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## **An Assessment of Disproportionate Minority Confinement in San Mateo County**

**Final Report**

**Prepared for  
The San Mateo Juvenile Justice &  
Delinquency Prevention Commission**

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## I. INTRODUCTION

The Juvenile Justice and Delinquency Prevention Act of 1974 required that states *"address efforts to reduce the proportion of juveniles detained or confined in secure detention facilities, secure correctional facilities, jails, and lockups who are members of minority groups if such proportion exceeds the proportion such groups represent in the general population,"*<sup>1</sup> thus the Department of Justice, specifically the Office of Juvenile Justice and Delinquency Prevention (OJJDP), has acknowledged the need to address the disparities that are presented by the overrepresentation of youth of color in the nation's juvenile justice system. Disproportionate Minority Confinement (DMC) is the overrepresentation of minority youth in juvenile detention and correctional facilities, and it is commonly recognized as the most visible and quantifiable manifestation of the disproportionate representation of African Americans, Latinos/Hispanics, Asians, Pacific Islanders, and American Indians in the juvenile justice system.

San Mateo County has been openly reviewing the disproportionate confinement of its youth of color since 2002. There was a press conference held by the San Mateo chapter of the NAACP at the San Mateo City Council Chambers and another meeting at the Peninsula Community Foundation. At the latter meeting, supervisors Jerry Hill and Rose Jacobs Gibson delegated the task of assessing DMC to the Juvenile Justice and Delinquency Prevention Commission (JJC). The JJC offered a series of public forums to discuss race and juvenile justice in San Mateo County. These poorly attended forums, held in San Mateo (Hillcrest), Half Moon Bay, Daly City, East Palo Alto, and Redwood City, produced a consensus that there was a concern among some San Mateo County

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<sup>1</sup> Juvenile Justice and Delinquency Prevention Act of 1974, Section 223(a)(23).

residents, activists, and journalists that race was adversely affecting the administration of justice in the County, and that community activists' and residents' concerns have historically been ignored by the justice system.<sup>2</sup>

Measuring the disproportionate confinement of youth of color and discussing the impact of race and ethnicity in general are difficult due to the fact that measuring “race” is itself a discipline fraught with inconsistencies. Because “race” is a social construct based on perception,<sup>\*</sup> measuring discrimination and/or disparity is also complicated and based partially on perception. This does not mean that the actual *effects* of race on individuals and groups are not real in a material sense. They are real; and given the importance of these effects, this discussion of DMC includes some analysis of how representatives from communities of color and the juvenile justice system perceive the causes, scope, and impact of DMC in San Mateo County. Some argue that the overrepresentation of youth of color in the justice system is simply the result of minority youth committing more crimes than white youth.<sup>3</sup> However, researchers disagree on whether youth of color are more prone to criminal behavior than their white counterparts. According to a national 2000 study published by the Building Blocks for Youth initiative, it is not clear whether minority overrepresentation is “the result of differential police policies and practices (e.g., targeting patrols in certain low-income neighborhoods, policies requiring immediate release to biological parents, group arrest procedures); location of offenses (youth of color using or selling drugs on street corners, white youth

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<sup>2</sup> Juvenile Justice Commission Community Forum Notes. 2002.

<sup>\*</sup> According to recent science, there is no biological and/or genetic merit to “race.” Classifications of “race” are defined by social understandings and norms regarding the physical and cultural differences of human beings. For more information, visit: <http://allrelated.syr.edu>.

<sup>3</sup> Poe-Yamagata, E. and Jones, M. *And Justice for Some: Differential Treatment of Minority Youth in the Juvenile Justice System*. Washington, DC: Building Blocks for Youth Initiative. April 2000; p.1.

using or selling drugs in homes); different behavior by minority youth (e.g., whether youth of color commit more crime than white youth); differential reactions of victims to offenses committed by white and minority youth (e.g., whether white victims of crime disproportionately perceive the offenders to be minority youth), or racial bias within the justice system.”<sup>4</sup>

Like many communities, San Mateo County has been confronted by the realization that there is, at the very least, a perception on the part of some members of the community that youth of color are being “unfairly treated” by the County’s juvenile justice system.<sup>5</sup> While California and its various communities are not the only entities suffering from the dilemma and consequences presented by DMC, some California communities are leading the nation in attempting to remedy the issue. By taking steps toward better understanding the scope and nature of the problem, San Mateo County is one such community.

San Mateo County’s leadership (from civil rights, social justice, civil liberties, youth service, county and city government, and juvenile justice) has faced the issue of DMC head-on, deciding that the best way to begin the development of concrete and feasible measures to decrease DMC was to arm itself with information. To that end, the County Board of Supervisors mandated the Juvenile Justice and Delinquency Prevention Commission to conduct a study. The Juvenile Justice Commission initiated a search for an independent agency to measure the degree to which race and ethnicity are *actual and/or perceived* factors in the administration of justice in the County, and to present the

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<sup>4</sup> Poe-Yamagata, E. and Jones, M. *And Justice for Some: Differential Treatment of Minority Youth in the Juvenile Justice System*. Washington, DC: Building Blocks for Youth Initiative. April 2000; p.1.

<sup>5</sup> Fraley, M. “Minority teens treated unfairly, activists say.” *San Mateo County Times*. Wednesday, August 27, 2003.

best practices to ameliorate any disproportionate representation of youth of color in the County's detention facilities. Although this report often refers to San Mateo County, it is important to recognize that this political entity is composed of a diverse array of cities, multiple law enforcement agencies, and several independent school districts.

Beginning in February, 2003, the National Council on Crime and Delinquency (NCCD) was commissioned to conduct an assessment of disproportionate minority confinement in San Mateo's juvenile detention facilities. The objectives of this study were to determine the extent of disproportionate minority confinement in the County's facilities and make comparisons to other California counties; to identify the factors that contribute to disproportionality through analysis of data and interviews with key stakeholders and community members; and to recommend strategies to reduce DMC in San Mateo County's juvenile detention facilities.

## II. RECENT STUDIES CONDUCTED ON DISPROPORTIONATE MINORITY REPRESENTATION AND CONFINEMENT

In recent years, there have been several studies conducted to assess the various levels and causes of disproportionate confinement in the juvenile justice system, and some of these are cited below to provide a national context in which discussion of disproportionate minority confinement occurs. Research findings “support the existence of disparities and potential biases in juvenile justice processing.”<sup>6</sup> The causes and mechanisms of these disparities are complex, and could potentially include factors such as inherent system bias, local policies and practices, and social conditions. Research has also suggested that the interaction of these factors could result in the overrepresentation of youth of color in the juvenile justice system.<sup>7</sup>

Research on the causes, correlates, and consequences of DMC have acknowledged that the disproportionate confinement of these youth does not occur in a vacuum, but rather, there are several factors that contribute to the interrelatedness of race, ethnicity, and gender in the juvenile justice system.

According to a 1998 Office of Juvenile Justice and Delinquency Prevention (OJJDP) bulletin, “*Disproportionate Minority Confinement: Lessons Learned from Five States*,” there are several interrelated constructs that combine to generate the disproportionate confinement of youth of color.<sup>8</sup> Though perceptions of the factors that

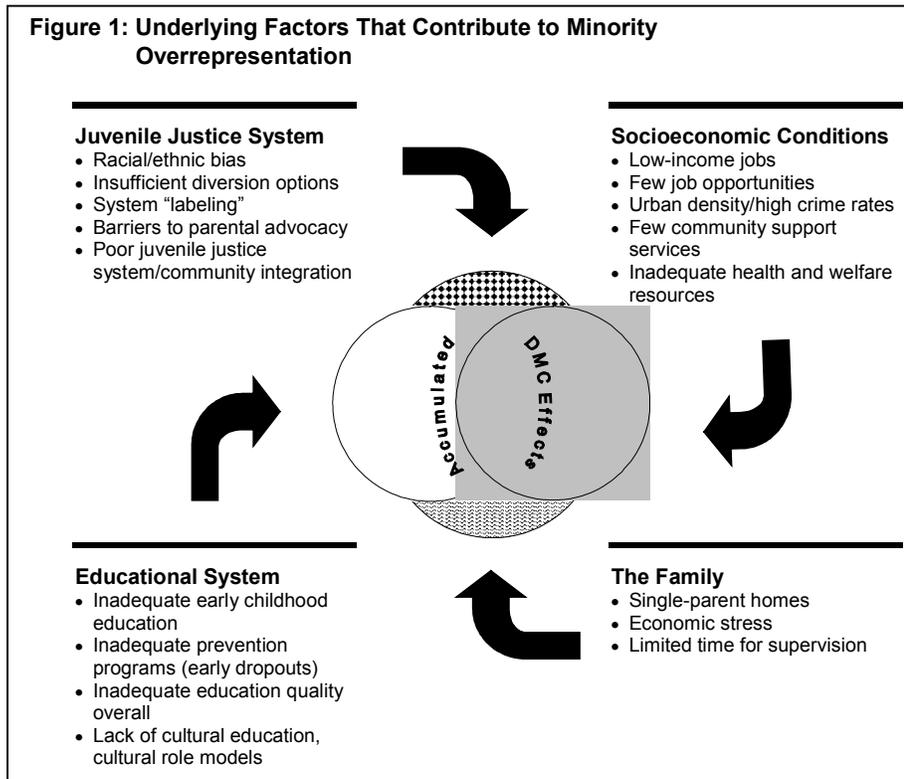
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<sup>6</sup> Pope, C., Lovell, R., Hsia, H. *Disproportionate Minority Confinement: A Review of the Research Literature from 1989 Through 2001*. Washington, DC: Youth Law Center. Building Blocks for Youth.

<sup>7</sup> Pope, C., Lovell, R., Hsia, H. *Disproportionate Minority Confinement: A Review of the Research Literature from 1989 Through 2001*. Washington, DC: Youth Law Center. Building Blocks for Youth.

<sup>8</sup> Devine, P., Coolbaugh, K. and Jenkins, S. *Disproportionate Minority Confinement: Lessons Learned from Five States*. Washington, DC: Department of Justice. Office of Juvenile Justice and Delinquency Prevention. 1998.

contribute to DMC vary, the study found that an overall list of contributing factors fell into four interrelated domains: the juvenile justice system, the educational system, the family, and socioeconomic conditions [Figure 1].



Source: U.S. Department of Justice. Office of Juvenile Justice and Delinquency Prevention. *Disproportionate Minority Confinement: Lessons Learned From Five States*. December 1998.

For example, the U.S. Census for 2000 shows that, among the population of all men age 25 and older, over 1500 in San Mateo, South San Francisco, and Redwood City reported “no schooling completed.” [Appendix A]. These are also the three communities with the highest numbers of households that are “linguistically isolated,” meaning no person age 14 years and older for whom English is a second language, speaks English “very well.”<sup>9</sup> San Mateo, Daly City, and East Palo Alto also reported the largest number

<sup>9</sup> Census 2000, Summary File 4, U.S. Census Bureau. Retrieved 09 October 2003 from [factfinder.census.gov](http://factfinder.census.gov).

of incomes that were below the poverty level in 1999. [Appendix A] Therefore, according to this research by OJJDP, the intersection of the language barriers, lack of formal education, and prevalence of poverty (particularly for youth) in San Mateo compound to generate DMC.

The conclusion of the 1998 OJJDP national study is confirmed by several other studies that have sought to assess the scope of DMC in various communities, and the degree to which disproportionate minority representation throughout the system is leading to these disparities in rates of confinement. Added to this assessment, however, is the effect of the perceived normalcy of crime and delinquency among certain populations and communities.

