

DISPROPORTIONATE MINORITY CONFINEMENT AT WOODSIDE'S
DETENTION PROGRAM, OCTOBER 1, 2000-SEPTEMBER 30, 2002

Marcia L. Bellas, Ph.D.
Vermont Center for Justice Research
Montpelier, Vermont
February, 2004

ABSTRACT

This study examines the disproportionate confinement of Chittenden County minority youth at Woodside Juvenile Rehabilitation Center's Detention Program. Calculations of Disproportionate Representation Indices and Relative Rates for the period October 1, 2000-September 30, 2002 show that minority youth were over-represented compared to their representation in the population and among youth arrested. The sample for the study includes the 13 Chittenden County minority youth admitted to Woodside's Detention Program during the period of study, and a randomly-selected sample of 22 white youth, also from Chittenden County. The 13 minority youth represent 25 admissions, while the 22 white youth represent 41 admissions. I examined SRS, Family Court and District Court data to identify the decision-making points at which the disproportionate confinement occurs, and any racial differences in behavior and histories that might help explain racial differences in confinement rates. Disproportionate confinement does not appear to be the result of greater delinquent or criminal behavior on the part of minorities, or to the actions of judges. Rather, it appears to stem from SRS decision-making. Minority youth are considerably more likely than white youth to be administratively admitted or admitted by flexible orders. Moreover, female minorities are over-represented among Woodside admissions relative to white females, and nearly all minority female admissions were administrative or by flexible order. Thus, the disproportionate minority confinement primarily reflects the disproportionate confinement of *female* minorities. Minority females were primarily admitted to Woodside for running away and intoxication. With the exception of one individual with four admissions, the length of stay for these admissions was quite short—one night at the most. This suggests that Woodside likely served as a place to put an “out of control” or runaway youth until a crisis situation was resolved or another more suitable placement could be arranged. Why this use of Woodside is disproportionately linked to minority females is unclear, but it appears to be the source of the disproportionate confinement of minority youth in Chittenden County.

Disproportionate Minority Confinement at Woodside's Detention Program, October 1, 2000-September 30, 2002

This study examines the disproportionate confinement of minority youth at Woodside Juvenile Rehabilitation Center's Detention Program, Vermont's only locked juvenile detention facility. According to a report prepared by the Agency of Human Services' (AHS) Planning Division, between October 1, 2001 and September 30, 2002, minority youth were confined at a higher rate than would be expected from their representation in Vermont's population (Lay-Sleeper, 2003). The disproportionate confinement of Vermont's minority youth appears to be driven largely by Chittenden County, the most populated county in the state, and the county with the highest minority population.

Disproportionate minority confinement often stems from disproportionate minority arrests (Pope and Snyder 2003), yet minority arrests during that time period were actually lower than what would be predicted from population figures. Hence this study focuses on the juvenile detention process rather than on arrests, and on the Woodside admissions Chittenden County youth. I preface this report with the caution that the actual number of minority youth involved is exceedingly small. Although small numbers have large effects on percentages, minority representation substantially higher than expected merits further investigation. In addition to the apparent disproportionate confinement of minorities between October 1, 2001 and September 30, 2002, trend data for Woodside show that between 1997 and 2002 the percentage of minorities detained exceeded population figures in four of the six years (Lay-Sleeper 2003).

Because the number of minorities admitted to Woodside from Chittenden County is so small, I used two years of data for this study: October 1, 2000-September 30, 2002. Before describing the sample and data, I first examine the extent of the disproportionate confinement of minority youth from Chittenden County. I then address the question of whether there appear to be differences in the decision-making points at which minority and white youth are admitted to Woodside, and whether differences in youths' behaviors and histories—criminal or otherwise—might help explain the apparent disproportionate confinement of minority youth.

Evidence of Disproportionate Minority Confinement

Disproportionate Representation Indices. Using population, arrest, and confinement data, I calculated Disproportionate Representation Indices (DRIs) for the two-year period, October 1, 2000-September 30, 2002 (see Table 1). A DRI is calculated by dividing the percentage of minorities arrested or confined by the percentage of minorities in the population. Table 1 includes population figures, two measures of juvenile arrests (the first excludes youth whose race was recorded by police as "unknown"; the second adds these individuals to minority youth); and two measures of Woodside confinement (number of individuals confined and number of admissions). Population data for Chittenden County are from the U.S. Census Bureau (figures for 2000, multiplied by two years), juvenile arrest data are from the Vermont Crime

Information Center, Department of Public Safety, and Woodside data are from Social and Rehabilitation Services (SRS).

During the two-year period, police recorded the race of 55 arrested youth as “unknown.” Theoretically, the “unknown” category is to be used when a police officer cannot visually determine the race of an individual (i.e., an individual is not obviously white, but the officer is unsure to which racial category the individual belongs. Although Max Schlueter, Director of Vermont’s Crime Information Center, is not convinced that officers are using the “unknown” racial category correctly, it seems conceivable that most of these youth were not clearly white or officers would have checked that category. Hence I calculated the DRI first excluding, then including, the “unknown” category. I also calculated Woodside confinement in two ways, first using number of individuals, then using number of admissions since many youth had multiple admissions to Woodside during the two-year period.¹

Table 1 shows that 7.4 percent of Chittenden County youth ages 10-17 were minorities, according to census data. Among youth arrested between October 1, 2000 and September 30, 2002, 4.5 percent were minorities if one excludes the race “unknown” category, and 8.2 percent if one adds these youth to the minority category. The latter percent likely represents the maximum percentage of minorities. Although there could be some error involved in the “unknown” racial category, thereby making the true percentage of minorities somewhat less, the percentage would not likely exceed 8.2 percent.² Using the two extremes of the estimate range (4.5 and 8.2 percent minority arrests) yields a DRI of .61 and 1.1, respectively. Thus, excluding the race “unknown” category from calculations shows minorities being arrested at almost half the rate of whites, while including race “unknown” with minorities shows minorities being arrested at a rate only slightly higher than the rate for whites. Using either measure, I conclude that *arrests of minority youth in Chittenden County do not appear to be disproportionate relative to the arrests of white youth.*

In contrast, Table 1 shows that minorities were over-represented among Chittenden County youth admitted to Woodside and among Woodside admissions relative to both minority representation in the population and representation among youth arrested. Among the 153 Chittenden County youth admitted to Woodside between October 1, 2000 and September 30, 2002, 16, or 10.5 percent, were minorities. Among the 234 Chittenden County admissions, 25, or 10.7 percent were minority admissions. These figures translate into a DRI of 1.4 and 1.5, respectively, meaning that *minority youth were detained at Woodside at a rate 40 percent higher than the rate for white youth, and minority admissions (which include multiple admissions for individuals) occurred at a rate about 50 percent higher than for whites.*³

¹ Because arrest data include individuals who have been arrested more than once, it is most comparable to data for number of admissions rather than number of different individuals admitted to Woodside.

