

Guidelines for Collecting and Recording the Race and Ethnicity of Youth in Illinois' Juvenile Justice System

by Illinois Juvenile Justice Commission

ModelsforChange
Systems Reform in Juvenile Justice

This booklet was adapted, with permission, from the original document developed for the Pennsylvania Juvenile Court Judges' Commission by Torbet, P., Hurst, Jr., H., and Soler, M. (October 2006, (c) National Center for Juvenile Justice) with funding from the John D. and Catherine T. MacArthur Foundation. The original document, "Guidelines for Collecting and Recording the Race and Ethnicity of Juveniles in Conjunction with Juvenile Delinquency Disposition Reporting to the Juvenile Court Judges' Commission," is available online at: <http://www.modelsforchange.net/pdfs>.

The preparation of this booklet was supported by John D. and Catherine T. MacArthur Foundation grants awarded to Loyola University Chicago, National Center for Juvenile Justice and Children's Center for Law and Policy.

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Fall 2008

Models for Change

Models for Change is an effort to create successful and replicable models of juvenile justice reform through targeted investments in key states, with core support from the John D. and Catherine T. MacArthur Foundation. Models for Change seeks to accelerate progress toward a more effective, fair, and developmentally sound juvenile justice system that holds young people accountable for their actions, provides for their rehabilitation, protects them from harm, increases their life chances, and manages the risk they pose to themselves and to the public. The initiative is underway in Illinois, Pennsylvania, Louisiana, and Washington, and through action networks focusing on key issues, in California, Colorado, Connecticut, Florida, Kansas, Maryland, Massachusetts, New Jersey, North Carolina, Ohio, Texas, and Wisconsin.

Dear Juvenile Justice Stakeholder,

The Illinois Juvenile Justice Commission and the Illinois Models for Change Initiative are pleased to present these Guidelines for Collecting and Recording the Race and Ethnicity of Youth in Illinois' Juvenile Justice System. Enhancing the accuracy and reliability of juvenile justice data has been a consistent focus of the Commission for many years. Similarly, encouraging data-driven decision-making is a key element of the Illinois Models for Change Initiative, which is supported by the John D. and Catherine T. MacArthur Foundation.

The Commission and Models for Change recognize that complete, accurate and reliable data are fundamental to improving juvenile justice policy and practice and fostering positive outcomes for youth, families and communities. This document, by providing guidelines for collecting and recording the race and ethnicity of youth in Illinois' juvenile justice system, serves as a tool for improving Illinois' statewide and local data. The process described in this guide is consistent with federal policy and is intended to encourage the collection of information uniformly throughout the state and across justice system agencies and entities.

Why is the accurate recording of a juvenile's race and ethnicity important? Among other benefits, this information helps state and local stakeholders to understand *whom* the system is serving and better identify the needs of those in the system, to more accurately identify *how* decisions are made throughout the process, to ensure fairness and objectivity, to know *what* services or resources are needed, and to *monitor* and examine system response to youth of color. Consistency in data categories across communities and agencies allows system leaders to appropriately share information with other stakeholders and the community, and to design effective strategies to reduce the disproportionate impact of the justice system on youth of color.

The Illinois Juvenile Justice Commission and the Illinois Models for Change Initiative strongly encourage agencies, organizations and practitioners at all stages of the juvenile justice system to adopt and implement these Guidelines for accurately recording race and ethnicity of youth in the juvenile justice system. Ultimately, we hope that this guide serves as a tool to support your efforts to improve outcomes for youth, families and the communities we serve.

C. Gary Leofanti, Chairperson
Illinois Juvenile Justice Commission

Diane Geraghty, Lead Entity Representative
Illinois Models for Change Initiative

Instructions and Guidelines for Collecting and Recording Race and Ethnicity

This booklet provides instruction and guidance to juvenile justice practitioners, including members of state and local law enforcement, juvenile courts, probation departments, and correctional agencies, on accurate racial coding of juveniles involved in Illinois' juvenile justice system.¹

Why accurate information matters:

Meeting the Mandates of the JJDP Act and Ensuring Fundamental Fairness

Compelling reasons exist for accurate coding, not the least of which is to ensure the fundamental fairness principle that all aspects of the juvenile justice system must be carried out in a fair and unbiased manner.² Both the U.S. and Illinois constitutions guarantee rights and privileges to all citizens, regardless of race, color, creed, gender, or national origin.

