



RACIAL & ETHNIC DISPARITIES ADVISORY COMMITTEE

UTAH BOARD OF JUVENILE JUSTICE

Racial and Ethnic Disparities Report

Submitted as part of the OJJDP FY2022 Title II Formula Grants Program Solicitation

INTRODUCTION

Utah's R/ED efforts operate alongside the Utah Board of Juvenile Justice (UBJJ) and the Juvenile Justice Oversight Committee (JJOC). UBJJ represents the State Advisory Group (SAG) while JJOC is the designated entity providing oversight to Utah's juvenile justice reform efforts. The R/ED Advisory Committee is comprised of individuals that work in the Utah juvenile justice system such as administrators, court and probation personnel, law enforcement, and other stakeholders. Members also include youth, educators, representatives of non-profit organizations, and community advocates.

The Racial and Ethnic Disparities Report follows the Office of Juvenile Justice and Delinquency Prevention guidelines which encompasses a three-step, research-driven, outcomes-based strategy. The following sections cover data reporting, an action plan, and an outcome-based evaluation of the previous year's plan.

SECTION 1: STATEWIDE R/ED DATA

The state of Utah collects race and ethnicity data on school-aged population, arrest, court referral, diversion, pre-trial locked detention, and disposition commitments. The data source, time frame, definition, and notes are indicated below for each point of contact.

Data Point	Notes
School-Aged Population	<p>Data source: Utah State Board of Education</p> <p>Timeframe: School Calendar Year 2022 (As of Oct 1, 2021)</p> <p>Definition: Youth ages 10-17 year old</p>
Arrest	<p>Data source: Utah’s Bureau of Criminal Identification (BCI)</p> <p>Timeframe: Calendar Year 2020</p> <p>Definition: Youth aged 17 or younger are considered to be arrested when law enforcement agencies apprehend, cite or refer youth to juvenile court for having committed a delinquent act. Arrest data counts the number of youth arrested, not the number of charges</p> <p>Note: The data presented in this report are only as accurate as the data provided by the local law enforcement agencies. In addition, there was a data system reporting transition in FY2021 in BCI. Further, Asian and Pacific Islander are grouped together, thus the numbers in the following table are split evenly for each group.</p>
Court Referral	<p>Data source: CARE database implemented by the Juvenile Court and Juvenile Justice Services</p> <p>Timeframe: Intake date between 10/1/2020 and 9/30/2021</p> <p>Definition: A referral is when a potentially delinquent youth is sent forward for legal processing and received by a juvenile court either as a result of law enforcement action or upon a complaint by a citizen, school, government entity, or other individual or organization.</p> <p>Note: In FY2021, there was a change in the way a referral was counted. Instead of incident-based, the count is by episode (unique case numbers on a unique date)</p>

<p>Diversion</p>	<p>Data Source: CARE database implemented by the Juvenile Court and Juvenile Justice Services (JJS)</p> <p>Timeframe: Intake date between 10/1/2020 and 9/30/2021</p> <p>Definition: Utah’s diversion is known as a Nonjudicial adjustment (NJA). An NJA is an agreement between a youth and a Probation Officer that presents youth with an opportunity to avoid having the alleged offense petitioned to court</p> <p>Note: In FY2021, there was a change in the way a diversion was counted. Instead of incident-based, the count is by episode (unique case numbers on a unique date)</p>
<p>Pre-trial Locked Detention</p>	<p>Data Source: CARE database implemented by the Juvenile Court and Juvenile Justice Services</p> <p>Timeframe: Detention start date between 10/1/2020 and 9/30/2021</p> <p>Definition: Detention refers to youth held in secure detention facilities before seeing a judge</p>
<p>Disposition Commitment: Community Placement (CP)</p>	<p>Data Source: CARE database implemented by the Juvenile Court and Juvenile Justice Services</p> <p>Timeframe: Disposition dates between 10/1/2020 and 9/30/2021</p> <p>Definition: Disposition of Residential placements for youths committed to JJS Custody by the Juvenile Court. These include proctor care, group homes, and boarding schools</p> <p>Note: In FY2021, there was a change in the way a disposition was counted. Instead of incident-based, the count is by episode (unique case numbers on a unique date)</p>
<p>Disposition Commitment: Secure Care (SC)</p>	<p>Data Source: CARE database implemented by the Juvenile Court and Juvenile Justice Services</p> <p>Timeframe: Disposition dates between 10/1/2020 and 9/30/2021</p> <p>Definition: Disposition of Long-term locked confinement facilities for serious and habitual delinquent youths who are high-risk to reoffend</p> <p>Note: In FY2021, there was a change in the way a disposition was counted. Instead of incident-based, the count is by episode (unique case numbers on a unique date)</p>

