

Study of Minority Over-Representation in the Texas Juvenile Justice System

Executive Summary

October 2005

Submitted to:

**The Office of the Governor
Criminal Justice Division**

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Purpose of the Research

Though African American youth between the ages of 10 and 16 comprise only 13 percent of the general population of Texas, they make up fully 32 percent of the detained population (see Table 1). There is less disparity for Hispanic youth who make up 40 percent of the general population and 39 percent of juvenile detainees. Anglo youth, by contrast, are underrepresented in the justice system relative to the general population (45 percent and 28 percent respectively).

**Table 1. Juvenile Representation
Texas' General vs. Detained Population, 2001**

	Percent of the Juveniles in the...	
	Texas General Population	Texas Detained Population
Anglo	45%	28%
African American	13%	32%
Hispanic	40%	39%
All Minorities Combined	55%	72%

Table 2 looks at the problem another way. Not only can disproportionality be documented in terms of youth in custody, but also in terms of differential rates of referral and progression through the juvenile justice system. While only 13 percent of the state population between age 10 and 16 is African American, they represent 23 percent of TJPC referrals and 33 percent of cases disposed to the Texas Youth Commission (TYC). Conversely, though 45 percent of the general population is Anglo, the proportion declines with further penetration into the system. They comprise only 33 percent of TJPC referrals and 27 percent of TYC-committed cases. Hispanic juveniles are proportionally represented at all stages of justice processing.

Table 2. Differences in Proportionality between the Texas Juvenile Population the TJPC Population, CY 2002

	Total Number in Category	Anglo	African American	Hispanic	Other Race
Texas Population (age 10-16)	2,374,979	45%	13%	40%	2%
Referred to TJPC	105,910	33%	23%	43%	1%
Cases with Adjudicated Dispositions*	30,285	31%	25%	43%	1%
Disposed to TYC	2,615	27%	33%	39%	1%

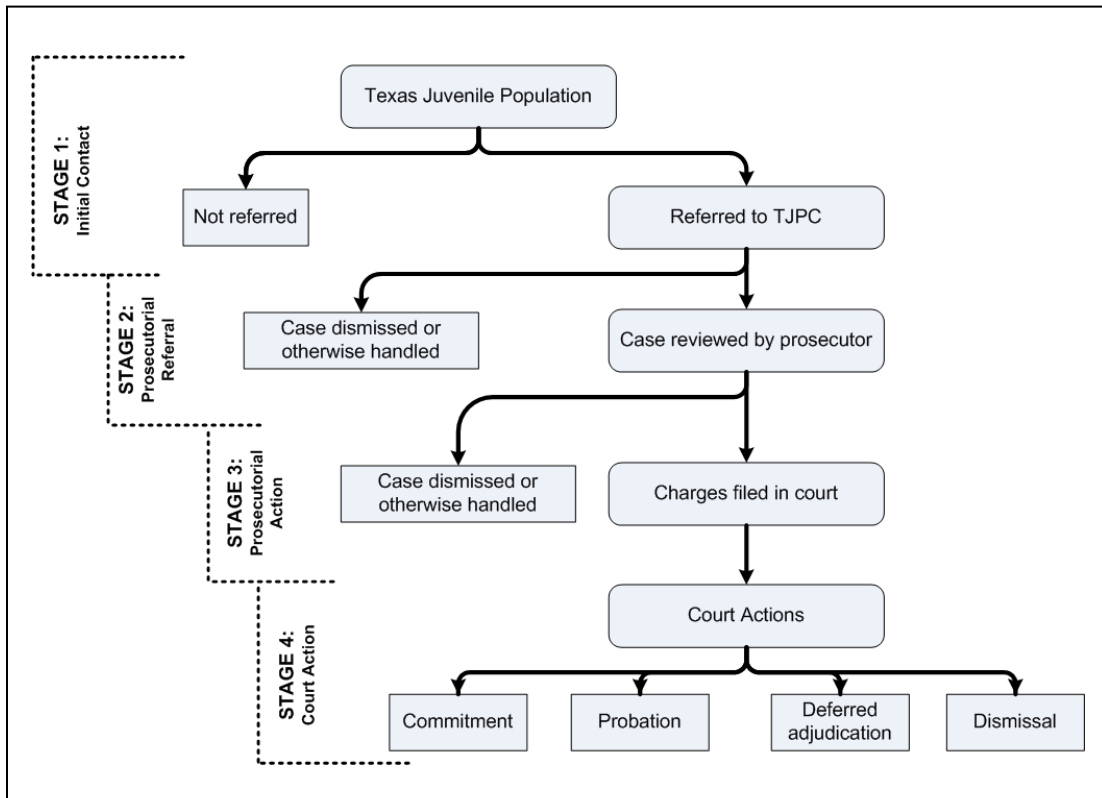
* Includes cases disposed to adjudicated probation, TYC, and certified as an adult.