In addition, the Federal Juvenile Justice and Delinquency Prevention (JJDP) Act, which governs Illinois' receipt of federal juvenile justice funding, requires states to assess the extent of Disproportionate Minority Contact (DMC) of youth of color at all stages of the juvenile justice system and to take steps to address any disproportionality

1 PLEASE NOTE: "Racial coding" and "racial data" are used interchangeably throughout this booklet to refer to the set of questions aimed at distinguishing a juvenile's Hispanic/Latino origin, race, and identification with any other population group or subgroups.

2 See "Juvenile Justice in Pennsylvania: Mission-Driven, Performance-Based, Outcome-Focused" available from JCJC at <http://www.jcjc.state.pa.us/jcjc/lib/jcjc/barj/monograph.pdf>.

(or over-representation).³ Compliance with this standard, however, is complicated by the manner in which race and ethnicity data are collected in Illinois and in many other states.

For example, significant inconsistencies persist in the terminology and categories used to record race and ethnicity by various juvenile justice agencies across the state. In some cases, for example, “Hispanic” is considered and coded as a racial category, while in other agencies or communities it may be considered an ethnicity. These inconsistencies cause considerable confusion when trying to determine the extent to which different groups are represented in the Illinois juvenile justice system, and they create obstacles to crafting effective policies and practices. Ultimately, because consistent definitions are not being used, policymakers and practitioners are hampered in their efforts to precisely and accurately address the factors giving rise to minority over-representation in the system.

The goal of this publication is to recommend a uniform approach to collecting and reporting these data and to provide guidance on analyzing the use of race and ethnicity data to monitor practice and share information with other stakeholders.

Illinois’ DMC Efforts

Although reducing disproportionality has been a goal for juvenile justice leaders across the state for many years, Illinois began allocating federal juvenile justice funds for targeted DMC reduction activities in 2002. The Illinois Juvenile Justice Commission (IJJC) oversees Illinois’ federal juvenile justice funding as the State Advisory Group designated pursuant to the JJDP Act. In this role, the IJJC identified 19 counties/communities in Illinois with the highest rates of disproportionality, based on detention numbers and other DMC indicators.

From that group of communities, four areas demonstrated an interest in and commitment to reducing DMC and were allocated funding: St Clair County, Peoria County, South Suburban Cook County, and the Chicago community area of Lawndale. The commission provided each community with funds to function as pilot sites for Illinois’ DMC reduction initiative. Each site is using the DMC reduction model developed by the W. Haywood Burns Institute and, in accordance with federal regulations established by OJJDP in 2005, is collecting data across the nine decision points of the juvenile justice system. Based

³ The original amendment referred to *Disproportionate Minority Confinement* but the mandate was subsequently expanded to any *Contact* from arrest through confinement.

on further “sites readiness” assessments conducted by the Burns Institute and the IJJC, three additional sites have since been funded for targeted DMC efforts, including Macon County, the Englewood Community Area in the City of Chicago, and Sauk Village.

In addition to this targeted and intensive DMC effort, reducing disproportionality and ensuring fundamental fairness is a key goal of each of the other juvenile justice reform initiatives underway in Illinois. These include Redeploy Illinois, the Juvenile Detention Alternatives Initiative, Balanced and Restorative Justice projects, and Models for Change.

The success of Illinois’ DMC efforts will be measured primarily by the extent to which policy and practice changes reduce the number of youth of color involved at various stages in the juvenile justice system, including detention. Regardless of long-term outcomes, these juvenile justice reform efforts across the state have brought to light immediate lessons: Having accurate data is critical to informed decision-making regarding individual youth and to analyzing how the system functions and how well it meets its charge to address juvenile delinquency effectively, fairly, and efficiently.

This booklet is one resource provided by the Illinois Juvenile Justice Commission and the support of the John D. and Catherine T. MacArthur Foundation, to practitioners and communities seeking to ensure that our juvenile justice system meets its charge of enhancing public safety, operating with fundamental fairness for all those involved, and achieving positive outcomes for the youth, families, and communities it serves.

