

Using Data to Promote Equity in Juvenile Drug Treatment Courts

A Technical Assistance Brief



Using Data to Promote Equity in Juvenile Drug Treatment Courts

A Technical
Assistance
Brief

09/26/2022

Author

Logan A. Yelderman, Ph.D.

Acknowledgements

This technical assistance bulletin is a publication of the National Council of Juvenile and Family Court Judges (NCJFCJ). The NCJFCJ wishes to acknowledge that this material is made possible by 2015-DC-BX-K001 awarded by the Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice. Points of view or opinions are those of the authors and do not necessarily represent the official position or policies of the U.S. Department of Justice or the NCJFCJ.

Reproduction of this publication for non-commercial education and information purposes is encouraged. Reproduction of any part of this publication must include the copyright notice and attribution:

Suggested citation: Yelderman, L. (2022). *Using Data to Promote Equity in Juvenile Drug Treatment Courts: A Technical Assistance Brief*. Reno, NV: National Council of Juvenile and Family Court Judges.

The National Council of Juvenile and Family Court Judges® (NCJFCJ) provides cutting-edge training, wide-ranging technical assistance, and research to help the nation's courts, judges, and staff in their important work. Since its founding in 1937 by a group of judges dedicated to improving the effectiveness of the nation's juvenile courts, the NCJFCJ has pursued a mission of providing all judges, courts, and related agencies involved with juvenile, family, and domestic violence cases with the knowledge and skills to improve the lives of the families and children who seek justice.

For more information about the NCJFCJ or this document, please contact:

National Council of Juvenile and Family Court Judges
P.O. Box 8970
Reno, NV 89507
www.ncjfcj.org

©2022, National Council of Juvenile and Family Court Judges. All rights reserved.



Purpose

Juvenile drug treatment courts (JDTCs) are unique programs within the juvenile justice system that serve the needs of youth with concurrent delinquency and substance use.

The *Juvenile Drug Treatment Court Guidelines*¹ urge teams to:

1. Use eligibility criteria that promote equity of access for all youth (see OJJDP Juvenile Drug Treatment Court – Guideline – 2.5); and
2. Facilitate equivalent outcomes for all youth once they are in a juvenile drug treatment court program (see OJJDP Juvenile Drug Treatment Court – Guideline 7.1).

The purpose of this *Technical Assistance Brief* is to provide JDTC teams with an overview of how to collect, analyze, and respond to program-level data regarding racial equity in three primary areas: admission to the juvenile drug treatment court program, responses to youth while in the program (e.g. incentives and sanctions, case planning, etc.), and graduation/termination decisions.

Racial inequalities and bias against individuals of color have an impact on many aspects of society; this is particularly true of the justice system where inequities remain a considerable problem. Because of this reality, everyone within the justice system, including JDTC team members and service providers who work with a JDTC program, has a role in working toward racial equity and reducing (and eliminating) disparities.

While data cannot create equity, they are an important tool in helping the justice system understand and respond to inequities. JDTCs can use program-level data to identify disparities in program opportunities (incentives, access to pro-social activities, etc.) and outcomes. Equally important, teams can also use data to develop strategies to change practice to achieve racial equity and promote success for youth of color.² Establishing practices that ensure fairness and justice within JDTCs will lead to better outcomes for youth and families while increasing the overall effectiveness and validity of such programs. This brief provides steps for JDTC programs to take to use data to improve practices and decisions. It includes strategies for fostering equity, and an example of a JDTC using data to improve equity. With this guide, courts can evaluate their own processes, and determine if and where in their programs racial and ethnic disparities exist. Courts will learn how to use data to understand decision points that may create disparities and how to use data to implement and sustain changes that promote equity in processes and outcomes.

1. *Juvenile Drug Treatment Court Guidelines* (2016). Office of Juvenile Justice and Delinquency Prevention. Available at <https://ojjdp.ojp.gov/sites/g/files/xyckuh176/files/pubs/250368.pdf>

2. Youth of color refers to youth who are not of Caucasian-Non-Hispanic ethnicity. This typically includes youth of African-American, Asian-American, Latino, and American-Indian or Alaska-Native descent.

The specific purposes of this *Technical Assistance Brief* are to:

- Describe the extent of the problem of racial and ethnic disparities in Juvenile Drug Treatment Courts (JDTC)
- Discuss decision-making processes that can promote or prevent equity
- Provide steps for collecting and analyzing data
- Explore possible solutions if racial and ethnic disparities are identified in data

Brief Overview of Racial and Ethnic Disparities in JDTCs and the Extent of the Problem

While there is limited research relating to disparities in JDTCs, the available research does suggest there are significant disparities for youth of color.³ Understanding the different experiences of youth of color can help to identify, explain, and address any disparities found in JDTC data. Later in this brief, we will provide an example from Montgomery County, Ohio where the team identified disparate outcomes in their JDTC and made programmatic changes to address them. Prior research on disparities provides practitioners and courts with a foundation from which to work. But it is more important for JDTC programs to examine their own policies and procedures and focus on collecting and responding to their own data to impact change.

The Language of Racial and Ethnic Equity

It is important to understand what racial and ethnic equity means and why we should evaluate race and ethnicity data in JDTCs. People often use different terms related to (in)equity, and it is crucial to understand what each term means. Therefore, for the purposes of this brief, we define several below.⁴

Equity is the policy of being fair and impartial. This differs from equality, which just means things that are the same. **Disparity** simply means difference. **Disproportionality** is when the proportion of something in one event or situation is not consistent with the proportion in another event or situation. It can be thought of as a difference in differences.

3. Mitchell, O., Wilson, D. B., Eggers, A., & MacKenzie, D. L. (2012). Assessing the effectiveness of drug courts on recidivism: A meta-analytic review of traditional and non-traditional drug courts. *Journal of Criminal Justice*, 40(1), 60-71; Stein, D. M., DeBerard, S., & Homan, K. (2013). Predicting success and failure in JDTCs: A meta-analytic review. *Journal of Substance Abuse Treatment*, 44(2), 159-168; Stein, D. M., Homan, K. J., & DeBerard, S. (2015). The effectiveness of juvenile treatment drug courts: A meta-analytic review of literature. *Journal of Child & Adolescent Substance Abuse*, 24(2), 80-93; Tanner-Smith, E. E., Lipsey, M. W., & Wilson, D. B. (2016). Juvenile drug court effects on recidivism and drug use: A systematic review and meta-analysis. *Journal of Experimental Criminology*, 12(4), 477-513. Carter, W. C., & Barker, R. D. (2011). Does completion of juvenile drug court deter adult criminality? *Journal of Social Work Practice in the Addictions*, 11(2), 181-193.

