

The Institute for Public Policy and Business Research
The University of Kansas

Assessing The Differences
In The Treatment Of
Minority Confinement in Kansas

A Phase I, Preliminary Report
Prepared for

**Kansas Department of Social and Rehabilitation Services
Youth and Adult Services
and the
Advisory Committee on Juvenile Offender Programs**

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I. BACKGROUND OF THIS REPORT

A. Racial minorities and the legal system in general

For the last hundred years in the United States, minority races have been disproportionately held in jail (Cahalan 1986: 91), and during this time a similar disproportion has developed in our training schools for youths (Cahalan 1986: 130). Further, arrest rates for non-Euro-Americans are several times higher than for Euro-Americans (Sykes and Cullen 1992:109-112). The heated debate over whether or not this disproportionality is caused by discrimination continues, but the weight of the evidence suggests that at least some racism is involved in producing the race ratios in confinement (MacLean and Milovanovic 1990; Tonry 1994; Reiman 1995). At the same time, however, the disproportionately high rates of person offenses by minorities, especially street corner, young, African-American males, are revealed in victimization and self-report delinquency studies as well as in arrest reports (Sykes and Cullen 1992: 110, fns. 33, 34, and 35). On the average, whatever category of people makes up the upper portion of the lower social class at a given time will be arrested and confined disproportionately (Sutherland, Cressey, and Luckenbill 1992: 218-221).

B. Minorities and contemporary juvenile justice

A careful weighing of the available evidence suggests that the overall difference in the crimes committed by youths of different races in the United States is in the types of crimes committed, not in the number of crimes committed (Arnold and Brungardt 1983: 151-153). Nevertheless, the disproportionate confinement of minority race juveniles has not been difficult to document. Censuses of public (Krisberg, DeComo, and Herrera 1992: 30) and private (Krisberg, DeComo, and Herrera 1992: 42) detention, correctional, and shelter facilities for juveniles reveal the disparity, although the disparity is clearly greater in public than in private facilities. It appears that all the phase I reports produced under the Disproportionate Minority Youth Confined in Secure Facilities (DMC) projects reveal disparity. Since Pope and Feyerherm have thoroughly reviewed the relevant literature, their succinct conclusions are presented here rather than a new review of this literature. Note that their,

...report focuses on the official processing of minority youth and does not deal with the conditions that can lead minority youth into contact with the juvenile

justice system. Disproportionate representation may be accounted for by some combination of selection bias on the part of the juvenile justice system and the nature and volume of offenses committed by minority youth. ... However, differential involvement in crime is a different issue from what happens to youthful offenders once they enter the juvenile justice system. ...

Efforts to identify research literature on the processing of minority youth in the juvenile justice system centered on publications since 1969, and four data base searches of criminal justice abstracts, sociological abstracts, the social science citation index, and the legal resource index yielded more than 1,000 citations. ... Professional society records identified more than 90 scholars who had written on race and crime, and letters to each of them inquired about unpublished or ongoing research in this area.

This process identified about 250 potentially relevant articles. In many of them, however, minority status was not a major focus of the analysis or specific juvenile justice decision points were not included. The research staff selected 46 articles as most relevant. ... These were the most salient findings:

Most of the literature suggests both direct and indirect race effect or a mixed pattern--racial effects are present at some stages and not at others. Roughly a third of the studies found no evidence of disparity. The remaining studies found evidence that minorities were treated disproportionately even after statistical controls were introduced. These, however, divided about evenly between those that found an overall pattern of disparity and those we call "mixed." The mixed label can apply when a study examines several decision points (such as intake decisions, detention, and judicial sentence) and finds disparities at only some of those points. It can also apply when a pattern of disparity is only apparent for certain types of offenders or offenses (such as fist offenses or personal offenses).

The studies that found evidence of selection bias are generally no less sophisticated in methodology than those that found no such evidence. Their data are of no less quality. There appears to be no relationship between the rigor of the studies and the findings of disparity. ... Advanced techniques allow an examination of direct as well as indirect race effects that show how minority status may be linked to other case characteristics. For example, most of the studies that use a multivariate design also examine the effects of interaction between minority status and other case characteristics. The use of random samples as opposed to total populations or the use of larger aggregations of jurisdictions (such as statewide) did not appear to explain the differences in findings.