² There could be some misclassification in the white and minority categories, of course, since officers make classifications visually rather than by asking youth their racial identity.

³ I counted the number of individuals for each year separately, then added them. This produces a higher number of individuals than if I had counted the number of individuals for the two-year period as one unit because some individuals were admitted in both years, and are thus counted twice. Since Woodside

Relative Rates. Based on the recommendation of a panel of experts in the field, Dr. Heidi Hsia, Disproportionate Minority Confinement Coordinator for the U.S. Department Justice’s Office of Juvenile Programs, recently endorsed an alternative way of measuring disproportionate minority confinement—relative rates. Butts et al. (2003) criticize the DRI (previously endorsed by the Office of Juvenile Justice and Delinquency Prevention) because the index is sensitive to the base population percentage of minority youth. The DRI yields different results for different minority population sizes, even when the ratio of minority to white youth is constant. This problem makes it difficult to compare geographic areas with different minority populations, or to make comparisons over time for the same area if its minority representation has changed. The recommended alternative to the DRI is to calculate relative rates (per 1,000 population) of arrests and confinement for whites and minorities. These rates are shown in Table 2.

As with the DRIs, I used two measures of arrests (first excluding, then including, race “unknown”), and two measure of confinement—number of different individuals confined, and number of admissions to Woodside. In addition to population figures, Table 2 provides the number of individuals arrested and confined, as well as the rate per 1,000 youth for whites and minorities. The arrest rate for white youth is 43.4 per 1,000 youth, while the rate for minorities is 25.7 or 48.8 per 1,000 youth, depending on whether or not one includes arrestees whose race was recorded as “unknown.” Using the former method, the minority arrest rate is considerably lower than for whites. Using the latter, the rate for minorities is slightly higher than for whites. Woodside confinement figures for individuals show a rate of 4.6 per 1,000 youth for whites, and a rate of 6.7 per 1,000 youth for minorities. Rates for admissions (rather than rates for distinct individuals admitted) are seven admissions for whites per 1,000 youth, and 10.5 admissions per 1,000 youth for minorities. *Clearly, both the DRI and relative rates indicate that minority youth from Chittenden County were confined at Woodside disproportionately.*

I can use the relative rates shown in Table 2 to calculate how many fewer minority youth would have to have been confined for their representation to be proportional to whites’. When the unit of analysis is individuals, the disparity between the Woodside confinement rates of minorities and whites is 2.1 individuals per 1,000 youth in the population (6.7 versus 4.6). To match the rate for whites, 11 rather than 16 minorities would have been admitted to Woodside during the two-year period (a 31 percent reduction in the number of minority youth admitted). When the unit of analysis is admissions, the disparity in confinement rates is 3.5 (10.5 versus 7). To match the rate for whites, 17 rather than 25 minority admissions would have occurred, a 32 percent reduction.

Legitimate Explanations or Discrimination?

Both DRIs and relative rates show evidence of disproportionate confinement of Chittenden County minority youth at Woodside. This raises the question of what factors

admissions figures are reported on a yearly basis, I chose to calculate in a way that is most consistent with their reporting.

might explain the disproportionate representation of minorities. Some or all of these factors may be “legitimate” or justifiable. For example, differences in the delinquency and criminal histories between white and minority youth may account for differences in confinement rates. If, however, similar behaviors or histories appear to lead more readily to detention for minority youth, this would suggest that racial bias or discrimination could be operating.

Discrimination can operate at the individual level, as when those who make detention decisions consciously or unconsciously treat minority youth more harshly. This can easily occur when policies and procedures involved in decision-making are not well defined, therefore allowing subjectivity to enter more freely. Discrimination can also be structural or systemic in nature, as when seemingly neutral policies disadvantage a particular group. For example, if decisions about whether to grant an individual probation or place the youth in SRS custody are influenced by whether an adult is readily available to supervise a juvenile, minority youth may be disadvantaged if they are more likely to come from a household with only one adult.⁴

Because discrimination is often difficult to pinpoint or prove, the strategy of researchers in the field is to try to account for any apparent racial differences in outcomes with so-called “legitimate” explanations. In the case of an earnings difference between two groups, for instance, one would determine whether a wage gap remained after taking into account any differences in “legitimate” factors that might explain the earnings difference, such as education and experience.⁵ If an earnings difference remains after taking into account other factors, it then becomes more likely that wage discrimination has occurred. These kinds of analyses typically use a statistical technique called “multiple regression analysis,” which allows the researcher to control for or hold constant differences between individuals in the analysis.

Unfortunately, the small number of individuals in the current study prohibits the use of this statistical technique. Nonetheless, I employed the strategy of looking for any differences in the characteristics and behavior of minority and white youth that might explain the disproportionate confinement of minorities at Woodside. In conjunction with this, I also looked for the points at which decisions to confine youth at Woodside are made, and where the disproportionate minority confinement appears to originate. I have already determined that disproportionate minority confinement does not stem from disproportionate arrests. Even if one includes with minorities those whose racial identification is “unknown,” the arrest rate for minorities is only slightly higher than that for whites, so does not account for the larger racial difference in Woodside confinement rates.

⁴ See Hinton et al. (2002) for a discussion of individual-level and structural discrimination in disproportionate minority confinement.

⁵ Such measures can, of course, themselves incorporate bias if discrimination occurs in opportunities to acquire education or job experience.

Sample and Data

The sample for this study includes the 13 Chittenden County minority youth admitted to Woodside's Detention Program between October 1, 2000 and September 30, 2002, and a randomly-selected sample of 22 white youth, also from Chittenden County. The 13 minority youth represent 25 admissions, while the 22 white youth represent 41 admissions.⁶ I obtained electronic data from SRS for the 35 youth and 66 admissions in the sample. The data includes some personal characteristics of each individual admitted (sex, age, race), date of each admission and discharge, type of admission, assessment at time of intake with regard to certain types of behaviors, reasons for admission, placement history, critical incident history and SRS custody/probation status. I also obtained Family Court records (FY95- FY03) and District Court records (1988-2002) for these youth.

