Coordinator and Data Analyst will hold monthly conference calls with the local DMC Coordinators to provide educational, funding, and training information. These calls will also act as a forum to network, share successes, and brainstorm issues the local groups may be having;
6. The Statewide DMC Coordinator and select local DMC Coordinators will develop a universal presentation for interested community stakeholders to drive interest in joining a local DMC Collaborative Team;
7. The DMC Coordinator and Data Analyst will actively seek additional means/sources to collect and analyze data.

Second, while Missouri is handling the majority of referrals through its informal system (versus the formal court process), the overarching goal is to implement a system of pure diversion. Pure diversion programs serve to redirect youthful offenders away from the justice system and towards community partners. This, in turn, keeps the youth from becoming system involved and/or going deeper into the juvenile justice system.

The following tasks have been identified for using pure diversion programs:

1. The State DMC Coordinator and local DMC Coordinator will educate community partners on how pure diversion works;
2. The State DMC Coordinator will assist local DMC Coordinators in educating the community partners as well as assist in the development of diversion programs;
3. DMC Coordinator and State Steering Committee will assist jurisdictions with creating policy for pure diversion.

***Objective 2: Reduce by 5% the number of black youth placed in detention as compared to white youth placed in detention.***

Leadership is quintessential in progressing toward the elimination of disproportionate confinement of youth of color. Leadership must develop comprehensive policies to eliminate racial bias, continually assess programs for bias, ensure the Juvenile Detention Assessment Tool (JDTA) is correctly completed and the use of overrides is appropriate, and implement evidence-based detention alternatives with fidelity. By doing so, the leaders can assure only those who pose a risk to public safety enter detention.

The following tasks have been identified to reduce the number of black youth detained:

1. The State DMC Coordinator and local DMC Coordinator will monitor the Juvenile Detention Assessment override rates, by race and county, for each juvenile detention center;
2. The State DMC Coordinator will work with local DMC Sites to identify contributing factors leading to over-representation;
3. The State DMC Coordinator will work with counties to develop, implement, and measure the effectiveness of alternatives to detention;
4. The State DMC Coordinator will provide training opportunities on identifying and overcoming personal biases;
5. The State DMC Coordinator and State Steering Committee will encourage jurisdictions to create clearly defined and sustainable policies and protocols that strategically respond to disproportionality.

***Objective 3: Increase by 10% the number of black youth referrals disposed through the informal adjustment process.***

In Missouri, diversion occurs when a youth's case is handled through an informal adjustment process<sup>2</sup> (informal adjustment) rather than having formal charges filed. The ability for a juvenile officer to handle cases informally is granted in statute<sup>3</sup>.

According to the Office of State Courts Administrator's *2017 Missouri Juvenile and Family Division Annual Report*, 79% of all referrals received were disposed of through the informal adjustment process. While

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<sup>2</sup> For the purposes of this plan diversion and informal adjustment are synonymous.

<sup>3</sup> Revised Statutes of Missouri, [Chapter 211.081](#) RSMo

Missouri is disposing the majority of referrals without taking youth to court, black youth received informal adjustments at a disproportionate rate/percentage. In 2017, the RRI was calculated to be .90 at the diversion contact point for black youth. Based on our FY2018, data the RRI has increased to .93 at this contact point but is still below parity. In terms of percentage, 7.68% of the black youth population received informal adjustment. The percentage deemed necessary to achieve parity is 8.24%. Therefore an additional 453 black youth would need to receive informal adjustments.

The following tasks have been identified in order to increase the use of informal adjustment:

1. Educate juvenile justice staff and community partners on how informal processing can prevent a youth from going deeper into the juvenile justice system;
2. Educate staff and community partners on how utilizing informal processing reduces the costs to the juvenile justice system;
3. Assist jurisdictions to develop clear and attainable standards for program completion so that youth and their families understand the requirements that must be fulfilled for the successful completion of the informal adjustment process;
4. Encourage juvenile justice staff to incorporate both the Risk Assessment (to assure the safety of the community and the protection of the victim) and the Needs Assessment (to identify the appropriate level/types of services) when developing treatment plans.

***Objective 4: Reduce by 5% the number of black youth placed in secure confinement as compared to white youth placed in secure confinement.***

It should be noted that secure confinement in Missouri occurs when a youth is committed to the Division of Youth Services (DYS).

By educating staff and community partners on the necessity of early interventions, utilizing response grids, and creating tailored supervision strategies youth can be successfully diverted from commitment to DHS.

1. Educate staff and community partners on how early interventions can prevent commitments to DHS;
2. Educate staff and community partners on creating goal oriented strategies by utilizing response grids;
3. Educate staff and community on the use of response grids to help juvenile officers better manage their caseload;
4. Educate staff on employing smart and tailored supervision strategies designed to develop a youth's competency;
5. Effectively assess criminogenic risks and needs using validated assessment tools;
6. Incorporate the strengths of the youth and their families in the treatment planning process.

**Objective 5: Reduce by 5% the number of black youth that are certified as adults as compared to white youth certified as adults.**

In Missouri, the process of transferring a youth to the adult system is referred to as certification. Unlike states that utilize direct file, a juvenile court judge will determine whether a youth will be certified by weighing the merits of the case and considering ten statutorily required elements<sup>4</sup>.

The use of juvenile certifications has steadily declined in Missouri. In 2009, there were 99 youth certified statewide and included 63 Black youth, 32 White youth, and 4 “other youth of color”. By FY2018, this number decreased to 41 and included 26 Black youth, 13 White youth, 1 Hispanic youth, and 1 Asian/Pacific Islander. Despite the overall reductions, disproportionality still remains. For FY2018, black youth accounted for 63% of the certified youth. Using RRI to determine parity, the state would need to reduce by 19 the number of black youth certified to achieve parity.

