

COUNTING LATINO YOUTH IN THE ILLINOIS JUVENILE JUSTICE SYSTEM

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Models for Change

Models for Change is an effort to create successful and replicable models of juvenile justice reform through targeted investments in key states, with core support from the John D. and Catherine T. MacArthur Foundation. Models for Change seeks to accelerate progress toward a more effective, fair, and developmentally sound juvenile justice system that holds young people accountable for their actions, provides for their rehabilitation, protects them from harm, increases their life chances, and manages the risk they pose to themselves and to the public. The initiative is underway in Illinois, Pennsylvania, Louisiana, and Washington, and through action networks focusing on key issues, in California, Colorado, Connecticut, Florida, Kansas, Maryland, Massachusetts, New Jersey, North Carolina, Ohio, Texas, and Wisconsin.

Background

The Latino* youth population in Illinois is growing rapidly. Between 2000 and 2009 the number of Hispanics younger than age 18 increased 21.5%—accounting for nearly one in four (22.2%) of all Illinois children and youth by 2009.¹ This growth requires that policymakers fully understand how—and how many—young Latinos interact with institutions focused on youth, such as schools and the juvenile justice system.[†] While Illinois schools are typically able to account for the number of children in their purview, the same cannot be said for the institutions and agencies that make up the Illinois juvenile justice system. Currently, the only available statistical information describing the presence of Hispanic youth in the system statewide is the data for secure detention, where Latinos account for 11% of all youth in this category,² and for secure confinement,[‡] where Latinos make up 35.3% of all youth.³ The ability to obtain reliable counts of Hispanic youth throughout the Illinois juvenile justice system, and to use that knowledge to implement changes in policy and practice which will lead to reduced contact of Latinos with the system, is severely limited by inadequate data collection practices statewide.

Statewide juvenile justice institutions and local jurisdictions do not collect accurate data on youth ethnicity in any systematic way. Some agencies and institutions at the local level count “Latino” as a race category. However, “Latino” is an ethnicity, not a race, so this practice inevitably leads to inaccurate counts of the Latino population by forcing data collectors to choose between race or ethnicity. Latinos are often counted as either White, Black, or Other, contributing to a significant undercount of the Hispanic population in the system, since this demographic data collection model merges race and ethnicity, with no one category applicable to all Latinos.

The model which is most effective for collecting Hispanic demographic data is the two-part race and ethnicity question, which Illinois juvenile justice agencies do not use. The purpose of the two-part question is to gather information about whether a person is Hispanic/Latino, regardless of the person’s race,[§] by separating ethnicity and race into independent categories. Respondents are first asked if they are Hispanic/Latino, to which they can reply either yes or no. Respondents are then asked to identify their race;

Hispanic/Latino is not an available option for the second question.** This two-step method allows Latinos to identify both as a Latino and as a member of a racial group, resulting in a more accurate count of all Hispanic youth.

The lack of accurate data on Latino youth in the Illinois juvenile justice system is harmful. Without proper counts of the young people in the system, agencies and institutions cannot readily identify and address systemic challenges and the needs of Latino youth, nor can they develop, implement, and assess targeted policies and practices to reduce the contact of Hispanic youth with the justice system and increase system fairness.

This paper looks at the state of data collection practices in Illinois, gives examples of communities that have successfully used data to reduce youth contact with the juvenile justice system, and describes how Latino youth currently fare in the system. It then offers recommendations for improving data collection practices as a step toward directing more young people away from trouble and down the road to a brighter future.

The Status of Data Collection in Illinois

The U.S. Department of Justice’s Office of Juvenile Justice and Delinquency Prevention (OJJDP) has identified nine major points of contact that youth can have with the juvenile justice system—arrest, referral, diversion, detention, petition, delinquency findings, probation, secure confinement, and transfer to adult court.^{††} The OJJDP’s gold standard of race and ethnicity data collection methodology is to elicit race and ethnicity information about youth at each of these points. Doing so—using the two-part question—enables statisticians to identify the number of youth at each system point by race and ethnicity and equips agencies and institutions to better analyze how significantly the rate of Latino youth contact with the system is disproportionate compared to the rates for other groups.