4. For examples of each term, please see Appendix A.

If agencies want to assess the equity of their work and understand if and where disparity and disproportionality exist, they must collect and analyze data. The assessment can support JDTC practices and identify areas to improve.

The next sections of the *Technical Assistance Brief* address how to collect, analyze, and respond to racial and ethnic equity data.

The Importance of Collecting, Analyzing, and Responding to Data

To answer any question related to racial and ethnic differences, courts need to collect race and ethnicity data for their program in order to analyze it at any points of interest. Generally, this information will be collected at intake and referral, but the JDTC should ensure that the information provided is correct. Without having race and ethnicity data, courts will not have a way of accurately and consistently assessing racial and ethnic equity. For example, if a JDTC wants to know if there are racial differences in referrals, the court needs to collect race data for all youth referred. Also, if JDTCs want to compare their race and ethnicity data to other organizations or institutions within their juvenile justice system (for example, comparing the data for youth in the JDTC with the youth in the detention center), then they need to be able to access that data. Data sharing agreements can be developed to help with this.⁵

Most JDTCs probably already have some or all of the data they need to begin examining the racial and ethnic differences of the youth they accept into their programs, responses to JDTC participants, and outcomes for participants. Many jurisdictions are required to create reports for the state. Such reports usually consist of data collected on certain variables and at various stages. Before developing an elaborate scheme to collect racial and ethnic data on youth at various stages of the program, JDTCs should first look at the data already available. If some race and ethnicity data are missing or not available, then courts should develop a data collection plan.⁶

5. Wachter, A., Hurst, H., Deal, T., & Thomas, D. (2017). *Collecting Data and Sharing Information to Improve School-Justice Partnerships*. National Council of Juvenile and Family Court Judges. Reno, NV.

6. See Appendix B for a discussion on challenges to data collection and solutions for how to overcome them.

There are two primary reasons why collecting racial and ethnic equity data is important.

First, it allows a JDTC to examine immediate trends based on race and ethnicity. This will prepare JDTCs to respond to what is happening currently in their programs (responding to the “NOW” picture). For example, courts need to know if there are racial or ethnic differences among youth who have positive drug screens.

Second, by collecting data on racial and ethnic equity on an ongoing basis, courts will be able to compare how they are doing at the current moment to how they have done in the past. For example, a court might notice that the high school graduation and GED attainment rate for African-American youth is 75% but was consistently 85% over the last five years. This would indicate a downturn and the court would have the chance to address this change.

In sum, collecting racial and ethnic equity data gives courts an objective basis for knowing what is happening, for understanding the impact of decisions, and for making improvements over time to continue to promote positive outcomes for all youth. Having such objective information is beneficial for the courts and their stakeholders.

Steps for Data Collection

Overview of steps and considerations for data collection

Step 1: Identify those to be involved in collecting or working with data

First, it is important that JTDCs identify stakeholders who should be involved in efforts to collect and use data. Not every single person involved with the program needs to be included, but specifically those involved with data collection should be. It may also be helpful to recruit community members, family members of JDTC youth, and people from communities of color to form focus groups. Such focus groups would give opportunities to express concerns they have about opportunities for success in the JDTC for youth with diverse racial or ethnic backgrounds and identities. Though these focus groups might not pinpoint exactly how to collect data, they might direct attention to certain information worth investigating.

As a step in planning, identify which data are already being collected by the JDTC or by somebody else. Think about data that may be collected as part of JDTC intake as well as by other departments (e.g., juvenile court intake or substance use treatment programs). Some data may be required to be collected by state law or by a funding source. Probation or treatment may already collect some data. Needs assessments that are administered for program eligibility or case planning are also sources of data. Often, there are other data that are not necessarily “collected” but available (e.g., some courts will have a list of past raffle winners when using a raffle for incentives). Though this might not be thought of as data, IT IS!

Next, identify if there are staff who primarily work with data. They might not be directly associated with the JDTC, but they could be tied to the juvenile court system in general. Hopefully, these individuals will voluntarily identify themselves, but sometimes courts need to ask if others are already collecting data. Many times, courts are surprised at how much data are available when they begin to ask. It is important to recognize that all stakeholders need to be involved in data collection; buy-in from families, schools, extra-curricular organizations, law enforcement, and treatment providers is especially desirable, if possible.

Once JDTCs have identified all involved parties, they should identify each person's role in data collection. One person (e.g., the coordinator) might compile all the data but everyone has a role in collection. One of the best ways to assist in data collection is organization. Discussing each person's role in data collection will help create organization and enable a system of accountability. It is useful to hold regular "data check-ins" where everyone comes together and discusses their data collection and barriers to their efforts that might arise. It would be naïve to think that data collection is all smooth sailing once there is a plan. It can be difficult or problematic sometimes and re-grouping is often necessary.

Once all individuals involved in collecting and working with data are identified, schedule a meeting to bring these individuals together to develop a data plan specifically to help the JDTC understand and address any racial or ethnic disparities in program access, processes, or outcomes. Use the steps below to help develop the plan.

Step 2: Identify goals for collecting data (Data Sharing Vision)

Courts absolutely must have clearly defined goals, expectations, and roles of everyone involved in data collection. Make sure this is done with precision. JDTC team members and other stakeholders and involved parties need to know exactly which data to collect, in what form, and at what capacity. Include parents and youth in the data collection process if possible. JDTCs can ask parents what they think contributes to their child's success in the program and what information they think the JDTCs should know about their kids. Courts can also ask for parents' input on how to ask questions of the youth. Conduct focus groups and interviews if necessary. Clearly explain any aspects of anonymity and confidentiality of the data. Create data sharing agreements and confidentiality agreements with the appropriate stakeholders. Lastly, everyone involved in the data collection process should know exactly which data to collect and how it ties to the JDTC's goals.