The literature has contradictory findings on the role of criminal justice agencies in DMC. For example, a 2003 study by Pope and Snyder on police encounters with juveniles found that there was no evidence to support the hypothesis that police are more likely to arrest youth of color than white youth for serious violent (and some nonviolent) crimes, once other incident attributes were taken into consideration. This research acknowledged that these encounters are “difficult to measure, as they tend to be low-visibility events that take place spontaneously on the streets.”<sup>10</sup>

However, a number of other studies that discuss the cumulative impact of race on the administration of justice indicate that the decision-making of law enforcement is a critical pathway to involvement in the justice system. A 2000 report by Poe-Yamagata and Jones confirmed that, at a national level, approximately two-thirds of the studies on disproportionate confinement showed “negative race effects” at one stage or another of

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<sup>10</sup> Pope, C. and Snyder, H. *Race as a Factor in Juvenile Arrests*. Washington, DC: Department of Justice. Office of Juvenile Justice and Delinquency Prevention. 2003.

the juvenile justice process.<sup>11</sup> Youth of color are more likely than white youth to come into contact with the juvenile justice system, and this disparity is most pronounced at the beginning stages of involvement with the system. Also, when racial and ethnic differences are found, they tend to accumulate as youth are processed through the system.<sup>12</sup>

According to a 2003 study by Redding and Arrigo, the effects of race on the administration of justice are generally small. The study found that, while racial discrimination is a factor, it does not account for a large portion of the variance in offending rates. Researchers indicate that youth of color are “disadvantaged” in not having a commensurate level of access to mental health services and private mental health facilities as white youth, and that race is a factor in determining whether a juvenile is placed in a juvenile justice or in a mental health facility. This study also found no evidence to support the theory of a genetic transmission of aggression or antisocial behavior, but that African American youth tend to be affected by environmental risk factors that contribute to social and economic problems that impact juvenile delinquency.<sup>13</sup> However, a Seattle study conducted by Bridges and Steen in 1998 found that probation officers were more likely to attribute the criminal behavior of African American youth to *internal* factors (i.e., unremorseful attitudes and amoral character) and the criminal behavior of white youth to *external* factors (i.e., the youth’s social

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<sup>11</sup> *And Justice for Some: Differential Treatment of Minority Youth in the Justice System-* Poe-Yamagata, E. and Jones, M. Washington, DC: Youth Law Center. Building Blocks for Youth. 2000.

<sup>12</sup> *And Justice for Some: Differential Treatment of Minority Youth in the Justice System-* Poe-Yamagata, E. and Jones, M. Washington, DC: Youth Law Center. Building Blocks for Youth. 2000.

<sup>13</sup> Redding R. and Arrigo, B. *Multicultural Perspectives on Juvenile Delinquency: Etiology and Intervention.* In press: C. Frisby & C. Reynolds (Eds.) Handbook of Multicultural School Psychology. New York: Wiley. (2003)

environment). These attributions were found to shape the assessment of the threat of future offending and, therefore, the sentencing recommendations. The Bridges and Steen research also found that these recommendations tended to result in more severe sentencing because harsher sentences tend to be reserved for youth whose crimes are attributed to negative personality traits and for those who are perceived as more dangerous.<sup>14</sup>

Research<sup>15</sup> analyzing race and the justice system has consistently acknowledged the dearth of data regarding Latino/Hispanic youth in the justice system. The key findings regarding Latino/Hispanic youth in the system reveal that: 1) Latino/Hispanic youth are significantly overrepresented in the U.S. justice system and receive harsher treatment than white youth, even when charged with the same offenses; 2) the current means of collecting and accessing data are inadequate, resulting in inaccurate and underreporting of the disparate treatment of Latino/Hispanic youth in the justice system; 3) the justice system does not provide uniform ethnic definitions for the terms “Latino” and “Hispanic,” causing problems with youth classifications; 4) the justice system fails to separate race from ethnicity (i.e., Mexican, Cuban, Dominican, Afro-Puerto Rican, etc.); 5) the justice system fails to provide adequate bilingual services to Latino/Hispanic youth; 6) the justice system fails to ensure cultural competency of staff working with Latino/Hispanic youth in the system; 7) the lack of consideration of the immigration status of Latino/Hispanic youth results in incarceration, deportation, and permanent

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<sup>14</sup> Bridges, G. and Steen, S. “Racial Disparities in Official Assessments of Juvenile Offenders: Attributional Stereotypes as Mediating Mechanisms.” *American Sociological Review*, Vol. 63 (August: 554-570). 1998.

<sup>15</sup> Villaruel, F. and Walker, N., et. al. *¿DÓNDE ESTÁ LA JUSTICIA?: A Call To Action for Latino and Latina Youth in the U.S. Justice System*. Washington, DC: Youth Law Center. Building Blocks for Youth. 2003. *And Justice for Some: Differential Treatment of Minority Youth in the Justice System*- Poe-Yamagata, E. and Jones, M. Washington, DC: Youth Law Center. Building Blocks for Youth. 2000.

separation from families; and 8) anti-gang laws result in harsh and unfair consequences for Latino/Hispanic youth.

Another issue identified through research on race and justice is the impact of zero-tolerance policies at schools on the entry of youth of color into the justice system. Included in this body of research are discussions on how “white children are liberally represented in teaching materials, they have teachers with similar cultural experiences, neutral or positive assumptions are made about them, judgments are researched about their economic class, their tests are norm-referenced to their own group, and they are rarely considered the problems of the school.”<sup>16</sup> Some have argued that this climate for youth of color was found to negatively impact the academic experience of youth of color, contributing to too many young people that have been marginalized or stigmatized into engaging in delinquent behavior.

Lastly, recent research conducted by Hoytt, Schiraldi, Smith, and Ziedenberg on promising approaches to curb the disproportionate confinement of youth of color have produced a series of “lessons learned” for communities. These include:

1. Without a commitment to juvenile detention reform in general, reducing racial disparities is unlikely.
2. An explicit focus on reducing racial disparities is essential.
3. Reducing racial disparities requires authoritative leadership.
4. Define the problem in terms that can be changed (i.e., frame the problem in a context that is doable).
5. Emphasize action, not just discussion or training.

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<sup>16</sup> Johnson, T., Boyden, T.E., Pittz, W. *Punishment in U.S. Public School: How Zero Tolerance Policies and High Stakes Testing Subvert Academic Excellence and Racial Equity*. ERASE Initiative. 2001.

6. Broad, diverse coalitions can facilitate DMC reduction.
7. Individual agencies can make a difference.
8. Keep the police in the work.
9. Data really help.
10. It is possible to reduce racial disparities in juvenile detention.<sup>17</sup>

These studies and others reveal that the disproportionate representation of youth of color in the justice system, particularly their confinement, is an issue that is deemed worthy of policy attention. These studies also indicate that there are still inconclusive results regarding the exact causes of DMC. However, the significant amount of research that has been conducted has indicated several points along the juvenile justice continuum that are consistently referenced in the effort to identify where racial and ethnic disparities are most prevalent in the justice system. Specific issues of concern include the need to collect data that accurately reflect racial and ethnic differences among populations in contact with the justice system, the need to review the decision-making practices of justice officials, and the need to better understand the perceptions of racial bias in the justice system.

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<sup>17</sup> Hinton Hoytt, E., Schiraldi, V., Smith, B. and Ziedenberg, J. *Pathways to Juvenile Justice Detention Reform: Reducing Racial Disparities in Juvenile Detention*. Baltimore, MD: Annie E. Casey Foundation. 2002.

### III. METHODOLOGY

The National Council on Crime and Delinquency (NCCD) utilized a multi-faceted approach to assess racial and ethnic disparities in the Hillcrest Juvenile Hall and Camp Glenwood. The approach, modeled on a process that NCCD has implemented in more than 50 communities nationwide, included various stages designed to maximize the level of input from key agency and community stakeholders.

On April 11, 2003, a meeting of key community and justice stakeholders launched the beginning of the study to assess the disproportionate confinement of youth of color in the Hillcrest Juvenile Hall and Camp Glenwood. At this meeting, NCCD, representatives from the San Mateo County Board of Supervisors, the San Mateo Juvenile Justice and Delinquency Prevention Commission, community members and organizations, and leading justice officials discussed the purpose and the expected outcomes of the study. In preparation for and immediately following this meeting, NCCD conducted interviews with 63 representatives of key agencies and community organizations, all of whom offered community and agency perspectives on the scope of DMC in the County. At the April, 2003, meeting, NCCD oriented several key stakeholders, policymakers, and decision-makers to the data collection process and developed four workgroups, including data collection, decision-making, resources, and youth outreach, as well as the specific tasks related to each workgroup. Below is a brief description of the goal for each workgroup:

**Decision-Making:** The goal of this workgroup was to examine the decision-making points along the juvenile justice continuum and analyze their impact on the disproportionate representation of youth of color in juvenile hall and Camp

Glenwood. This workgroup examined juvenile justice flowcharts; key variables influencing decisions of law enforcement, district attorneys, defense attorneys, the court, and probation, among other agencies; the availability and usage of objective decision-making tools along the justice continuum; and the decision-making policies at schools related to discipline.

**Youth Outreach:** The goal of this workgroup was to actively seek the input of youth throughout San Mateo County regarding the Disproportionate Confinement of Youth of Color at juvenile hall. This workgroup developed a youth survey regarding race and the justice system and hosted a series of public meetings and focus groups designed to collect the input of youth on the issue of race and justice in San Mateo County.

**Data Collection:** The goal of this workgroup was to collect and analyze quantitative data to determine justice trends by ethnicity in San Mateo County. This workgroup examined demographic data (i.e., population, economic trends, etc.); school data (i.e., suspension and expulsion trends, etc.); and justice data (i.e., trends re: arrest, petitions filed, pleas entered, adjudication, sentencing/dispositions, etc.).

**Resources:** The goal of this workgroup was to conduct an inventory of programs, and identify gaps along the continuum of services for youth in San Mateo County. This workgroup collected information regarding the community-based, after school prevention programs; community-based services for non-violent, first-time

offenders; services for high-risk youth and youth on probation; and services for detained youth.

These workgroups, which were comprised of representatives from various justice, child welfare, and youth service agencies, assisted NCCD in identifying issues that contribute to DMC in the County interpreting data from some of the agencies, organizations, and systems affecting racial disparities in the juvenile justice system. These workgroups also served as a means to discuss the status of data being collected, the coordination of specific events designed to collect data, and the prioritization and summarization of those data. In addition to these regular meetings, NCCD continued to conduct individual interviews with agency leaders in the County regarding the issue of DMC, disseminated a monthly update to interested community members, and developed a listserv to enhance communication for those with e-mail.

Interviews and focus groups were held with key community agencies in the County, with youth, and with Latino/Hispanic and African American parents. There were three parent focus groups hosted in San Mateo and Pescadero that were attended by a total of 32 parents from throughout the County, some whose children were involved in the justice system, and some whose were not. Each parent attended only one meeting. NCCD also conducted six youth focus groups attended by a total of 32 youth, and three youth meetings (Daly City, East Palo Alto, and San Mateo) attended by a total of 27 youth. These groups and meetings yielded data about youth perceptions of the causes, scope, and consequences of DMC in San Mateo County. A youth survey was distributed by youth affiliated with El Concilio of San Mateo, the Boys and Girls Club of East Palo, and NCCD's internship program. Surveys were distributed from June through August,

2003, at summer youth events, organizations, and at a local public high school.

Additional data were collected through a series of open meetings for youth and small focus groups with youth attending an alternative high school, and with youth detained in the Hillcrest Juvenile Hall and Camp Glenwood. In general, the response to these community meetings was fairly limited; the numbers in attendance were small. The views expressed at these meetings were those of individuals or groups. NCCD can not say how representative these opinions were in terms of the wider community. An in-depth measurement of community attitudes toward juvenile justice would have required much more time and more funds than were available for this study.

#### *The NCCD Research Team*

The NCCD research team was comprised of a multicultural staff of experts who have extensive experience in juvenile justice administration, evaluation, data collection, strategic planning and analysis. NCCD President Barry Krisberg, Ph.D. led the project team for this study. Dr. Krisberg has more than 30 years of experience conducting research in the field of juvenile justice and violence prevention. Dr. Krisberg published the first national study on DMC and drafted the national standards and goals for delinquency prevention that helped to shape the first OJJDP prevention agenda. NCCD Senior Research Associate and Author Monique W. Morris, M.S., served as project manager for the study. Ms. Morris has managed several complex projects involving community planning and communication. Her expertise is in community-based strategic planning, juvenile justice, gender-specific programming, cultural competence juvenile programming, and solutions for disproportionate minority confinement. NCCD Coordinator of Research Isami Arifuku, D. Crim., has specific expertise in examining the

disproportionate arrests, adjudication, and incarceration of Asian youth in the juvenile justice system through her work with the Asian Pacific Islander Youth Violence Prevention Center, a collaboration of NCCD and the University of Hawai'i. Dr. Arifuku was the co-director of the Center for Race, Crime, and Social Policy at Cornell University, and has designed data collection tools, conducted interviews, focus groups, analyzed probation data, and developed communications methods for various constituent groups.