Four of the 13 minority youth were black (30.8 percent of minority youth), four were Asian (30.8 percent), and three, Hispanic (23.1 percent). One youth was Native American, and one was of another unspecified racial group (7.7 percent each). Because the number of minorities is so small, I did not conduct analyses between minority groups.

The average age at admission for both whites and minorities was 16. The age range for whites was 12.6 to 17.8, and for minorities, 13.3 to 17.9. The number of admissions to Woodside per individual ranged from one to eight, with 21 of the 35 individuals having only one admission during the two-year period. Seven of thirteen minorities (53.8 percent) and 13 of the 22 whites (59.1 percent of whites) had one admission during the time period. The average number of admissions per individual is approximately two for both whites and minorities, with a range of one to eight for white youth and one to five for minority youth. Note that these statistics reflect only the number of admissions during the two-year period of study. Some individuals may have had additional admissions prior to October 1, 2000.

The average length of stay at Woodside differs significantly for whites and minorities—7.5 days for white youth, and 16.3 days for minorities. This large difference can be attributed to two minority youth, each with five admissions. Eight of the ten admissions were for 25 days or more, and the longest stay was 123 days. Recoding length of stay for these two individuals to the average for minorities reduced the average length of stay for minorities to 7.4, essentially the same as for whites.

Characteristics of Admissions

Table 3 shows some of the characteristics of the admissions included in this study for total admissions (66), white admissions (41) and minority admissions (25), along with any racial difference. Note that the unit of analysis is admissions, not individuals. The same individual may have been admitted to Woodside multiple times during the two-year period. Although the table includes information about total admissions, this report

⁶ I excluded one minority admission from the data set because it appeared to be a duplicate entry.

focuses on comparing the characteristics of white and minority admissions. Statistically significant differences are indicated in the far right column. *I caution that because of the small sample size, even sizable and substantively important racial differences may not achieve statistical significance.* Consequently, I also discuss substantive differences that have not achieved statistical significance. I advise the reader to note the significance level associated with any racial differences (located in the far right column of the table). Statistical levels range from zero to one, with smaller numbers reflecting higher levels of significance. For example, a significance level of $p < .05$ means that I can be 95 percent confident that the observed difference in a sample would also be found in the larger population, while a significance level of $p < .50$ means that I can be only 50 percent confident that the observed difference would be found in the larger population.

Percentage Female. As can be seen in Table 3, a striking difference between white and minority admissions is the over-representation of female admissions among minority youth. Forty-eight percent of minority admissions were female, compared to only 22 percent of white admissions, a statistically significant difference even for this small sample. Although one minority female was admitted five times during the period of study, and the greatest frequency for white females was three, this does not fully account for the racial difference in the percentage of female admissions. Differences in arrest rates also do not account for the over-representation of minority females admitted to Woodside. Among white Chittenden County juveniles arrested between October 1, 2000 and September 30, 2002, 27.4 percent were female; among minorities, 24.6 percent were female.⁷ Adding youth in the “unknown” racial category to minorities, the percentage of minority female arrests increases to 31.6 percent, still considerably lower than the percentage of minority females admitted to Woodside.

When I calculated relative rates, I reported that to match the confinement rate for whites, 11 rather than 16 minority youth would have been admitted to Woodside during the two-year period (five fewer individuals). To match the rate for whites, 17 rather than 25 minority admissions would have occurred (eight fewer admissions). If minority females were admitted at the same rate as white females, seven rather than 13 individuals would have been minority females—four fewer, and six rather than 12 admissions would have been of minority females—six fewer. Thus, minority females account for much of the over-representation of minority admissions to Woodside. Before concluding that minority females should be the focus of any attempts to address disproportionate minority confinement, I compare other characteristics of white and minority admissions for the entire sample.

Types of Admissions. Youth can be admitted to Woodside in one of two ways—by SRS or by court order. An administrative admission occurs when youth are in SRS custody and an internal decision is made that admission to Woodside is appropriate. Typically, if a caseworker decides that an individual should be admitted to Woodside, s/he makes a request to Emergency Services Program personnel who determine whether the youth meets admission criteria. Youth may also be ordered to Woodside by the courts with one of four types of court orders: flexible, inflexible, conditional, or

⁷ Data provided by the Vermont Crime Information Center, Department of Public Safety, December, 2003.

emergency. A flexible order leaves the decision-making surrounding a youth's admission and release from Woodside in the hands of SRS caseworkers. According to Steve Antell, Woodside's Director, "it's pretty much a given that the juvenile will come to Woodside first if it's a flexible order. Administrative approval is not required." With an inflexible order, an individual cannot be released without further order from the court order. A conditional court order stipulates that certain conditions must be met before an individual can be released, such as a psychological evaluation or that a specific placement must become available. Finally, an emergency court order may be issued when a youth has become a danger to him/herself, a safe alternative placement is not available, and/or a court hearing cannot be immediately scheduled.⁸

Comparing the types of admissions for minority and white youth reveals some statistically significant differences. Table 3 shows that 39 percent of white admissions were administrative, compared to 56 percent of minority admissions. Among court ordered admissions, 20 percent of minority but no white admissions involved flexible orders. Counting those cases with both an administrative admission and a flexible order only once, 64 percent (16 of 25) of minority admissions, but only 39 percent of white admissions (16 of 41) were by administrative admission or flexible order. Conversely, white admissions were more likely than minority admissions to be by inflexible, conditional, or emergency order. *These differences suggest that SRS decision-making is the place on which to focus an exploration of the disproportionate detention of minority Chittenden County youth.*

Reasons for Admissions. According to the SRS *Social Services Policy Manual* (Policy #172), the "Woodside Short-term Program serves delinquent youth and youth alleged to have committed a delinquent act and whose risk to commit delinquent acts cannot be controlled in a less secure setting." Conceivably, differences in the behavioral, placement and court histories of minority and white youth may at least partly account for the disproportionate admissions of minority youth.