Step 3: How to collect data

When collecting data, it is important to ask: Does the team already have a data collection software package? Does the team know how to use it? Does someone else the team works with know how to use it? Are there staff members, such as a grants analyst, who does data analysis? Is there a staff member knowledgeable in this area who could give a presentation or hold a training on data for members of the JDTC team?

Many courts use Access or Excel. Both are useful tools, among others. The NCJFCJ has an Excel-based data collection tool accessible here: <https://www.ncjfcj.org/publications/starting-a-juvenile-drug-court-a-planning-guide/>. It provides some initial data collection ideas and an organization format for general data collection. It can be used as a starting point for collecting data specifically on racial and ethnic disparities. If courts need to, they should partner with faculty or researchers at a local college or university for assistance with data collection and analyses. Researchers at local colleges and universities can help in numerous ways. Faculty and students can help courts to identify which data to collect and analyze. They can partner with courts to apply for a grant to help finance data collection and analysis efforts. Oftentimes faculty and students who partner with courts do not charge for their efforts but instead negotiate for data transfer agreements and work products, such as presentations or publications (which can be a cost-effective option for courts).

Another option is to partner with the NCJFCJ. The NCJFCJ has numerous resources and knowledgeable staff that are willing to assist courts develop data plans and collect and analyze data. Courts must think of data collection and analysis as essential and ongoing activities. Data collection and analysis should be fundamental for any program. Data should be reviewed by the entire team at a minimum of three to four times a year. If racial and ethnic disparities are discovered and a change is made, the JDTC team will still need to monitor the data to see if the change made has had the intended effect. Ongoing data collection will help the team to maintain practices that are associated with achieving equity in access, opportunity, and outcomes.

The Process of Analyzing Data

To analyze data, the first step is to identify the variables of interest. Variables are essentially information that share a particular label and can be measured in a specific way. For example, the graduation rate is a variable that represents information about those who graduated and those who did not. It is the number of youth who graduated from the program divided by the total number (combined) of youth who either graduated or did not graduate (i.e., total youth who went through the program). Courts need to identify all relevant variables they are interested in. They also need to be sure they have access to information required to measure them.

Types of Variables

When examining race and ethnicity equity data, courts should be primarily interested in variables relating to the characteristics of youth who may be eligible to be in a JDTC (or youth already in the JDTC) and variables relating to JDTC outcomes that youth might attain. For the purposes of this *Technical Assistance Brief*, youth “characteristics” discussed are specifically race and ethnicity. Most courts will have these variables defined by their juvenile justice system and/or their state. If not, using the most current U.S. Census Bureau race and ethnicity reporting standards is a good way to begin determining how to define race and ethnicity.⁷

Second, courts need to identify the outcome variables in which they are interested (see Table 1). For example, outcome variables relevant to racial and ethnic equity might include referrals, acceptances, petitions, graduation/termination rates, positive drug screens, recidivism rates, or length of program participation. Essentially, outcomes are those that fit in the blank when courts say, “we want to know if there are racial or ethnic differences in _____.” It is also important to assess for disparities in opportunities (e.g., substance use treatment use services that do not have staff with the same racial and ethnic characteristics as the JDTC youth they serve) or experiences (e.g., pro-social activities that do not include connections with cultural centers that relate to the cultural identities and traditions of diverse JDTC youth) that might promote program success or lead to better outcomes for some youth but not for others.

7. See Guidelines for Collecting and Recording the Race and Ethnicity of Juveniles in Conjunction with Juvenile Delinquency Disposition Reporting to the Juvenile Court Judges’ Commission. <http://www.cclp.org/wp-content/uploads/2016/06/11-Guidelines-for-Collecting-and-Recording-Data-2.pdf>

Positive Drug Screens	Court Attendance	School Grades	Truancy
Graduation Rates	Treatment Attendance	Prosocial Activities	Employment
Recidivism Rates	Length in Program	Referrals	JDTC program graduation
Incentives	Sanctions	Petitions	Mentor Meetings
Termination Rates	Length in Each Phase	Acceptances	Supervision Violations

To look at racial and ethnic differences in length of program, for example, courts should compile information on how long it takes each youth to get through the program. Then, courts should compile information on the racial and ethnic characteristics of each youth and then create an average length of days for each ethnic/racial subgroup of JDTC participants. For example (as is presented in Table 2), if a court obtains data that show that American-Indian or Alaska-Native youth take 29 months to complete the program on average, African-American youth take 20 months to complete the program, and Caucasian youth take 18 months to complete the program, it has objective information that indicates differences in the experiences of participants, by race. These differences are worth investigating, particularly with the American-Indian or Alaska-Native youth. These types of comparisons are what courts want to focus on when examining racial and ethnic equity.

Youth in JDTCs	Average Length in Program
Native American	29 Months
African American	20 Months
Caucasian	18 Months

Different Types of Measurements in Outcome Data

There are several ways that variables can be measured. The following measures are the most common. They are “quantitative measures,” which means they are represented by numerical data and help provide an objective picture of the JDTC and youth. Examples are given for each type of measurement, along with tips on how to collect or compile them.

- 1. Counts/Frequencies** are simply the sum total of an occurrence or how frequently an event occurs in a given time period. For example, courts often keep count of how many positive drug screens a youth has during the program. In this case, the number of positive drug screens is the count variable. To assess racial and ethnic equity, courts could analyze the number of positive drug screens that Asian-American youth have compared to African-American youth, Caucasian youth, Hispanic youth, and American-Indian or Alaska-Native youth. If the number of positive drug screens differs across the groups, then courts might want to investigate. Courts might also want to know the number of days per week youth are attending treatment. This frequency can range from 0-7. Although the total count of treatment attendance would be much higher over a six-week period, the frequency per week might fluctuate.
- 2. Rates/Percentages** represent the proportion of a particular event given all possible events. For example, graduation rates are the total number of youths who graduate out of all of the youth who have been in the program. If 100 youth have been through the program (and are no longer in it) and only 68 have graduated, then the graduation rate is 68%. To determine if there are disparities in graduation, graduation rates should be determined for subpopulations of JDTC youth by their race/ethnicity. Continuing with the example with 100 youth, of the 100 youth, 80 are Caucasian; and of the 80, 65 graduate. The graduation rate for the population of Caucasian youth would then be 81%, which is much higher than the overall graduation rate for all youth. And further, of the 100 youth, the program has 20 Hispanic youth; of these youth, 3 graduate. The graduation rate for Hispanic youth would be 15%, much lower than the overall graduation for all youth and much lower for Caucasian youth. Such differences in percentages indicate disparities in graduation rates, which would be problematic and in need of attention. And such disparities would be missed, if the court collected data only on youth graduation without considering the graduation numbers/percentages for different racial/ethnic groups of youth who participate in the program.