Why it’s important to describe a juvenile’s race and ethnicity accurately

Why is the accurate recording of a juvenile’s race important to juvenile justice system representatives? What’s the point beyond statewide reporting or some distant compliance report to the Federal Government? Among other benefits, this information helps state and local officials:

- Know *whom* the system is serving and better identify the needs of those in the system;
- More accurately identify *how* decisions are made throughout the process;
- Know *what* services or resources are needed to respond to the youth and families the system is serving. Specifically, there may be a need for cultural competency

training for juvenile court staff, culturally appropriate programs and services for youth and their families, translators and interpreters, Spanish-language documents and materials, and bilingual and bicultural staff;

- Monitor and examine system response to youth of color; and
- Share this information with stakeholders and in annual reports to the community.

The benefit for administrators following this guide is the ability to report information in accordance with federal policy while preserving the flexibility to understand and describe the ethnic diversity of juveniles referred to the local juvenile justice system.

Why it isn't easy

For many people, their identification with a particular race or ethnic group is a deeply personal and sensitive issue. For government officials, statisticians, and others concerned about it, race classification is a substantively complex issue. It is also an imprecise cultural construct that changes over time. For example, the Census 2000 questionnaire offered 15 choices for coding

Census 2000 Race Categories	Federal Minimum Race Categories
White	American Indian or Alaska Native
Black, African Am., or Negro	Asian
American Indian or Alaska Native, print tribe	Black or African American
Asian Indian	Native Hawaiian or Other Pacific Islander
Japanese	White
Native Hawaiian	
Chinese	
Korean	
Guamanian or Chamorro	
Filipino	
Vietnamese	
Samoan	
Other Pacific Islander	
Other Asian, print	
Some other race, print	

a respondent's race even though the 1997 federal standards, promulgated by the White House Office of Budget and Management (OMB), set the minimum race categories at five.

OMB also places special emphasis on identifying the Hispanic or Latino population group. Unlike "African American," which is a race, "Hispanic/Latino" is an ethnicity, not a race. Accordingly, federal guidelines recommend asking two separate and distinct questions and the order in which they should be asked, the first asking respondents to indicate their Hispanic or Latino ethnicity and the second asking for respondents' race. (See the sidebar for more information on the federal standards.)

Best Practices

This publication recommends that the collection and recording of racial data is best achieved by asking three questions or variables, with the first two limited to fixed responses:

1. Hispanic/Latino? (Yes, No)
2. Race (5 categories)
 - American Indian or Alaska Native
 - Asian
 - Black or African-American
 - Native Hawaiian or Other Pacific Islander
 - White
3. National Origin, Ancestry or Tribal Affiliation (any population group or subgroups not included in the first two questions)

This question format, order of questions asked, and the fixed coding structure for the first two questions comply with federal standards. The optional third question provides flexibility to counties that wish to accommodate local preferences for capturing affiliations with other population groups not included in the first two variables, while ensuring that the Federal Government's standards for minimum race categories are met.

Agencies and organizations that interact with delinquency-involved youth are encouraged to assess their data collection forms and methods and implement this approach to seeking, capturing, coding, and reporting race and ethnicity data. First and foremost, it is hoped that these changes will make it easier to code racial data, thereby reducing the

instances of unknown or missing data. Second, implementing these recommendations will improve accuracy and consistency of the racial data collected by juvenile systems across the state.

Racial Coding Instructions

Information Sources:

There are three possible information sources for capturing racial data:

1. *Self-identification* on the basis of an interview with the youth/parent/guardian;
2. *Observer-identification* when the youth/parent/guardian fails to answer the question and the observer infers the answer; and
3. *Some other source* on the basis of a report, face sheet, or complaint filed with the court.

Categories and Definitions

WHITE: a person having origins in any of the original peoples of Europe, the Middle East, or North Africa.

BLACK OR AFRICAN AMERICAN: a person having origins in any of the black racial groups of Africa. Terms such as “Haitian” or “Negro” can be used in addition to “Black or African American.”

HISPANIC OR LATINO: a person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.

ASIAN: a person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.

AMERICAN INDIAN OR ALASKA NATIVE: a person having origins in any of the original peoples of North and South America (including Central America), and who maintains tribal affiliation or community attachment.

NATIVE HAWAIIAN OR OTHER PACIFIC ISLANDER: a person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

(Source: Federal Register Vol. 62, No. 210, Thursday, October 30, 1997.)