NCCD Senior Fellow Richard W. Tillson, M.S.W., has over 45 years of experience in the juvenile justice system. Mr. Tillson was the Deputy Director of the California Youth Authority (CYA), and worked in CYA for over 30 years. Mr. Tillson's expertise is in treatment of juvenile offenders and in juvenile justice administration, management, and communication. Velia Garcia, Ph.D., is Chair of Raza Studies at San Francisco State University. Dr. Garcia's specialization is in race and ethnicity, social inequality, crime and justice, women, and social history.

This field team was supported primarily by NCCD research associates Sharan Dhanoa and Poonam Juneja. Additional research and clerical support was provided for this team as needed.

### *Limitations of the Study*

A major limitation of this study is that the automated information management system of the County's Probation Department prevented NCCD from conducting sophisticated analyses such as the processing of specific offenses by zip code and race, examining prior histories of youth, the number of days between different decision points, or documenting the flow of cases through each decision point in processing. For example,

there is no information regarding offense history (felony or misdemeanor) for youth, so NCCD was unable to examine the prior offenses of youth sent to detention, and what impact that may have had on sentencing, length of stay, etc. A more probing analysis of the causes of DMC would require very sophisticated data systems.

An additional limitation of the study was that there was a relatively small number of youth [n=27] who attended the three “Youth Town Hall” meetings offered by NCCD and the Youth Outreach Committee in September, 2003. These meetings were offered at the Martin Luther King Center, the Jefferson Union High School District Office’s Galleria Room, and the Boys and Girls Club of East Palo Alto. Despite considerable efforts to alert students of the meetings through youth service organizations, public schools, and individual contacts, there remained a very small number of youth who actually attended these meetings. In order for NCCD to supplement the results of the survey with additional youth perspectives on the impact of race and ethnicity on the juvenile justice system, a series of four focus groups with three youth each were held in San Mateo County in early October, 2003. Still, the total number of youth with whom we were able to talk was very small.

#### IV. DATA PROFILE OF DMC IN SAN MATEO COUNTY

The data in this section come from the California Department of Justice, Criminal Justice Statistics Center, the U.S. Census, the San Mateo County Probation Department, the U.S. Department of Justice's Bureau of Justice Statistics, the California Department of Education, Educational Demographics Unit, and individual school districts in the County. The data presented in this section will follow the guidelines of OJJDP's Disproportionate Minority Confinement Technical Assistance Manual of April, 2000, with regard to presentation of data. All data presented below are for San Mateo County. (Note: In the display of data, some columns may not total 100% due to rounding to the closest whole number.)

##### **The Juvenile Population in San Mateo County**

The youth population aged 10-17 of San Mateo County in 2001 was 80,399, with White youth comprising the largest percentage (41%), followed by Hispanics (30%) and Asian/Pacific Islanders (23%). Black youth represented 5% of this population and American Indians less than 1%.

**Table 1. Juvenile Population by Race, 2001**

<b>Race</b>	<b>#</b>	<b>%</b>
White	32,981	41%
Hispanic	24,372	30%
Asian/Pacific Islander	18,645	23%
Black	4,085	5%
American Indian	316	<1%
<b>Total</b>	<b>80,399</b>	<b>100%</b>

Source: California Department of Justice, Criminal Statistics Center

## Juveniles in the Justice System

Arrest data from the California Department of Justice indicate that Black youth are arrested 2.5 times their proportion of the youth population aged 10-17 and Hispanic youth are overrepresented by 1.2 times. White and “Other” (includes Asian, Pacific Islander, and American Indian) youth are underrepresented. The last column, entitled Index, shows the extent of representation and is calculated by dividing a group’s percentage of the referrals by their percentage in the population. The key item in analyzing disproportionate minority confinement is the index value—a comparison of the percentage of youth at each decision point to the juvenile population at risk. Generally, the 10-17 year old population is selected as the at-risk population.\* OJJDP’s Technical Assistance Manual states that “the index value of disproportionality for each decision point is calculated by dividing the percentage of minority juveniles represented at each point in the juvenile justice system by the percentage of minority juveniles in the state’s at-risk population” (p. 10). For example, White representation of all referrals (32%) is divided by White representation in the youth population aged 10-17 (41%) to obtain 0.77, which is then rounded off to 0.8, the Index.

If a racial/ethnic group is represented at a specific stage in the process by the same percentage as their proportion of the general population, the Index would be 1.0. If the Index is less than 1.0, this means the group is *underrepresented*; an Index over 1.0 shows an *overrepresentation*. The higher the Index, the more minority representation is disproportionate.

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\* Office of Juvenile Justice and Delinquency Prevention. *Disproportionate Minority Confinement Technical Assistance Manual*. 2000.

**Table 2. Juvenile Arrests by Race, 2001**

<b>Race</b>	<b>#</b>	<b>%</b>	<b>Index</b>
White	995	32%	0.8
Hispanic	1,173	38%	1.2
Black	402	13%	2.5
Other	540	17%	0.8
<b>Total</b>	<b>3,110</b>	<b>100%</b>	

Source: California Department of Justice, Criminal Statistics Center

Of the 3,110 youth arrested throughout the County, 2,118 were referred to the San Mateo Probation Department during 2001. The following table shows the outcomes for these youth. The vast majority, 70%, remained in the community following their referral, but 29% were detained in Juvenile Hall.

**Table 3. Number of Juveniles Processed through the Justice System, 2001**

<b>Decision Point</b>	<b>#</b>	<b>%</b>
Referred to Probation	2,118	100%
Not detained, preadjudication	1,491	70%
Secure Facility, preadjudication	621	29%
Petitions Filed	1,326	63%
Adjudicated Youth of petitions filed	960	72%
Disposition of adjudicated youth		
Probation in Own Home	841*	88%
Committed to Private Agency	54	6%
Committed to a Secure Local Facility	58	6%
Committed to a Secure State Facility	7	<1%
Transferred to Adult Court	0**	
Case Closed or Dismissed	209	22%

Source: California Department of Justice, Criminal Statistics Center

\*Includes one youth in Non-Secure Facility

\*\*Includes only court-involved processes; youth may be sent to adult court in other ways.

Charges were filed by the District Attorney's office in 63% of the original 2,118 cases. A total of 960 youth or 72% of those with charges filed by the District Attorney were adjudicated with 841 or 88% receiving probation in the home, 6% committed to a private agency, 6% committed to a secure local facility, less than 1% committed to a

secure state facility, and none were transferred to adult court. Two hundred and nine (209) cases were closed or dismissed.

When disaggregated by race of youth, although Hispanic youth have the greatest number of referrals, followed by White youth, African Americans are the most disproportionately represented in referrals to probation. Hispanics are slightly overrepresented, and White, Asian/Pacific Islander, and American Indian youth are underrepresented.

**Table 4. Referrals to Probation by Race, 2001**

<b>Race</b>	<b>#</b>	<b>%</b>	<b>Index</b>
White	669	32%	0.8
Hispanic	801	38%	1.2
Black	297	14%	2.8
Asian/Pacific Islander	28	1%	0.1
American Indian	2	<1%	0.2
Race not known	321	15%	
<b>Total</b>	<b>2,118</b>	<b>100%</b>	

Source: California Department of Justice, Criminal Statistics Center

Table 5 shows that Black youth continue to be overrepresented in every category while waiting adjudication. White youth are underrepresented in those not detained whereas Hispanic and lack youth are overrepresented. The index for Hispanic youth increases disproportionately in placements in a secure facility prior to adjudication, whereas it decreases for White and Black youth.

**Table 5. Preadjudication Status by Race, 2001**

<b>Status</b>	<b>#</b>	<b>%</b>	<b>Index</b>
Not Detained	1,491		
White	482	32%	0.8
Hispanic	544	37%	1.2
Black	210	14%	2.8
Asian/Pacific Islander	21	1%	0.1
American Indian	1	<1%	0.2
Race not known	233	16%	

Status	#	%	Index
Placed in Secure Facility	621		
White	183	30%	0.7
Hispanic	256	41%	1.4
Black	86	14%	2.7
Asian/Pacific Islander	7	1%	0.1
American Indian	1	<1%	0.4
Race Unknown	88	14%	

Source: California Department of Justice, Criminal Statistics Center

The District Attorney formally charged (i.e., filed a petition) 1,326 or 63% of the 2,118 youths referred to probation during 2001. Table 6 shows that the index for White and Black youth decreased by 0.1 from the referral to probation; on the other hand, the index for Hispanic youth increased by 0.1, which means that their disproportionality increased at this decision point.

**Table 6. Petitions Filed by Race, 2001**

Race	#	%	Index
White	394	30%	0.7
Hispanic	531	40%	1.3
Black	179	14%	2.7
Asian/Pacific Islander	13	1%	0.0
American Indian	2	<1%	0.4
Race not known	207	16%	
<b>Total</b>	<b>1,326</b>	<b>101%</b>	

Source: California Department of Justice, Criminal Statistics Center

During the court process, 209 cases were closed or dismissed. When disaggregated by race, the data show that Hispanics had the largest number of cases closed or dismissed, and were disproportionately represented in the category. The disproportionality of Black youths decreased in the cases that were closed or dismissed [Table 7].

**Table 7. Case Closed or Dismissed by Race, 2001**

<b>Race</b>	<b>#</b>	<b>%</b>	<b>Index</b>
White	61	29%	0.7
Hispanic	98	47%	1.5
Black	19	9%	1.8
Asian/Pacific Islander	3	1%	0.1
American Indian	0	0	0
Race not known	28	13%	
<b>Total</b>	<b>209</b>	<b>99%</b>	

Source: California Department of Justice, Criminal Statistics Center

The Index remains stable for White youths receiving probation in their own home. The Asian/Pacific Islander index decreases, whereas it rises slightly for Hispanic, Black, and American Indian youth [Table 8].

**Table 8. Disposition - Probation in Own Home by Race, 2001**

<b>Disposition</b>	<b>#</b>	<b>%</b>	<b>Index</b>
White	264*	31.4%	0.8
Hispanic	338	40.2%	1.3
Black	106	12.6%	2.5
Asian/Pacific Islander	6	0.7%	0.0
American Indian	1	0.1%	0.3
Race not known	126	15.0%	
<b>Total</b>	<b>840</b>	<b>99.9%</b>	

Source: California Department of Justice, Criminal Statistics Center

\* Includes one youth on probation in non-secure facility

White youth have the highest number of commitments to a private agency, and their representation is equal to their proportion of the youth population. For Hispanic and Black youth, the disproportionality increases [Table 9].

**Table 9. Disposition – Committed to a Private Agency by Race, 2001**

<b>Race</b>	<b>#</b>	<b>%</b>	<b>Index</b>
White	23	43%	1.0
Hispanic	21	39%	1.3
Black	8	15%	2.9
Asian/Pacific Islander	1	2%	0.1
American Indian	0	0	0
Race not known	1	2%	
<b>Total</b>	<b>54</b>	<b>101%</b>	

Source: California Department of Justice, Criminal Statistics Center

The disproportionality of Black youth in commitments to a secure local facility sharply increased [Table 10].