3. Averages/Means represent the number of events across numerous occurrences divided by the total number of occurrences. For example, courts might want to assess the average number of days that youth spend in phase one. Thus, the courts would add up the number of days in phase one (event) for each youth (occurrences) and divide that by the total number of youth. If 22 youth spend a total number of 1,043 days in phase one, then youth spend an average of 47.4 days in phase one. To determine differences in average or mean across racial/ethnic groups of JDTC participants, like with the sample above, courts would calculate the average number of days for each racial/ethnic group of youth in the programs.

Sometimes, courts cannot access quantitative data for outcomes in which they are interested. In these instances, courts might want to collect “qualitative data”⁸ through asking youth open-ended questions, focus groups, or interviews. For example, when asking youth if gift cards to certain ethnic food restaurants would be a good incentive, youth of that ethnicity might say yes and youth of another ethnicity might say no. This qualitative data would indicate the potential ineffectiveness of that incentive on youth of a specific ethnicity. Another way to gather qualitative information is by holding a focus group with the parents and asking them questions about how the court is serving their family. Overall, however, gathering quantitative data will better aid courts in addressing racial and ethnic equity.

Most courts have certain ways of collecting data and many have specific software they use. Many courts use Microsoft Access. Other software includes Microsoft Excel or other more sophisticated data analytic software. Some counties and states have their own software for storing and accessing data. It is important for courts to become familiar with these systems so that courts are able to analyze and understand their data. It is also critical that courts have team members tasked with inputting and analyzing data. These roles need to be made clear to each team member.

8. Qualitative data are descriptions of information; qualitative data consist of words rather than numbers.

Data Analysis: What Your Data Can Tell You

Once courts have identified and compiled their data, the next step is to analyze the data. This means that JDTCs refer back to the questions they wanted to answer and use their data to do so. Collecting and analyzing data allows courts to identify potential problems and evaluate whether or not that problem exists in their court. These data can then be used to help develop solutions and provide a framework for monitoring the effectiveness of the solutions. Several questions and data analytic strategies are described below to provide examples of how courts might use data to investigate potential racial and ethnic disparities.



Population Disparities. Knowing the demographic makeup of the community is important as it will allow comparisons of justice-involved youth with general population youth statistics. As mentioned before and detailed below, comparing disparities between justice-involved youth and the overall population will allow for a picture of how equity is addressed throughout the juvenile justice process. For this example, the population statistics of Dane County Wisconsin youth, ages 12-17 (see Table 3) will be used:

Table 3. Population Comparisons for Dane County, WI	
Dane County Population ⁹	Dane County JDTC Population
70.5% Caucasian (non-Hispanic)	30% Caucasian (non-Hispanic)
10.3% African American (non-Hispanic)	50% African American (non-Hispanic)
6.8% Asian American (non-Hispanic)	0% Asian American (non-Hispanic)
.4% American Indian (non-Hispanic)	0% American Indian (non-Hispanic)
11.9% Hispanic	20% Hispanic

The example in Table 3 highlights several disparities between the JDTC population and the county population of Caucasian, African-American, Asian-American, American-Indian and Hispanic youth. In each of these racial/ethnic categories, the JDTC population is disproportionate to the county population. The next question might be, “is the JDTC accepting youth in a disproportionate manner?” If the referral population is 70.5% Caucasian (non-Hispanic), 10.3% African American (non-Hispanic), 6.8% Asian American, 0.4% American Indian (non-Hispanic), and 11.9% Hispanic or Latino of any race, then yes, the JDTC is accepting African-American youth and Hispanic youth at a disproportionate rate. However, if the referral population is 30% Caucasian (non-Hispanic), 50% African American (non-Hispanic), and 20% Hispanic, then courts should look beyond referrals and to the juvenile justice population. Courts can keep doubling back on the path that led youth to their program and try to find out where disproportionality begins. This will help courts identify whether or not there are issues with the referral or acceptance process. Population disproportionality is only one analysis, but there are more analyses and questions courts want answered. Several others are detailed below.

Disparities in Phase Duration. Some courts can learn if youth of different races and ethnicities are spending equal amounts of time in each phase. To assess this, courts need data on the number of days each youth spends in each phase. Then from this number, the court can calculate an average for all youth. The court would also need to calculate an average for the youth of each racial/ethnic group. Similar to drug screens, phase duration averages for each racial/ethnic group of youth can be used for comparison to determine if there are racial/ethnic disparities in this aspect of the JDTC program. For example, a court serves a predominantly Hispanic population. In phase one, Hispanic youth spend 27 days on average in phase one; Caucasian youth spend 33 days on average in phase one; and African-American youth spend 54 days on average in phase one. This suggests substantial disparities in time spent in phase one across racial and ethnic groups. Courts might then want to identify reasons as to why African-American youth are spending more time in phase one.

9. Puzzanchera et al., 2019. “Easy Access to Juvenile Populations: 1990-2018.” Available at <https://www.ojjdp.gov/ojstatbb/ezapop/>; National Center for Health Statistics (2019). *Vintage 2018 postcensal estimates of the resident population of the United States (April 1, 2010, July 1, 2010-July 1, 2018), by year, county, single-year of age (0, 1, 2, ..., 85 years and over), bridged race, Hispanic origin, and sex*. Prepared under a collaborative arrangement with the U.S. Census Bureau. Available online from https://www.cdc.gov/nchs/nvss/bridged_race.html

Disparities in Drug Screens. If courts want to know if there is racial and ethnic equity in positive drug screen results in the first phase, then the proper analysis would be to measure drug screens, for example the average number of drug screen failures (i.e., positive tests) in a given 30-day period. Then, JDTCs can take the total number of positive drug screens for each youth in phase one in a given 30-day period and average the total of positive drug screens and do these calculations for the youth in each racial/ethnic category. In this case, let us say that the breakdown is as follows: Caucasian youth have the highest average number of positive drug screens in a 30-day period at 1.9; African-American youth have the second highest at 1.3; Asian-American youth have the third highest at 0.9; and Hispanic youth have the lowest at 0.8. This would suggest a disparity in positive drug screens by race, and courts should look into why this might occur. Some hypothetical explanations might be that Caucasian youth are screened twice as often, thus the chance of them being screened positive doubles. This is an example of a lack of equity in drug screens. Another explanation might be that drug screens happen right after treatment and Hispanic youth have the lowest treatment attendance rates; therefore, they are missing their drug screen dates.