When bias does exist, it can occur at any stage of juvenile processing. We found

studies in which disproportional treatment occurred at each of the major decision points. Of course, fewer large-scale studies examined the decision process of the police than that of any other major decisionmakers, and those studies tended to examine police decisions made after the decision to do something. A typical study examined the decision of police to transport a juvenile to a detention facility as opposed to issuing an order to appear at a later date. In some instances small racial differences accumulate and become more pronounced as minority youth proceed further into the juvenile justice system. In particular, our own analysis of statewide data from both California and Florida illustrated this accumulation of disadvantages. Differences between minority and majority offenders increased as youth move across various decision points. Many studies that found no evidence of disparity or only mixed results reached that finding by using control variables in a multivariate analysis. One frequently used variable reflects the theme of family composition or stability. Controlling for such variables appears typically to reduce the difference in treatment received by majority and minority youth. However, in a logical sense what these studies identified was the mechanism by which majority and minority youth are distinguished. Thus, "family situation" may in fact mean "race." Even such "legally relevant" variables as prior arrests may not be racially neutral. If, for example, police were initially more likely to pick up and process African-American youth than Euro-American, it enhances race differences within the system. The system needs to address whether these types of variables ought to be used in juvenile justice system decision-making and whether they ought to produce the degree of difference between majority and minority youth that they appear to produce. Finding a statistical method of reducing the difference between majority and minority youth is not enough. Instead we must address the propriety of using these variables at all. Examining these studies ... suggests substantial support for stating that both direct and indirect race effects operate within certain juvenile justice systems. (Pope and Feyerherm 1993: 1-3).

Indirect effects of race include the effects of variables which are strongly correlated with race. These include the types of acts we make illegal (hitting in the face is usually illegal, arguing usually is not), the self-fulfilling prophecy of having the police patrol most heavily in high crime areas, and using difficulties in school and brokenness of homes as indicators of youths' need for the care of the state. For the present purposes, we accept Pope and Feyerherm's conclusions about the literature on minority status and the juvenile

justice system.

C. The requirement for the study

When the Juvenile Justice and Delinquency Prevention Act of 1974 brought together under the Law Enforcement Assistance Administration programs which had been in LEAA with programs which had been in Health, Education, and Welfare, it also mandated the creation of state Juvenile Justice Advisory Groups to administer the formula funding to be distributed to the states. These Advisory Groups formed a coalition and, about 1985 or 1986, became concerned about the overrepresentation of minorities in the juvenile justice system. They documented this overrepresentation in a publication called "A Delicate Balance," and in 1987 Pope and Feyerherm received a grant to review the literature on this overrepresentation and on potential means of addressing it (Dunn, Cernkovich, Perry, and Wicks 1993: 1). The 1988 reauthorization of the Juvenile Justice and Delinquency Prevention Act included an amendment to Section 223(a)(23), reading:

In accordance with regulations which the Administrator shall prescribe, [the State Plan] shall ... address efforts to reduce the proportion of juveniles detained or confined in secure detention facilities, secure correctional facilities, jails, and lockups who are members of minority groups if such proportion exceeds the proportion such groups represent in the general population.

On 8 August 1989, implementing regulations [28 CFR 31.303(j)] were issued which specified that each state was to:

1. document its level of disproportionate confinement of minority youths,
2. make recommendations (if needed) for improving the data system providing this documentation,
3. locate the points in the juvenile justice system at which the disparity occurs,
4. improve diversion programs for minority youths,
5. support, "...prevention program in communities with a high percentage of minority residents with emphasis upon support for community-based organizations that serve minority youth...[,]"
6. provide "...reintegration programs..." to "...reduce recidivism of minority youths...[,]" and

7. "...disseminate information regarding minorities in the juvenile justice system" (Community Research Associates 1990: 1-2).

States were expected to complete a Phase I report (i.e. meeting stipulation 1 above) in the 1991-1993 period.

D. Phase I findings in Kansas as previously reported and the role of this present report

The Kansas' Phase I report, included in the 1991-1993 state juvenile justice plan, contained data that was highly suspect and questionable. Phase I findings reported earlier (Advisory Committee on Juvenile Offender Programs 1993: Appendices C and D) were based on the Juvenile Justice Information System data for only the first six months of 1989, *Crime in Kansas* arrest data for CY 1989-1992, Social and Rehabilitation Services data on juvenile offenders in the custody of the secretary of that department at the end of each of FYs 1988-1992, and juvenile offenders in state training schools (youth centers) at the end of FY 1988 through 1992. These data strongly suggested that minority youths were disproportionately confined in Kansas (Advisory Committee on Juvenile Offender Programs 1993: 75-83) and that the juvenile justice system contributed to that overrepresentation. Pertinent portions of these findings have been included as Appendix E to this report. It is clear, however, that these data do not adequately describe, at least at the desirable levels of disaggregation, the over-representation of minority youths in confinement in Kansas. Kansas was given added time to prepare a more adequate report, that is, catch-up time. In effect, this report replaces that material as the phase I study.