These statistics have been a cause for concern among policymakers and advocates for justice. In order to craft policy solutions capable of eliminating the problem, more information is needed about the causes of disproportionality. Does this discrepancy in justice involvement result from overt racism or other forms of systematic bias against young people of color, or are minorities overrepresented because they share other characteristics independent of race and ethnicity that put them at greater risk for justice involvement? These questions must be answered before it is possible to plan and target interventions capable of eliminating racial and ethnic disparity in the juvenile justice system.

Overview of Research Methods

The research methods used to investigate these important policy questions in Texas are both innovative and powerful. The analysis approach employed here has not been widely utilized in other states, in part due to the difficulty of assembling a comprehensive set of individual-level data on individual juveniles both within and outside the juvenile justice system. Using existing databases from the Texas Education Agency and the Texas Juvenile Probation Commission, virtually every Texas school child enrolled in grades 8-12 during the 1999 school year was monitored for juvenile justice involvement over a five year period. Because extensive personal information was available for each

Figure 1. Multi-Stage Model of Progression through the Juvenile Justice System



child included in the study, multivariate statistical models could be constructed. These models measured the separate effects of many different risk characteristics that commonly occur together in individual children. Thus it was possible to quantify the relative importance of race-ethnicity as compared to other attributes shared by minority children that might also increase the chance of justice involvement.

Statistical models were constructed to identify factors that increase or reduce the likelihood that a juvenile would advance through each of four stages of the justice system. These outcomes are illustrated in Figure. They include (1) progression from school to a TJPC referral; (2) progression from a TJPC referral to prosecutor’s review of the case; (3) progression from prosecutor’s review to the filing of a formal charge; and (4) in charged cases, progression to one of four potential outcomes (dismissal, deferred adjudication, prosecution, or commitment).

Fifteen factors expected to influence juvenile's progression through these stages were also identified in the available datasets. These are illustrated in Table 3. The maximum effect size is shown for all independent variables having a statistically significant impact (at the $p < 0.05$ level) on each of these outcomes. Additional detail on analytic strategies is provided in the full report.

Major Findings

A number of conclusions can be drawn based on the evidence generated through this research. These results help illuminate the underlying causes of minority overrepresentation in the juvenile justice system, and inform planning to formulate meaningful solutions.

1) Race-ethnicity has a relatively small effect on justice involvement.

Initial contact with the justice system predominantly occurs because youth have a discipline history at school, are male, are not excelling academically, are economically disadvantaged, or have an emotional or learning disability. The probability of a TJPC referral increases by 8.7 to 23.4 percent depending on the presence or absence of these characteristics. By contrast, being Hispanic elevates a juvenile's chance of justice involvement by a maximum of 3.5 percent, and being African American increases the probability of initial contact by no more than 2.7 percent. The role of race-ethnicity in subsequent stages remains relatively small, never increasing the chance of progressing to the next level by more than 4.3 percent for Hispanics and 2.4 percent for African Americans.

Based on this evidence, interventions focused narrowly on eliminating racial bias will do little to reduce disproportionality. Instead, the data show efforts should be targeted toward minimizing the number of minority youth in high-risk categories. Resources should be invested in prevention or early intervention programs to reduce involvement of minorities in school delinquency, enhance academic performance, support economically disadvantaged families, and develop effective interventions for juveniles with emotional or learning disabilities.