Disparities in Rates of In-Program Violations. Another example is if courts want to know if there are different rates of in-program violations across racial and ethnic groups. To analyze this, JDTCs first need to be sure to collect data on rates of in-program violations. This starts with defining what an in-program violation is, then counting the total number of in-program violations per youth. Once these totals have been calculated, JDTCs would need to calculate averages for each racial and ethnic group and compare across groups. If certain racial and ethnic groups have higher average rates of violations than others, then the JDTCs should investigate why that is happening.



The Montgomery County, Ohio Story



Implementing practices and processes that address racial and ethnic disparities (RED) often begin by collecting and analyzing demographic data related to graduation and retention rates, as well as treatment engagement/completion. However, there are barriers that impede many JDTC teams' ability to collect and analyze data. The JDTC in Montgomery County, Ohio (Dayton) has had experience with using data to improve opportunities and practices so that youth of color achieve better outcomes. The NCJFCJ interviewed key members of the Montgomery County JDTC to offer an example of the approach that practitioners with one JDTC took to collecting and using data to implement changes that ultimately affected the graduation rates and the treatment engagement and completion of youth of color.

Judge Anthony Capizzi and Tricia Lucido both answered questions and provided detailed information regarding Montgomery County's journey to improve practice and outcomes for the youth they are serving. The responses below detail how the Montgomery County team recognized and addressed racial and ethnic disparities that might exist in your program.

Interview with Judge Capizzi and Court Administrator Tricia Lucido

NCJFCJ – Who was involved in collecting data and recognizing there were racial and ethnic disparities in the graduation rates?

Tricia Lucido – The Juvenile Treatment Court (JTC) Supervisor was solely responsible for collecting data. At that time, we were collecting basic information such as youth, age, charge, race, and success/termination. This information was tracked for every referral and youth accepted into the program. When making a determination of need in the program, a simple glance of the spreadsheets was really all that was needed to suspect we had obvious disparities. The data were then taken from the spreadsheets to be analyzed to prove that our initial thoughts on this were correct.

NCJFCJ – What specifically in the data indicated that there were racial and ethnic disparities?

Judge Capizzi – We could see that youth who weren't successful were coming from two different zip codes, which were predominantly neighborhoods of color. Anecdotally, we could see that there was a problem that we weren't being successful with youth who lived in these two neighborhoods.

NCJFCJ – What specific data did you collect that led you to identify disparities?

Tricia Lucido – The Montgomery County Juvenile Treatment Court (MCJTC) offered equivalent: 1) access to the JTC program; 2) decisions related to termination and retention; and 3) sanctions for similar unwanted behavior to all JTC participants; however, African American youth were successfully completing at much lower rates than Caucasian youth. For example:

- The MCJTC accepted 245 youth during a 3-year period (2011–2014) of which 56% of the participants were Caucasian and 42% were African American.
- During that same period, MCJTC successfully graduated 107 youth, of these youth, 70.1% were Caucasian, while only 29.9 % were African American.

NCJFCJ – Once disparities appeared in the data, what did the team do to understand and address them?

Judge Capizzi – We were surprised when we analyzed the data and realized the problem. It wasn't a setback, though; it was a reality check, and we got to work to make it right. I think we were disappointed that we hadn't caught it without the data. So, we came together pretty quickly once we figured it out – this is a problem, and we can solve it. I don't think the staff took the outcomes personally, which is good. I know that I took it personally...that there were kids in my program who weren't graduating through no fault of their own. We looked for ways to better the odds of graduating for those kids.

NCJFCJ – What challenges existed to reduce RED (racial and ethnic disparities) / improve the experience and outcomes of youth of color?

Judge Capizzi – Financial challenges existed because we had to add services that were targeted for youth of color, so we needed a grant or another stream of funding. Also, we needed to figure out what the challenges were – was it transportation; treatment engagement; language; or culturally appropriate services?



NCJFCJ – What changes did you make based on the data?

Tricia Lucido – We applied for a grant from the Office of Juvenile Justice Delinquency and Prevention (2014) specifically to address this disparity. With this grant, we were able to implement the following activities to affect the disparities shown in the data:

- Addition of Intensive Case Management services that are culturally specific to the African-American population.
- Enhancement of evidenced-based, substance abuse and mental health treatment services by offering The Seven Challenges model.
- Addition of a Care Specialist who coordinated and oversaw treatment planning and the identification of needs through a racial equity lens.
- Aftercare programming for youth and families, and/or other appropriate services in the community.
- Increased the number of African-American mentor recruitments.
- Ongoing training for JTC staff to address the racial and ethnic disparities of African-American youth in the juvenile justice system.
- Collaboration with Montgomery County's Disproportionate Minority Contact (DMC) program.
- Addition of home-based family therapy to address family engagement needs (i.e., Functional Family Therapy).

NCJFCJ – What did you do to overcome the barriers or challenges?

Judge Capizzi – Getting the funding was a huge step! But, we had to have a plan in place before we applied for the grant. We had to have the solutions well thought out before we got the funding, so we could implement. It's important to be selective in going for funding to make sure the funding will actually help the team solve the problem identified.

NCJFCJ – How did you continue to collect data following the changes to determine if the changes were effective?

Tricia Lucido – We had an evaluator assisting us with data collection on a regular basis. However, we did experience an unexpected challenge – while we did see a significant increase in graduation rates for minority youth, we could not say which part of the program or combination of services were responsible for this positive outcome. Currently, we are still offering all of these services despite the fact the grant from OJJDP ended in 2018. The improved outcomes are given below:

Pre and Post Data-Driven Program Changes for Montgomery JDTC by Race		
	Graduation Rate - Prior to Changes	Graduation Rate - After Changes
African-American Youth	39%	59%
Caucasian Youth	72%	74%

NCJFCJ – What data did you collect and analyze to assess whether the changes you made were having the intended impact?