E. Problem of meaning of "disproportionate"

It is clear in the law and regulations quoted above that disproportionate minority confinement, for the purposes of this study, simply means that the proportion of those confined who are African-American, Hispanic, Asian/Pacific Islander, or Native American is higher than the proportion of the at risk category (those 10-17 years of age) counted as belonging to the respective minority group in the 1990 census of the state or a portion of the state. Reports from other states have accepted this definition, of course (see, for example, Bortner, Burgess, Schneider, and Hall 1993: 10). Thus, the disproportionality with which we are concerned is irrelevant to issues of justice, i.e.,

whether or not people are being punished in accord with some particular standard of rightness. Our concern, for the purposes of the national mandate, is only, in phase I, the degree to which disproportionate confinement of youths of minority extraction, as defined, exists.

II. LOCATING DISPROPORTIONATE CONFINEMENT OF MINORITY YOUTHS

A. Minority confinement data and data sources

Minority confinement data may be found in 1) the Kansas Juvenile Justice Information System data maintained by the Kansas Bureau of Investigation's Statistical Analysis Center. These data include records of most of the juvenile justice transactions about youths, beginning with a decision by a police officer to "do something" through final disposition by the juvenile court.¹ Data for 1985 through 1992 are available, but only data for 1989 through 1992 are presented below. We have also used for this report 2) The Department of Social and Rehabilitation Service's Child Tracking System, providing point in time data for the end of FY 1989 through 1992. Unfortunately, it appears there is no realistic way to merge the KJJIS and CTS files. The Child Tracking System files are used in this report only to report disproportionate confinement in the state's training schools.

Attached as Appendixes A,B,C, and D are slightly modified versions of a nearly completed "Disproportionate Minority Confinement Index Matrix" (Community Research Associates 1990: n.p. and Advisory Committee on Juvenile Offender Programs 1993(?): Appendix D) for Kansas as a whole, each MSA in the state, each of the state's thirty-one judicial districts, and each county in which the total minority youth population is one percent or more of the population at risk for processing in the juvenile justice system according to 1990 US Census data. The years chosen for analysis are those surrounding that census year, 1989 through 1992.

Our narrative presentation of the data found in the above mentioned appendixes is divided into four sections: limitations of the data to be presented, explanations of terms and data in the tables, geographical analysis of the data, and conclusions from the data at hand. This part of the report ends with suggestions for changes in the data system to

¹Since a number of counties in the state have no detention and/or correctional facilities, youths from these counties may be counted under the county where the detention and/or correctional facility is.

make measurement and monitoring of the disproportionate confinement of minority youths simpler than it is now.

B. Limitations of the data to be presented

1. The line in each of the supporting tables in the first four appendixes for "Correctional Facilities" does not include any data for individuals confined in the state Youth Centers. Rather, we have put those data on a separate line in each table, for their meaning is different from the data on the other lines in the tables. The data on Youth Center populations are for those in the Youth Centers on a particular date. It is virtually impossible, in fact, to acquire total admissions data for the period covered in the tables presented here, namely 1989-1992. The Child Tracking System on which our Youth Center figures are based was a "point in time" system in which all previous placements were totally lost from the electronic record. Thus the Youth Center data presented below are not cumulative data for a year as are data in other rows. Since, however, youths average about six months' stays in Youth Centers, a rough estimate of the numbers of youths who go through the Youth Centers in a year could be obtained by doubling the numbers presented.

2. The data included in the state, MSA, judicial district, and county tables under "correctional facilities" are for admissions to other places classified by the KBI as correctional facilities (coded C) and, thus, *called* correctional. The label reflects varying definitions on the part of facility operators and data coders.

3. At any given time, some youths may be "confined" in level V or VI group homes, the "Screening Unit" for mental health evaluation, or in a secure ward in a state hospital. It appears from Child Tracking System data that the total so confined at a given time is usually about 160, mostly in level V group homes which are not, strictly speaking, secure confinement. No data are presented in this report about the racial composition of the occupants of these facilities.

Further, it appears impossible at this point to determine the *level* of confinement for individuals at the various private homes for youths in the state. At this point we have plans, nevertheless, to count confined youths in private facilities in phase II of this project.