Self-identification is the preferred source of information for collecting racial data. The guidelines in the next section provide advice for coding racial data depending on the source of the information.

What has changed? Coders are now asked to indicate whether answers to the Hispanic/Latino and race questions were self-reported by the juvenile/parent/guardian, recording “yes” (Y) for self-identification or “no” (N) for identification by the observer or some other source.

Question Order, Format, and Acceptable Answers:

ORDER OF QUESTIONS: The coder should ask the questions in the order specified:

1. Hispanic/Latino question
2. Race question
3. Optional, open-ended question about identification with other population groups not listed in the first two questions.

FYI: The first two questions force a rubric to accommodate current federal policy on racial coding. The third question is open-ended and can accommodate any self-identity. The ordering helps to reduce confusion introduced by the multi-question format.

PROMPT TO SELF-IDENTIFY: Begin the series of questions with a prompt: “I am now going to ask you some questions about how you prefer to describe yourself.” This prompt links the questions and encourages the juvenile to self-identify.

FIRST QUESTION: Are you Hispanic or Latino?”

Acceptable answers:

- Yes, Hispanic or Latino
- No, Not Hispanic or Latino
- Unknown (limited use)

What has changed? The ordering of the questions now puts the “ethnicity” question before the race question. The variable label of “Ethnicity” has been eliminated in favor of the label: Hispanic/Latino? The question, “What is your ethnicity?” has been replaced with the new question, “Are you Hispanic or Latino?”

The biggest change, however, is that the new question/variable will have fixed “yes” or “no” answers. The coding of other ethnicities will be accommodated by an optional third question. Identification with any of the other subgroups that federal policy characterizes as Hispanic or Latino (e.g., Cuban) can also be accommodated in the third question. “Unknown” should be limited to situations in which the youth is not seen and the information is not provided by the referral source.

FYI: The label “Hispanic or Latino” takes into consideration regional differences in the usage of the terms, supposedly between the eastern and western United States. “Spanish” was added to the label by Census 2000, but is not required by federal policy.

SECOND QUESTION: “What is your race?” At this point in the questioning, hand youth a printed/laminated card with the five race categories. This will assist them in answering the question since reading the list out loud to them may be confusing. Prompt the youth by asking, “Please tell me which race you consider yourself to be. You may select more than one.”

Acceptable answers:

- American Indian or Alaska Native
- Asian
- Black or African-American
- Native Hawaiian or Other Pacific Islander
- White
- Unknown (limited use)

What has changed? The previous reporting of racial data permitted the coding of “other” race. This category has been eliminated and is not an acceptable answer. Identities outside the five minimum race categories will be accommodated in the next question.

The biggest change, however, is the application of a new rule. Because many youth are multiracial, youth may identify with more than one race. The prompt for them to choose more than one race will facilitate the application of this new rule. The interviewer should follow the “mark any that apply” rule based upon the youth’s self-identification of multiple races or by the observer’s identification. The use of “Unknown” should be limited to situations in which the youth is not seen and the information is not provided by

the referral source, or in situations in which a youth specifically requests that “unknown” be checked in addition to another race.⁴

THIRD QUESTION: (Optional) “Do you identify primarily with a particular country of origin, ancestry or, if you are Native American, a particular tribe?”

What has changed? A new question with the variable label “National Origin, Ancestry or Tribal Affiliation” has been added. Previously, counties were permitted to record other origins or ethnicities in the “Ethnicity” variable. Counties now have the option of asking a separate question that collects information on population subgroups not listed in the first two questions. Counties can configure their own code list. Youth may choose from a listing of county-specified selections or to write in a response on a data collection form.

Racial Coding Guidelines

1. Self-identification is the preferred method for collecting racial data, best accomplished by an in-person interview with the youth.

The need for accurate juvenile justice system data spans the entire system, from earliest police contacts and arrest through aftercare or reentry from corrections facilities. Thus, the point at which accurate delinquency collection should begin is upon a complaint being received by an arresting or other justice officer, school official, or child welfare agency.

In situations when it is not feasible to interview the youth in person and the arresting officer makes a decision based upon a review of the complaint, the officer should code Hispanic/Latino origin and race based upon what was reported by the referral source. The question that asks whether the answer was self-reported should be answered “no.” If the referral source did not provide racial information, the officer/coder may use the “unknown” category for either question. If the case is accepted for any kind of action by the court, the probation officer or state’s attorney should attempt to correct errors or gaps in racial coding that may have occurred when the original record was created.