**Table 10. Disposition – Committed to a Secure Local Facility by Race, 2001**

<b>Race</b>	<b>#</b>	<b>%</b>	<b>Index</b>
White	17	29%	0.7
Hispanic	22	38%	1.3
Black	11	19%	3.7
Asian/Pacific Islander	0	0	0
American Indian	0	0	0
Race not known	8	14%	
<b>Total</b>	<b>54</b>	<b>100%</b>	

Source: California Department of Justice, Criminal Statistics Center

All youth except Black youth are underrepresented in the number sent to a secure state facility. Black youth are sent to the California Youth Authority (CYA) at a rate 2.8 times their proportion in the youth population of the County [Table 11]. It should be noted that when there is a small sample, the variation of one individual can have a significant impact.

**Table 11. Disposition – Committed to a Secure State Facility by Race, 2001**

<b>Race</b>	<b>#</b>	<b>%</b>	<b>Index</b>
White	2	29%	0.7
Hispanic	2	29%	0.9
Black	1	14%	2.8
Asian/Pacific Islander	0	0	0
American Indian	0	0	0
Race not known	2	29%	
<b>Total</b>	<b>7</b>	<b>101%</b>	

Source: California Department of Justice, Criminal Statistics Center

No youth were transferred to Adult Court during 2001 through the court-involved processes. Youth might be sent to adult court in ways that would not be recorded in these data.

Charts showing the indices for each racial group at each stage of juvenile justice processing are shown Table 12. These data are represented as a bar graph in Appendix A.

**Table 12. Summary of Juvenile Justice Processing Indices by Race\*, San Mateo County, 2001**

**Black Youth**

	<b>Index</b>	<b>Number</b>
Population	1.0	4085
Referrals	2.8	297
Preadjudication – Not Detained	2.8	210
Preadjudication – Detained in Secure Facility	2.7	86
Petition Filed	2.7	179
Adjudicated	2.6	126
Case Closed/Dismissed	1.8	19
Disposition – Probation in Home	2.5	106
Disposition – Committed to Private Agency	2.9	8
Disposition – Committed, Secure Local Facility	3.7	11
Disposition – Committed, Secure State Facility	2.8	1

**White Youth**

	<b>Index</b>	<b>Number</b>
Population	1.0	32,981
Referrals	0.8	669

	<b>Index</b>	<b>Number</b>
Preadjudication – Not Detained	0.8	482
Preadjudication – Detained in Secure Facility	0.7	183
Petition Filed	0.7	394
Adjudicated	0.8	306
Case Closed/Dismissed	0.7	61
Disposition – Probation in Home	0.8	264
Disposition – Committed to Private Agency	1.0	23
Disposition – Committed, Secure Local Facility	0.7	17
Disposition – Committed, Secure State Facility	0.7	2

### **Hispanic Youth**

	<b>Index</b>	<b>Number</b>
Population	1.0	24,372
Referrals	1.3	801
Preadjudication – Not Detained	1.2	544
Preadjudication – Detained in Secure Facility	1.4	256
Petition Filed	1.3	531
Adjudicated	1.8	531
Case Closed/Dismissed	1.6	98
Disposition – Probation in Home	1.3	338
Disposition – Committed to Private Agency	1.3	21
Disposition – Committed, Secure Local Facility	1.3	22
Disposition – Committed, Secure State Facility	0.9	2

### **Asian/Pacific Islander Youth**

	<b>Index</b>	<b>Number</b>
Population	1.0	18,645
Referrals	0.1	28
Preadjudication – Not Detained	0.1	21
Preadjudication – Detained in Secure Facility	0.1	7
Petition Filed	0.1	13
Adjudicated	<0.1	7
Case Closed/Dismissed	<0.1	3
Disposition – Probation in Home	0.1	6
Disposition – Committed to Private Agency	0.1	1
Disposition – Committed, Secure Local Facility	0	0
Disposition – Committed, Secure State Facility	0	0

\*Indices for American Indians are not shown because of the very small number of youth to be used in the calculations

## **Youths Referred to Probation by Zip Code, Ethnicity, and Gender**

NCCD was provided an extract from the San Mateo County Probation Department containing 3,394 probation cases that had a transaction during the period July

1, 2002, through April 30, 2003. The analysis excluded cases in which the sealing of records was requested, that were informational hearings, or data on race or residence were missing. Only referrals for offenses committed during this period were examined. This resulted in 3,351 incidents for 2,159 youth to use to examine the intersection of city of residence, ethnicity, and involvement in the juvenile justice system for San Mateo County. This analysis was conducted to address a concern in the Data Collection Workgroup that “city of origin” might explain the disproportionality that appears in the juvenile justice data on referrals.

Several issues need to be raised about the analysis. The Probation Department’s database is very old, and its structure is not conducive to analyses that could provide insight into the decision-making process. For example, information about the prior history of the youth and whether the offense was a felony or misdemeanor are not available in this database. Dispositions or outcomes from the judicial process do not indicate suspension of the order. It was not possible to conduct an analysis of how cases flow through each stage of the judicial process. Additionally, our analysis shows a larger number of referrals to probation during a nine-month period (July 1, 2002, to April 30, 2003) than the number of referrals shown in the California Department of Justice, Criminal Statistics Center, for the year 2001. (See Appendix A for a description of how the cases were selected for each of the following analyses.)

At the same time, the database contains zip codes of residence and race/ethnicity of youth in the system, and allows simple analyses of a snapshot of cases during this nine-month period. Analyses of several decision points by city and race of the youth population aged 10-17 years are displayed in Appendix A.

The 2,159 unique youth referred to probation for the nine-month period is shown below [Table 13]. The indexes for White, Hispanic, Black, Asian, and American Indian youth are about the same as the data obtained from the California Department of Justice. However, in this analysis, Pacific Islanders are displayed separately from Asians, and their Index shows that they are greatly overrepresented in the referrals to probation. When aggregated, the low Index of Asians hides the high Index for Pacific Islanders, because Asian youth aged 10-17 outnumber Pacific Islander youth in San Mateo by 10 times.

**Table 13. Total Youth Referred to Probation, July 1, 2002, to April 30, 2003, by Race**

	<b>#</b>	<b>%</b>	<b>Index</b>
White	694	32%	0.8
Hispanic	847	39%	1.3
Black	265	12%	2.4
Asian	75	4%	0.2
Pacific Islander	231	11%	5.8
American Indian	4	<1%	0.3
Race not known/multiple	43	2%	
<b>Total</b>	<b>2,159</b>	<b>100%</b>	

Source: NCCD analysis of San Mateo County Probation Department data

Indices were calculated for the most populous cities to compare the proportionality of referrals to the youth population aged 10-17 years. Table 14 shows that Redwood City and East Palo Alto have a disproportionately high number of referrals to probation, followed by Half Moon Bay. Menlo Park and San Mateo are slightly overrepresented, and all other cities are at parity or underrepresented.

**Table 14. Referrals and 10-17 Population by Selected Cities, July 1, 2002, to April 30, 2003**

City	10-17 Population		Referrals		Index
	#	%	#	%	
Burlingame	3662	6%	114	3%	0.5
Daly City*	10,573	16%	404	12%	0.8
East Palo Alto	4,173	6%	374	11%	1.8
Half Moon Bay	1,184	2%	86	3%	1.5
Menlo Park*	3,035	5%	192	6%	1.2
Millbrae	2,174	3%	90	3%	1.0
Pacifica	4,229	7%	141	4%	0.6
Redwood City*	7,271	11%	705	21%	1.9
San Bruno	4,194	6%	193	6%	1.0
San Mateo*	10,457	16%	560	17%	1.1
So. San Francisco	6,406	10%	259	8%	0.8
All other cities	7,206	11%	233	7%	0.6
<b>Total</b>	<b>64,564</b>	<b>99%</b>	<b>3,351</b>	<b>101%</b>	

Source: NCCD analysis of San Mateo County Probation Department data

\*Daly City includes Colma; Menlo Park includes West Menlo Park; Redwood City includes Woodside; San Mateo includes Foster City

Table 15 shows cities with over 100 referrals to probation between July 1, 2002, and April 30, 2003. The two groups that are overrepresented in referrals to probation in every city are Black and Oceanic (Pacific Islander) youth. Asian and Other (includes both those designated as Other and those who are identified as two or more races) are consistently underrepresented. Hispanic youth are overrepresented in every city except East Palo Alto, and White youth are underrepresented in every city except Daly City and San Bruno. American Indians are very small in number of referrals (4 total in the County). In the table below, the number of youth in each category is included in parentheses; in some instances, the number of cases is very small.

**Table 15. Referrals to Probation by Selected Cities and Race, July 1, 2002 to April 30, 2003.** Shown by index number (actual number in parentheses).

	<b>Redwood City</b>	<b>San Mateo</b>	<b>Daly City</b>	<b>East Palo Alto</b>	<b>South San Francisco</b>	<b>San Bruno</b>	<b>Menlo Park</b>
Black	<b>2.5</b> (22)	3.2 (32)	3.9 (44)	1.6 (85)	5.2 (25)	3.1 (7)	2.7 (30)
American Indian	0	0	0	0	2.0 (1)	4.1 (1)	0
Asian American	0.2 (4)	0.3 (16)	0.1 (16)	0	0.1 (5)	0.2 (5)	0
Hispanic	1.4 (237)	1.5 (129)	1.3 (96)	0.8 (132)	1.2 (69)	1.1 (48)	1.4 (43)
Oceanic (P.I.)	2.8 (14)	4.1 (33)	22.6 (71)	1.5 (36)	7.2 (21)	3.0 (17)	3.9 (12)
White	0.7 (125)	0.9 (151)	1.2 (28)	0.8 (4)	0.9 (29)	1.1 (52)	0.6 (43)
Other	0.3 (4)	0.2 (6)	0.7 (11)	<0.1 (1)	0.4 (4)	0.5 (5)	0.3 (2)
<b>Total Youth</b>	<b>406</b>	<b>367</b>	<b>266</b>	<b>258</b>	<b>154</b>	<b>135</b>	<b>130</b>

Source: NCCD analysis of San Mateo County Probation Department data

For petitions filed by the District Attorney, Black and Oceanic (Pacific Islander) youth are overrepresented in every city. Asians and Other are underrepresented in every city. American Indians from these seven cities had no petitions filed, except one in San Bruno. Because that one petition represented 1.5% of all the petitions filed for this city, and American Indians represent 0.17% of the population in San Bruno aged 10-17 years, the Index calculates very high.

**Table 16. Petitions Filed by Selected Cities and Race, July 1, 2002 to April 30, 2003.**  
Shown by index number (actual number in parentheses).

	<b>Redwood City</b>	<b>San Mateo</b>	<b>Daly City</b>	<b>East Palo Alto</b>	<b>South San Francisco</b>	<b>San Bruno</b>	<b>Menlo Park</b>
Black	2.8 (16)	4.0 (25)	4.0 (28)	1.8 (60)	6.8 (20)	3.5 (4)	3.1 (19)
American Indian	0	0	0	0	0	8.8 (1)	0
Asian American	0.3 (4)	0.2 (7)	0.1 (12)	0	0.1 (4)	0.3 (3)	0
Hispanic	1.4 (155)	1.5 (81)	1.3 (60)	0.7 (76)	1.2 (45)	1.1 (24)	1.9 (33)
Oceanic	2.5 (8)	4.3 (21)	19.5 (38)	1.6 (25)	6.3 (12)	3.5 (10)	3.6 (6)
White	0.7 (81)	0.8 (87)	1.6 (23)	0.3 (1)	0.7 (15)	1.0 (24)	0.3 (13)
Other	0.1 (1)	0.2 (3)	0.3 (3)	0.2 (1)	0.2 (1)	0.4 (2)	0
<b>Total Youth</b>	<b>265</b>	<b>224</b>	<b>164</b>	<b>163</b>	<b>97</b>	<b>68</b>	<b>71</b>

Source: NCCD analysis of San Mateo County Probation Department data

The number of youth given secure detention as a disposition totaled 132 for this nine-month period; 114 of these youth were from the seven cities identified as having referrals numbering 100 or more. However, disaggregating these numbers by city and race provides Indices which become meaningless, because the number of youth in each category becomes so small. Instead, the results for the County are presented in Table 17. Oceanic (Pacific Islander) youth are the most overrepresented youth detained in secure facilities, followed by Black, then Hispanic Youth. Although the American Indian Index is 2.0, this represents only two youth. Asian, White, and Other youth are all underrepresented in this category.

