



## New Report Examines Causes of DMC in Tennessee

A new report, funded and commissioned by the Tennessee Commission on Children and Youth, was the first systematic examination of the problem of minority over-representation in Tennessee juvenile courts. Although the report did not identify any “smoking guns,” it did recommend changes.

The report identified risk factors associated with confinement and listed recommendations to address systemic problems.

The purpose of the report was to investigate the nature, extent, and causes of disproportionate minority confinement in Tennessee’s Juvenile Justice System. Seven counties, Davidson, Shelby, Knox, Hamilton, Madison, Blount, and Washington, were selected for study. Tennessee’s major urban counties had been previously identified as having significant DMC problems. Blount and Washington counties had not and were selected, in part, as control comparisons.

Nationally, in 1999, minority youth made up 32 percent of the youth population and 68 percent of those in secure juvenile detention and 68 percent of those in long-term programs, such as training schools. African-American youth make up 15 percent of youth ages 10 to 17 and 46 percent of youth in correctional institutions.

Tennessee has made great progress implementing most of the provisions of the federal Juvenile Justice



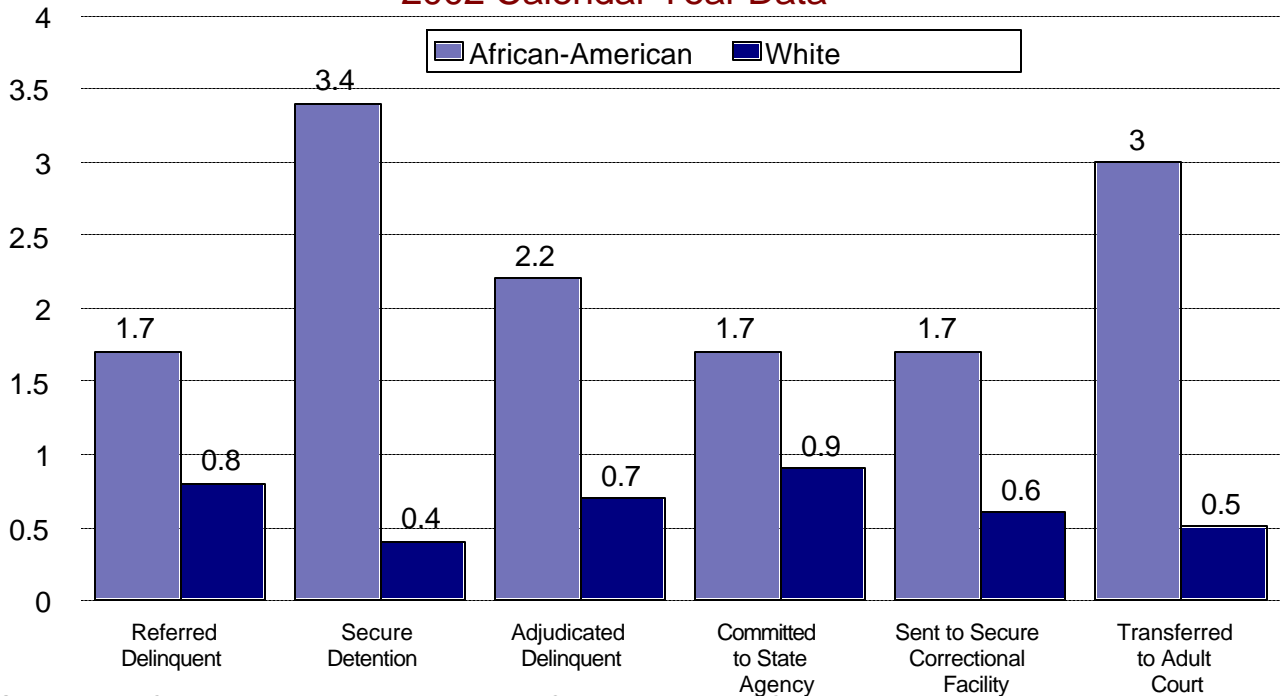
and Delinquency Prevention Act. However, DMC, which the state is required to “address,” continues to be a problem. In an effort to look beyond the numbers, TCCY contracted with the Office of Business and Economic Research (OBER) at Tennessee State University to conduct quantitative research to examine the aggregate numbers for all juvenile court cases in the identified counties and a qualitative examination of randomly selected cases.

The qualitative portion of the research relied upon case studies, interviews, and focus groups in the selected counties. These case studies and the individual file reviews allowed for deeper and a more long-term examination of individual cases, some of which went back more than 10 years with 10 or more appearances before the Juvenile Court. The quantitative research provided the snapshot of what happened in the year 2000.