Table 3. Maximum Estimated Effects for All Variables Tested by Stage*

Independent Variable	Maximum Effect			
	Stage 1: Initial Contact	Stage 2: Prosecutorial Referral	Stage 3: Prosecutorial Action	Stage 4: Prosecutorial Outcomes**
Disciplinary History	+23.4%	NS	+2.6%	p<0.05
Male	+18.7%	+4.3%	+3.0%	p<0.05
Academic Giftedness	-14.1%	NS	NS	p<0.05
Economically Disadvantaged	+11.1%	NS	NS	p<0.05
Mental or Emotional Disability	+8.7%	NS	NS	NS
Physical Disability	-12.3%	NS	NS	NS
No Disability	Baseline			
Rural Area	-5.5%	-10.7%	+7.9%	p<0.05
Large Urban Metro Area	-2.1%	+4.2%	+19.8%	p<0.05
Mid-Size Urban Area	Baseline			
Limited English Proficiency	-4.6%	-7.9%	+4.8%	NS
Hispanic	+3.5%	+4.3%	+4.3%	p<0.05
African American	+2.7%	+2.4%	NS	NS
Other Minority	-30.2%	NS	NS	NS
Anglo	Baseline			
Percent of School Days Present	-0.6%	NS	NS	p<0.05
Felony Charge	NA	+48.4%	NS	p<0.05
Misdemeanor Charge	NA	+38.0%	-16.9%	p<0.05
Crisis Intervention	NA	Baseline		
Living with Other Adult	NA	-5.9%	NS	p<0.05
Living with Father	NA	-5.7%	NS	p<0.05
Living with Mother	NA	NS	+4.0%	p<0.05
Living with Grandparents	NA	NS	-5.7%	p<0.05
Living in Institutional Care	NA	NS	NS	p<0.05
Living Unsupervised	NA	NS	NS	p<0.05
Living with Both Parents	NA	Baseline		
Gang Member	NA	NS	NS	p<0.05

* All differences reported are statistically significant at the p<0.05 level. “NS” indicates there as no statistically significant difference between groups. “NA” indicates the variable was not available for Stage 1 analyses.

** Because there are four possible prosecutorial outcomes, detailed results are too complex to present in this table.

Information about statistical significance is presented here with full results available in Table 14, Chapter 7 of the full report.

2) The impact of race-ethnicity is cumulative across the four major stages of juvenile case processing.

Although race-ethnicity has a relatively small effect on juvenile justice involvement, it does have a cumulative impact over multiple stages of processing. Compared to Anglos, Hispanic juveniles have a significantly higher probability of progressing through all four stages of case processing from initial contact through court action. African American youth have a higher probability of progressing through two stages including initial contact and prosecutorial review (see Table 3).

Table 4. Predicted Outcomes for Six Sets of 100,000 Hypothetical “Average” Juveniles

		Male			Female		
		Anglo	African American	Hispanic	Anglo	African American	Hispanic
	No Initial Contact	99,890	99,880	99,870	99,950	99,940	99,940
Stage 1	Initial Contact	110	120	130	50	60	60
Stage 2	Prosecutorial Referral	49	56	63	20	26	27
Stage 3	Prosecutorial Action	29	33	40	11	14	16
Stage 4	Probation	18	19	22	6	7	8
	Deferred Prosecution	7	8	13	3	4	6
	Dismissed	5	6	6	2	3	3
	Committed	0	0	0	0	0	0

The practical impact of this cumulative effect is illustrated in Tables 4 and 5. Among 100,000 “average” male juveniles who are equal in every way except ethnicity, 40 Hispanic youth and 33 African American youth are projected to progress to the stage of prosecutorial action (Table 4). By contrast, only 29 “average” male Anglo youth are projected to reach that stage. If the youth in this same hypothetical sample are also assumed to share a common discipline history and be economically disadvantaged (Table 5), the discrepancy grows even greater. Of 100,000 otherwise identical high-risk males, 213 Hispanic juveniles are projected to reach the stage of prosecutorial action compared

Table 5. Predicted Outcomes for Six Sets of 100,000 Hypothetical Juveniles who are Economically Disadvantaged with a Disciplinary History

		Male			Female		
		Anglo	African American	Hispanic	Anglo	African American	Hispanic
	No Initial Contact	99,450	99,380	99,360	99,750	99,720	99,710
Stage 1	Initial Contact	550	620	640	250	280	290
Stage 2	Prosecutorial Referral	247	294	315	102	121	130
Stage 3	Prosecutorial Action	157	185	213	62	73	84
Stage 4	Probation	108	119	136	38	42	48
	Deferred Prosecution	24	31	46	11	14	21
	Dismissed	25	34	31	13	17	15
	Committed	0	0	0	0	0	0

to 185 African Americans and 157 Anglo youth. From this projection model it is possible to quantify the actual impact of the cumulative effect of race-ethnicity over multiple stages of justice processing. It also helps elucidate the differential influence of race-ethnic effects for Hispanic and African American youth.