Improved analysis is integral to taking active steps to reduce Latino youth contact with the system because it identifies where targeted policies, programs, and practices are most needed to reduce that contact. To calculate disproportionate minority contact (DMC), OJJDP uses a tool called the relative rate index (RRI).

* The terms “Hispanic” and “Latino” are used interchangeably by the U.S. Census Bureau and throughout this document to refer to persons of Mexican, Puerto Rican, Cuban, Central and South American, Dominican, Spanish, and other Hispanic descent; they may be of any race.

† In this paper, the term “juvenile justice system,” or “system,” refers to all agencies and institutions with which youth may interact, at any point from arrest onward. Agencies and institutions include police, courts, probation, short-term detention centers, and long-term correctional facilities.

‡ The term “secure confinement” refers to commitment to a correctional facility run by the state’s department of juvenile justice.

§ Hispanic/Latino is not a race, but an ethnicity. Hispanics can be of any race.

** For more information, please see Illinois Juvenile Justice System, *Guidelines for Collecting and Recording the Race and Ethnicity of Youth in Illinois’ Juvenile Justice System* (Chicago, 2008).

†† For a complete definition of each contact point, see Table 1, “Standard Definitions for Each Stage in the Juvenile Justice System,” in Department of Justice, Office of Juvenile Justice and Delinquency Prevention, *Disproportionate Minority Contact Technical Assistance Manual*, 4th Edition, (Washington, DC, July 2009), Chapter 1: “Identification and Monitoring,” 1-7.

More specifically, an RRI value shows “the extent to which the rate of contact for minority youth differs from the rate of contact for White youth.”⁴ An RRI value that is greater than one indicates that a minority group has disproportionate contact with the system. With sufficient data on race and ethnicity, RRI values can be calculated for every point of contact in the juvenile justice system. To most accurately calculate RRI values throughout the entire system, data disaggregated by race and ethnicity should exist at every contact point of the system.*

Illinois currently faces challenges in meeting the gold standard of data collection, which affects the state’s ability to properly count the number of Latinos in the juvenile justice system and, consequently, its ability to accurately calculate RRI values and develop appropriate policy responses and programmatic interventions. This is the case, in part, because of lack of capacity and political will to implement the two-part ethnicity question and to use the data appropriately as a tool for reform. Revising forms and databases to include the ethnicity field and training staff to use the two-part ethnicity question may be seen as costly and time-intensive. Furthermore, using and sharing

information when many jurisdictions do not have data available electronically is difficult and time-consuming. Additionally, the state does not have one central database to which all juvenile justice system information is reported, limiting statewide aggregation of data. Making these critical changes requires political will that, so far, has not been demonstrated by most state and local leaders.

As a result, data collection in the Illinois juvenile justice system is far from the Department of Justice gold standard. Statewide, data reflecting the ethnicity of youth in the juvenile justice system are available at only two of the nine major points of contact with the system: detention and secure confinement. However, these data are not collected using the two-part ethnicity question and therefore can only approximate the number of Latino youth in detention and confinement. Moreover, while the state of Illinois does not collect ethnicity data about youth at the points of arrest, petition, delinquent findings, probation placement, and transfer to adult court, it does collect race information for these points. Finally, the state does not collect any data about youth contact, regardless of race or ethnicity, at the points of referral and diversion.

Data Availability for Illinois Juvenile Justice System Contact Points

Contact Point	Are data available statewide?+	Are data available statewide for Hispanic/Latino youth?	Who maintains the data at the state level?
Arrest	Yes	No	Illinois State Police, Illinois Criminal Justice Information Authority
Referral	No	No	N/A
Diversion	No	No	N/A
Detention	Yes	Yes	Juvenile Monitoring Information System (JMIS)
Petition	Yes	No	Administrative Office of the Illinois Courts (AOIC)
Delinquency findings	Yes	No	AOIC
Probation	Yes	No	AOIC
Secure confinement (commitment to Illinois Department of Juvenile Justice–IDJJ)	Yes	Yes	IDJJ
Transfer to adult court	Yes	No [‡]	JMIS [§]

* To calculate an RRI value, divide the number of minority youth at any given stage in the justice system by the number of minority youth at the stage immediately preceding; then divide the number of White youth at the same stage by the number of White youth at the stage immediately preceding; then divide the rate calculated for minority youth by the rate calculated for White youth. If no data are available for the stage immediately preceding, use the last stage for which data are available. For more information, see *DMC Technical Assistance Manual*, http://www.ncjrs.gov/html/ojjdp/dmc_ta_manual/dmcfull.pdf, for more information.