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## Disparities in the Justice System

2002 Calendar Year Data



Source: TN Council on Juvenile and Family Court Judges, TCCY

Greater than 1 equals over-representation; less than 1 equals under-representation

All of the variables reflecting disproportionate minority confinement are dependent on various risk and protective factors as well as on the socioeconomic conditions of the children and their families.

Research has identified factors related to the incidence of juvenile crime. The TCCY/OBER study looked at issues of income and family structure. Sociologist Robert Sampson identified male joblessness and resulting family disruption having implications for juvenile crime. Poverty and low income are also frequently listed as risk factors for youth.

Research has also identified family disruption and the absence of a father. Some researchers have found that emotional and behavioral problems are more common in these families. Other studies identify a lack of supervision or the perception of a lack of supervision as contributing to juvenile crime, and another sociologist found that courts and police were less likely to release children to single-mother families.

The quantitative research [more intensive study of randomly selected individual cases] and the qualitative research [examination of aggregate data for all juvenile court cases for 2000 in the selected counties] sometimes agreed in the conclusions reached but other times yielded different conclusions.

First, the research uniformly found that unemployment appears to be positively correlated to DMC. Unemployment data were not directly available from the Juvenile Justice Systems database so the percent of households below poverty line for the census block where the juvenile's address was recorded and the percent of single-parent-headed households for the census block where the juvenile's address was recorded for the quantitative analysis. The quantitative analysis found a positive correlation between unemployment and DMC.

Data relating to employment of the juvenile and his or her parents was often absent in the juvenile court files,

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but a significant number of the single parents of juveniles who were committed to DCS custody for delinquency were unemployed or minimally employed. Poverty, as measured by household receipt of public assistance or qualification as indigent for the purposes of the appointment of counsel or representation by the public defender, is positively correlated with commitment to DCS for delinquency and transfer to adult court. In fact, under this definition, in Washington County 100 percent of the juveniles committed for delinquency came from "Poverty," and the number is relatively high in all of the counties.

Based on available data, both the quantitative analyses and the qualitative research suggested that there is positive correlation between lack of education and DMC and a corresponding positive correlation between reduction of DMC and higher education.

The quantitative research found that there is strong evidence to suggest a relationship between family structure and DMC. Likewise, the qualitative research also suggests that single-parenthood, and particularly living with the mother only, is strongly correlated with commitment to DCS custody and transfer to adult court. In Madison County, 100 percent of the juveniles who were committed to DCS custody were from single-parent households, and the percentage of juveniles committed to DCS and from single-parent households was more than 50 percent in all of the subject counties. Both portions of the research also supported the finding that a more traditional family structure with two parents was negatively correlated with DMC.

The quantitative analyses also suggested strong evidence of positive correlation between lack of education and DMC, and the qualitative research supported this finding anecdotally.



The quantitative and qualitative research yielded dramatically

**Does race have any significant relation with DMC?**

**Does race have any significant correlation with referrals?**

- ◆ The quantitative research suggests that it does.

**Does race have any significant correlation with detention/incarceration?**

- ◆ The quantitative analysis (regression analysis) shows that detention/incarceration is positively correlated with race.
- ◆ The qualitative analysis could not address this issue directly, but it does suggest that race does not have any significant correlation with the decision on whether or not to detain juveniles pretrial, commit juveniles to DCS custody for delinquency, or to transfer juveniles to adult court.

**Does race have any significant correlation with adjudication?**

- ◆ The quantitative research suggests that it does.
- ◆ The qualitative research, with certain limitations, does not indicate race is a significant factor in adjudication or whether or not juveniles are detained pretrial; committed to DCS custody for delinquency; or transferred to adult court.

different results regarding the effect of race. The quantitative research specifically found race played a significant part in the referral and intake process. The quantitative research also seemed to support the finding that race does have a significant correlation with adjudication, with disposition generally, and with detention/incarceration specifically. The qualitative research could not address all of these issues directly because of its more limited scope. In the qualitative research, race does not appear to have any significant correlation with the decision of the Juvenile Court judge or referee to detain juveniles pretrial, commit juveniles to DCS custody for delinquency, or to transfer juveniles to adult court.

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The Juvenile Court judges named the following factors in decision-making about whether or not to adjudicate a child as delinquent:

- The evidence in the case/guilt of the juvenile;
- Social and criminal history of the juvenile;
- Past efforts by juvenile and family to eliminate the problem;
- Family attitude and cooperation/parental involvement/support system;
- Degree of need for treatment/rehabilitation;
- Involvement with drugs and/or alcohol;
- The age of the juvenile;
- Whether the juvenile was repentant;
- School behavior and performance; and
- The opportunities in the community.