FY2020

Race/Ethnicity	Population	Arrest	Referral	Diversion	Detention	CP	SC
White	73.16%	59.84%	56.03%	61.49%	47.88%	40.99%	47.41%
Amer. Indian or Alaska Native	1.01%	1.44%	1.96%	1.67%	3.06%	0.90%	0.47%
Asian	1.67%	1.28%	0.97%	0.96%	1.02%	1.61%	0.00%
Black	1.42%	5.36%	4.59%	3.48%	8.75%	7.71%	4.95%
Latino or Hispanic	18.19%	18.92%	27.43%	25.73%	34.03%	40.90%	43.04%
Nat. Hawaiian or Pac. Islander	1.58%	1.28%	1.83%	1.83%	2.20%	3.14%	4.13%
Multi-racial or Other Race	2.97%	0.00%	1.25%	1.17%	1.56%	3.95%	0.00%
Unknown	0.00%	11.87%	5.95%	3.68%	1.50%	0.81%	0.00%

FY2021

Race/Ethnicity	Population	Arrest	Referral	Diversion	Detention	CP*	SC*
White	72.41%	68.38%	59.43%	62.90%	40.53%	49.32%	25.49%
Amer. Indian or Alaska Native	0.97%	1.92%	2.36%	2.03%	3.43%	0.68%	3.92%
Asian	1.62%	1.37%	1.07%	0.81%	1.83%	2.70%	1.96%
Black	1.36%	5.75%	5.40%	3.59%	10.74%	6.08%	9.80%
Latino or Hispanic	18.90%	21.21%	28.95%	27.53%	39.76%	37.16%	50.98%
Nat. Hawaiian or Pac. Islander	1.59%	1.37%	1.68%	1.90%	1.77%	2.03%	5.88%
Multi-racial or Other Race	3.16%	0.00%	1.11%	1.24%	1.94%	2.03%	1.96%
Minority Total	27.59%	31.62%	40.57%	37.10%	59.47%	50.68%	74.51%

*Sample sizes for CP and SC are significantly smaller than other points of contact (~148 and 51 respectively)

SECTION 2: ACTION PLAN

Analysis of FY2021 Data

While Utah's minority youth population is growing each year, White youth account for 72.41% of the overall youth population in FY2021. The largest minority youth population in Utah is youth identified as Latino or Hispanic (18.9%), followed by Multi-racial or Other Race (3.16%), Asian (1.62%), Native Hawaiian or Pacific Islander (1.59%), Black (1.36%), and American Indian or Alaska Native (<1%).

It is important to note the state of Utah underwent juvenile justice reform in 2017, making significant policy changes that focused on preventing deeper involvement in the juvenile justice system for lower-level youth and improving outcomes through reinvestment and increased system accountability. Policy implementation coupled with the continued COVID-19 pandemic resulted in a reduction in the overall number of youth entering the formal justice system.

Despite the ongoing changes to the system and acknowledging the relative lower numbers for some of the more restrictive placements (i.e., Community Placement and Secure Care), the state of Utah continues to see R/ED issues at multiple points of contact as the previous table indicates. Grouping all racial and ethnic groups together, minority youth make up 27.59% of the general youth population but represent 31.62% arrests, 40.57% of court referrals, 59.47% of pre-trial locked detention, 50.68% of community placement dispositions, and 74.51% of secure care dispositions. One key finding for FY2021 is that White youth are being diverted at a higher rate than minority youth (62.9% vs. 37.1%).

Mission/Vision/Goals for Successful R/ED Reduction

The mission of Utah's Racial and Ethnic Disparities Advisory Committee is *to make available quality data, research, and culturally responsive solutions and recommendations to address and prevent racial and ethnic disparities in Utah's youth justice system.*

Successful R/ED reduction looks like empowered stakeholders and communities that are able to recognize that the issue exists and understand their roles in helping to reduce and prevent R/ED from occurring through implementing restorative practices that employ data-driven, evidence-based, and best-practice approaches at all levels within and outside of the juvenile justice system. Utah's R/ED Advisory Committee envisions a *youth justice system that provides fair and equitable treatment for all youth at all points of contact in the system. Such a system entails the following:*