**Table 17. Disposition – Secure Detention Orders by Race,**  
July 1, 2002 to April 30, 2003.

	#	%	Index
Black	21	16%	3.2
American Indian	2	2%	2.0
Asian American	3	2%	0.1
Hispanic	50	38%	1.3
Oceanic	11	8%	4.2
White	43	33%	0.8
Other	2	2%	0.3
<b>Total</b>	<b>132</b>	<b>100%</b>	

Source: NCCD analysis of San Mateo County Probation Department data

Another form of confinement is temporary detention. This is time temporarily spent in Juvenile Hall for youths on probation that is ordered by a probation officer or the court [Table 18]. Black and Pacific Islander youth from every city are overrepresented in therapeutic detention. Asian and Other youth from every city are underrepresented. Hispanic youth from every city except East Palo Alto are overrepresented, and White youth from every city except Daly City are underrepresented or at parity.

**Table 18. Temporary Detention by City and Race, July 1, 2002 to April 30, 2003**  
Shown by index number (actual number in parentheses).

	Redwood City	San Mateo	Daly City	East Palo Alto	South San Francisco	San Bruno	Menlo Park
Black	1.7 (6)	2.6 (9)	3.1 (14)	1.9 (43)	8.4 (17)	3.2 (2)	3.2 (11)
American Indian	0	0	0	0	0	0	0
Asian American	0.1 (1)	0	0. (5)1	0	0.2 (3)	0.2 (1)	0
Hispanic	1.6 (107)	1.9 (57)	1.4 (41)	0.6 (44)	1.0 (25)	1.8 (22)	2. (19)
Oceanic	4.0 (8)	2.6 (7)	22.0 (28)	2.0 (20)	3.3 (4)	2.6 (4)	5.6 (5)
White	0.6 (42)	0.7 (44)	1.7 (16)	0.5 (1)	1.0 (13)	0.5 (7)	0.2 (4)
Other	0	0.4 (4)	0.6 (4)	0	0.8 (3)	0.7 (2)	0
Total Youth	164	126	108	108	65	38	39

**Schools**

Some of the working groups suggested that San Mateo’s public schools system was a possible contributor to disproportionate representation of youth of color in the juvenile justice system. Suspensions and expulsions, drop-outs, low academic achievement, special education, and ethnic composition of the teaching staff were identified as issues to explore.

Specifically, information regarding how disciplinary actions at schools affect arrest statistics was identified as an issue to investigate. Zero-tolerance policies at schools contribute to youth entering the juvenile justice system. Table 19 shows the number of expulsions by school district for the 2001-02 years. It should be noted that, with the exception of the Sequoia Union High School District and the South San Francisco Unified School District, the number of recommended expulsions and ordered expulsions are the same. In addition, the number of mandatory expulsions is 14.4% of the recommended expulsions. Fifty-five percent (55%) of the expulsion orders were “suspended.”

**Table 19. Expulsions by School District for 2001-02**

<b>District</b>	<b>Enrollment</b>	<b>Recommended Expulsions</b>	<b>Ordered Expelled</b>	<b>Mandatory Expulsions</b>	<b>Suspended Orders</b>
Burlingame Elem.	2,321	2	2	0	1
Cabrillo Unified	3,753	7	7	1	3
Jefferson Elem.	7,100	5	5	1	0
Jefferson Union High	5,482	9	9	0	2
Pacifica School District	3,140	2	2	0	2
Redwood City Elem.	8,969	19	19	10	18
San Bruno Park Elem.	2,927	2	2	0	0
San Carlos Elem.	2,539	1	1	0	1

<b>District</b>	<b>Enrollment</b>	<b>Recommended Expulsions</b>	<b>Ordered Expelled</b>	<b>Mandatory Expulsions</b>	<b>Suspended Orders</b>
San Mateo Union High	8,069	49	49	5	49
San Mateo-Foster City Elem.	10,178	5	5	5	4
Sequoia Union High	7,461	121	59	8	10
So.San Francisco Unified	9,700	48	39	9	20
<b>Total</b>	<b>89,415</b>	<b>270</b>	<b>199</b>	<b>39</b>	<b>110</b>

Source: California Department of Education website, retrieved 8/26/03 from <http://data1.cde.ca.gov/dataquest/Expulsion/>

The following school districts had no expulsions during the 2001-02 school year: Bayshore Elementary, Belmont-Redwood Shores Elementary, Brisbane Elementary, Hillsborough City Elementary, La Honda-Pescadero Unified, Las Lomas Elementary, Menlo Park City Elementary, Millbrae Elementary, Portola Valley Elementary, Ravenswood City Elementary, San Mateo Co. Office of Education, and Woodside Elementary.

Expulsion and suspension data were requested of school superintendents. Nine districts provided this information. Displayed below are the numbers of youths expelled for three of the four high school districts. Tables showing the numbers of youths suspended at other schools are included in Appendix A (few students were expelled in the lower grades).

**Table 20. Expulsions by District and Race**

<b>2002-2003</b>	<b>Cabrillo Unified</b>	<b>Jefferson Union</b>	<b>Sequoia</b>
Asian	0	1	4
Black	0	0	16
Hispanic	0	1	23
American Indian	0	0	6
Pacific Islander	0	0	8
White	0	2	8
<b>Total</b>	<b>0</b>	<b>5</b>	<b>65</b>

<b>2001-2002</b>	<b>Cabrillo Unified</b>	<b>Jefferson Union</b>	<b>Sequoia</b>
Asian	0	2	8
Black	0	2	12
Hispanic	3	8	35
American Indian	0	0	0
Pacific Islander	0	0	11
White	6	2	16
Not known	0	0	3
<b>Total</b>	<b>9</b>	<b>14</b>	<b>85</b>

<b>2000-2001</b>	<b>Cabrillo Unified</b>	<b>Jefferson Union</b>	<b>Sequoia</b>
Asian	0	6	4
Black	0	3	16
Hispanic	1	2	23
American Indian	0	0	0
Pacific Islander	0	0	8
White	2	5	8
<b>Total</b>	<b>3</b>	<b>16</b>	<b>59</b>

Source: Data provided by individual school districts.

The lack of engagement of young people with schools, including truancy, poor academic performance, and dropping out of school are among the risk factors for youth crime and delinquency.<sup>18</sup> Two indicators are displayed below: drop-outs and academic performance on standardized tests. The drop-out data are shown by an Index score – the percentage of youth from a particular group that dropped out, divided by that group’s proportion of the school population. For example, in the top, right cell of Table 21, 27 Black students (or 7.71% of the total drop-outs) were divided by 4.01%, the proportion that Black students comprised of the total student population, to obtain the 1.9 Index. The data show that Black students are disproportionately overrepresented in the drop-outs of 12<sup>th</sup> graders at each of the school districts, as are Hispanic and Pacific Islander students. White and Asian students are consistently underrepresented. Filipino students are at

<sup>18</sup> Schumacher, M. and Kurz, G. *The 8% Solution: Preventing Serious, Repeat Juvenile Crime*. Thousand Oaks, CA: Sage Publications. 2000.

parity or underrepresented except at Cabrillo Unified School District. In the table below, the number of students who dropped out and the number of students enrolled is included for each ethnicity.

**Table 21. Disproportionate Index Score - Drop-outs of 12<sup>th</sup> Graders by District And Race, Ten-Year Totals (Fall 1992-Spring 2002).** Shown by index number (actual numbers in parentheses).

<b>Race</b>	<b>Cabrillo Unified</b>	<b>Jefferson Union</b>	<b>San Mateo Union</b>	<b>Sequoia Union</b>	<b>So. San Francisco Unified</b>
Black	3.1 (1/21)	1.5 (55/888)	1.8 (76/1,087)	1.4 (187/2,671)	1.9 (27/495)
American Indian	0 (0/6)	1.2 (2/41)	0.7 (4/137)	1.25 (4/67)	0 (0/21)
Asian	0 (0/59)	0.3 (20/1,388)	0.4 (114/7,391)	0.3 (22/1,710)	0.5 (22/1,417)
Filipino	10.0 (5/32)	1.0 (142/3,368)	0.9 (51/1,409)	0.6 (8/289)	0.8 (79/3,314)
Hispanic	2.2 (15/440)	1.5 (178/2,791)	2.2 (544/6,327)	1.6 (749/9,802)	1.6 (146/3,300)
Pacific Islander	0 (0/9)	1.5 (14/230)	1.6 (80/1,170)	2.0 (84/871)	0.8 (10/446)
White	0.5 (13/1,616)	0.6 (67/2,877)	0.8 (545/18,145)	0.5 (280/12,049)	0.7 (66/3,355)

Source: California Department of Education, Educational Demographics Unit, retrieved 7/31/03 from <http://data1.cde.ca.gov/Dataquest>

To see 10-year average drop-out rates (per 100 in the school population) for 9<sup>th</sup>, 10<sup>th</sup>, 11<sup>th</sup>, and 12<sup>th</sup> grade by ethnicity for San Mateo County, see Appendix A. It shows that, as 12<sup>th</sup> graders, Hispanic, Pacific Islander, and Black students have an average drop-out rate of over six per hundred students. American Indians have a 12<sup>th</sup> grade drop-out rate of four per hundred and Filipinos drop-out at a 3.5 per hundred rate. In contrast, White and Asian students' drop-out rates are 2.5 and 1.5 per hundred, respectively. This means that fewer Asian and White students drop out of school during the 12<sup>th</sup> grade compared to the other ethnic groups. On the other hand, Hispanic, Pacific Islander and

Black students are at least twice as likely to drop out of school as Asian and White students.

Although there are several ways to measure student academic performance, the percentage of students at or above the 50<sup>th</sup> Percentile on a standardized test, the STAR (State Testing And Reporting system for the SAT9 [Stanford Achievement Test]) is used in this analysis, showing San Mateo County and the State of California scores for Reading and Math. The first row shows that, when all students are examined, 63% are at or above the 50% Percentile Rank in Math, and 55% in Reading—higher than the State scores. However, Black, Hispanic, and Pacific Islander students are consistently not attaining the standard.

**Table 22. Percentage of Students at or above the 50<sup>th</sup> Percentile STAR Test, San Mateo County and California, Spring 2002**

<b>Race</b>	<b>SMC Math</b>	<b>CA Math</b>	<b>SMC Reading</b>	<b>CA Reading</b>
All Students	63%	55%	55%	45%
Black	39%	37%	38%	24%
American Indian	63%	50%	55%	44%
Asian	87%	79%	71%	59%
Filipino	68%	70%	53%	56%
Hispanic	41%	40%	30%	27%
Pacific Islander	42%	52%	27%	39%
White	78%	71%	74%	65%
Other	60%	47%	55%	42%

Source: California Department of Education, Educational Demographics Unit, retrieved 7/9/03 from <http://data1.cde.ca.gov/Dataquest>

(To see a bar graph of these data with the number of students within each of these categories, please see Appendix A).

Table 23 shows that White, Black, Pacific Islander, and Hispanic youth are slightly overrepresented, whereas Asians are underrepresented in the Special Education Population. The largest categories of disability are specific learning disability (45.2% of the students) and speech or language impairment (35.4%). Inquiries made to the

Department of Education indicated that unfamiliarity with the English language was not included in either of these categories.

**Table 23. Special Education Enrollment by Ethnicity for San Mateo County and State of California, 2002-2003**

Ethnicity	San Mateo County		State of California	
	#	%	#	%
Native American	38	0.4%	5,804	0.9%
Asian	665	6.5%	27,688	4.1%
Pacific Islander	308	3.0%	3,127	0.5%
Filipino	543	5.3%	8,365	1.2%
Hispanic	3,627	35.6%	293,779	43.5%
African American	786	7.7%	81,569	12.1%
White	4,215	41.4%	255,000	37.8%
Total	10,182	100%	675,332	100%

Source: California Department of Education, Educational Demographics Unit, retrieved 9/26/03 from <http://data1.cde.ca.gov/dataquest>

A basic tenet of cultural competence in programs is that the staff should reflect the clients, in this case, students.<sup>19</sup> The assumption is that this will promote more effective communication, understanding, and role modeling, which helps motivate the student to attend, perform well, and stay in school. Table 24 shows that students of color represent more than 50% of the student body at 13 of 24 school districts in the County, but only two of the schools have even 25% of their teachers who are Asian, Black, Hispanic, or American Indian.