† A number of contact points only report aggregate counts, with no information broken down by race, age, or sex.

‡ Illinois is updating the Juvenile Monitoring Information System (JMIS) to include separate fields for race and ethnicity. The JMIS reflects data collected at individual detention facilities. Including a field for ethnicity will not ensure that ethnicity data is reported, but it will make it possible for ethnicity data to be reported and aggregated statewide.

§ JMIS is not a repository of transfer information. A youth’s transfer to an adult jail is reflected in the JMIS fields, but JMIS is not intended to be a source of data on transfers. However, currently it is the best state-level source of information available on transfers.

Use of Data to Reduce Hispanic Contact with the Juvenile Justice System

Use of ethnicity data can help shape policies that effectively prevent many Hispanic youth from entering the juvenile justice system. For example, data demonstrating increased levels of arrest for Latino youth can help police departments identify a need for training police officers on the cultural characteristics of Latino youth through programs which support more effective interactions with Latinos, reductions in racial profiling, and fewer misunderstandings between police officers and youth which can lead to unnecessary arrests.⁵ More generally, arrest data indicating DMC can uncover a need for local communities to create and support targeted prevention programs to keep minority youth out of the system.

Ethnicity data can also help prevent Hispanic youth who are already in the system from moving deeper into it. Data can inform police departments, courts, probation offices, and detention and correctional facilities of the need to hire diverse staff, require cultural training for existing staff, offer bilingual and bicultural services, make available translators and interpreters, provide Spanish-language documents and materials, and develop culturally relevant alternatives to detention.⁶ Such services can, for example, prevent youth from entering deeper into the system as a result of a cultural or linguistic miscommunication with a police officer or a judge.

A number of jurisdictions across the country have demonstrated that changes to juvenile justice system practices based on rigorous data collection and analysis can reduce the contact that Latinos and other youth of color have with the system.

- **Santa Cruz County, California.** An analysis of ethnicity data revealed that Latino boys with substance abuse issues spent more time than other children awaiting nonconfinement placement. To reduce the disparate treatment, the Santa Cruz County Probation Department created and implemented a culturally competent drug treatment program especially for at Latino youth.⁷ As a result, the county reduced the number of detained Latino youth by 45% between 1996 and 2009.⁸
- **Peoria, Illinois.** Careful analysis of arrest data disaggregated by race indicated that Black males were entering the juvenile justice system through school referrals at disproportionately high rates. In response, Peoria Manual High School implemented a restorative justice program in the schools which has reduced the referral of Black males to the juvenile justice system from that school by 43%.⁹

- **Wichita, Kansas.** Data on Hispanic youth have helped strengthen community safety in Wichita by keeping Latinos out of the correctional system. The Department of Corrections in Sedgwick County uses data measuring the success rate of Hispanic youth in county-sponsored prevention programs to improve services. When data indicate a need for more targeted services for Latino youth, the county provides additional technical assistance to the service providers on cultural and linguistic competency to improve outcomes for Latino youth.¹⁰

Increasing the Illinois Juvenile Justice System's Data Capacity to Improve System Fairness for Latino Youth

Data are important to understanding how Hispanic youth fare in the system and to implementing important policy and practice changes in response to identified needs. Because there are few quantitative data about Latino youth in the Illinois juvenile justice system, NCLR staff recently toured the Cook County detention center and talked with other system stakeholders in Cook County—including Latino youth, community service providers, and detention center personnel—to identify major issues that Latinos face in the system.*

