

Exhibit Number: 8

The following exhibit is several assorted documents that exceeds the 10-page limit therefore it cannot be scanned. A small portion has been scanned to aid in your research for information. The exhibit is on file at the Montana Historical Society and can be viewed there.

Exhibit No. 8
Date 3-11-05
Bill No. HJ 15



HJ 15

Study Sentencing Equity

Sponsor:
Representative
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Summary of Disproportionate Minority Contact (DMC) State of Montana Calendar Year 2003

Need for assessment

Statewide, there are three juvenile ethnic/racial groups that meet OJJDP's 1% threshold requirement for DMC assessment within the juvenile justice system.

- Hispanic/Latino
- Native American
- Other/Mixed

Results of assessment¹

Hispanic Latin

The Hispanic/Latino data for all Hispanic/Latino youth shows no evidence that suggests DMC exists at arrest through diversion (levels 2-4). Numbers of youth for levels 5 through 10 are likely too small to produce reliable results.

Juvenile data for Hispanic/Latino males indicates there is over representation of Hispanic/Latino males at levels 2 (arrest), 3 (referral to juvenile court) and level 5 (secure detention), and no DMC at level 4 (cases diverted). Numbers for levels 6-10, charges filed through transfer to adult court are likely too small to be statistically reliable.

The only level for Hispanic/Latino females with sufficient data for results likely to be reliable is level 3, referral to juvenile court. The RRI test shows there is likely no DMC at level 3, referral to juvenile court.

Native American/Alaskan Native

Native American data for all youth shows evidence of overrepresentation at the arrest level 2, the referral level 3, the secure detention level 5, and at the probation placement level 8. There is under representation for Native American juveniles at the diversion level 4. The RRI test may not be reliable for levels 9 and 10, secure confinement and transfers to adult court.

The same pattern is displayed for male and female youth except that there likely aren't sufficient numbers of female youth for the RRI to be reliable at levels 6-10. The overrepresentation appears more extensive for Native American female juveniles.

Mixed/Other

Data for all youth in the Mixed/Other category show overrepresentation at level 2 arrest and level 3 referral. There is likely no DMC at level 4, diversion. Under representation is likely at level 5, secure detention. There is not sufficient numbers of youth at levels 6-10 (charges filed through cases transferred to adult court) for the results to be reliable.

¹ Results for less than 60 youth are too small for the statistical significance test to be an accurate hypothesis test. It is possible that another hypothesis test will yield more helpful data.

All Minority Youth

The combined data for all minority juveniles in Montana shows evidence of minority overrepresentation in juvenile arrests (2) and referrals to juvenile court (3), no DMC for diversion (4) and under representation in referrals involving secure detention (5). Numbers of youth are insufficient to likely be reliable at levels 6-10 (charges filed through transfer to adult court).

The pattern appears to hold true for data on all minority males and females except:

- males appear to be under represented at diversion (4) and
- there are insufficient numbers of female youth at detention likely to produce reliable results.

MT DMC RRI Appendix A Data Sources and Limitations

Item 1, Population Data:

The Montana Department of Commerce did not have census estimates for 2003 available by race, ethnicity, and gender at the time this report was generated. Therefore population estimates for 2002 were used.

Item 2, Juvenile Arrest Data:

Data reported by law enforcement to the MT/B-Pro/National Incident Based Reporting System (NIBRS) database could not be used for arrest information because:

- That data system does not capture the ethnicity (Hispanic) information needed for the DMC RRI analysis; and
- Reporting to that system is voluntary and currently not all law enforcement offices report to the database.

Therefore the JPIS extract from the CAPS database was used as the next best available source for arrest data.

The JPIS extract from the CAPS database does not reflect all youth cited by law enforcement. It only captures information on youth referred to district youth courts in calendar year 2003 as the result of a taking into custody. *It does not include youth cited into justice, municipal or city courts.* The lower courts have concurrent jurisdiction with the district youth court over all alcoholic beverage, tobacco products, and gambling violations alleged to have been committed by a youth. District youth courts have no jurisdiction over traffic or fish and game laws.

Item 3, Referrals to Juvenile Court:

The JPIS extract from the CAPS database was used as the best source of data for referrals to Juvenile Court. The data count includes youth referred to the court *by any source* in calendar year 2003, including youth not taken into custody.

Item 4, Cases Diverted:

Justice, municipal and city courts don't have one central data base from which data can be extracted. The only available statewide data on diversion was the JPIS extract from the CAPS database. That database does not include youth diverted by law enforcement or the lower courts. This number represents any referral, regardless of year of referral, that had an informal disposition action in calendar year 2003. (Youth that were placed on probation as the result of any informal action were included in this count.)

Item 5, Cases Involving Secure Detention:

Per MBCC experience in attempting to use CAPS data base to monitor compliance with the Youth Court Act and JJDP Act, most secure detentions are not recorded there. The Juvenile Detention Reporting System (JDRS) was developed to monitor secure confinement of youth *statewide*. Data on *youth securely detained are reported to the*

JDRS by secure facilities upon release. Therefore, this database does not include youth admitted but not yet released from detention in 2003 and includes youth detained in years prior to 2003 but released in 2003. Data on youth securely detained on orders of Out-of-State Courts via Interstate Compact, Adult District Court, Federal Courts, and Tribal Courts are collected in JDRS, but not included in the count for DMC RRI analysis. Secure detentions in adult jails or facilities were not counted, because youth can only be held in these institutions pending a probable cause hearing and transfer to a regional juvenile detention center. Counting them would result in single instances of detention being counted twice, once before transfer and once after. Race/ethnicity categories in the JDRS database don't match the 2000 census categories so the JDRS data was linked to the CAPS/JPIS database by JPIS number to sort by race/ethnicity for the DMC RRI analysis.

Item 6, Cases Petitioned (Charge Filed):

Case petitioned data was extracted from the CAPS data based on actions dated during the 2003 calendar year, regardless of the year of referral, and handled in a formal manner.

Item 7, Cases Resulting in Delinquent Findings:

Data extracted from CAPS included actions dated during the 2003 calendar year, regardless of the year of referral, that were handled in a formal delinquent manner and all offenses were not dismissed or acquitted.

Item 8, Cases Resulting in Probation Placement:

Data extracted from the CAPS included actions dated during the 2003 calendar year, regardless of the year of referral, that were handled in a formal delinquent manner and resulted in a disposition of probation.

Item 9, Cases Resulting in Confinement in Secure Juvenile Correctional Facilities:

Data extracted from CAPS included actions dated during the 2003 calendar year, regardless of the year of referral, that were formal, handled in a formal delinquent manner and resulted in a disposition of DOC Secure Commitment.

Item 10, Cases Transferred to Adult Court:

Data extracted from the CAPS included actions dated during the 2003 calendar year, regardless of the year of referral, that were handled informally, had a disposition of District Court, and did not have any further action dates.