C. Explanations of terms and data in the tables

Race/Ethnicity is referred to by the terms most typically used on the juvenile justice system forms, not necessarily by those currently considered most appropriate. When an individual's minority race/ethnic group is identified on the pertinent forms, an individual is classified with that minority. When an individual's race/ethnicity is given as Euro-American (non-Hispanic), not identified, and/or race is classed as "other," that person was assumed to be Euro-American, non-Hispanic.² Thus, the numbers listed as Euro-American, Black, Native American, and Asian add up to the total number of records in the row, and Hispanic is treated as a subdivision of Euro-American.

Total Observations when the row refers to a juvenile justice system action (an arrest, a lockup, etc.) is the total number of records appearing in the cited source, including any repeated appearances of individuals. Thus, in the state table for each race and ethnicity for 1989, the number 16,382 means that the cited source contains 16,382 arrest reports, including any re-arrests of individuals in the year. The *Total Observations* in the rows titled *Population at Risk*, are the total number of youths in the cited jurisdiction who were 10 through 17 years of age according to the 1990 Modified Age, Race, Sex and Hispanic Origin (MARS) census data file.

Total in Group means the number of records of youths 10 through 17 said on the records to be in a particular race/ethnic group who fell into the category indicated by the row. Thus, for example, in 1990 there were only 3,384 Native American youths 10-17 in Kansas, and there were 154 records of arrests of Native American youths in that year.

Percent Group is the *Total in Group* divided by *Total Observations* in each row of each table. For example, for African-Americans for the arrest row for the state as a whole in 1991, 2,585 divided by 15,668 gives the percent of the juvenile arrests that were of African Americans aged 10 through 17 that year, i.e., 16.50%.

Index is the *Percent Group* for a particular system action divided by the *Percent*

²For example, at the jail level of analysis, the racial breakdown in the dataset was as follows: blank=0, A=763, B=14,129, I=528, U=172, W=37,096, and X=2. We know that A stood for Asian, B stood for black, I stood for Native American, and W stood for white. It is not clear what U or X stood for, but they were counted as white. The result of including the U and X categories as white increases the white percentage of the total from 70.4 percent to 70.7 percent.

Group for a *Population at Risk* in the same column on the same table. To illustrate, for 1992 the percent of all arrests in the state as a whole that were of African-Americans (17.40%) divided by the percent of all youths who were African American according to the 1990 record (7.12%) yields an index of 2.44. Index numbers under 1.00 mean a group is under-represented in a system action compared with the proportion the group makes up in the general population, while index numbers over 1.00 indicate over-representation.

Secure Detention Facilities, Correctional Facilities, Adult Jails, and Adult Lockups, i.e. placement of a youth's record into rows two, three, four, or five in the tables is based primarily on the title given an agency or facility in the most recent listing of agencies (ORI codes) used to code the locations of actions into the KBI's Juvenile Justice Information System. All places which confine youths temporarily in the state of Kansas are supposed to submit a *Jail Admission Report* on each individual confined. Our figures for these rows are entirely from the *Jail Admissions* file (JUPJAI) in the KBI's Juvenile Justice Information System. Thus, if a place reporting an admission is called a lockup, we conclude the youth was detained in a lockup. If the place is called a detention facility (or some title which indicates it is a temporary holding place for juveniles only), we consider the youth detained in such a facility. If the place is called a *jail*, we assume this means the juvenile was detained in an adult jail. Note that this categorization has very little to do with the laws and regulations about where juveniles may be held. Most of those booked into jails were there less than the legal maximum of six hours.

Juveniles Arrested refers to all juveniles for whom arrest reports were completed by police personnel, forwarded to the Statistical Analysis Center, and keyed by SAC personnel onto the data tape. This includes Children in Need of Care--Not Abused or Neglected, some traffic offenders, and a variety of other, usually minor offenders as well as juvenile offenders.

D. Geographic analysis of minority confinement

1. *Distribution of the Population at Risk*

Statewide, Kansas has a total of 276,924 persons who fall into the category of population at risk which represents slightly more than 11 percent of the total Kansas population. Of the population at risk, 90.0 percent are Euro-American while 7.1 percent

are African-American, 1.2 percent are Native-American, and 1.6 percent are Asian. (See Table 1 for the total counts for each group and for similar data for each MSA in Kansas.) Kansas has four MSAs, two of which are comprised of only one county (Topeka MSA and Lawrence MSA) and two of which have several counties within their area (the Kansas side of the Kansas City MSA and the Wichita MSA.) These four MSAs represent 53.8 percent of the total population of the state but only 53.3 percent of the population at risk within the state. The MSAs have a larger percentage of minority race population at risk, 14.2 percent, but the same percentage of the population at risk that is Hispanic, 5.0 percent.