As part of ongoing efforts to reduce DMC at the certification contact point, Missouri will continue to monitor the circumstances leading to the certification of black youth and use the data to inform courts how they may better serve that population.

The following tasks have been identified to assist with decreasing the number of black youth certified as adults:

1. The State DMC Coordinator and the DMC Analyst will collect and analyze data contributing to the decisions made to certify youth to include:
  - a. The seriousness of the offense alleged and whether the protection of the community requires transfer to the court of general jurisdiction;
  - b. The viciousness, force and violence of the alleged offense;
  - c. Repetitive patterns of offenses to explore if youth involved in certification cases are beyond rehabilitation under the juvenile code;
  - d. Monitoring for racial disparity in the certification process.
  
2. The collected data will be analyzed to:
  - a. Identify circuits with the highest number of certifications and/or disproportionality;
  - b. Provide tailored technical assistance to include:
    - i. Certification data specific to their jurisdiction as compared to other similarly situated jurisdictions;
    - ii. The identification of treatment modalities that have successfully reduced the number of certifications in other similarly situation jurisdictions;
    - iii. The identification of services and service providers within their jurisdiction that can assist with reducing criminality prior to point of certification.

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

- Missouri will strive to reduce the percentage of referrals to the juvenile justice system for black youth by 5% as compared to white youth referred.

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<sup>4</sup> Revised Statutes of Missouri [Chapter 211.071. \(6\)](#) RSMo

- Missouri will strive to reduce the percentage of black youth placed in detention by 5% as compared to white youth placed in detention.
- Missouri will strive to increase the percentage of black youth referrals disposed of through the informal adjustment process by 10% as compared to white youth.
- Missouri will strive to reduce the percentage of black youth placed in secure confinement as compared to white youth placed in secure confinement by 5%.
- Missouri will strive to reduce the percentage of black youth that are certified as adults as compared to white youth certified as adults by 5%.

**Question #4-Is that Reasonable? If yes, why?**

It is not just reasonable, it is also necessary. By achieving these objectives, not only will youth of color and their families be better served, but all system involved youth will benefit from the resources that would otherwise be spent on unnecessary and costly services. Further, it is expected that the reduction of disproportionality at the referral decision point will continue to reduce the disproportionality of minority youth at subsequent decision points such as detention, secure confinement and ultimately certification.

Additionally, Missouri has several promising practices for DMC identification and reduction already in place. This includes jurisdictions within Missouri that have participated in DMC identification and reduction efforts as part of the Annie E. Casey Foundations, JDAI and MacArthur Foundations Model for Change.

Further benefitting the movement to reduce DMC are the Missouri [Juvenile Officer Performance Standards](#) (Standards) adopted in 2017. These Standards were written to ensure consistency, best practices, and accountability occur statewide. They provide guidance and direction on the Juvenile Officer’s obligations, both legal and ethical, when addressing the needs of youth within the juvenile justice and child welfare systems. The Standards include prohibitions on discrimination and require Juvenile Officers to proactively address racial and ethnic disparities to ensure fundamental fairness and equal justice for those served. Missouri has implemented, trained, and is conducting performance reviews on these Standards.

Finally, the Missouri DPS, MJJA, OSCA, and community stakeholders look forward to continuing their collaborative and sustaining the work being done locally and statewide. Missouri will continue to support the eight (8) counties actively addressing DMC. The State DMC Coordinator will continue efforts to expand the number of jurisdictions addressing DMC by offering technical assistance, especially to those who receive a high number of referrals for youth of color. With the expansion of successful DMC reduction programs it is expected there will be replication in other counties.

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

Missouri would benefit from technical assistance opportunities that will assist stakeholders in developing action plans, assist in addressing various contact points, foster the sharing of information, and provide training on implicit bias. The continued training and support for the State DMC Coordinators by OJJDP continues to be beneficial. Additionally, the monthly DMC calls provide access to timely updates from OJJDP, offer opportunities for learning, and foster open dialogue between states.

**Question #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 a crime-free, productive lives.**

As noted above, Missouri will continue to use the JDTA. “The JDTA provides juvenile officers with objective criteria for evaluating the need to detain a juvenile. The JDTA is validated, evidence-based practice that provides guidance for detention for juvenile office personnel as to the need for placement in secure detention based on a risk to public safety, the juvenile’s failure to appear in court, the need for alternatives to detention, or the recommendation to release or not detain the juvenile with or without conditions pending further action by the juvenile officer. The JDTA must be administered by trained personnel in the juvenile office or juvenile detention facility at the time the juvenile is initially presented for detention or prior to making application for an order of detention based on a written referral to the juvenile officer or supervision violation. The juvenile officer shall provide for the administration of the JDTA and detention alternatives at all times, including circumstances occurring outside of regular business hours”<sup>5</sup>. The JDTA instrument helps eliminate the subjectivity when determining whether detention is necessary. Per Missouri Court Operating [Rule 28](#) the need for detention is generally determined by whether or not a youth is a risk to public safety or for failure to appear in court.

In addition to the JDTA, Missouri utilizes both a risk assessment and a separate needs assessment. The risk assessment is designed to assess the relative likelihood that a juvenile referred to the Court for a status or law offense will return on a new offense referral. The juvenile officer completes the risk assessment every 90 days on a youth. The needs assessment is designed to assess the psychosocial needs of juvenile offenders and is used to determine a youth’s supervision conditions and develop treatment plans.

In combination, these tools allow the juvenile justice professionals to maintain public safety while holding youth accountable and providing services tailored to each individual’s needs.

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<sup>5</sup> Juvenile Standards Work Group (2017) [Missouri Juvenile Office Performance Standards](#), Page 23