Approximately fifty different reasons are given in the data set for the Woodside admission of youth in this sample. I categorized these reasons into six types—violent (e.g., assault or threatening behavior), property (e.g., theft), drugs or alcohol (e.g., intoxication), vs. justice (e.g., violation of probation), public order (e.g., disorderly conduct), and other (e.g., running away). (See Table 3, Footnote 3, for the complete categorization of reasons for admission). Note that there is likely some overlap in the "vs. justice" and "other" categories. Vs. justice includes violation of probation and violation of conditions. Although running away may constitute a violation of probation or conditions, it is included in the "other" category because it may not always constitute a vs. justice offense. Most admissions list only one reason for admission, but some list more than one and I include these in my tabulations.

⁸ An internal review is required for administrative and flexible court orders when stays at Woodside exceed eight days. The youth and his/her legal representative, caseworker, and SRS placement consultant are notified of the hearing (*SRS Social Services Policy Manual*, Policy 172). An eight-day hearing is not required for other types of admissions.

Although racial differences in reasons for admission did not achieve statistical significance, a few differences are notable in Table 3.⁹ The largest differences are in admissions for drug/alcohol use, theft and destruction of property, and “other” reasons. Approximately 17 percent of minority admissions listed drugs/alcohol as a reason for admission, compared to only 5.6 percent of white admissions. One white and one minority youth were involved with drugs (the former, possession; the latter, sales); the remaining cases were alcohol related. White youth were more likely to be admitted to Woodside for theft or destruction of property (13.9 percent of white admissions compared to 4.2 percent of minority admissions).

Among minority youth, 29.2 percent of admissions were for “other” reasons. This was the case for 22.2 percent of admissions among white youth. In addition to running away or being at risk of running away, “other” includes suicide attempts or threats, no other safe placement, and, in one case, use of detention for a youth in Woodside’s residential treatment program. Thus, “other” by and large represents attempts to protect youth from themselves and others rather than behavior that is directly harmful to others. Little difference between the two groups is evident in the propensity toward violence or vs. justice offenses.

I tentatively conclude that, with the exception of drug and alcohol and “other” offenses, minority youth do not appear to have exhibited markedly worse behavior than white youth. This conclusion also seems merited when examining the behavioral characteristics or “presenting issues” of youth as conveyed to Woodside’s intake workers by caseworkers, Emergency Services Program personnel, or the courts. These characteristics are shown in Table 3. Although not always statistically significant, minority youth were less likely than whites to be characterized as aggressive, antisocial, having emotional problems, or being suicidal. However, minorities were slightly more likely to have run away, and to be characterized as having exhibited inappropriate sexual behavior. For minority admissions, the latter category included: lewd and lascivious behavior (male); sexual activity with six and eight year old children (male); prostitution (female); and risk to strip/prostitution (female). Two admissions for white youth (one male; one female) listed VOP (violation of probation) as the reason for admission. I do not have information about the reason for their being categorized as behaving in a sexually inappropriate manner. Notably, no white females were characterized in this manner, and the over-representation of minority females accounts for half of the higher proportion of minorities exhibiting inappropriate sexual behavior.

These intake measures may, of course, be somewhat subjective. Yet the apparent racial differences are for the most part opposite what one would expect if the behavior of minority youth were considerably worse than whites. It is also opposite what one would expect if racial discrimination were operating—one of the concerns of this study. Thus, I maintain the conclusion that minority youth do not appear to have exhibited markedly worse behavior than white youth. I will return to the issue of youth behavior when we explore their delinquency and criminal offense histories with court data.

⁹ Data for six admissions, five of them of white youth, did not include a reason for admission. The statistics reported are valid percentages (i.e., they exclude cases with missing data in their calculations).

Placement Histories. I also examined the SRS placement histories of the youth in the sample to get some sense of whether racial differences are apparent in types and frequency of placements.¹⁰ I calculated the number of each type of placement for youths admitted to Woodside prior to each admission. I then summed these numbers to provide the total number of placements at Woodside, correctional institutions or hospitals, intensive rehabilitation facilities, foster homes, group homes, with relatives, with parents, and living independently. Some notable differences in the average number of placements for the two racial groups can be seen in Table 3. Minorities had significantly fewer placements with relatives or parents, more placements at group homes, institutions (prisons or mental health), and independent living (although few youth had either of these latter two types of placements). Although differences are not statistically significant, minorities also had more previous placements in foster homes (border-line significant), intensive rehabilitation facilities, and at Woodside. Minorities had more total placements overall—15 on average, versus 10.9 for white youth (the difference did not quite achieve statistical significance, however).

That minorities had significantly fewer placements with parents and relatives suggests that minority youth may have fewer family resources on which to rely for placement, which may have the effect of increasing the number of other types of placements. Cultural differences may also add to the greater number of different placements among minorities if youth do not feel comfortable with foster families or among white youth or staff at other types of placements. The sizable racial difference in number of foster home placements—8.1 for minorities versus 4.7 for whites—is substantively important.

If minority youth feel less comfortable than white youth in their placements (and/or whites with whom minorities are placed feel uncomfortable), one might expect a greater frequency of running away relative to white youth. Placement history data do not show much difference in the propensity to run away, nor is much difference evident in the characteristics noted by Woodside intake workers—28 percent of minority youth versus 24.4 percent of whites were characterized as having run away. However, racial differences are more evident in the critical incident histories of youth (apparently not all incidences of running away were recorded in placement histories). Among minorities, seven youth ran away a total of 59 times. This averages 8.4 times for these youth, or 4.5 times for the total sample. Among whites, 13 youth ran away a total of 86 times, averaging 6.6 times for these youth, and 3.9 times for the total sample. Youth who chronically run away may be more likely to be admitted to Woodside for their own safety.

¹⁰ I do not know how complete placement history data are. Some Woodside admissions were not listed, and we suspect other placements may also be missing. However, we have no reason to think that missing data is more likely for whites than for minorities, so would not likely alter my conclusions.

Characteristics of Admissions Restricted to One Admission per Individual

The previous descriptions used admissions rather than individuals as the unit of analysis. Therefore the characteristics of individuals with more admissions were represented in the analysis more often than those with fewer admissions. Of the 35 individuals in the sample, 21 had only one admission, and the remainder had between two and eight admissions. Consequently, the characteristics of a particularly troublesome youth who was admitted to Woodside eight times appeared eight times in the data set. An example of this is the effect on calculations of average length of stay previously described because the data included two minority youth with many and lengthy stays at Woodside.