- *Key system players and decision makers that recognize and commit to addressing and preventing racial and ethnic disparities that are occurring in the system.*
- *System agencies and practitioners that effectively deliver culturally effective services.*

- *Youth and adults that are primarily impacted by R/ED are kept well informed and are given opportunities to provide input and solutions and help to implement them.*
- *Utilization and evaluation effectiveness of cross-culturally responsive restorative practices that employ data-driven, evidence-based approaches at all levels within and outside of the youth justice system.*

The R/ED Advisory Committee's over goals include:

- *Creating stronger communication between law enforcement, juvenile courts, schools, other resources, and diverse communities.*
- *Expanding partnerships across sectors to also help provide input, suggestions, and take action.*
- *Educating and raising awareness with youth of color and their families about the youth justice system and encouraging positive interactions with law enforcement to prevent encounters with the legal system.*
- *Increasing awareness among partners, practitioners, and service providers on current and future identified issues impacting system-involved youth of color and their families- including recommendations based on data, research, and other project findings.*
- *Providing greater opportunity for youth of color and their families that had contact with the juvenile justice system to be involved with R/ED efforts and to have their opinions and perspectives shared.*
- *Providing support and recommendations for the local R/ED working groups to assist them with implementation efforts at the local level.*

Desire to Reduce R/ED

Utah is very committed to reducing R/ED across the State's juvenile justice system. As implementation of juvenile justice reform efforts in Utah continue, R/ED issues are being closely monitored at all points of contact. Utah is tracking the specific contact points required by OJJDP as well as other contact points important to the review and monitoring of the State's system.

While the R/ED Advisory Committee would like to see a reduction of all minority population representation at all points of contact, for the upcoming year there will be a focus on diversion. The R/ED Advisory Committee will gather information on key cities in Utah to pinpoint Black and Brown communities that would benefit from learning more about diversion and what is available to them. The Committee expects that Utah will experience overall R/ED reduction as a result of the State's systemic approach and emphasis on the outlined diversion goals combined with the efforts of R/ED-related entities in both Juvenile Court and Juvenile Justice Services.

Utah's commitment to reducing R/ED across the State's juvenile justice system is reasonable because it is necessary for a just and fair system.

Support from OJJDP

Utah needs increased funding for juvenile justice programs and support, national expertise into “what works” in reducing R/ED at all points of contact, an annual standalone R/ED-specific conference/training, and a coordinated effort between national, state, and local authorities to create a platform for a safe discussion and partnership to address the complexities of R/ED reduction.

Safeguards for Public Safety, Accountability, and Skill Development

Utah’s plan is data-driven, and uses evidence-based, best-practices approaches that incorporate adolescent brain development to establish appropriate interventions. Any action taken to reduce R/ED requires careful planning and consultation with partners. When there are gaps in expertise, the R/ED Advisory Committee solicits subject matter experts to weigh in and provide advice and recommendations. Collaboration and communication are at the forefront of efforts to build trust with stakeholders to begin addressing R/ED.

SECTION 3: OUTCOME-BASED EVALUATION

Comparison of FY2020 and FY2021 R/ED Data – by percentages

Fiscal Year 2020¹

	Population	Arrest	Referral	Diversion	Detention	CP	SC
White	73.16%	67.91%	61.76%	64.80%	48.61%	50.00%	38.20%
Minority	26.84%	32.09%	38.24%	35.20%	51.39%	50.00%	61.80%

¹Due to the changes as indicated in the definition table in Section 1, FY2020 numbers may not match what was submitted in the previous year’s report.

Fiscal Year 2021

	Population	Arrest	Referral	Diversion	Detention	CP	SC
White	72.41%	68.38%	59.43%	62.90%	40.53%	49.32%	25.49%
Minority	27.59%	31.62%	40.57%	37.10%	59.47%	50.68%	74.51%

Comparing FY2021 to FY2020, we see a slight decrease in the percentage share of minority youth at the point of arrest. We also see a slight increase in the percentage share of minority youth at the point of referral, diversion, detention, community placement, and secure care.

Comparison of FY2020 and FY2021 R/ED Data – by Relative Rate Index (RRI)

Note: this RRI section is for Utah’s internal analysis purposes and not for OJJDP reporting.

To take a closer look at the numbers beyond percentage shares, we examined the points of contact using the Relative Rate Index method. This method allows us to take into account the previous point of contact.