3) Race-ethnicity has a greater influence on case processing outcomes for Hispanic youth than for African Americans. This finding is of particular importance because it is not apparent from aggregate statistics alone.

As has been noted, analysis of aggregated race-ethnicity data alone shows that African American youth are about 2 times more likely to appear in the TJPC population and 2.5 times more likely to appear in the juvenile detained population than in the general population. Hispanic youth, by contrast, are about equally represented in both groups. This type of single-variable data might lead observers to conclude that African American youth are the greater victims of injustice and that Hispanic youth should have fewer concerns about inequity.

However, when data are available to support multivariate modeling, the opposite picture emerges. While it remains a fact that African Americans have disproportionate TJPC involvement, when other explanations besides race-ethnicity can be entered into statistical models, most of the discrepancy is accounted for by factors other than race. African American youth have increased contact with the justice system because they are more likely to be in high-risk categories (e. g., history of delinquency, male, academically at-risk, economically disadvantaged, or mentally or emotionally disabled). They have a greater chance of progressing through the system because of offense characteristics or the urbanicity of their local home community.

**Table 6. Model of Initial Referral:
Pair-wise Comparisons across Ethnic Categories*
(Row Relative to Column)**

	Anglo	Black	Hispanic	Other Minority
Anglo		-2.7%	-3.5%	+30.2%
Black	+2.7%		-0.8%	+31.9%
Hispanic	+3.5%	+0.8%		+32.4%
Other Minority	-30.2%	-31.9%	-32.4%	

* Each cell reports the maximum estimated effect of being the ethnic category of that row compared to the ethnic category of the column. All differences reported are statistically significant at the $p < 0.05$ level. “NS” indicates there was no statistically significant difference between groups. The table can be read as, “The row category has an x percent (higher or lower) probability of prosecutorial action compared to the column category.”

While these same statements are true of Hispanic youth, they are somewhat more likely than their African American peers to progress from one justice stage to the next without possessing any of these risk factors. Hispanic offenders are up to 0.8 percent more likely than otherwise identical African American youth to have an initial TJPC referral (Table 6), and as much as 4.9 percent more likely to face prosecutorial action (Table 7). This means that a slightly larger proportion of Hispanic than African American youth in the justice system have no explanation for their involvement other than their ethnicity. By comparison, more African American youth have preceding risk factors that account for their justice contact.

**Table 7. Model of Prosecutorial Action:
Pair-wise Comparisons across Ethnic Categories*
(Row Relative to Column)**

	Anglo	Black	Hispanic	Other Minority
Anglo		NS	-4.3%	NS
Black	NS		-4.9%	NS
Hispanic	+4.3%	+4.9%		NS
Other Minority	NS	NS	NS	

* Each cell reports the maximum estimated effect of being the ethnic category of that row compared to the ethnic category of the column. All differences reported are statistically significant at the $p < 0.05$ level. "NS" indicates there was no statistically significant difference between groups. The table can be read as, "The row category has an x percent (higher or lower) probability of prosecutorial action compared to the column category."

This finding is particularly noteworthy because, although it is a point of considerable policy importance, it would not have been observed in the absence of multivariate modeling. Although Hispanic youth are not disproportionately represented in the juvenile justice system, there is in fact greater evidence of potential system bias against this group than any other. This finding raises fundamental questions about the concept of proportionality as an accepted indicator of equity. It is generally believed that if minority juveniles are equally represented in both the general population and the justice population, then system fairness has been achieved. Even though Hispanics have achieved proportional representation in both populations, stronger evidence of disparity exists for them than for African Americans for whom disproportionality is greatest.

4) This study cannot identify the specific processes that explain the effect of race-ethnicity on juvenile case processing.