Ethnicity Data in Chicago

More data are available about Latino youth in the Cook County juvenile justice system than any other county statewide. However, data on Hispanics in the system are still only available at four points: arrest, secure detention, secure confinement, and probation. Moreover, some of these data are difficult to access. For example, arrest data by ethnicity in Illinois are thorough, but are only available from the Chicago Police Department through a Freedom of Information Act (FOIA)

First, youth involved in the juvenile justice system and their families often face systemic linguistic and cultural barriers. Latino youth may have to translate court proceedings for their parents, and Latino parents may have challenges communicating with staff at detention and correctional facilities. Within detention facilities, youth may be prohibited from speaking Spanish with one another when Spanish-speaking staff members are unavailable, due to security concerns with the inability of non-Spanish-speaking staff to monitor conversations. Moreover, while detention centers may be well-prepared to offer programming for Black youth, they are less equipped to incorporate Hispanic

* NCLR staff talked with stakeholders in Illinois via phone and in person between December 2010 and February 2011. Due to confidentiality concerns and workplace policies, these conversations were held off the record. NCLR staff also toured the juvenile detention facility in Cook County.

culture and language into their programs. In addition, Latino parents may experience hardship in visiting their children who are detained in distant correctional facilities, especially if the parents have inflexible work schedules or lack childcare or transportation. Such hardships are exacerbated when, due to communication barriers, Latino parents are not informed when their son or daughter comes of age (at 17) and is transferred to an adult facility.

Second, Latino youth express feelings of being racially profiled and discriminated against in the Illinois system.* Some young people describe being stopped by the police for “looking like gang-bangers” and subsequently being arrested. For example, one youth said that he was stopped by a police officer and arrested when he was simply walking down the street with his girlfriend. Many Latinos believe that police officers target them specifically while they are on probation. “If they know you’re on probation, they try to mess with you,” one young person said. They also perceive that police officers and detention security guards treat them “like we’re bad influences” and offer protection for youth of other races or ethnicities.

Third, there are not enough sources of holistic treatment of Latinos involved with the system. As representatives of community-organizations and practitioners have identified, too many youth do not have access to delinquency prevention services such as after-school and mentoring programs provided by schools, community- organizations, and faith-based organizations. Within the system, Hispanic youth lack comprehensive treatment in part because institutions do not work closely with one another. For example, mental health service providers don’t always have access to school records, such as individualized education programs (IEPs[†]), medical records, or social histories,[‡] to incorporate this information when drawing up treatment plans for juveniles in detention. Moreover, Hispanic youth need more comprehensive probation and reentry services to prevent recidivism and, in general, would benefit from greater integration of support services throughout the system.

Clearly, Latinos in the Illinois juvenile justice system face real challenges that must be addressed by policymakers and practitioners. NCLR’s analysis of the system in Illinois demonstrates that available data—which render Hispanics virtually invisible—cannot adequately guide the creation, implementation, and evaluation of targeted policies and practices that can more effectively reduce Latino contact with the system and increase system fairness.

Recommendations

An effective juvenile justice system reduces the number of youth who make contact with the system, as well as their propensity to recidivate. Determining whether or not a juvenile justice system is achieving these goals requires a method for capturing and analyzing data to set a baseline for measuring progress in reducing DMC, and this method should include collecting ethnicity data at each of the nine major points of contact in the Illinois system. Such data would increase the visibility of Hispanic youth and, more significantly, enable agencies and institutions in the system to analyze DMC using accurate RRI values and implement targeted policies and practices to reduce the disproportionate contact of Latino youth with the Illinois juvenile justice system. The following recommendations provide a roadmap to strengthen data collection and improve the use of data to increase systemic fairness:

- **Collect ethnicity data at each point of the juvenile justice system.**
 - **The Illinois General Assembly should enact legislation requiring the collection of ethnicity data using the two-part ethnicity question at each of the nine major points of contact with the juvenile justice system.** In 2011, the General Assembly passed SB 2271, requiring a legislative task force to recommend methods to properly capture race and ethnicity data at the arrest stage. However, these measures must go further. A statute requiring state agencies and institutions and juvenile justice systems at the state and local levels to collect ethnicity data based on the two-part ethnicity question would provide the information needed to accurately count the number of Latino youth throughout the entire juvenile justice system. Local and statewide agencies and institutions at each point in the system will be better able to respond to identified needs of the Latino population and to reduce disproportionate Latino contact with the system. Additionally, to ensure that agencies and institutions collect ethnicity data, this requirement should be tied to the receipt of funding over which the state has dispersal authority.
 - **State and local justice institutions should implement the two-part ethnicity question at every stage of the juvenile justice system.** Even before a statewide law requires collecting ethnicity data at each point of contact with the juvenile justice system, each state and local