In response to the question of whether race was a significant determining factor in these decisions, the findings in most of the counties revealed anecdotally that minority juveniles were not confined pretrial in percentages significantly higher than their representation in the sample population. The factors that did seem most often determinative were as follows:

- Nature of the offense;
- Age and offense history of the juvenile;
- Available alternatives to commitment or transfer, including stability of the home and community environment;
- Use of a weapon, especially a gun;
- Whether the offense involved drugs, particularly the intent to sell drugs;
- Frequency of offenses;
- Escape history of the juvenile.

Finally, at least for the seven counties subject to this research, it is clear cultural/racial diversity is not maintained in judicial selection. All of the elected primary Juvenile Court judges in these counties are

White despite significant minority population in some of these counties. Judges are elected. Juvenile Court referees appeared to reflect greater diversity, but there is room for improvement in the



### **Is The Juvenile Justice System In Tennessee Guided By Objective Criteria?**

**Are intakes and referrals based on objective assessment criteria and depend on concrete evidence?**

- ◆ The quantitative research (ANOVA) suggested that race plays an important role.
- ◆ The qualitative research could not address the intake or referral process.

**Does incarceration/detention in secure confinement strictly depend on the nature of offense?**

- ◆ The quantitative research results were ambiguous. Although ANOVA results showed that race has no significant correlation, however, the logistic regression results showed that race was a significant determinant factor.
- ◆ The qualitative research, with the limitations stated above, did not indicate that commitment or transfer depend “strictly” on the nature of the offense, nor should they.

**Is there arbitrary judgment involved in adjudication or disposition process?**

- ◆ The quantitative research suggested that race is an important determinant factor in the adjudication process.
- ◆ The qualitative research found that there is no “arbitrary” judgment involved in adjudication or disposition process.

**Is cultural/racial diversity maintained in judge selection?**

- ◆ The quantitative analysis could not address this.
- ◆ The qualitative research made it clear that cultural/racial diversity is not maintained in judicial selection.

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maintenance of cultural and racial diversity among the referees.

The study suffered from serious data limitations and cooperation, particularly from school districts. These limitations are described in detail in the sections below. The researchers provided the following recommendations:

1. The Department of Mental Health and Mental Retardation needs to be brought back to the juvenile justice table. Through legislation, or political persuasion, Mental Health needs to increase its services and service availability for TennCare and uninsured Tennessee juveniles without the requirement that the juvenile be in DCS custody or have committed a felony. Perhaps TCCY could play a role in helping to spearhead efforts to achieve this increase.
2. A place at the table also needs to be found for the Department of Education (and Local School Systems): Both the education and justice systems should cooperate on behalf of youth in their communities. They should work together to provide youth a quality of life that includes education, safety, good community and citizenship values, and the overall best interests of the individual juveniles, their families, and their communities.
3. Perhaps TCCY, in collaboration with other agencies such as DCS and the Juvenile Courts could develop a model for a uniform needs assessment system for both custodial and non-custodial needs assessments for juveniles. Perhaps TCCY could establish a set of monitoring standards for the facilities that execute such assessments.

**Are Delinquency Risk Factors Positively Correlated With DMC?**

**Is unemployment (as captured by a proxy variable, Census block-level median income) positively correlated to DMC?**

- ◆ Based on the quantitative analysis the answer is yes.
- ◆ Even though the qualitative analyses did not have sufficient evidence in support of this hypothesis, review of the DCS custody cases and other anecdotal evidence supported it.

**Is single-parenthood (living with mother only) positively correlated with DMC?**

- ◆ Yes (quantitative analysis).
- ◆ Yes (qualitative analysis).

**Is lack of education (youth or the parent) positively correlated with DMC?**

- ◆ Yes (quantitative analysis)
- ◆ Yes (qualitative analysis) Particularly DCS committed cases.

**Is segregation or stagnated socialization (e.g., lack of participation in school activities, sports, etc.) positively correlated with DMC?**

- ◆ This question could not be answered from quantitative data analysis because no such information was available in juvenile justice system database.
- ◆ The qualitative analysis answers, Yes, based on anecdotal evidence in support of this hypothesis.

Statistically significant results are accepted probably true and not the result of chance. If a result is statistically significant at the .05 level, it can be trusted that it has a 95 percent chance of being true. The .05 and .01 levels are the accepted levels for reporting most studies.