Though the likelihood of a juvenile referral and subsequent case advancement is slightly higher for minorities, and for Hispanics in particular, the reason this occurs is not clear. Many different possibilities exist. Some authorities charged with administering juvenile justice may intentionally or unintentionally engage in practices that are biased against Hispanic and African American youth. Routine and accepted system policies may inadvertently have disparate impact. Some field personnel have described cultural differences in the ways youth and families interact with authority. For instance, Anglo

youth may be more culturally prepared to conform with bureaucratic expectations, thereby more frequently gaining “the benefit of the doubt.” It is also possible that real differences in participation in delinquency exist among members of different race-ethnic groups.

These scenarios are only speculation. Further research is required to understand why risk of progression through the justice system is higher for some youth simply by virtue of their minority group membership. Although the race-ethnic effect is small compared to other influences on justice involvement, in the absence of a clear understanding of causes, solutions cannot be readily formulated.

5) The factors that predict initial contact with the juvenile justice system are different from the factors that predict advancement within the system.

Table 3 shows that different variables are influential at different stages of case processing. The factors important in predicting initial contact with the justice system generally include personal attributes such as behavior at school, sex, academic success, economic status, and disability status. While these individual characteristics may contribute to opportunity for delinquency in the community setting, they would not be expected to influence decision-making by authorities after youth have entered the justice system. In fact this is largely confirmed in the data.

As expected, after entering the justice system the nature of the offense is the most important influence on advancement from one case processing level to the next. The urbanicity of the community where the juvenile is processed emerges as the second greatest influence. Urbanicity can be thought of as an indicator of local processing policies and practices which vary systematically depending on the size of juvenile departments, prosecutors’ offices, and county court systems. The data indicate that youth entering large metropolitan juvenile probation offices have the greatest consistent likelihood of aggressive case prosecution.

Though factors other than offense characteristics and urbanicity also impact the risk of justice involvement, these are by far the most influential. At the same time, many of the

personal attributes that increased the risk of initial contact decline in importance or become statistically insignificant at later stages of justice processing. This finding confirms that, in general, the most important influences on case processing are not individual personal traits. Instead, most decisions are based on the facts of the case combined with objective and standardized local operating procedures.

6) Factors unrelated to race-ethnicity may contribute to disproportionate minority representation in the justice system.

Besides Hispanic ethnicity, two other variables were observed to have a statistically significant impact increasing the likelihood that juveniles will progress through all four stages of case processing modeled. One of these variables is urbanicity. Juveniles in large urban areas are the least likely to have an initial justice referral. However, once in the system, juveniles in metropolitan communities have the greatest likelihood that their case will be referred to a prosecutor (4.2 percent maximum effect) and that action will be taken on a referred case (19.8 percent maximum effect). Thus, irrespective of race-ethnicity or other attributes, any youths processed through major urban justice systems can expect more ambitious efforts toward prosecution.

To the extent that minority populations are concentrated in metropolitan communities, however, Hispanic and African American juveniles would be impacted by these more assertive case processing policies in greater numbers. If a larger proportion of Texas' minorities live in highly urban areas where policies favor prosecutorial referral and court action, then a larger proportion would likewise be expected to advance further through the justice system, potentially including commitment to juvenile justice facilities.

The second variable having a cumulative impact on advancement through all four case processing levels was sex. Males are more likely to become involved in the justice system and to be processed more vigorously compared to females. As with urbanicity, to the extent that minority males become involved in the justice system, their likelihood of advancement is magnified by the significant cumulative impact of their sex.

Clearly, living in a major metropolitan community, or being male, can combine with race-ethnicity to inadvertently enhance disproportional representation. When these three risk factors operate together, justice involvement among male minority juveniles residing in large urban communities can potentially rise well above rates for Anglos statewide. This example illustrates some of the complexities involved in explaining disproportionate minority contact. Some of the major forces accounting for disproportional representation may in fact have little direct relationship to youths' race-ethnicity.

Conclusion

The results of this study are intended to provide direction for effective policymaking to eliminate disproportionate minority representation in the juvenile justice system. Findings indicate that, if they are to be effective, efforts must focus on helping Hispanic and African American juveniles in the highest risk categories. The youth most at risk are typically male with a history of disciplinary involvement at school. They are not excelling academically, are economically disadvantaged, and commonly have a mental or emotional disability. Most justice involvement among minorities can be explained because they possess one or more of these risk factors. Race-ethnicity plays a relatively small role in justice contact. This information is essential to know in order to develop and target solutions capable of truly eliminating disproportionality.