To address this issue, I repeated the previous analysis using *only one admission per individual*—the first admission during the time period under study. Note that this is somewhat arbitrary as it does not represent each individual's first *ever* admission to Woodside, but rather their first admission during the two-year period of study. This strategy reduced the number of admissions from 66 to 35—the number of individuals in the sample. *Reducing the number of units available for analysis makes it even more difficult for statistical tests to achieve significance*, as can be seen in Table 4. Nonetheless, racial differences are evident. Minority females are still significantly over-represented—females comprised 53.8 percent of minority admissions compared to 22.7 percent of white admissions. As previously described, changing the unit of analysis essentially eliminated the racial difference in length of stay. Minority youth stayed for an average of 5.9 days, while white youth stayed for 6.7 days, on average. The difference in the percentage of administrative admissions was also reduced considerably—31.8 percent for whites and 38.5 percent for minorities—yet 30.8 percent of minorities, but no whites, were admitted by flexible order. Combining administrative admissions and flexible orders (but not counting those with both twice), minorities were still much more likely than whites to be admitted via SRS decision-making (54.8 percent of minority youth were admitted in one of these two ways, compared to 31.8 percent of whites). Minorities were also slightly more likely than whites to be admitted under an inflexible court order, while whites were more likely to be admitted under conditional and emergency orders.

Restricting the analysis to one admission per individual changed the distribution of reasons for admissions somewhat. Most notably, a much higher percentage of minorities than whites were admitted for engaging in violent behavior, while no minorities were admitted because of theft or destruction of property (the racial difference in admission for property offenses is now statistically significant). The only other notable change is in the public order category, with minorities now being less likely, rather than slightly more likely, to engage in these behaviors. The size of the difference for other types of reasons changed somewhat.

The pattern of presenting issues did not change, nor did the pattern of racial differences in placement histories. Some differences lost their statistical significance,

however, because of the nearly 50 percent decrease in the number of cases (66 admissions versus 35). I conclude that findings from both analyses are, for the most part, consistent. The major exception is the higher percentage of violent types of behavior among minorities when looking at a single admission for each individual. Although certain types of behaviors may be correlated for individuals (e.g., a youth who engaged in violent behavior once may be more prone to do it again), I think it appropriate to consider behaviors leading to each admission as fairly discrete events. That is, youth behavior and surrounding circumstances must meet Woodside's admission criteria for each separate admission. *Therefore, I maintain the conclusion that minority youth do not exhibit substantially worse behaviors than white youth.*

Juvenile Delinquency Histories

Charges Filed, July 1, 2004-September 30, 2002. Aside from stated reasons for admission based on recent behaviors, past behaviors may contribute to a decision to admit an individual to Woodside if, for example, s/he engages in illegal behavior, and other types of placements and interventions failed to modify the behavior. Table 5 shows selected characteristics of the juvenile delinquency histories of individuals in the sample for July 1, 1994-September 30, 2002 (the end date of this study). Reported statistics are for charges, not individuals (i.e., individuals may have more than one charge per arrest).

The charges filed against the 35 youth in this sample totaled 122—73 charges against the 22 white youth, and 49 charges against the 13 minority youth. Thus, the average number of charges filed per individual was 3.2 for white youth and 3.8 for minority youth. A comparison of final charge categories shows some significant differences in offense patterns for whites and minorities. Minority youth were more likely to be charged with drug and alcohol offenses (20.4 percent of charges versus 2.7 percent of charges against white youth), while whites were more likely to be charged with property offenses (47.9 percent of charges versus 24.5 percent of charges against minority youth). Racial differences in other types of charges are minor and not statistically significant.

Dispositions. Table 5 also shows the type of disposition associated with these charges. Charges filed against minority youth were slightly less likely to be associated with a delinquency ruling that would bring them under SRS supervision or custody—60.2 versus 54.1 percent for whites. Approximately 40 percent of charges were dismissed for both groups (combining the four types of dismissal categories). One charge against a minority youth was transferred to criminal court, and one was withdrawn. No real difference in the percentage of charges leading to a diversion referral is evident. *Although minority youth were slightly less likely than whites to be adjudicated delinquent, minorities were considerably less likely to be granted probation.* Probation was associated with 47.9 percent of charges against white youth, but only 28.6 percent of charges against minority youth. This may be the result of the greater propensity of minority youth to be charged with drug and alcohol offenses, while white youth were more likely to be charged with property offenses, which may be viewed as less serious.

Racial differences in the seriousness of offenses can also exist *within* charge categories. For example, two youth, one white and one minority, faced DMV charges. The white youth was charged with a miscellaneous Title 23 offense (license/title), while the minority youth was charged with careless negligence leading to an injury—obviously the more serious offense (although the white youth had three other charges and three prior charges, all property offenses). In the drug and alcohol category, one minority youth faced an actual drug charge (possession of cocaine), while the remaining charges against both white and minority youth were alcohol-related. Violent offenses included two charges of sexual assault on a minor filed against a minority youth (involving children ages six and eight), which may be deemed a more serious offense than other types of assault. With the exception of these three cases, the seriousness of the charges filed against white and minority youth do not differ noticeably. However, with such a small sample, three of thirteen minority youth can have a large effect on resulting statistics.

The statistics reported in Table 5 are for charges rather than for individuals. I also compared some court-related measures using filing date as the unit of analysis since for some disposition measures it makes more sense to examine what happened to an individual regardless of the number of charges filed against him/her. It also addresses the problem of individuals with more charges unduly influencing the data. Each arrest is associated with a court filing date, and represents one individual per arrest, although the same individual may be arrested and have charges filed against him/her more than once. As Table 6 shows, between July 1, 1994 and September 30, 2002, the 35 individuals in the sample had 88 filing dates—55 for the 22 white youth and 33 for the 13 minority youth. This yields averages of 2.5 filing dates per individual for both white and minority youth.