* For more information on the impact of racial profiling on Latino youth, see Patricia Foxen, *Speaking Out: Latino Youth on Discrimination in the United States* (Washington, DC: National Council of La Raza, 2010).

† An individualized education plan, in the form of a written statement for a child with a disability, addresses the child’s individual learning needs to help that child reach educational goals. This plan is required under the Individuals with Disabilities Education Act (IDEA).

‡ A social history is an account of the social details of a person’s life, such as place of birth, family structure, and living situation.

institution that plays a direct role—including police departments, probation departments, and courts—should implement a policy requiring the use of the two-part ethnicity question to collect ethnicity data. Such a policy change should affect each of the nine identified points. Early implementation of the two-part question will increase the visibility of Latinos in the system and the ability of system providers to work with the Hispanic population to reduce disproportionate Latino contact.

- **The Illinois Juvenile Justice Commission (IJJC) should require institutions to collect disaggregated ethnicity data to receive the federal funds it distributes.** The IJJC, as the designated Illinois State Advisory Group, distributes funding received through the federal Juvenile Justice and Delinquency Prevention Act to improve state juvenile justice systems. Requiring agencies and organizations to collect ethnicity data to receive those funds would increase the ability of state agencies and organizations to identify and address the needs of Latinos in the juvenile justice system.*
- **Create the infrastructure and capacity to maintain and analyze ethnicity data.**
 - **Each institution in the juvenile justice system at the state and local level, and each organization that maintains juvenile justice data, should establish an ethnicity field in databases and paper forms that record juvenile justice data.** The most basic barrier to collecting ethnicity data is not having a place to record the information. Establishing an ethnicity field in forms and databases would provide the necessary infrastructure to collect ethnicity data.
 - **Establish a publicly accessible statewide computerized database of aggregated juvenile justice data that can separate ethnicity data from data on race.** A centralized location for all juvenile justice data at the aggregate level (i.e., not individual cases) would enable state and local communities to better understand who is in the juvenile justice system, what systemic needs minority youth face, and what steps are necessary to create reform. The Illinois Criminal Justice Information Authority would be an appropriate organization to house this database because of its data analysis capacity and its mission to act as a clearinghouse for information on the justice system.¹¹
- **The Illinois General Assembly should fund technical assistance and training on how to implement the two-part ethnicity question and how to use available databases.** The technical aspects of collecting ethnicity data can inhibit many agencies and institutions in the juvenile justice system from implementing effective practices. For instance, they may need support for teaching staff to collect racial/ethnic data using the two-part ethnicity question, transitioning to new database systems or training staff to use the new ethnicity fields in a database, or interpreting and effectively using the data to reduce DMC in their communities. Technical assistance provided by experts at existing institutions—such as the Illinois Criminal Justice Information Authority and the Center for Prevention Research and Development—can prepare local juvenile justice agencies and institutions to implement and use new data collection systems.
- **Use data as a tool for reducing disproportionate minority contact of Latino youth.**
 - **The Illinois General Assembly should fund five local pilot projects to promote system reform using improved data.** Local communities throughout Illinois—and the country—have successfully used data as a tool to spur policy and practice changes that have reduced the contact of minority youth with the justice system. Illinois should build upon this successful work by funding five sites in the state to improve efforts to collect ethnicity data and to implement intensive system reforms based upon needs identified in the data. Lessons learned from the pilot sites can be shared with other communities throughout the state and used to encourage institutional buy-in to DMC reduction through data collection.