The Kansas portion of the Kansas City MSA is the largest of the MSAs in Kansas and has about 25 percent of the Kansas population at risk. Although the Kansas City, Kansas MSA consists of four counties, Johnson, Leavenworth, Miami, and Wyandotte, Johnson and Wyandotte Counties have about 85 percent of the population at risk and almost 90 percent of the minority youths at risk. Johnson County is almost 95 percent Euro-American while Wyandotte County is only about 63 percent Euro-American and is the county with the largest number of African-Americans in the at risk population. The second largest MSA in Kansas is the Wichita MSA which is composed of Butler, Harvey and Sedgwick Counties. However, the Wichita MSA is dominated by Sedgwick County which has more than 80 percent of the population at risk for the whole MSA. The remaining two MSAs are the Topeka MSA which has less than one-third the number of persons in the population at risk category as does the Wichita MSA, and the Lawrence MSA which has less than one-half the population at risk that the Topeka MSA has.

Over-representation of minority youth in the juvenile justice system is not uniformly distributed across Kansas. To illustrate this, we will first investigate the four MSAs in Kansas for over-representation. Then we will examine Finney County, the western Kansas county with the largest population and the county with the greatest proportion of Hispanic youth.

TABLE 1
THE DISTRIBUTION OF THE POPULATION AT RISK:
STATEWIDE AND IN METROPOLITAN STATISTICAL AREAS

	Statewide		All MSAs Combined	
	Number at Risk	Percent of Total	Number at Risk	Percent of Total
Euro-American	249,268	90.0%	126,600	85.8%
African-American	19,723	7.1%	16,152	10.9%
Native-American	3,384	1.2%	1,767	1.2%
Asian	4,549	1.6%	3,098	2.1%
Hispanic*	13,941	5.0%	7,438	5.0%
Total Population at Risk	276,924		147,617	

	Kansas Portion of the Kansas City MSA		Lawrence MSA	
	Number at Risk	Percent of Total	Number at Risk	Percent of Total
Euro-American	58,393	85.3%	5,887	88.7%
African-American	8,368	12.2%	408	6.1%
Native-American	394	0.6%	216	3.3%
Asian	1,335	1.9%	128	1.9%
Hispanic	3,017	4.4%	217	3.3%
Total Population at Risk	68,490		6,639	

	Topeka MSA		Wichita MSA	
	Number at Risk	Percent of Total	Number at Risk	Percent of Total
Euro-American	15,292	86.0%	47,028	86.0%
African-American	2,022	11.4%	5,354	9.8%
Native-American	302	1.7%	855	1.6%
Asian	174	1.0%	1,461	2.7%
Hispanic	1,111	6.2%	3,093	5.7%
Total Population at Risk	17,790		54,698	

*Hispanic are not an exclusive minority: a juvenile can be Euro-American Hispanic, African-American Hispanic, Native-American Hispanic, or Asian Hispanic. As a result, the first four percentages add to about 100% with any difference between the sum and 100% being due to a rounding.

2. *Statewide minority confinement*

The statewide table for Kansas indicates that Euro-American juveniles are under-represented at every stage of the juvenile justice process. On the other hand, African-American juveniles are over-represented at every stage of the juvenile justice process. In 1989, 1990, and 1992, Native-American youths are slightly over-represented in correctional facilities, and in 1990 and 1991 they are over-represented in Youth Centers. Asian juveniles are slightly over-represented in Detention Facilities in 1989 and 1991 and slightly over-represented in Adult Jails in 1991. However, by 1992, Asian youths are much more over-represented in Adult Lockups and Adult Jails, and are still slightly over-represented in Detention Facilities. Hispanic youths have experienced a general trend of greater over-representation in 1992 than in 1989. For examples, the index for arrests has increased from 0.78 in 1989 (under-represented) to 1.70 in 1992 (over-represented).

3. *Kansas portion of the Kansas City MSA*

Within the Kansas City, Kansas MSA, African-Americans are consistently over-represented at every stage of the juvenile justice process, while the other minorities are only occasionally over-represented. In Johnson County, the African-American youth population is significantly over-represented while Asian youth are only occasionally, slightly over-represented. Between the large over-representation of African-Americans and the nearly consistent under-representation of the Asian youth lies the consistently but moderate over-representation of the Hispanic youth. In Wyandotte County, with its much higher proportion of minority youth, particularly African-American youth, the degree of over-representation of minority youth is much lower than in Johnson County. For example in Wyandotte County, the index for African-American juvenile arrests is consistently within the 1.4 to 1.55 range, and the index does not change through the juvenile process. In Johnson County, the arrest index is in the mid 3.0s and rises as African-Americans move through the juvenile process.