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# A Change of Name: Disproportionate Minority Contact

Among the legislative changes made in 2002 was a change in the national program to address minority over-representation from Disproportionate Minority Confinement to Disproportionate Minority Contact. The Juvenile Justice and Delinquency Prevention Act, the legislation under which TCCY awards juvenile justice grants and monitors local jails, was reauthorized by Congress in 2002 and includes this change.

The name change was based on evidence that disproportionality begins at the first stages. More minority youth enter the system, and as they progress through the system, their numbers increase as sanctions become more severe. If causes were identified earlier in the process, crime in the community and stress in individuals could be reduced.

The Office of Juvenile Justice and Delinquency Prevention (OJJDP), which oversees the nation's efforts to address juvenile justice issues, selected Disproportionate Minority Contact as one of its highest priorities for 2003.

OJJDP's position is stated on the agency's website:

Overrepresentation of minority youth in the system relates directly to the issue of fundamental fairness. Ultimately, the answer to this problem lies in minimizing system involvement for all youth through prevention and diversion and improving system response. OJJDP will intensify its efforts to identify and disseminate sound strategies for reducing DMC.

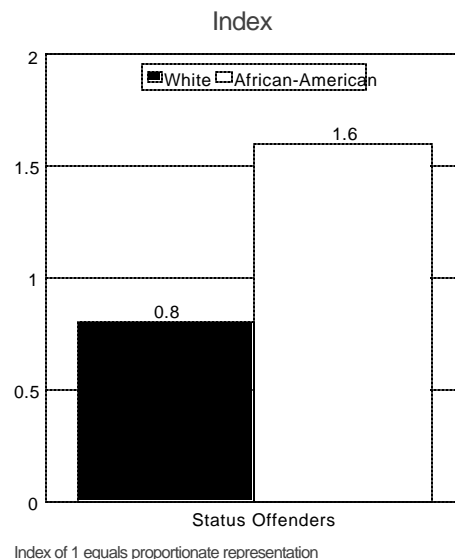
TCCY's Disproportionate Minority Confinement Task Force has chosen to keep its original name because of a desire to continue to focus on the most critical issue of concern.

Under the JJDP law, states must address the issue.

Actions include:

- 2 Identification;

## Status Offenders By Race



- 2 Assessment;
- 2 Intervention; and
- 2 Evaluation.

TCCY funds some programs to intervene in this issue, but this is the state's first major assessment effort. As a result of this effort, we hope that areas of intervention can be identified.

Use of structured decision-making instruments that reduce the subjective nature of referral and adjudication might be one way of intervening in the problem. Another suggested method is to reduce the identification of race in the judicial process. One suggestion is that two juries or judges be used to try a youth: one to hear testimony and determine guilt or innocence and another, which would not have information on the youth's race, to determine punishment.

The next step in the process, after the release of the report will be working with communities to help eliminate the problem. ¶¶

4. More cultural competency training needs to be made available, and perhaps even mandatory, for all staff of the Juvenile Courts, DCS, and any other appropriate agencies that work with juveniles. Perhaps TCCY could work with the Council of Family and Juvenile Court Judges and DCS to sponsor quarterly seminars offering cultural competency training to any and all Juvenile Justice System personnel and DCS staff. As an alternative, perhaps TCCY could develop some type of training and/or continuing education seminar model to provide cultural competency training; this model could then be offered to counties for inclusion in their own staff training programs.
5. TCCY could develop and offer some type of training and/or continuing education seminar emphasizing to Juvenile Justice System personnel the critical importance of thorough and accurate data collection. Perhaps this model could then be offered to counties for inclusion in their own staff training programs.
6. TCCY could include information about gang involvement in the data it requires the counties to keep and submit. Furthermore, if TCCY were to develop a set of questions for self reporting of gang involvement for the CPORT interviews to ask of the juveniles they interview, those questions, once

field-tested and perfected, could be offered to the counties for inclusion in their intake process.

7. Tennessee needs a better information and data-collection system for juvenile justice that can be shared among social service agencies.

*The principal researchers from the Tennessee State University Office of Business and Economic Research were Dr. Soumen Ghosh, OBER director, and Rebecca Rhodes. ¶¶*



## Help TennHelp Help Families

The Tennessee Association of Legal Services and the Tennessee chapter of National Association of Social Workers are collaborating on an online directory for individuals and professionals.