Judge Capizzi – The data that were used prior to the OJJDP grant helped us to determine where our failures were. The data collected after the grant helped us see the improvements in three measures – 1) retention of youth of color in the JTC; 2) that youth of color were progressing through the JTC; and 3) that youth of color were completing the program. These points showed great improvement. Seeing this improvement was a great morale booster for the team. It was important to see that the program could help any child who came into the program. This is of course good for the community, but it is really good for the staff to know that what they are doing is working.

NCJFCJ – What have you done to ensure these changes are sustainable?

Judge Capizzi – We find a way to embed the changes into our practice, so services won't end after the funding ran out. It is so important to think of sustainability from day one throughout the program. You have to continuously think about how this will be able to last – ask “if I get this grant, how can I maintain this long-term?” This is a policy directive in Montgomery County. If we write a grant, we must be able to embed the practices long-term.

Responding to Your Data

Courts can often get to the point of collecting and analyzing data, but they sometimes struggle with how to work with the data. Once JDTCs find disparities or disproportionality in a given outcome or process, they need to begin the investigation as to why it might be the case. It is not enough to say that there are disparities; the goal should be to determine why there are disparities.

1. Dig Deeper

The first step is to dig deeper and find the origin of the issue. This step should include finding out if this was an issue with a few key individual youth or if it seems consistent across all youth of the same race or ethnicity. Take for instance, the example about duration in phase one. If there are 12 African-American youth, and each youth spent between 40 and 60 days in phase one, then it is relatively consistent. In contrast, if three of the 12 youth spend over 100 days in phase one and the rest spent around 30 days on average, then the time spent in phase one is inconsistent across African-American youth and attention needs to be given to the three youth who spent the most time in phase one. It is important to look not only at average stay in this case, but also to look at maximum and minimum stays to examine the size of the range of youth's stay. Most likely, JDTCs want their ranges to be quite narrow, meaning that each youth has a similar length of stay. Looking at ranges will provide the court with information about how much variability there is in its youths' length of stay. It will allow the courts to evaluate whether or not race or ethnicity is a reason why such variability exists. For small JDTC populations, different approaches and analyses might be necessary.

2. Self-Assess

The second step is to self-assess and introspect as a JDTC team. Does everyone share the same vision? Does anyone need training on cultural competence or equity? Does the team need to re-visit their policies and procedures manual? These questions should be answered as a group. Issues that threaten equity can be an opportunity for learning and growth for the team. Is the team, particularly the judge, aware of how youth are treated and if any biases might occur?

3. Identify if the Problem is Recurring

The third step is to determine if this problem has occurred before and how many times. This might require looking at historical trends, which is why collecting data over time is critical to addressing racial and ethnic equity. JDTCs should not simply look at the exact same problem with the exact same group but open their search to similar problems. Often problems of racial and ethnic disparities and disproportionality might be remedied with one group but manifest in other youth of another race/ethnicity. The problem might evolve and change between racial or ethnic groups.

4. Strategize

The fourth step is to prepare a strategy to respond. JDTCs should identify possible solutions and have frequent discussions of numerous possible solutions – not just picking the first one that sounds good. Having the team discuss solutions and pondering them for a while is recommended. This allows good ideas to inspire better ideas given a little time. Once identified, choose the best solution and make sure the entire team is on board. Courts need to be pragmatic in these cases to avoid an overambitious plan that will make the youth worse off than before. Data plans that require substantial time commitments and resources can tax the team members and reduce their efforts to help the youth. One example of strategizing might be if a court finds racial and ethnic disparities in the number of drug screens youth receive (e.g., youth of color receive more drug screens than Caucasian youth). JDTCs could review their drug testing process and standardize it so that every youth is drug tested under the same policy and with the same frequency. This would allow for a more objective process and would enable the courts to identify disparities more easily in the future.

5. Implementation and Monitoring

The final step is to implement the plan and track its effectiveness. Prior to implementation, courts should develop a strategy for implementation. Good policies and ideas can fail if implementation efforts are weak or unorganized. JDTCs can reduce the risk of failure by developing an implementation plan and making sure everyone has clear roles and expectations about what they are supposed to do. Courts should also create a fidelity plan. To do so, teams need to establish measures of fidelity and identify strategies to maintain fidelity. Similarly, courts should establish measures for effectiveness. What is the goal of the change and how do courts know if it is effective? Courts likely will need to monitor their data to assess this. The good news is that the data in need of monitoring are likely the same data that led to the discovery of the problem in the first place. No matter the goal of each individual plan, courts need to be unified under the overall goal to promote equity, approach proportionality, and reduce disparities.

Concluding Remarks

Racial and ethnic equity is essential to delivering beneficial and effective JDTC programs. To be sure that equity is established and sustained, courts need to monitor their processes and outcomes regularly to ensure youth are treated fairly. To do so, courts must assess their data. This brief has provided guidance on how to do this with examples of various data collection processes and uses. This brief also suggests how courts can best apply what they know about their data in order to implement changes that will improve the lives of their youth.





Appendix A

More on the Language of Racial and Ethnic Equity

Equity. Equity is the policy of being fair and impartial. This differs from equality which just means things that are the same. To illustrate the differences, an example is as follows. A policy can be the same for both Caucasians and Hispanic Americans, but it might not be fair. A policy equally applied to two separate racial groups or cultures can still favor one group over the other, if the groups are not equally situated. For instance, let us say that the court provides an incentive for completing a book report on several books and provides the books. These books are a bit advanced but if the JDTC youth complete reading them within a month, they get an extended curfew. This incentive is supposed to reduce drug use. It is possible that a book report might be equally applied to all youth but because of the language in which the books are printed and the level of literacy in that language that it requires for comprehension, the assignment may favor youth who are more proficient in English. Thus, the Hispanic youth, who are bilingual and grew up learning Spanish first, do not really benefit the same from such an incentive. They might avoid the incentive because they are intimidated by the language demands of the task although they are equally capable of completing the task if the books were in Spanish. Though the incentive was equal for different racial groups, because they all received the same book report incentive, they were not equally situated in the language competency required, and thus it was not a universally fair, or *equitable incentive*.