<sup>19</sup> Camino, L. *What differences do racial, ethnic, and cultural differences make in youth development programs?* Commissioned paper prepared for the Task Force on Youth Development and Community Programs, Carnegie Council on Adolescent Development 1992.

**Table 24. Racial Composition of Students Compared to Racial Composition of Certificated Personnel by School District\***

<b>School District</b>	<b>Percentage of Students of Color, 2002-03</b>	<b>Percentage of Certificated Personnel Who Are People of Color, 2002-03</b>
Ravenswood Elementary	98%	54%
Bayshore Elementary	88%	4%
Jefferson Elementary	85%	24%
So. San Francisco Elem.	80%	16%
Jefferson Union High	75%	23%
Redwood City Elementary	73%	26%
San Bruno Elementary	61%	6%
Millbrae Elementary	59%	12%
Sequoia Union High	59%	21%
San Mateo-Foster City Elem	57%	15%
Brisbane Elementary	55%	11%
San Mateo Union High	53%	15%
San Mateo COE	53%	13%
LaHonda Pescadero Unified	50%	3%
Cabrillo Unified	40%	12%
Pacifica School District	39%	10%
Belmont Redwood Shores El.	35%	14%
Burlingame Elementary	34%	13%
Hillsborough Elementary	27%	7%
Las Lomitas Elementary	24%	6%
San Carlos Elementary	10%	7%
Menlo Park City Elementary	23%	4%
Woodside Elementary	17%	10%
Portola Valley Elementary	15%	7%

Source: California Department of Education, Educational Demographics Unit, retrieved 6/9/03 and 9/25/03 from <http://data1.cde.ca.gov/Dataquest>

Data on the ethnic composition of law enforcement officers in San Mateo County were also reviewed. Of the 1,161 full-time sworn officers in the County, ethnicity was available from the Bureau of Justice Statistics only for 780 and a summary table is displayed below. An Index was calculated for each ethnicity, and both White and Black

full-time officers are overrepresented in law enforcement in the County. Hispanic and Asian officers are underrepresented. [Table 25].

**Table 25. Ethnicity of Sworn Officers for San Mateo County, June 30, 2000**

<b>Ethnicity</b>	<b>Number of Sworn Officers</b>	<b>Percent of Sworn Officers</b>	<b>Percent of County Population</b>	<b>Index</b>
White	615	79%	50%	1.6
Black	36	5%	3%	1.7
Hispanic	79	10%	22%	0.5
American Indian	3	<1%	<1%	
Asian	43	6%	20%	0.3
Pacific Islander	2	<1%	1%	
Other	2	<1%	<1%	
Two or More			3%	
<b>Total</b>	<b>780</b>	<b>100%</b>	<b>99%</b>	

Sources: Bureau of Justice Statistics, Office of Justice Programs, United States Department of Justice; 2000 Census, U.S. Census Bureau, retrieved from factfinder.census.gov on 10/23/03

A summary table of the gender composition for full-time sworn officers in San Mateo County is displayed below. [Table 26]. Male officers are overrepresented by almost two times whereas female officers' Index is 0.3

**Table 26. Gender of Sworn Officers for San Mateo County, June 30, 2000**

<b>Gender</b>	<b>Number of Sworn Officers</b>	<b>Percent of Sworn Officers</b>	<b>Percent of County Population</b>	<b>Index</b>
Male	676	87%	49%	1.8
Female	104	13%	51%	0.3

Sources: Bureau of Justice Statistics, Office of Justice Programs, United States Department of Justice; 2000 Census, U.S. Census Bureau, retrieved from factfinder.census.gov on 10/23/03

Table 27 compares San Mateo's ratio of students of color to certificated personnel of color for San Francisco Bay Area counties as well as Kern and Ventura Counties, the next largest and next smallest counties to San Mateo in total population. San Francisco has the least difference between students of color to certificated personnel of color at a ratio of slightly more than two to one. For Santa Clara and Ventura Counties, the ratio is

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\* To calculate the percentages, students and personnel who were designated as "Multiple or No Response" were not included. The data used in this table can be found in Appendix A.

about 2.7 to 1, Contra Costa and Monterey Counties about 3 to 1, and Monterey and San Mateo Counties 3.3 to 1.

**Table 27. Racial Composition of Students to Certificated Personnel By Selected Counties, 2002-2003**

<b>County</b>	<b>% Students of Color</b>	<b>% Certificated Personnel of Color</b>	<b>Approximate Ratio</b>
Contra Costa	49%	16%	3:1
Kern	62%	19%	3.3:1
Monterey	75%	25%	3:1
San Francisco	88%	40%	2.2:1
San Mateo	70%	18%	3.3:1
Santa Clara	68%	25%	2.7:1
Ventura	54%	19%	2.7:1

Source: Data provided by each school district. See Appendix A.

### **Comparison to 10 California Counties**

NCCD’s agreement with the San Mateo County Board of Supervisors requested data for the five counties with a population greater, and the five counties with a population less than San Mateo County. The counties and their populations are listed below:

Sacramento County - 1, 223,499

Contra Costa County – 948,816

Fresno County – 799,407

San Francisco County – 776,733

Ventura County – 753,197

San Mateo County – 707,161

Kern County – 661,645

San Joaquin County – 563,598

Sonoma County – 458,614

Stanislaus County – 446,997

## Monterey County – 401,762

The eleven counties varied in the proportion of the population aged 10-17 living in the County as well as the racial composition of their populations. Tables in Appendix A show the comparative data for each decision point, however, a synopsis is provided below.

- The proportion of youth referred to probation in each county ranged from 1.9% to 8.4% of the juvenile population aged 10-17 years. The high of 8.4% of youth referred occurred in Fresno County. Sonoma County referred the smallest percentage of its juvenile population at 1.9%. In every county for which data were available,\* White and Asian/Pacific Islander youth were underrepresented in the referrals. American Indians were underrepresented in five of the counties and overrepresented in two (Sonoma and Sacramento). In every county except San Francisco County for Hispanic youth and Monterey County for Black youth, Hispanic and Black youth were overrepresented in the referrals to probation.
- For the category of placement in a secure facility prior to adjudication, White youth were underrepresented in every reporting county as were Asian/Pacific Islander youth in seven reporting counties. In Sonoma County, Asians and Pacific Islanders were at parity with their proportion in the population. American Indians were underrepresented in five counties but overrepresented in San Francisco and Sonoma Counties. Both Hispanic and Black youth were overrepresented in secure facility pre-adjudication in all of the reporting counties, except one (San Francisco County for Hispanic youth and Monterey County for Black youth).

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\* Contra Costa, Ventura, and San Joaquin counties did not report this data to the Department of Justice.

- For placement in a secure facility after adjudication, White, Asian/Pacific Islander, and American Indian youth were underrepresented in all reporting counties. Both Hispanic and Black youth were overrepresented in every reporting county except one, San Francisco County for Hispanic youth and Monterey County for Black youth.
- These data suggest that San Mateo County is facing problems that are not dissimilar to other counties in California.

### **Findings**

- Hispanic/Latino and Black youth are overrepresented at every decision point in juvenile justice processing. Entry into the system through arrest by law enforcement agencies is the critical factor for this overrepresentation.
- African American, Latino/Hispanic, and Pacific Islander students are disproportionately overrepresented in the drop-outs of 12<sup>th</sup> graders at each of San Mateo County's public school districts.
- African American, Latino/Hispanic, and Pacific Islander students are not succeeding in standardized tests. In other words, fewer than 50% of the students from these groups score at the 50<sup>th</sup> percentile in math and reading.
- Minorities are vastly underrepresented as teachers and other certificated school personnel. In other words, although 14 out of 24 school districts in the County have populations that are at least 50% students of color, only one school district has certificated personnel that are 50% or more individuals of color.

## **V. DECISION-MAKING IN SAN MATEO COUNTY**

Over the past 50 years, there has been a vast amount of literature published regarding the degree to which race and ethnicity impact all of the decisions made by juvenile justice practitioners. Many of these studies have been contradictory, where some find evidence of racial bias and others do not.<sup>20</sup> However, the majority acknowledge that race and ethnicity are factors at various stages and decision-making points of the justice system. Decision-making along the youth service/juvenile justice continuum generally refers to those decisions made by the schools, law enforcement, the District Attorney's Office, defense attorneys, the court, and Probation.

### **Perceptions of Key Juvenile Justice Agencies in San Mateo County**

Prior to the formation of a committee to analyze the key points along the youth service continuum in San Mateo County, NCCD held individual interviews with key justice and community leaders in the County to garner their assessment of some of the main issues impacting decision-making and other factors that may contribute to DMC in the County. From these interviews, NCCD was able to make several initial observations:

- There was no common understanding of how to define DMC. Some administrators questioned whether DMC actually existed in the County, and how one could prove that a racial and/or ethnic disparity exists.
- Some County officials maintain a “tremendous sensitivity to this issue”<sup>21</sup> and felt that many parents may express some interest in learning how to navigate the justice system so that they are less inclined to feel victimized by it.

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<sup>20</sup> Pope, C. and Snyder, H. *Race as a Factor in Juvenile Arrests*. April 2003.

<sup>21</sup> NCCD interview with County Supervisor Rose Jacobs Gibson. April 4, 2003.

- County officials are interested in learning more about whether decision-making at the school level might contribute to the overrepresentation of youth of color in the justice system.
- Many key justice officials maintain that there is no racism guiding DMC in the County, that they process the cases of youth that come before them, and that race is never a factor in their decision-making.

### **Findings of the Decision-Making Committee**

For this study, a decision-making committee was established and met six times between June and August, 2003. It explored the points along the juvenile justice continuum at which significant decisions are made regarding the outcome of juveniles in contact with or referred to the system. The decision-making committee was composed of representatives from local school districts, police departments, the Probation Department, the Private Defender's Program, the District Attorney's Office, the San Mateo NAACP, the San Mateo ACLU, and a private, nonprofit child advocacy group.

The decision-making committee felt that the decisions made along the continuum determine which juveniles enter the system or which are diverted, dismissed, or counseled and released. The issue of racial profiling and bias was discussed. Based upon these discussions, the committee reached no conclusion that either racial profiling or bias was the basis for decision-making at the various stages along the continuum. The court's direct participation was limited; however, it was stated by a representative of the court that its decisions are based upon the individual merits of the case and the pre-sentence report prepared by Probation. While holding juvenile offenders accountable for their

actions, Superior Court Judge Marta Diaz has been quoted to say, “race is absolutely something that should never be considered...in the treatment of a person subject to court proceedings.”<sup>22</sup> The specific policies, procedures, and standards for decision-making were reviewed and the dominant opinion of committee members was that protections against unfair and discriminatory actions are built into San Mateo County’s processes. Judge Diaz noted that existing socioeconomic factors may result in more minority youths who are unable to be supervised for home arrest. More affluent parents are in a position to miss work and provide the supervision that may keep youths out of detention. Specific processes are available for review in Appendix B.

### **Private Defenders’ Program**

Nationally, youth of color are more likely than white youth to rely on indigent defense. African American youth are more likely to be represented by indigent defenders “who are burdened by the high caseloads that public defenders carry.”<sup>23</sup> San Mateo County does not use a public defender service, but rather a private defender program, which is administered by the San Mateo County Bar Association and is under contract with the County to provide adult and juvenile defense services to persons accused of crimes. It is estimated that 95% of San Mateo County children who appear in court do not have retained counsel.<sup>24</sup> In those cases, the Court appoints attorneys of the Private Defender Program to represent them.

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<sup>22</sup> Becker, B. “Officials deny race plays role in justice,” *San Mateo Daily Journal*. August 21, 2003.