Released or Detained. A judge decides whether youth will be released or detained prior to their first hearing, and prior to the disposition of charges. However, *a great deal of data is missing for these variables*, making statistics for the remaining categories unreliable unless one assumes that no systematic racial differences are associated with cases where data is missing. I report valid percentages for cases where information is available (valid percentages are calculated using only cases *without* missing data). This comparison shows some rather sizable racial differences. *Minority youth were more likely than whites to simply be released prior to their first hearing (25.1 versus 15.2 percent for whites), but less likely to be released to a parent or guardian (16.7 versus 42.4 percent for whites).* Combining both release categories, minorities were less likely to be released than whites (41.8 versus 57.6 percent). *Minorities were considerably more likely to be placed in SRS custody prior to a first hearing (45.8 versus 21.2 percent of whites), but less likely to be sent directly to Woodside by the court (12.5 percent versus 18.2 percent of whites).*

Similar patterns are evident prior to dispositions, with 50 percent of minorities being released (20 percent to a parent/guardian) and 50 percent being placed in SRS custody, compared to 76 percent of white youth being released (48 percent released to a parent/guardian) and 24 percent being placed in SRS custody. It is not clear whether the

greater propensity of white youth to be released stems from differences in the seriousness of their charges or differences in perceptions of families' ability to supervise youth if they are released to a parent or guardian. Still, being released into SRS custody is not the same as being admitted to Woodside, an option available to judges but used less frequently for minority youth than for whites. *Thus, it continues to appear that the place to focus examination of the disproportionate admission of minority youth is SRS decision-making rather than that of judges.*

Charges Filed, October 1, 2000-September 30, 2002. The data just reported are for the entire juvenile delinquency histories of youth in the sample. Restricting the data to the filing dates within the period of study (October 1, 2000-September 30, 2002) yields similar results (see Table 7). The major difference in the offense patterns of white and minority youth is still the greater propensity of minority youth to commit drug and alcohol offenses (29.6 percent of charges versus 4.4 percent for whites), while whites were more likely to commit property offenses (44.4 percent of charges versus 14.8 percent for minorities). Comparing dispositions shows that minorities were even more likely than whites to have charges dismissed, and less likely to be adjudicated delinquent, than when considering longer juvenile delinquency histories. As before, minorities and whites were about equally likely to be referred to diversion, but minorities were considerably less likely to be granted probation (the greater likelihood of having charges dismissed at least partly accounts for the different probation rates). *Thus, restricting the examination of juvenile delinquency charges and dispositions to the two-year period of study does not substantively change my previous conclusion that the disproportionate rate of minority confinement at Woodside does not appear to be due to greater delinquency on the part of minorities.*

The greater likelihood of minority youth's admission to Woodside between October 1, 2000 and September 30, 2002 also does not appear to result from the actions of judges. I examined patterns of release versus custody for the two-year period using separate filing dates as the unit of analysis regardless of the number of charges filed on a particular date. I again found significantly different patterns for the two racial groups (shown in Table 8). As before, minorities were more likely than whites to be released prior to their first detention hearing (9.1 versus zero percent for whites). No individuals of either racial group were released to a parent or guardian, perhaps reflecting a lack of success associated with this type of release in the past. *As I found when examining longer juvenile delinquency histories, minorities were considerably more likely than whites to be released into SRS custody (36.8 versus 12.5 percent for whites), but were slightly less likely to be admitted directly to Woodside by the court (15.8 versus 18.8 percent for whites), a smaller difference than previously found.* Minority youth were also more likely to be released prior to disposition than whites, and to be placed in SRS custody.

Because of the large amount of missing court data for the release versus custody variables, I looked to see whether a Woodside admission appeared to be associated with filing dates for cases where release information was missing during the two-year period of study. Only one of eight minority youth with missing data prior to first hearing had an

associated Woodside admission (12.5 percent of minorities), while seven of the 22 white youth with missing data did (31.8 percent of whites). Of those placed in SRS custody by the court, approximately equal percentages of white and minority youth had a proximate Woodside admission. Among those youth with missing release data prior to disposition, seven of 12 minority youth (58.8 percent) and 13 of 29 white youth (44.8 percent) had an admission to Woodside within a day or two of the time charges were filed. Of those placed in SRS custody, two of five minority youth (40 percent) and two of four white youth (50 percent) were admitted to Woodside at about the time charges were filed.¹¹ *These findings suggest that by and large the disproportionate admission of minority youth to Woodside by SRS is not related to specific delinquent acts where formal charges have been filed.*

Criminal Histories

Charges Filed, July 1, 1987-September 30, 2002. In addition to juvenile delinquency charges in family court, some youth in the sample faced criminal charges in District Court. Between July 1, 1987 and September 30, 2002, 22 criminal charges were filed against five white youth, and five charges were filed against five minority youth. This averages 4.4 charges per individual for whites who were charged, and one charge per minority, or an average of one charge per white youth and .38 charges per minority youth for the entire sample. Table 9 shows some of the characteristics associated with these charges. Because of small numbers of charges, for the most part racial differences did not achieve statistical significance.

As seen in the family court histories of these youth, minorities were more likely than whites to be charged with drug and alcohol offenses in criminal court. One minority youth was charged with the sale of cocaine, and one minority and one white youth were charged with possession of a malt beverage. Although this represents a difference of only one charge between minority and white youth, drug/alcohol charges account for 40 percent of the five criminal charges filed against minority youth, but only 4.5 percent of the 22 charges filed against white youth. White youth were charged with more property offenses than minority youth (12 charges or 54.5 percent of charges against white youth versus two charges or 40 percent against minority youth), but the difference is not statistically significant. Three DMV charges were filed against white youth (13.6 percent of charges), but none against minority youth. One charge of violent behavior was filed against a minority youth (20 percent of charges), and three charges against white youth (13.6 percent of charges). The remaining racial differences for public order, vs. justice, and other types of offenses are also small, representing only one or two charges.

Minority youth were more likely than whites to face felony charges (two of the five charges, or 40 percent of charges, versus four of 22 charges, or 18.2 percent, among whites). However, minorities were less likely than whites to be convicted of charges.

¹¹ Using admission within two days of filing dates is an imperfect measure since youth may not be admitted immediately because Woodside is full. However, for this to alter my conclusion, there would have to be systematic differences by race in the immediate availability of Woodside, and I have no reason to think that this is so.

The difference in conviction rates in part accounts for the lower frequency of minorities being granted probation (probation was granted for one charge against a minority youth, or 20 percent of charges, versus 14 charges against white youth, or 63.6 percent of charges). Charges filed against white youth were also more likely to be associated with a suspended sentence and with restitution (both 63.6 percent of charges among whites, versus 20 and zero percent, respectively, among minorities). No individuals were sentenced to serve any days in a correctional facility (Vermont does not have a correctional facility for juveniles).