4. *Wichita MSA*

Over the four year span of juvenile justice data we have, Euro-Americans are occasionally over-represented at a few stages in the juvenile justice process, but this over-representation is only slight when it does occur. The highest index rating that Euro-Americans receive is 1.14 for Adult Jails in 1990. The data for minorities are confusing. The index for African-American Arrests has dropped significantly from 2.44 in 1989 to 0.67 in 1992, from significant over-representation to

significant under-representation. At the same time, the index for Correctional Facilities and Youth Centers has increased, indicating even more over-representation. Native-Americans are under-represented at the Arrest level, but are over-represented at the Adult Jails and Youth Centers, and in 1992 they are slightly over-represented. Asian youth are only over-represented in two instances: Detention Facilities in 1989 and Adult Jails in 1992. Hispanic youth are more over-represented in 1991 and 1992 than in 1989 and 1990. In 1991 and 1992 they are over-represented in Adult Jails and Youth Centers. The dominant county in the Wichita MSA is Sedgwick which has more than 80 percent of the population at risk for the MSA, more than 95 percent of the African-Americans, more than 85 percent of the Native Americans, more than 95 percent of the Asians, and almost 90 percent of the Hispanic youth. The same trends identified above for the Wichita MSA are descriptive of the population at risk in Sedgwick County.³

5. *Lawrence MSA*

The Lawrence MSA is the smallest MSA in Kansas and is composed only of Douglas County. The Lawrence MSA also has the smallest proportion of minority population at risk. Because of problems with the data for 1991 and 1992, we will only describe the data for 1989 and 1990.⁴ Euro-Americans were never over-represented at any stage in the juvenile justice process in 1989 and 1990 while African-Americans were always over-represented in every stage of the process active in the Lawrence MSA. Not only were African-Americans over-represented, but as the process moves from arrest to Adult Jail or Youth Center, the degree of over-representation increases. Native Americans only show up in the arrests and are only slightly over-represented. Asians also only show up in the arrest records except for one who was sent to Adult Jail in 1990, and they are also only slightly over-represent in 1989 and slightly under-represented in 1990. Hispanics are strongly over-represented in arrests, but except for 3 sent to Adult Jails in 1989, they also do not show up anywhere else in the juvenile justice process.

³A close look at the table for the Wichita MSA (page D.7) could cause the reader to question the validity of the data. In 1989, a total of 3,974 juvenile arrests occurred in the Wichita MSA. The next year the figure drops to 2100 and then drops dramatically again in 1991 to 1204. Finally in 1992, the figure is 1101. The 1992 arrest figure is less than 30 percent of the 1989 figure. We do not have an explanation for the drop, but we do not believe it has anything to do with a drop in crime of this magnitude. We have found several other examples of data anomaly which we will point out in the appropriate places.

⁴An example of the data problems: arrests went from 419 in 1989 to 532 in 1990 to 158 in 1991 to 39 in 1992. The county juvenile prosecutor confirmed that the 1989 and 1990 data is much more reasonable.

6. *Topeka MSA*

The Topeka MSA, Shawnee County, is about one-third the population size of the Wichita MSA and about twice the size of the Lawrence MSA. The Euro-American youth are under-represented at every stage in the process for every year under investigation.⁵ The African-American experience is exactly the opposite: their youth are over-represented at every stage in the process with the over-representation increasing as the process moves from arrest to Correctional Facilities and Youth Centers. In addition, the trend over time is for the over-representation to increase for African-American youth. Native-American youth are slightly over-represented in Youth Centers in 1990 and 1991. Because of their small numbers in the Topeka MSA, Asian youth rarely show up in the statistics, but when they do, one youth in a Youth Center or an Adult Jail moves their index over 1.00. Only in Youth Centers in 1989 are Hispanics over-represented, and then it is only slightly.

7. *Finney County*

We have included a discussion of Finney County because it has the largest population of any western Kansas county (33,070 people in 1990), and it has a sizable Hispanic population, 27.6 percent of its population at risk.⁶ Euro-Americans are not over-represented in any stage of the juvenile justice process. African-Americans are barely one percent of the population and are over-represented in arrests in every year and are over-represented at other stages in 1989 and 1990. Native Americans are also only about one percent of the population and they hardly show up in the statistics. Asians outnumber African-Americans and Native-Americans combined and are consistently under-represented. Hispanics are consistently over-represented in the juvenile justice process, and that over-representation has increased from 1989 to 1992. However, the index only

⁵We are not sure whether a problem exists with the Topeka MSA data or not. Arrests rose from 946 in 1989 to 1205 in 1990, then jumped to 1972 in 1991 and then rose slightly again to 2071 in 1992. The increase of over 100 percent in arrest over only four years is suspicious, but can be justified. Beginning in 1990 and 1991, juvenile gang activity increased in Topeka, and after the experience that Wichita had with this problem in the late 1980s and early 1990s, the Topeka city government took a firm stand against the gang related violence. This might explain the jump in arrests from 1990 to 1991.