<sup>23</sup> Hinton Hoytt, E., Schiraldi, V., Smith, B. and Ziedenberg, J. *Reducing Racial Disparities in Juvenile Detention*. A project of the Annie E. Casey Foundation. 2002.

<sup>24</sup> Written description provided by Gerry Hilliard, Managing Attorney for the Private Defenders’ Program.

There are three major decisions the Private Defender must make in the process of handling juveniles:

1. Assignment of cases to an individual attorney by the managing attorney. This decision is said to be based on the nature and severity of the charges and the experience and availability of the attorney assigned.
2. The assigned attorney makes all decisions about the case *except* whether the child will admit the charge or whether the child will testify if there is a trial. The child makes those decisions.
3. The assigned attorney may request that the Private Defender Program provide additional case services. Investigators, psychologists and/or psychiatrists, forensic laboratories, polygraphists and other experts may render such services. These requests are approved by the managing attorney and according to reports, they are rarely, if ever, denied.

According to interviews and input from the decision-making committee, there have been some complaints in the County that minority juveniles that are represented by the Public Defender's Office have not received quality defense services. The example most often referred to is that juveniles are urged to make a plea agreement to the charges rather than going to trial. The implication has been that some youth ended up with longer sentences and were more likely to be incarcerated than they would have had they gone to trial. The Director and Managing Attorney for the Private Defenders' Program deny these allegations.

NCCD found no evidence that the Private Defender's Office produces a lower level of defense for youth in San Mateo County. NCCD found that the level and quality

of defense for youth was not unlike what occurs in other California counties. The American Bar Association, the ACLU, and the Youth Law Center, among other organizations, have argued that the overall quality of defense systems needs to be improved at a national scale.

### **San Mateo Probation Department**

To its credit, the San Mateo County Probation Department has been taking strides toward addressing DMC in the County. The Department has actively taken the lead in responding to community concerns regarding DMC and has maintained its commitment to administering justice in a fair and equitable matter.

The Probation Department's Juvenile Services Division receives referrals primarily from law enforcement agencies for youth up to age 18 who are accused of committing criminal law violations. There are a number of decision points in this part of the continuum, which are the responsibility of probation officers.

First, except for those legally mandated offenses, the probation officers determine whether the case will be referred to the District Attorney's Office for prosecution in the juvenile court, whether a six-month informal supervision contract is appropriate, or whether the matter can be diverted from the juvenile justice system. Those three decisions are significant points at which the outcome of a juvenile's experience in the juvenile justice system is determined.

Probation officers interview the minors and their families either at the Assessment Center or at the Intake Unit, and decide whether court intervention is necessary.\* If the situation is serious or mandated by law, a request for a petition will be filed with the

District Attorney. If not, the matter may be handled informally. The Probation Department, through its continuum of care, may utilize an array of services tailored for minors who remain in the system or who are diverted from the system.

An example is the Juvenile Assessment and Referral Center, which is an extension of the intake unit. Services are provided for youth who are not currently receiving probation services, those brought to Juvenile Hall by law enforcement agencies, and also high-risk minors who are referred to probation out of custody by local police departments. The decision to include a juvenile in this program is based on the evaluations of a team and the results of an Assessment Tool administered to juveniles who are considered for the program. Teams are comprised of a therapist, a social worker, a probation officer, and four community workers.

The Probation Department also operates the Risk Prevention Program. This program provides prevention and early intervention services to middle school and high school age youth who are referred to the Probation Department either by local police jurisdictions for law violations or by schools for truancy or unacceptable behavior on school grounds. These and a number of other programs that are operated by the Probation Department present an opportunity to serve juveniles through programs geared for their problem areas rather than simply detaining or incarcerating them. According to the chairperson of the decision-making committee, youth are referred to this program in two ways, 1) Juveniles having committed misdemeanors are referred directly to probation by police and are screened and evaluated by the Probation Manager who directs the program. This individual evaluates and determines a youth's eligibility. If eligible, that person is assigned a Probation Officer attached to the school; 2) High-risk juveniles who

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\* It is important to note that no uniform assessment is delivered to determine risk for detention. A

have been truant or have exhibited other school-related problems are referred to the program by school personnel (administrator, teacher, counselor) and are processed by the Probation Manager, as described above. These students may also be referred to specialized mental health, substance abuse, or other services which are subcontracted out.

Once again the question is, as with programs run by the schools or police departments, do all juveniles in the County have access to these programs without regard to their ethnic backgrounds or racial groups? In order to address this question, law enforcement agencies would need to track data regarding the youth who are diverted from adjudication.

Whether at the police level, school level, probation, or the courts, at every point along the continuum, there are opportunities to provide a range of services to juveniles who either have committed law violations or are at risk of committing them. There are programs and services throughout the system which, if utilized, serve to decrease the number of minority youth in confinement. However, outside of the assessment instrument used at the Juvenile Assessment Center, there is no objective risk and needs assessments tool used for decision-making in the system. The Probation Department will be working with Professor Ed Latessa, University of Cincinnati, to create validated instruments for the Assessment Center and Intake in February, 2004. Use of these assessments could minimize the perception that decisions are based upon physical, racial, ethnic, and/or cultural attributes of youth. The challenge is to assure that every effort is made to use the services before deciding to detain a youth.

### **District Attorneys' Juvenile Branch**

Juvenile cases are referred to the District Attorney's Office with a request for a petition. The District Attorney's Office makes one of several initial decisions. It can: 1) accept the case from Probation and file a petition; 2) direct the file to adult court; 3) request a fitness hearing; 4) reject the case (no filing); or 5) return the case to Probation. If a petition is filed, the District Attorney's office decides to file as a misdemeanor or felony. According to the decision-making committee's representative from the District Attorney's office, these decisions are made based on the facts of the case, the specific charge, the age of the juvenile, and his/her record. At times, a comparison is made with similar cases.

NCCD did not find any evidence that the District Attorney's Office worsens the problem of DMC in the County. This finding is common to a number of DMC studies.

In summary, the decision-making committee found that there are several points along the continuum where decisions are being made that determine who is confined, and/ or diverted to alternative programs. However, there is no uniform objective decision-making structure in place. This does not suggest that those in decision-making positions are not qualified to make the best judgment possible; however, research has shown that the consistent use of objective decision-making instruments reduces the likelihood of disproportionate minority confinement.

## **VI. COMMUNITY RESOURCES**

The resource workgroup of the NCCD study met three times by itself and once in a joint meeting with the decision-making committee. Despite several attempts to recruit members from various juvenile justice and youth service agencies, the membership of the Resource group never fully stabilized. Nevertheless, the core Resources group had some interesting discussions about resource availability and utilization. Specific gaps in County resources were identified from community resource listings developed and used by the Probation Department and law enforcement. [see Appendix C] Additional listings of youth-oriented community resources were obtained from Volunteer Bureaus and the Internet by two SFSU student volunteers. Members of the resource workgroup also interviewed community service providers, school personnel, and representatives from alternative community schools for these youth that have been expelled from traditional schools and that may be first-time offenders, on probation, or repeat offenders. In the latter cases, probation officers make referrals of youth they think can benefit from and participate in a community schooling program.

The schools, including community schools, generally rely upon State and County government programs like Child Protective Services, Human Services Departments including medical and mental health agencies, and the police. Community mental health workers visit some schools on a regular basis to lead groups focused on youth issues. Teen pregnancy, STD education, substance abuse prevention programs, and group counseling are regularly provided in the community schools. In the words of a

community schools representative, “We look for everything in the community that might help our kids.”<sup>25</sup>

In some school districts, individual schools may have active communities of support or may be located in wealthy communities that are rich in human and material resources and can provide additional services and programs. In schools, individual teachers may be attentive to problems and needs and take the extra step to refer the family to well-known services. Communities with school-based Healthy Start Programs offer a greater range of community services but are funded for a finite number of years and serve primarily elementary and middle schools. There is no equivalent in the high schools. As in the case of probation, the use of community resources varies by school districts, by individual schools, and by individual teachers and counselors.

Both traditional school teachers and community school representatives agree that there is a need to involve parents in the schooling issues of high-risk youth, particularly on the matter of truancy. However, there was little information available regarding whether there are consistent community-based or traditional school venues used to engage parents on these issues. The parenting classes required by the Probation Department for parents of first-time offenders does include speakers from the community schools; however, parents have indicated that they are not always receptive under these conditions. Language and culture issues present additional challenges.

The service profile of community resources for youth in San Mateo County includes a mix of public and private services that address a range of social needs, issues with referral services, hot lines, and counseling programs. Community resources emphasize counseling approaches over the provision of educational, social, cultural,

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<sup>25</sup> NCCD Interview with staff at the North County Community School. October 21, 2003.

recreational, or employment programs and opportunities. According to the information collected by the resources committee, the latter represent gaps in the service profile. This committee also identified other types of needed services for youth, including substance abuse prevention and treatment for youth, after school educational programs, parenting classes for at risk youth, and group homes.

Further, there is a clear lack of culturally-oriented and language-sensitive community resources designed for high-risk youth of color that address the special problems and issues shared by this population. These gaps in community-based resources are particularly problematic for minority youth who are released back into the community after detention in County facilities.

Among the few ethnic-specific programs or agencies in ethnic minority communities that target high-risk youth are Barrios Unidos in Burlingame and Free at Last in East Palo Alto. In Daly City, Youth and Family Enrichment Services (YFES) works mainly with high-risk and first-time offenders diverted from the juvenile justice system and referred by law enforcement and probation. They serve a largely Filipino and Latino population and are recently merged with Family and Youth Enrichment Services (FACES) in San Carlos to provide counseling services for high-risk youth. YFES operates two South County facilities—Day Break and Your House South. These programs offer shelter for up to two weeks and 24-hour, in-person crisis intervention as well as an array of related services for high-risk youth and first time offenders.

The resource committee found that, in general, there is a dearth of community resources that serve high-risk youth in San Mateo County. Many of the community-based human service agencies that offer counseling or advocacy focus on youth only

secondarily and operate within a family context. Agencies that focus on substance abuse, domestic violence, and health issues are primarily adult-serving agencies that also address youth as members of families. Some of these agencies (e.g., El Concilio of San Mateo) do target youth of color, particularly immigrant youth and address many of the socioeconomic, child care, and educational issues typically encountered in low-income communities of color. Judge Marta Diaz urged that more police agencies and schools in San Mateo County should offer diversion programs.

Services that are available largely to youth of color are based in the schools in the form of Healthy Start Programs and school-based law enforcement programs like Project DARE. The Healthy Start programs, however, are not designed to work specifically with *high-risk* youth. Instead, the health, education, and parenting of young children are the focus of Healthy Start, making it a promising early intervention program for youth.

Exacerbating this problem of limited resources in the community is the lack of coordination and management of existing resources and the absence of communication between law enforcement, probation, and schools with community service providers and parent groups. Effective channels of communication between juvenile justice systems and communities of color are key if viable solutions to DMC are to be developed. There is a need for a stable venue where service providers meet with probation, law enforcement, the courts, and the schools on a regular basis to develop lines of communication and find ways to adapt, integrate, and utilize available services in the County with the decision-making processes of law enforcement and probation. Gaps in critical services to the high-risk youth of color population must be addressed as part of the discussion and solutions explored in both public and private sectors. The County is trying to build and strengthen these forums.

Too often, the use of community resources by probation and law enforcement is an individual matter that depends upon the knowledge, inclinations, and time constraints of individual officers. Representatives from probation noted that using community resources does involve some additional work, particularly given that there is no one with the specific responsibility of facilitating the use of community services. Consequently there is a need for stronger connections among law enforcement, probation, and community resource providers.

Systematic sharing of information and regular structured communication could be improved across respective agencies to match youth needs with services in the County. Cross-cutting working relationships, which are the result of collaborations between community service providers, schools, law enforcement, probation, and the Court, facilitate the types of cooperative efforts that are indicated as part of a strategy to reduce DMC.

Notwithstanding the above, there is a growing relationship between law enforcement and the schools. Law enforcement has a presence on most school campuses in the County. Police officers are regularly engaged in suspension and expulsion hearings that bring them into contact with teachers, counselors, and principals. This growing alliance should expand the participation of community service providers or parent groups. If community resources and service providers were known to schools, law enforcement and probation could easily network and build relationships that foster a reduction of DMC.