Disparity. Disparity simply means difference. What's important is where the differences lie. For example, differences between the number of youth across racial groups might be expected because of unequal population proportions. However, it is the comparison of the differences that matters. Disparities that are not in line with typical trends are considered to be disproportionate. Also, disparities that should not exist might also signal problems. For example, one would expect disparities in the number of youth from any two racial or ethnic groups (because these simply represent population disparities), but one would not expect disparities in graduation or termination rates when comparing any two racial or ethnic groups. In this case, graduation and termination rates should be consistent across all groups and disparities would indicate a problem.

Disproportionality. This is when the proportion of something in one event or situation is not consistent with the proportion in another event or situation. It can be thought of as a difference in differences. Using a population example, if the JDTC youth are 33% Caucasian and 67% Hispanic, there is disparity but not necessarily disproportionality. If the population in that county is also around 33% Caucasian and 67% Hispanic, then there is no disproportionality. However, if the population in that county is 50% Caucasian, 15% African American, 5% American Indian or Alaska Native, and 30% Hispanic, then the JDTC youth are disproportionate to the county population. This would indicate that Hispanics are disproportionately overrepresented, and all other racial and ethnic groups are disproportionately underrepresented. The next step would be to examine the racial and ethnic distributions of the referrals, juvenile justice populations, adjudicated youth, and arrests to see where the disproportionality might originate.



Appendix B

Common Challenges when Collecting and Using Data in JDTCs¹⁰

Confidentiality

Problem

Some courts might face confidentiality issues. Court programs might be connected to other agencies or systems. For example, referrals to JDTCs might come from education or law enforcement. Eligibility screening might be conducted by staff outside of the JDTC team – such as by court personnel, detention intake officers, or attorneys. Moreover, risk assessments might be conducted by court personnel and mental health, or substance use assessments might be conducted by treatment providers. This information that professionals with these other agencies or entities collect will need to be shared eventually between and across organizations to assist with the development of the best treatment and supervision plan for JDTC youth. This shared information is also critical in data collection and compilation. With sensitive information often included in these assessments and evaluations, importance must be placed on the confidentiality of the data. Because of the risk posed by sharing sensitive information, some individuals might be reluctant to share data with the court team or anyone outside of their organization. The lack of data sharing can impede progress in case development. Confidentiality can be a barrier to accessing or gathering certain types of data.

Solution

First identify which data are considered sensitive and/or protected through confidentiality clauses. Have a discussion with the entity that holds the data to determine if a confidentiality agreement can be reached allowing the data to be transferred. Be sure to uphold confidentiality agreements so that courts can build trust with other entities to sustain data sharing practices throughout the life of the program.

10. In no particular order.

Not having someone on the team with the time and/or skill set to carry out data collection and analyses

Problem

Data collection and statistical analyses require time and a specific skill set. It is quite possible that no JDTC team members or court staff know how to collect and analyze data in ways that would be meaningful and valuable in programmatic decision making.

Solution

Thinking of data collection and analyses as being too complicated or unrelated to team member duties might be based on misperceptions. Often courts are already collecting the data they need and do not realize it. Also, analyses can be very simple and easy to conduct. However, if your JDTC team members do not have the time or skills to collect and analyze data, there are a few options to entertain. First, local colleges and universities are often eager to team up with courts to assist with data collection and analysis in order to complete research projects for faculty and students. If the JDTC has a college or university in the area, reach out to them and see if they have faculty and students interested in helping collect and analyze data. Be sure to be very clear on what faculty or students will be allowed to access and share. Enter into a data sharing agreement with them to help protect the confidentiality of the data. If the court does not have a college or university to partner with, determine if there is a team member willing to learn how to collect and analyze data. This team member might benefit from paid training on the topic or one-on-one consultations. Hopefully, this guide will provide enough information to help assist in educating team members on how to collect and analyze data. Many organizations will provide free or low-cost education on how to collect and use data to make programmatic changes and decisions that ultimately improve programs and help JDTC youth. Do the due diligence to exhaust these resources before deciding to throw in the towel on data collection.

Youth are reluctant to provide self-report data because they think that the person asking the questions is simply part of the court team trying to find out ways to get them in trouble

Problem

Sometimes youth view treatment staff and outside researchers as part of the punitive criminal justice system.¹¹ Youth may have concerns about how the information they provide to these individuals will be used. They might think that treatment providers will ask them questions in order to get details on crimes or program violations that they will then report to the judge, coordinator, and probation officers. This similar worry can translate to data collection. When youth are asked questions about their current, past, or future behaviors, they might think that the people asking the questions are simply trying to find extra “dirt” on them to report back to the rest of the team. Also, if third party researchers are collecting the data then the youth might view them as part of the team with the same nefarious goals. Even though questions might be as innocent as “how are you feeling today?” youth might still think that their answers to even those types of questions can somehow count against them.

Solution

Be absolutely transparent about why you are asking questions and what the goals are. There is usually no justifiable reason to use deception when collecting data on JDTC youth. Be sure the questions are not incriminating.¹² If they are, ensure there is a signed policy that such information obtained will not be held against the youth and will only be used to improve the program. It is important to establish trust when collecting data because if that trust is violated or never achieved, the data might not be reliable. If a third party is collecting data, be sure that they collect anonymous data. If they are simply going to report aggregate data to the program, there is no need for individual identifiable information. If they are going to report individual-level data, then be sure that no obvious identifiable data are collected. If identifiable data are needed, then be sure that transparency, confidentiality, and data integrity are established. Again, be sure that the youth know the purpose and goals associated with the data collection. Self-report data collection should not be used to discover ways to incriminate. It should simply be a means for the court and program to learn from and use when making programmatic changes.

11. As noted earlier, given the prior experiences with bias or institutional racism that some youth of color or their families have experienced, African-American, Hispanic, and American-Indian or Alaska-Native youth in particular, may have high levels of distrust about sharing personal information with court, probation and/or behavioral health professionals. Having team member professionals with backgrounds, culture, and life experiences similar to those of the youth and their families may help to minimize distrust and create bridges to encourage youth honesty.