⁶The problem with Finney County data is comparing it to other counties. For example, Finney County has about one-fifth the population of the Topeka MSA but had about the same number of juvenile arrests in 1989. Finney County has less than half the population of the Lawrence MSA but has more than twice the number of arrests in 1989.

goes above 2.0 once, Adult Jails in 1992. Besides Finney County, there are several other southwest Kansas counties that have a sizable portion of their at risk population that is Hispanic; for example, Ford County, Grant County, Morton County, Seward County, Stanton County, and Stevens County. However, Finney County has the greatest number of Hispanics, and the greatest portion of its population is Hispanic.

E. Conclusions

1. Euro-Americans are consistently under-represented in confinement in each year for which data are presented, and, furthermore, the degree of under-representation is increased by the operation of the juveniles justice system from arrest to confinement. The index figure is decreased from about .8 to about .65 in the state as a whole, each of the MSAs, and most of the judicial districts and counties where there is a sizeable minority population. In many of the counties, of course, the minority population is too small to change this index number, but, in addition, in most of those counties, minority youths have not been arrested at all.
2. African Americans are consistently over-represented in confinement by a factor approaching five each year, and, furthermore, the degree of over-representation is increased by the operation of the juvenile justice system from arrest, at which point the over-representation is only by a factor of about 2.5. The concentration seems to have disappeared in some counties, such as Cowley and Riley Counties. The contribution of the juvenile justice system to this concentration seems to be relatively small in the Wichita MSA and, of course, Sedgwick County.
3. Although the Native American youths and Asian youths are under-represented in arrest statistics and confinement statistics, the degree to which they are under-represented is decreased by the operation of the juvenile justice system. This pattern is indicated by the rise in the index figures from arrest to confinement, suggesting the juvenile justice system increases the proportion of these two categories to be punished.
4. Hispanics across the state actually experience a juvenile justice system which increases their under-representation (lowers their proportionate presence) in the juvenile justice system as they move from arrest to confinement, in general. The pattern holds across MSA's and lower population areas where there is a relatively large Hispanic population, such as Seward, Finney, and Ford Counties. The exception appears to be confinement in the Youth Centers where it appears Hispanics are slightly over-represented and that this over-representation is increasing.

5. The degree of over-representation of minority youths in confinement is quite similar in local and state Youth Center facilities. This is to be expected, since Youth Center inmates are largely drawn from those initially confined in local facilities.

6. In Brown County, Native Americans are over-represented, but not in other areas of the state in which Native Americans are relatively numerous, such as Jackson County, which contains the only reservation in Kansas, and Douglas County, which contains Haskell Indian Nations University,

F. Suggestions for changes in the data system

The most obvious need regarding juvenile records in Kansas is unification. A new records system is being developed at SRS. It should incorporate the past record systems, the CTS used in this report and the Family Agenda Monitoring Elements in use at the present time. This system should be made conversant with the KBI's Juvenile Justice Information System and with the case files maintained by the Office of the Judiciary, especially the file which includes waiver hearings and the file on probation cases. Actually, as researchers, we would prefer a single, massive record system. However, the volume of data available would be greater than each agency needs. In addition, there are some ethical considerations which should be taken into account when creating records systems. In general, the bigger they are the more threats there are to privacy and to reputations.

A second, less obvious need is for additional skilled personnel working on the KJJIS at the KBI. Large portions of the data received are not entered on the data tape. In addition, it would be ideal, for research purposes, to organize the data by person (offender based) rather than data source. A second choice for organization, and one which some KBI personnel favor, is an incident based system, a choice which allows all the information about an incident to be dealt with at the same time, but this is distinctly second best for research purposes. Each time disproportionate minority confinement is monitored, a research project will be required, so what we have specified as ideal for research would also be ideal for monitoring the system.