## VII. KEY FINDINGS AND NCCD RECOMMENDATIONS.

Research<sup>26</sup> has outlined several guiding principles for reducing DMC in detention.

These principles include:

- All children should be treated equally within the juvenile detention system.
- Racial disparities in detention occur, in part, because of both conscious and subconscious racism.
- Disparities in detention are often unintended consequences of seemingly race-neutral practices.
- Data must be collected and carefully analyzed to inform efforts to reduce racial disparity in the detention system.
- Leadership makes a difference.
- Both individuals and agencies have a responsibility to address this issue.
- Although we cannot control all of the factors that lead to racial disparities, there are things we can control and change in the detention system.<sup>27</sup>

In light of these principles, and other juvenile justice research that supports early intervention and the importance of implementing a series of graduated sanctions in order to avoid the unnecessary confinement of youth,<sup>28</sup> NCCD has prepared a summary of its findings and recommendations for San Mateo County regarding reducing DMC in Hillcrest Juvenile Hall and Camp Glenwood.

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<sup>26</sup> Hinton Hoytt, E., Schiraldi, V., Smith, B. and Ziedenberg, J. *Reducing Racial Disparities in Juvenile Detention*. A project of the Annie E. Casey Foundation. 2002.

<sup>27</sup> Hinton Hoytt, E., Schiraldi, V., Smith, B. and Ziedenberg, J. *Reducing Racial Disparities in Juvenile Detention*. A project of the Annie E. Casey Foundation. 2002.

<sup>28</sup> J. Howell, B. Krisberg, et.al. *A Sourcebook: Serious, Violent & Chronic Juvenile Offenders*. Sage Publications. 1995.

**FINDING 1: Latino/Hispanic and African American youth are overrepresented at every decision point in juvenile justice processing. Entry into the system through arrest by law enforcement agencies is the critical factor for this overrepresentation.**

**NCCD Recommendations:**

San Mateo County should implement strategies that were proven effective in other California communities to reduce DMC. San Mateo County should especially consider modeling some of its efforts after those counties that have successfully implemented strategies to reduce DMC for its African American and Latino/Hispanic populations. For example, Santa Cruz, California, more than doubled the number of youth who were diverted to new programs, many of which were designed to meet specific regional needs across the County and the needs of Latino youth.<sup>29</sup> Lessons learned in Sacramento County can also inform the processes of San Mateo County, particularly in that the County should focus “on taking responsibility for the things that they [have] direct control over,” as well as its lessons learned regarding addressing DMC for African American youth.<sup>30</sup>

Based upon these lessons and successes, San Mateo County should consider the following information. Each recommendation concludes with a rough cost estimate.

1. Expand the Probation Department’s Risk Prevention Program to more communities that are not being served at this time, particularly for middle school students. Redwood City, Menlo Park, Atherton, and East Palo Alto contribute

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<sup>29</sup> Hinton Hoytt, E., Schiraldi, V., Smith, B. and Ziedenberg, J. *Reducing Racial Disparities in Juvenile Detention*. A project of the Annie E. Casey Foundation. 2002.

<sup>30</sup> Hinton Hoytt, E., Schiraldi, V., Smith, B. and Ziedenberg, J. *Reducing Racial Disparities in Juvenile Detention*. A project of the Annie E. Casey Foundation. 2002. p. 45.

- significantly to disproportionate minority confinement; however, they do not currently receive these prevention services from the probation department. The program would provide prevention and early intervention services for youth referred to probation by police or schools. (Cost: Moderate.)
2. Probation has been attempting to update its automated management information systems, and it is expected to be completed in about 90 days. Probation Department and law enforcement should continue its work to implement a comprehensive automated management information system that will track cases from referral to disposition in order to adequately and appropriately match the needs and risks of youth with the resources in San Mateo County.
  3. Collect and analyze data on a quarterly basis to determine who is being arrested, booked, detained, and placed in programs to continue the process of measuring the places where overrepresentation occurs. Law enforcement and probation should also include a variable for the number of referrals that are the result of school-based crimes. (Cost: Moderate.)
  4. Develop and implement a culturally-competent, objective risk assessment instrument to be administered at intake for all youth brought to Hillcrest Juvenile Hall to ensure that detention decisions are based upon a structured decision-making model that can be periodically reviewed and revised, if necessary. It should be noted that Multnomah County, Oregon was able to dramatically reduce DMC through the use of an objective decision-making system. (Cost: Moderate.)
  5. Utilize the core Annie E. Casey Foundation Juvenile Detention Alternatives Initiative strategies. These include reducing length of stay by speeding the

- resolution of cases and staffing an “expeditor position” whose responsibility is to divert youth from detention as quickly as possible.<sup>31</sup> (Cost: Moderate.)
6. Establish a cultural diversity training system for system decision-makers and front-line staff to help them recognize the importance of addressing DMC and to give juvenile justice staff an opportunity to critically re-evaluate their practices through a lens of cultural competency. (Cost: Moderate.)
  7. Probation and law enforcement should make a department goal to have a staff that is more reflective of the youth that are served. (Cost: Recruit, with attrition opportunities.)
  8. The County should add community-based agencies as partners in the Probation department’s home supervision and electronic monitoring programs. Given that parental involvement and supervision is important to the success of home detention programs and that language differences, transportation problems, parental confusion about court processes and their court-related responsibilities, the addition of these programs will assist in the process of removing some of the barriers to effective parental participation and help parents better understand their roles and the court’s expectations. (Cost: Moderate.)
  9. Expand the County’s continuum of services available for youth in remote parts of the County, where police and probation have limited options beside detention. This should reduce the County’s reliance on incarceration and ensure an adequate supply of culturally-competent resources in communities of color. (Cost: Moderate.)

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<sup>31</sup> Hinton Hoytt, E., Schiraldi, V., Smith, B. and Ziedenberg, J. *Reducing Racial Disparities in Juvenile Detention*. A project of the Annie E. Casey Foundation. 2002.

10. The County should examine alternative models to address disruptive classroom and school-based behavior. There has been little research to support the validity of zero-tolerance policies and practices. Other models, including the Seattle Social Development Model, have proven to be more effective to enhance classroom management, and to reduce disruptive classroom behavior. (Cost: Moderate.)
11. Because many youth identified “drugs” as a reason for involvement in the juvenile justice system, the County should examine the possibility of taking a broader look at the issue of youth substance abuse, using research-based, harm-reduction approaches. (Cost: Use current staff.)

**FINDING 2: African American, Latino/Hispanic, and Pacific Islander students are consistently performing below student average on STAR tests in math and reading.**

**NCCD Recommendations:**

1. Recruit more teachers who are Pacific Islander, African American, and Hispanic/Latino in the public schools. Actively recruit for certified teachers who are multilingual, and who reflect the multicultural population of students served. (Cost: Recruit and replace through attrition opportunities.)
2. Investigate and implement appropriate education to aggressively pursue the academic achievement of Pacific Islander, African American, and Hispanic/Latino students. This can be accomplished through conversations between the San Mateo County Office of Education and local districts to identify specific programs and services to tailor the educational program to the needs of students. (Cost: Use current staff.)

3. Institute mentoring, tutoring, and other supportive programs for all students who could benefit from these services. Additionally, institute models to foster increased parent participation and involvement in school-based activities. (Cost: Moderate.)

**FINDING 3: Some San Mateo County residents, including some youth, have an unflattering perception of law enforcement. These views can influence the behavior and actions of others. A positive campaign to solve problems can reduce the negative effects of these perceptions.**

**NCCD Recommendations:**

In August, 2001, PolicyLink—a national nonprofit research, communications, capacity building and advocacy organization—published several national reports on how to bridge relationships between law enforcement agencies and communities of color.

NCCD feels that the following PolicyLink recommendations should be carefully reviewed:

1. Under the auspices of its mission to foster delinquency prevention, the Juvenile Justice and Delinquency Prevention Commission should serve as the liaison to establish and manage a partnership between law enforcement and community agencies. This partnership could include a series of regular (perhaps quarterly) meetings to foster information-sharing and joint-accountability regarding a commitment to fairness and cultural competency. (No cost.)
2. Law enforcement should participate in a training program designed to orient officers on youth language and culture to foster better communication and understanding of youth attitudes, perceptions, and activities.
3. Revise or supplement officer recruitment, hiring, and promotion processes. Increase the diversity of police agencies at all levels. (Cost: Moderate.)

4. Develop effective, independent, well-funded, professional civilian oversight of police activities. (Small cost.)

In addition to these recommendations, NCCD recommends that:

1. County officials offer incentives for law enforcement officers to be engaged with youth of color and their communities in a social setting and in after-school activities (as coaches, tutors, volunteers, etc.). (Small cost.)
2. Develop a human relations campaign that fosters ongoing and honest dialogue between communities of color and the juvenile justice system, and that provides better alternative means for youth and the community to learn about how the justice system works in San Mateo County. (Small cost using current staff.)
3. Engage the faith community to tackle negative quality of life perceptions and how these affect perceptions about the administration of justice in San Mateo County. The faith community can provide safe and neutral settings for candid discussions. (Small cost.)
4. San Mateo County should use the results of the “Children in our Community” report as a tool to promote discussion about the health and well-being of youth in the County. The report is regularly updated and provides the opportunity to monitor quality of life improvements for youth. (Small cost.)

## **VIII. CONCLUSION**

In summary, San Mateo County faces a tremendous opportunity to continue its work to ameliorate the disproportionate confinement of youth of color. The County has already made a positive step forward by commissioning this report and by taking the issue of DMC seriously. In order for DMC to be successfully reduced and eventually eliminated, leadership has to embrace this as an opportunity to continually monitor and advocate for a more fair and equitable administration of justice.

Other counties that have tackled DMC agree that, in order to move forward on this issue, there must first be an ongoing body that is officially assigned as the lead agency for convening meetings, overseeing the collection of data, continually underlying factors, and monitoring the creation of alternatives to confinement. San Mateo County is poised to accept this assessment as a first step toward implementing an action plan for ensuring that all of its community residents feel that their County is operating with the utmost fairness and equality in the administration of justice. Let the work begin.

## **IX. ACKNOWLEDGMENTS**

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Boys & Girls Club of East Palo Alto  
Principal Bud Brisnahan, Thornton High School  
Chief Loren Buddress, San Mateo County Probation Department  
Christina Chen, Teen Pregnancy Prevention, San Mateo County  
Lee Chic, San Mateo Office of Education  
Superintendent Mike Crilly, Jefferson Union High School District  
Shirley Darnell, Parents' Network  
Marie Davis, NAACP San Mateo  
Montez Davis, Boys & Girls Club of East Palo Alto  
Judge Marta Diaz, Presiding Juvenile Court Judge of the Superior Court  
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Patti Dillon, San Mateo County Probation Department  
Marshall Dinowitz, ACLU Northern Peninsula Chapter  
James Fox, District Attorney  
Gloria Garcia, Fair Oaks Center  
Michelle Garcia, SFSU Graduate Student

Judy Goddess, El Centro de Libertad  
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Sergeant Greg Hart, South San Francisco Police Department  
Kathryn Haybert, NAACP San Mateo  
Supervisor Jerry Hill, San Mateo County Board of Supervisors  
Gerry Hilliard, Managing Attorney, Private Defender's Program  
Supervisor Rose Jacobs Gibson, President, San Mateo County Board of  
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Mike Levinson, ACLU Northern Peninsula Chapter  
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Moses Lopez, Healthy Start, Hoover School Family Center  
Gary Missell, (Retired) Police Chief, City of Burlingame  
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Pete Fena, San Mateo Probation Department- Chair, Decision-Making Committee  
Victor Lopez, El Concilio of San Mateo County- Chair, Youth Outreach Committee  
Deborah Vargas, Free At Last- Chair, Resources Committee  
Alejandro Vilchez, Peninsula Conflict Resolution Center- Chair, Data Collection Committee

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