Conclusion

Latinos represent a significant percentage of the youth population in Illinois, and the numbers will continue to grow in the coming years. Collecting better ethnicity data on youth in the juvenile justice system is the first step to reducing the number of Hispanic youth in a system that can potentially harm their future prospects. Collecting data disaggregated by ethnicity at each point will make Latinos visible in the system for the first time, and support implementation of policies and practices that can reduce Latino youth contact. The recommendations in this paper are ambitious, but achievable, and will serve as a roadmap to improving ethnicity data collection throughout the Illinois system. Making these changes to current policies and practices will ultimately result in directing more youth away from trouble and down the road to a better future.

* IJJC recently funded the development of an enhanced data infrastructure that will strengthen its ability to maintain ethnicity data.

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- ¹ NCLR calculations using U.S. Bureau of the Census, “Sex by Age (Hispanic or Latino): Table B01001I” and “Sex by Age: Table B01001,” American Community Survey 2009 One-Year Estimates (Washington, DC, 2010) (accessed September 9, 2010); and U.S. Bureau of the Census, “Sex by Age: Table P12” and “Sex by Age (Hispanic or Latino): Table P12H,” 2000 Census (Washington, DC, 2000) (accessed September 9, 2010).
- ² Erica Hughes and Lindsay Bostwick, *Juvenile Justice System and Risk Factor Data: 2008 Annual Report* (Chicago: Illinois Criminal Justice Information Authority, March 2011), Table 29: “Number of youth admissions to secure detention, CY08,” http://www.icjia.state.il.us/public/pdf/ResearchReports/JJSR_F_Data_2008_Annual_Report_March_2011.pdf (accessed August 17, 2011).
- ³ Source: Erica Hughes and Lindsay Bostwick, *Juvenile Justice System and Risk Factor Data: 2008 Annual Report* (Chicago: Illinois Criminal Justice Information Authority, March 2011), “Table 43: Number of youth commitments to IDJJ by race, FY03-FY08” http://www.icjia.state.il.us/public/pdf/ResearchReports/JJSR_F_Data_2008_Annual_Report_March_2011.pdf, (accessed August 17, 2011).
- ⁴ Department of Justice, Office of Juvenile Justice and Delinquency Prevention, “Identification and Monitoring,” in *Disproportionate Minority Contact Technical Assistance Manual*, 4th Edition. Washington, DC, July 2009, http://www.ncjrs.gov/html/ojjdp/dmc_ta_manual/dmcfull.pdf (accessed May 12, 2011), 1–3.
- ⁵ Patricia Foxen, *Speaking Out: Latino Youth on Discrimination in the United States* (Washington, DC: National Council of La Raza, 2010), http://www.nclr.org/index.php/publications/speaking_out_latino_youth_on_discrimination_in_the_united_states/(accessed July 2011).
- ⁶ Illinois Juvenile Justice Commission, *Guidelines for Collecting and Recording the Race and Ethnicity of Youth in Illinois’ Juvenile Justice System* (Chicago, 2008), <http://www.modelsforchange.net/publications/185> (accessed March 14, 2011), 5–6.
- ⁷ Judith A. Cox and James Bell, “Addressing Disproportionate Representation of Youth of Color in the Juvenile Justice System,” *Journal of the Center for Families, Children, and the Courts* 3 (2001): 31–43, http://sccounty01.co.santa-cruz.ca.us/prb/jdai/6.1_Addressin%20DMC%20Article.pdf (accessed September 22, 2010), 36.
- ⁸ “Juvenile Justice System Improvement Outcomes: A Closer Look at Reform Results in Santa Cruz”, <http://sccounty01.co.santa-cruz.ca.us/prb/rpts/juvReform.pdf> (accessed March 14, 2011).
- ⁹ Mark Soler, “Missed Opportunity: Waiver, Race, Data, and Policy Reform,” *Louisiana Law Review* 71 (2010): 30.
- ¹⁰ Jodi Tronsgard, Sedgwick County (Kansas) Department of Corrections Grant Specialist, in conversation with author, January 12, 2011.
- ¹¹ The Illinois Criminal Justice Information Authority, “Mission Statement,” <http://icjia.org/public/index.cfm?metaSection=About&metaPage=AuthMission> (accessed June 22, 2011).

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