Charges Filed, October 1, 2000-September 30, 2002. Restricting criminal offense dates to the period of study reduces the number of charges filed against white youth to 12 and the number of white youth involved to three (see Table 10). The number of criminal charges filed against minorities remains at five, as does the number of individuals charged. The pattern of offenses changed somewhat in that minorities were more likely than whites to have been charged with a property offense. Minority youth were still more likely than whites to be charged with a drug/alcohol offense, although the difference did not achieve statistical significance. Minorities were also more likely to be charged with a violent offense or a property offense, but less likely to have been charged with another type of offense. None of the differences are statistically significant, however, most likely because of the smaller number of cases in this restricted analysis.

As I concluded for juvenile delinquency histories, the criminal records of minority youth do not appear to be substantially worse than those of the white youth in the sample. Three of the five criminal charges against minority youth did not lead to a conviction, representing 60 percent of the charges filed against minority youth. In contrast, six of the 22 charges filed against white youth, or 35.3 percent of charges, did not lead to a conviction. White youth also had considerably more charges filed per individual than did minority youth. Of the youth charged in District Court for offenses committed during the period of study, three of five minority youth (60 percent), and two of three white youth (67.7 percent) had a Woodside admission on or the day after the date of an offense. *These findings support my previous conclusion that the disproportionate confinement of Chittenden County youth does not appear to be the result of greater delinquent or criminal activity relative to whites, at least not activity where formal charges have been filed.* This conclusion, along with the findings that minorities were less likely to be ordered to Woodside by a family court judge and that minorities were far more likely than whites to have been admitted to Woodside administratively or under a flexible court order, led us to focus more closely on those minority youth admitted to Woodside by SRS.

Minority Females

Early on, I reported that the percentage female among minority admissions was more than double the percentage found among white admissions—48 percent versus 22 percent. This over-representation of minority females translates into about six admissions. In other words if minority females were admitted to Woodside at the same rate as white females, they would have had six fewer admissions (or a total of six admissions during the two-year period rather than 12). As previously indicated, eight

fewer minority admissions (17 rather than 25) would have resulted in a confinement rate that matched whites. Thus, nearly all of the disproportionate confinement of minorities appears to be due to the disproportionate confinement of minority females.

Looking more closely at the characteristics associated with their admission to Woodside, I found that 10 of 12 minority female admissions were by administrative admission (83.3 percent), compared to only three of nine white female admissions (33.3 percent). One other minority female was admitted by flexible order (without an administrative admission), *bringing the total minority females admitted via SRS decision-making to 11, or 91.6 percent of minority female admissions, compared to only 33.3 percent of white female admissions*. No white females were admitted by flexible order. Thus, the disproportionate confinement of minorities appears to stem from the disproportionate confinement of minority females, and is strongly linked to SRS decision-making. Therefore, I now examine some of the characteristics associated with the ten minority female admissions that were either administratively admitted (nine) or admitted by flexible order (one).

Of the ten admissions, four were of the same individual. Judging from the number times she was admitted, the length of stays at Woodside, and the reasons for admission, this clearly was a difficult individual and a somewhat unique situation (note that these four admissions alone account for half of the disproportionate minority confinement in Woodside admissions). Consequently, I focused on the remaining six admissions. What is most striking about these admissions is that the individuals spent a very short amount of time at Woodside—less than one day in three cases, and one day (overnight) in three other cases. Thus, it appears that for these minority females, Woodside was used as a temporary or interim placement. Woodside likely served as a place to put an “out of control” or runaway youth until a crisis situation was resolved or another more suitable placement could be arranged.

The reasons given for these admissions include “simple assault”; “on run, risk to commit illegal acts”; “on run, intoxication” (two admissions); “out of control, risk to commit illegal acts”; and “pick up order.” I am not in a position to judge whether a brief stay at Woodside was merited under each individual’s circumstances, but these certainly appear to be legitimate reasons for SRS intervention of some sort. However, it is still unclear why minority females were more likely to be sent to Woodside for these brief stays than were white females. Is it because white females did not exhibit similar behaviors, or that they did but are handled differently by SRS (i.e., they are not sent to Woodside)? I cannot answer this question. It would require research beyond the scope of this study to determine if white females exhibiting similar behaviors were placed somewhere other than Woodside.¹²

It is certainly possible that minority females behaved differently than white females. My analysis suggests that among those admitted to Woodside, minorities were

¹² Two of the three white females in our sample admitted to Woodside via administrative decision were admitted for violation of probation (behavior unspecified); the other was admitted for car theft from a group home.

more likely than whites to exhibit behaviors that posed a danger to themselves, such as running away and alcohol use—behavior that might require some type of crisis intervention. It is also possible that because minorities have more placements prior to a Woodside admission, they have fewer placement options available to them. That is, other options may have been tried and been unsuccessful, leading caseworkers to turn more quickly to Woodside. Although I cannot say with certainty that discrimination did not play a role in the disproportionate confinement of (female) minorities at Woodside, given the short stays of the six individuals involved, it seems unlikely. Rather, I suspect, that Woodside was used as an immediate response to a crisis situation until another placement could be arranged.

Conclusions and Recommendations

This study has shown that minority youth in Vermont were disproportionately confined at Woodside's Detention Program between October 1, 2000 and September 30, 2002. This disproportionate confinement does not appear to be due to the disproportionate arrests of minority youth, nor to the disproportionate issuance of orders to Woodside by the courts. Rather, the disproportionate confinement of minority youth appears to stem from SRS decision-making, specifically, decisions to administratively admit minorities to Woodside. This was particularly true for minority females. Ninety-one percent of minority female admissions were administratively admitted or by flexible court order. With the exception of one individual, the confinement of these individuals was of very short duration—one night at the most. This suggests that Woodside may have been used to keep individuals safe (i.e., in a locked facility) until another placement could be arranged. While this may be a legitimate use of Woodside, rather than discriminatory behavior, the question of why this use of Woodside is disproportionately linked to minority females cannot be answered by the current study. It does, however, merit further investigation by the SRS Burlington District Office and the Emergency Services Program.