A third, still less obvious need is the inclusion of added information on some of the forms agencies send in to central data collecting points. These legally "irrelevant" pieces of data are not "supposed" to be taken into account in juvenile justice decisions, at least not in Kansas since Jan. 1, 1983 when a legalistic juvenile code went into effect. By their omission on the reporting forms, however, it is impossible to tell whether they are affecting decisions. The situation is analogous to

our having left "race" or "ethnicity" questions off of employment applications, thus making it impossible to tell whether or not affirmative action goals were being attained in the late 1970s and early 1980s. The items of information crucially needed are estimates of family income (or some other proxy for social class), the juvenile's school performance (a simple GPA for the last year would suffice), and the family status of the juvenile (preferably both something about the relationship of the parents to each other and their relationship to the juvenile). In addition, some process needs to be developed for tracking juveniles who are automatically waived to adult courts. At present, information only exists for those individuals who are waived to adult court after a waiver hearing.

III. PLANS FOR THE PHASE II REPORT

The phase II report will focus on those racial categories and geographical areas in which the Phase I report revealed the presence of disproportionate minority confinement. The two goals of the phase II report are to estimate the degree to which the juvenile justice system is responsible for the disproportionate confinement of minority juveniles at each stage of the juvenile justice process, and to make recommendations for community-based programs which would be expected to relieve this disproportionality.

The Phase II report will extend the phase I report by:

1. Locating the points in the juvenile justice process⁷ at which the disproportionate racial minority confinement discovered in phase I is produced, including refinements in the description of disproportionality by
 - a. Separate analyses for males and females, and
 - b. Data on confinement in private facilities;⁸
2. Determining the contribution of race and gender in the complex of factors leading to disproportionate minority confinement, i.e. "explaining" the over-representation with indirect legal, indirect non-legal, cumulative, and residual race and gender variables in logit analyses;

⁷Analyses of waivers to adult court will be added. Even though data on these waivers are called for in the KJJIS data, the waivers are not being keyed in the data sets. We are looking for the pertinent data for this issue.

⁸It is obvious that these data are available (Krisberg, DeComo, Herrera 1992), so we will determine whether the NCCD data files or a survey of these facilities in Kansas will provide the better data.

3. locating existing community programs designed as alternatives to secure confinement of juveniles;
4. identifying the population served by JJDP-supported programs; and
5. making recommendations for community-based programs which might relieve disproportionate confinement of minority youths.

To enrich our analysis of the juvenile justice system in Kansas, we will use additional sources of data beyond what has been used in this phase I report. The additional sources of data include:

1. Data on the calls to the police for service (911 calls) in Lawrence and Wichita.
2. Court records data from the juvenile offender files collected by the Kansas Criminal Justice Coordinating Council. This data was collected as a result of a legislative mandate to analyze the process of commitment to state training schools. Thus, Council personnel collected data only on cases which were adjudicated and disposed of and only in FY 1994. These data were drawn from 30% random samples of the juvenile offender files in six counties — Finney County, Saline County, Sedgwick County, Thomas County, Wilson County, and Wyandotte County.
3. To the above database we have added data from the juvenile court offender files in Johnson County. The addition of Johnson County data supplements the Coordinating Council's data with the addition of a suburban county (an imperative inclusion, Pope and Feyerherm 1993: 11).
4. Data on confinement in private facilities is provided by the *Census of Public and Private Juvenile Detention, Correctional, and Shelter Facilities* available from the National Archive of Criminal Justice Data.⁹
5. We will survey the social services directors in each SRS area office and chief court services officers from each district court about the non-detention programs presently in operation.

We will continue to use the two sources of data for the phase I report: the Kansas Juvenile Justice Information System maintained by the Kansas Bureau of Investigation's Statistical Analysis Center, and the Department of Social and Rehabilitation Service's Child Tracking System data. The KJJIS includes records of most of the juvenile justice transactions about youths, beginning with a decision by a police officer to "do something" through final disposition by the juvenile court. The CTS provides point in time data for the end of FY 1989 through 1992. Unfortunately, it appears

⁹Krisberg, DeComo, and Herrera (1992) used this source to prepare their national reports on the confinement of youths.

there is no realistic way to merge the KJJIS and CTS files.

Each of these data sources has some particular drawback, but combined we feel that we will be able to get an adequate picture of the juvenile justice process in Kansas. Our basic approach will be to use the KJJIS and CTS databases to complete the suggested matrixes for phase II reports for those areas with minority overrepresentation. However, because of the limitations of this database, it would be very difficult to use it to establish any causal relationships. Instead we will use the court records data to investigate causal relationships between minority status and treatment by the juvenile justice system. These data are offender based. We only have this data for seven counties, but these counties include the two counties with the largest African-American population-at-risk and the three counties with the largest Hispanic population-at-risk in Kansas.

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