TennHelp.com is a statewide, web-based database of social service resources, which will be available in early 2004. The directory will be a statewide listing of services families and children need to help support strong healthy families. It will include nonprofits, including faith-based organizations, and governmental organizations. Services must be accessible to the public and have a permanent location. ¶¶

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# Meetings and Events

## Council Activities

For updated information on Regional Council activities, contact the regional coordinators listed on page 7.

### Memphis-Shelby

Nov. 19, Quarterly Meeting, "Exploring The Link Between Race and Special Education, Memphis City School's Auditorium, 8:30-10a.m.

Dec. 3, Legislative Reception, Gould Cottage (Porter Leath Children's Center), 5-7 p.m.

February 24, Relationship Violence Mini-Conference, 9 a.m.-noon, location TBA.

### Mid-Cumberland

Monthly meetings are held in counties in the region.

### Northeast

Sept. 26, Quarterly Meeting, Meth Lab Awareness, Carter County Health Dept.

Oct. 27, Parenting Training for the Trainer, Carter County Health Dept.



**The Tennessee Commission on Children and Youth**  
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Marie Mobley  
Goodlettsville

Tim Goldsmith  
Memphis

Joetta Yarbro  
Dyersburg

Johnny Horne  
Chattanooga

Linda O'Neal  
Executive Director

Nov. 14, Risky Behaviors in Pre-Teens/Teens Seminar, tba.

Dec. 5, Quarterly Council Meeting, DOH on STDs, Kingsport Library.

### Northwest

Sept. 16, Understanding Adolescents Conference, UT Ag Center, Jackson.

### South Central

Nov. 21, Identity Fraud Protection, Columbia State Ledbetter Auditorium, 8:30 a.m. to 2:30 p.m.

### Southeast

Sept. 19, DCS Commissioner Presentation, Partnership FCA, 1800 McCallie Ave., Chattanooga, 12:15 p.m.

### Upper Cumberland

Nov. 14, Methamphetamine Abuse Training, Nashville Community College, Cookeville.

Dec. 5, Legislative Breakfast, tba.

### Commission Meeting

Feb. 26-27, Nashville. For more information, call (615) 741-2633.

### CPORT Schedule

Oct. 6-10, Knox County. Exit Conference: tba

Nov. 3 - 7, South Central Region

### DMC Task Force Meeting

Oct. 7, DMC Task Force Meeting, Andrew Johnson Tower. Contact Ron King at (615) 532-1581.

### Special Events TCSW Regional Training Conferences

Oct. 9, Middle West Region, location tba, Jackson. Contact (731) 660-5390 or pattersh@methodisthealth.org.

Oct. 13, Middle East Region, University of TN Student Center, Knoxville. Contact (865) 637-1753, pamelajad@aol.com.

Oct. 24, North East Region, Holiday Inn, Johnson City. Contact (423) 547-5814

or diane.sells@state.tn.us.

Oct. 28, Middle Region, location tba, Nashville. Contact (615) 741-2633 or richard.kennedy@state.tn.us.

Nov. 5, West Region, Miracle Temple Ministries, Memphis. Contact (901) 577-2500 ext. 150, SSmith@porter-leath.org.

Nov. 12, South East Region, Chattanooga Trade/Convention Center. Contact Bo Walker at 865-637-1753 or email 423-655-2822 or email bwalker@partnershipfca.com.

### State Events

Nov. 2 - 3, Conference on Youth, Embassy Suites, Cool Springs. Contact (toll-free) (866) 355-9315 or www.mccsa.com.

Oct. 16, Community Response to Family Violence, King Building, St. Paul's Episcopal Church, Chattanooga, 8:30 a.m. to 4:30 p.m. Co-sponsored by the SCCY. Contact (423) 875-0120 or cboatwright@comcast.net.

Oct. 16, "How to Negotiate with Vendors and Suppliers," Clarion Hotel in Memphis, 9 a.m.-4 p.m. Contact (800) 873-7545, (913) 677-3200, or www.skillpath.com.

Oct. 23-24, Hospice of Chattanooga, Inc. presents "Vision for the Future Conference 2003," Chattanooga Marriott, Chattanooga Convention Center, 8 a.m.-5 p.m. Contact (423) 892-4289 ext. 150, (800) 267-6828 ext. 150 or www.hospiceofchattanooga.org.

Nov. 17-19, Rural Health Assn. Of TN 9th Annual Conference," Contact (615) 309-7567 or www.rhat.org.

For more updated information on TCCY and child advocacy events, see the TCCY Web Events Calendar at [www.state.tn.us/tccy/events.html](http://www.state.tn.us/tccy/events.html).

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