12. Teams may want to involve their defense attorney member in helping with what questions to ask, how to word them, and what reassurances about the purpose should be put in writing and shared with the youth.

Not knowing where to start

Problem

Courts often struggle with getting the data collection process off the ground. This can be because they keep procrastinating and pushing it off or because they simply do not know where to start. Most of the time, there are simple solutions, but when combined with the day-to-day responsibilities and the general lack of knowledge about data collection and analysis, it is difficult to know exactly how and when to do so.

Solution

There are several different ways to address this. First, the best starting point is to sit down with the court team and ask everyone, “What data are we currently collecting ALREADY as a court?” Often courts are already collecting good data, they just have not thought about it. So, a good starting point is with what a court already has. If more data are needed, then it would be a good step to sit down and think about all areas of interest associated with the topic at hand. In this case, teams should come up with a list of information they would like to explore related to racial and ethnic disparities. Once this is done, the court can move with that list or send it to a colleague, consultant, or university partner and request feedback on the list. Another option is to partner with someone who has a research background and co-develop a list of information and data to collect and then discuss mechanisms to help collect the data. Though there are other ways to approach this issue, the main solution is to be active and engage in data collection and not remain idle, thinking that someone will eventually get around to it.

Not knowing how to analyze data

Problem

In some instances, courts either already collect data or understand the importance and how-to surrounding data collection. Many courts have lots of data but do not know what to do with it. In essence, a barrier for many courts is not collecting data but what to do with their data, or in other words, how to analyze the data. More specifically, courts want to know how to analyze their data in a way to be able to assess racial and ethnic disparities. This is a common issue. Hopefully this *Technical Assistance Brief* provides the JDTCs with some initial steps. The main thing courts must establish before analyzing their data is what they want to know. Every analysis comes from a question or inquiry.

Solution

The simplest solution is to begin looking at the data. There are many approaches to analyzing data. First, courts can inspect individual data. They look at youth data within the context of each individual youth. Maybe the court wants to know how often the youth receives incentives and sanctions or how many days the youth spends in detention. Courts can also look at how many days' youth spend in each phase. Basically, courts can use a case study approach for each youth. This can be helpful for case planning, but larger programmatic decisions come from analyzing data from many youths in the program. Thus, the second way to analyze data is to compare youth. Using the same step described previously, courts can compare youth A to youth B to see if there are differences and then try to figure out what those differences are and why those differences might occur. However, what courts can do programmatically with this type of analysis is quite limited. A third way that courts can analyze data is through an aggregate picture that involves information collected on several youth. In other words, courts can assess how many days JDTC youth are spending in detention on average. This would allow the court to get a program average value that would help determine a typical period of time for a youth to be in a phase and then compare the length of item that specific youth are in the phase with this average. Courts can also assess aggregate scores between different categories of youth (e.g., different genders or races/ethnicities). With aggregate scores, courts can look at trends over time for program youth. This can help determine if certain youth are being treated differently over time rather than at one time or in one area. Lastly, courts can use inferential statistics¹³ to assess degrees of differences and the presence of trends in data. These analyses might provide information about group differences, differences over time, correlations between two processes, etc. Overall, there are several ways to assess program data, but they depend on the questions the courts ask when developing their data plan.

13. Inferential statistics involve using data from a sample or small number of individuals to make generalizations about the larger population of interest.

Not knowing what to do once you have analyzed the data

Problem

The JDTC team has planned and collected data (and continues to do so hopefully). The team has also analyzed the data and found some interesting results. Now what?

Solution

Go back to the plan that led to data collection in the first place. Revisit the questions asked and match up the analyses with those questions. The team should begin planning how to address any issues or how to strengthen any areas of excellence. This will require creativity and reading how other courts have addressed some of these issues. If necessary, the team can speak with colleagues or contact a consultant. These external resources can often help organize and generate ideas on how to strategize to improve the court. If there are just too many issues and too many changes to make, the JDTC should prioritize and be sure that everybody on the team knows they have a role in making these improvements. Explain the changes to the youth and families and explain the goals so they buy in and are not caught off guard.

Analysis ability constrained by small numbers for some race and ethnic groups

Problem

Often, JDTCs do not have dozens of youths from each racial or ethnic group. Instead, they might have only a few. In this case, courts must find ways to analyze data meaningfully when very little data exist.

Solution

The main way to increase small data is to collect data over time; however, if courts need to analyze very little data, then they need to use their best discretion to restrict the use of misleading statistics such as ratios and rates and focus on individual-level characteristics. Also, if courts decide to make certain decisions based on small amounts of data, then monitoring the effects of the decision is critical. It would be a good idea, if possible, to create a system of flags or indicators when decisions are made based on small amounts of data to alert team members and data users to monitor those decisional outcomes with increased attention.

Constraints based on inflexible existing data systems that are not easily modified

Problem

Many courts have trouble merging the data from county or statewide systems with the data they need to collect to analyze racial and ethnic equity.

Solution

Designate somebody to work on merging these systems or extracting the information and compiling it in a new system. Some courts will read this and say there is not enough time to do this. However, sometimes the solutions involve effective communication and reaching the correct person. If the JDTC has a steering committee, then the steering committee chair might initiate the discussions of who to talk to about accessing the data. The time commitment is primarily in the initial set up. Then data can be entered into one system and extracted and copied into the next when needed for analysis.

Complex data structures for coding race and ethnicity in data systems (e.g. two-question format) and the relevance of some special subgroups to specific jurisdictions (e.g., Asian-American or Hispanic subgroups)

Problem

Race and ethnicity are measured differently across jurisdictions and data systems. How can courts unify this if their data are different from the county's data, which are also different from the state's data?

Solution

Collaborate with the JDTC team and choose the best way to measure race and ethnicity across the different systems, and use the best discretion to make this determination. To assist, some states have developed juvenile justice system-specific guidance for best practice in coding and collecting race and ethnicity data that is grounded in federal policies on minimum reporting categories and research by the U.S. Census Bureau on how to optimize data collection (see <http://www.cclp.org/wp-content/uploads/2016/06/11-Guidelines-for-Collecting-and-Recording-Data-2.pdf>).



NATIONAL COUNCIL OF
JUVENILE AND FAMILY COURT JUDGES