A number of other findings from this study also deserve attention. I did not find that minority youth differed markedly from white youth in their behaviors. The exceptions were greater alcohol use and “other” types of behaviors, most notably running away, on the part of minorities. This is consistent with the reasons given for the Woodside admissions of minority females. One must, of course, wonder why this behavior was more characteristic of minority youth than of white youth.

Recall that the analyses found that minorities had a higher number of placements prior to Woodside admission, and, notably, more placements in foster homes and group homes. Perhaps foster home and group home placements are less successful for minorities than for whites, but whether this is linked to the greater incidence of minorities running away is unknown. I do not know the percentage of minority youth placed with families of the same racial background, but it is likely that some minority youth are placed in white homes. This suggests a point of further investigation and intervention. For example, if enough minority foster families cannot be recruited, perhaps additional training for white families and (group home workers) is merited. I am not suggesting that

white foster families or group home workers discriminate against minority youth. Rather, I suspect that youth are treated similarly regardless of their race. Yet, treating all youth the same (i.e., as though they were white), may not create the most comfortable environment for minority youth, and may contribute to their greater propensity to run away and to drink alcohol. Greater attempts could also be made to bring minority youth in contact with other minorities while in SRS custody, including minority caseworkers.¹³ Convening focus groups of minority youth who have been adjudicated delinquent concerning their experiences and needs, as well as those of the foster families of minority youth, might be an appropriate first step.

Comparing the placement histories of white and minority youth also revealed that minorities had fewer stays with parents and relatives after being adjudicated delinquent. In fact, not a single minority youth was placed with relatives. This is not surprising given the small percentage of minorities in Vermont. Many, if not most, minorities living in Vermont probably moved here without extended families and may not have either have the family or community support they might have living in an area with higher proportions of minorities. Therefore, minority youth may have fewer placement options available to them than do white youth.

The lower average number of stays with parents among minority youth also suggests that families may not have the ability to provide the support or supervision that these youth require. This conclusion is consistent with the finding that family court judges were less likely to release minority youth to their families. Presumably, such decisions are based on knowledge gained by caseworkers in their dealings with youth and their families rather than on misperceptions or stereotypes about minority families. It does, however, underscore the importance of assessing the needs and experiences of minority youth and their families to determine what types of interventions might reduce the need for SRS involvement and Woodside confinement.

In closing, I recommend that some attention also be paid to data quality in a number of areas. Recall that arrest data includes individuals whose race was categorized as “unknown.” Consequently, I calculated disproportionate confinement indices and relative rates first excluding these individuals, and then including them with minorities. Without accurate race data, we can’t know which estimate is correct, or whether the correct figure lies somewhere between the extremes. While the percentage of minority youth in the population is an important baseline with which to compare minority confinement, so too is arrest data. If arrests are underestimated, this has the effect of inflating disproportionate confinement comparisons. If arrests are overestimated, this deflates these comparisons. Thus, it is important for police to accurately record the race of all arrestees. This could most easily be accomplished, not by visual inspection as is the current practice, but by asking individuals with which racial category they identify.

A considerable amount of family court data was missing for indicators of whether a youth was released or detained prior to their first hearing and prior to disposition of

¹³ I realize that the number of minority caseworkers is likely small, but creative Affirmative Action strategies could be implemented to increase the percentage of minority caseworkers.

charges. This makes conclusions based on the remaining data someone tenuous. I did look to see whether a Woodside admission appeared to be associated with cases where data was missing, but it would be preferable to have accurate data available from the courts.

SRS data also had some missing data and errors, some of which I corrected, but some of which undoubtedly I did not detect. Placement histories were not always complete (e.g., some Woodside admissions were not listed, so this is likely the case for other types of placements). Codes for type of placement were sometimes wrong. Six admissions did not include a reason for admission, and more consistent information about reasons for admissions would be helpful. For example, how many admissions for “violation of probation” were runaways versus some other type of behavior? Variables with the most missing data were court (all Chittenden county in this study, so it didn’t matter), judge’s name when a court order was issued (potentially useful for future studies), and where youth lived prior to admission to Woodside. The quality of the behavioral indicators at time of admission is also unknown (e.g., aggressive, anti-social). One case that I omitted from the data set because it appeared to be a duplicate (two admissions for the same individual on the same day, most likely entered by two people) differed on these indicators. It may be worthwhile emphasizing among caseworkers and others involved in data entry the importance of complete and accurate data.¹⁴

This study has shown that the disproportionate confinement of Chittenden County minority youth at Woodside is primarily due to the disproportionate confinement of minority females who were administratively admitted by SRS. While I cannot determine whether these admissions were appropriate, I have narrowed the focus to a point where SRS can make such an evaluation should it choose to do so. I have also suggested that some interventions in the area of foster homes, group homes and supports to minority families may help reduce the disproportionate confinement of minorities at Woodside.

¹⁴ As an aside, Woodside’s data base system appears to be antiquated, making it difficult to retrieve data with any level of sophistication (e.g., selecting individuals based on more than one variable, such as date of admission, race, sex). If any level of internal monitoring or analysis is desired, I urge SRS to update the Woodside data manager’s computer and data software.

References

- Butts, Jeffrey, Timothy Bynum, Jan Chaiken, William Feyerherm, M. Barton Laws, Michael Leiber, and Howard Snyder. 2003. *Recommended Relative Rate Measures for Disproportionate Minority Contact*. Report from the Disproportionate Minority Contact (DMC) Peer Review Meeting May 8, 2003.
- Hinton, Eleanor Hoytt, Vincent Schiraldi, Brenda V. Smith, and Jason Ziedenberg. 2002. *Reducing Racial Disparities in Juvenile Detention*. Baltimore, MD: Annie E. Casey Foundation.
- Lay-Sleeper, Theresa. 2003. *Supplemental Report to Vermont's April, 2003 Disproportionate Minority Confinement Report Covering 10/1/01-9/30/02*. Submitted to the Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice.
- Pope, Carl E. and Howard N. Snyder. 2003. *Race as a Factor in Juvenile Arrests*. Juvenile Justice Bulletin. Washington, DC: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention.
- Shernock, Stan, William H. Clements, Joan Owen and Lila Denton. 2000. *An Examination of Arrest and Adjudication for Minority Youth in Vermont*. Montpelier, VT: Vermont Center for Justice Research.