Point of Contact	2020	2021
Arrest	1.29	1.21
Court Referral	1.31	1.48
Diversion	0.88	0.86
Locked Detention	1.64	2.30
Community Placement (CP)	1.55	1.61
Secure Care (SC)	2.50	4.59

Although we do see an increase of percentage share of diversion in FY2021 for minority youth, the relative rate index shows that minority youth are 14% less likely to enter into diversion compared to white youth in FY2021 (12% less likely in FY2020). At the points of Locked Detention, Community Placement, and Secure Care we see an increase in the relative rate index when comparing FY2021 to FY2020. However, again it is important to note the number of these sample sizes for Community Placement and Secure Care are small and thus can impact the overall rates.

The numbers for FY2021 indicate minority youth are referred to the Juvenile Court system at a higher rate, diverted less, and continue to go deeper into the system compared to White youth. As such, Utah will make diversion a focus area for the R/ED Advisory Committee.

Progress on Previous Year's Goals

The R/ED Advisory Committee's previous year's goals included:

Goal 1: Provide listening sessions for students and parents of minority populations to hear their perspectives on school resource officers so they can be included in future policy recommendations and changes.

Success: Completed the listening sessions with transcribed notes. A report was created and can be found on the Utah R/ED Advisory Committee's website.

Goal 2: Develop the Civic Engagement Training Program to provide system-involved youth and young adults an opportunity to learn about and provide input on juvenile justice processes through direct contact with legislators, policymakers, and public administrators.

Success: First round of training sessions was held- 26 people registered for the program.

- Able to reach non-profit, universities, the courts, and JJS employees
- Age range: 19-50 years old
- State reach: Carbon County (Price) - Davis County
- Presenters: 20 individuals from courts, counties, Juvenile Justice Services administration and staff, State government agencies, and the State legislature

Goal 3: Continue growing and diversifying the R/ED Advisory Committee.

Success: Added 2 new minority youth members

Goal 4: Continue collaborating with the Utah Board of Juvenile Justice and the Juvenile Justice Oversight Committee on research projects related to disparities at certain points in the juvenile justice system, specifically related to: 1) court fines and fees, and 2) non-judicial adjustment agreements.

Success: Completed fines and fees focus group with a residents of a secure care facility. Focused on how fines and fees have impacted the young men and their families.

Goal 5: Develop R/ED Committee Youth Advocacy Initiative to provide youth and young adults an opportunity to learn about civic engagement in juvenile justice. The target population will be college students in justice-related majors with a specific focus on students of color and students from rural areas of Utah.

Barriers: Started out well partnering with Juvenile Justice Services. However, JJS lost the coordinator over activities and the partnership was placed on hold. JJS recently hired a new coordinator and the R/ED Advisory Committee looks forward to resuming collaboration on the civic engagement classes for young adults.

Goals Moving Forward

Goal 1: Continue developing R/ED Committee Youth Advocacy Initiative to provide youth and young adults an opportunity to learn about civic engagement in juvenile justice. The target population will be college students in justice-related majors with a specific focus on students of color and students from rural areas of Utah.

Goal 2: Continue growing and diversifying the R/ED Advisory Committee- specifically more youth membership. Plans include reaching out to colleges and community youth councils.

Goal 3: Continue collaborating with the Utah Board of Juvenile Justice and the Juvenile Justice Oversight Committee on research projects related to disparities at certain points in the juvenile justice system, specifically related to: 1) court fines and fees, and 2) non-judicial adjustment agreements. The Committee has collaborated with Utah Juvenile Defender Attorneys to hold a couple of one-time focus groups to see how court fines and fees have impacted youth and their families. The Committee looks forward to more collaborations to gather information.

Goal 4: Develop public-facing comprehensive understanding of diversion programming by working with juvenile justice professionals to make the state and community diversion programs available to families in multiple languages and in various communities.

Support from OJJDP

In addition to what was described in Section 2 of this report regarding support from OJJDP, Utah needs pointers on how to create public facing diversion information, specifically:

1. What has worked in the past in other states?
 - a. Who could we contact from surrounding states to help us with our goals?
2. What are new ways we could get information out to Black and Brown families?
 - a. We were thinking of hiring/working with an individual or company to provide translation services, so that the work we do can reach more Black and Brown communities.

Safeguards for Public Safety, Accountability, and Skill Development

The process described in Section 2 was followed. As with any action taken in Utah to reduce R/ED, the work done over the past Federal fiscal year included careful planning and consultation with partners. Collaboration and communication are at the forefront of efforts to build trust with stakeholders to begin addressing R/ED so that the public is protected while juveniles are fairly and justly held accountable.