

OJJDP FY 2019 TITLE II

PLAN FOR COMPLIANCE WITH THE DISPROPORTIONATE MINORITY CONTACT (DMC) CORE REQUIREMENT

Data Collection

The Disproportionate Minority Contact (DMC) plan for Texas contains five data collection points. These are: Arrest (Referral), Diversion, Detention, Secure Placements, and Certification to Adult Court.

Arrest (Referral): Historically, Texas has used referral statistics, in lieu of only arrest, to more accurately portray the beginning step a juvenile must take to enter into the juvenile justice system. Schools whom do not have the authority to arrest a juvenile may also submit a referral to a juvenile court to allege delinquent conduct. Texas has expanded the definition of arrest to include all referrals, versus those only initiated through arrest, to provide a more comprehensive picture of juveniles entering into the juvenile justice system. Referral to juvenile court process is defined in Chapter 52.04 of the Texas Family Code.

Diversion: The diversion process is defined in Chapter 53.03 of the Texas Family Code which provides for deferred prosecution of a juvenile prior to their judicial proceeding. Deferred prosecution allows for a juvenile to successfully complete a period of community supervision or other programming in exchange for their juvenile referral to be dismissed without formal charges filed.

Detention: Detention hearings are defined in Chapter 54.01 of the Texas Family Code which provides that a hearing must be held within 24 hours after a juvenile is taken into custody. Detention statistics represent the number of times a detention hearing ordered the temporary confinement of a juvenile prior to case disposition.

Secure Placements: Disposition hearings are defined in Chapter 54.04 of the Texas Family Code which, following an adjudication hearing, provide for a juvenile court to issue a disposition that authorizes a juvenile to be placed in secure confinement through a determinate or indeterminate sentence.

Adult Transfer: A waiver of jurisdiction and discretionary transfer to criminal court process is defined in Chapter 54.02 of the Texas Family Code. A juvenile court may waive its exclusive original jurisdiction and transfer a child to the appropriate district court or criminal district court for adult criminal proceedings. A juvenile must meet certain age/offense criteria in order for a juvenile court to exercise this waiver.

Action Plan

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

Texas' DMC FY18 table shows that Black minorities purportedly experienced the largest rate of disproportionate contact with the juvenile justice system at the moment of arrest, diversion, and detention. Hispanic minorities also purportedly experienced a higher rate of arrest, diversion, and detention than white juveniles; albeit at a much lower rate than Black minorities. Blacks and Hispanics both purportedly experienced higher rates of secure confinement and adult transfer but the overall number of juveniles entering into that stage of the juvenile justice system is extremely low in comparison to the juvenile population of Texas making any sort of observation on DMC at those contact points impractical. American Indian and Asian minorities were lower at all contact points when compared to the rates of White juveniles. The point of arrest appears to be the largest point of disparity amongst minorities as well as the point that the most substantial amount of juveniles came into contact with the juvenile justice system.

Texas	Race:	White	Black	American Indian	Asian	Hispanic
Population		962259	361671	8795	135279	1412381
Arrest	Number	11761	15182	70	313	25943
	Percentage	1.22%	4.20%	0.80%	0.23%	1.84%
Diversion	Number	6741	7323	31	182	13820
	Percentage	0.70%	2.02%	0.35%	0.13%	0.98%
Detention	Number	6460	9056	39	169	14379
	Percentage	0.67%	2.50%	0.44%	0.12%	1.02%
Secure Confinement	Number	463	903	3	10	1256
	Percentage	0.05%	0.25%	0.03%	0.01%	0.09%
Adult Transfer	Number	29	55	0	2	73
	Percentage	0.00%	0.02%	0.00%	0.00%	0.01%

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

The Juvenile Justice and Delinquency Prevention Act of 2002 (JJDP A) states that in order to be eligible for Title II funding, the state must provide for a plan that shall address “system improvement efforts designed to reduce, without establishing or requiring numerical standards or quotas, the disproportionate number of juvenile members of minority groups, who come into contact with the juvenile justice system.” Further, Success is defined as the achievement of one’s goal. Texas’ goal is to meet the JJDP A requirement by funding a statewide project that is

designed to reduce the number of juveniles, specifically at-risk minorities, which may come into contact with the juvenile justice system at the point of arrest/referral.

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

The JJDPa states that Texas' plan shall address "system improvement efforts designed to reduce, without establishing or requiring numerical standards or quotas, the disproportionate number of juvenile members of minority groups, who come into contact with the juvenile justice system". Based on this language of the JJDPa, Texas may not implement any sort of quantitative measure or goal to reduce DMC.

The only objective measure available to the state is the degree to which Texas' plan satisfies Section 22 of the JJDPa which requires Texas to faithfully put forth an effort to address DMC of juveniles. Texas intends to fully attain this measure of DMC reduction through the implementation of a statewide project designed to reduce DMC at the point of arrest.

4. Is that reasonable? If yes, why?

Yes. As stated in #3, Texas intends to successfully attain the objective measure of satisfying Section 22 of the JJDPa through the implementation of a statewide project designed to reduce DMC at the point of arrest. Texas has already identified a statewide project that it intends to fund beginning October 1, 2019. The project will be implemented by the Teen and Police Service (TAPS) Academy which will provide 25 trainings across Texas to 7,500 peace officers on the Community Safety Education Act of Texas which requires all high school students and peace officers to receive education on officer-civilian interaction.

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

Texas intends to implement the statewide project identified in #4 with state funds. In order to be successful in all aspects of the Title II program, Texas requests OJJDP to clear the ambiguity between the JJDPa, 28 C.F.R. Part 31, and OJJDP guidance.