⁴ For example, a youth may prefer to indicate “unknown” in conjunction with the selection of another race when the race of the biological parent is not known.

2. Interviewers should rely on the youth's self-identification when coding racial data, whenever possible.

The goal for the coding activity is to be able to document as accurately as possible the racial characteristics of youth involved in the juvenile justice system. Thus, interviewers should allow a youth to self-identify race and ethnicity whenever possible.

3. If the youth does not answer the Hispanic/Latino question, the interviewer may repeat the question and response options. If the youth still fails to respond to the question, the interviewer must infer a response (based upon observation or information provided by another source).

While a youth's failure or inability to answer the questions erodes the reliability of the information (thus limiting its utility for research into overrepresentation), interviewers should, as a last resort, infer Hispanic/Latino origin and race from the information available. In other words, if a youth cannot self-identify, the risk of miscoding an individual juvenile is outweighed by the desire to describe, monitor, and report this information in the aggregate.

In instances where the interviewer infers a response, the question that asks the coder whether the answer was self-reported by the juvenile/parent/guardian should be marked "no" (N).

4. If the youth has difficulty answering the race question, interviewers should encourage the youth to select a response that falls within one of the five race categories.

Interviewers may experience difficulty with youth who identify as Hispanic or Latino in the first question, but who are unable to answer the subsequent question regarding their race. In these instances, the interviewer should simply repeat the five race categories.

Interviewers should not ask prompting questions such as "*In addition to being Hispanic, can you describe yourself as [repeat race categories]?*" or "*Hispanic or Latino is generally considered an ethnicity rather than a race. Hispanic or Latino persons can be of any race.*" Such questions have been found to be offensive to some people as

well as ineffective. If the question is confusing to youth or they refuse to answer the question, apply the next guideline.

FYI: This problem was well documented in the testing of the two-question format in the 2000 Census where many respondents who answered “yes” to the Hispanic/Latino question did not respond to the race question or indicated “other race.”

5. If the youth is unable or unwilling to select among the race categories, the interviewer must infer the youth’s race (based upon observation or information provided by another source).

In instances where the interviewer infers a response, the question that asks the coder whether the answer was self-reported by the juvenile/parent/guardian should be marked “no” (N).

6. If the youth does not respond to the third (optional) question, interviewers should not infer an answer.

Federal Standards for the Classification of Racial Data

The background of the 1997 revisions to the Federal OMB standards and the principles that governed the review process provide an important backdrop to the instructions and guidelines presented in this booklet. Background: For more than 20 years, the standards provided a common language to promote uniformity and comparability for data on race and ethnicity for the specified population groups. They were developed in cooperation with federal agencies to provide consistent data on race and ethnicity throughout the Federal Government. Development of the data standards stemmed in large measure from new responsibilities to enforce civil rights laws. Data were needed to monitor equal access in housing, education, employment, and other areas for populations that historically had experienced discrimination and differential treatment because of their race or ethnicity. The standards are used not only in the decennial census (which provides the data for the “denominator” for many measures), but also in household surveys, on administrative forms (e.g., school registration and mortgage lending applications), and in medical and other research. The categories represent a social-political construct designed for collecting data on the race and ethnicity of broad population groups in this country, and they are not anthropologically or scientifically based.

Some of the more relevant principles that governed the review process include:

1. The racial and ethnic categories should not be interpreted as being primarily biological or genetic in reference. Race and ethnicity may be thought of in terms of social and cultural characteristics as well as ancestry.
2. Respect for individual dignity should guide the processes and methods for collecting data; ideally respondent self-identification should be facilitated to the greatest extent possible, recognizing that in some data collection systems observer identification is more practical.
3. To the extent practicable, the concepts and terminology should reflect clear and generally understood definitions that can achieve broad public acceptance....
4. The categories should be comprehensive in coverage and produce compatible, nonduplicative, exchangeable data across federal agencies.
5. Foremost consideration should be given to data aggregations by race and ethnicity that are useful for statistical analysis and program administration and assessment....
6. The standards should be developed to meet, at a minimum, federal legislative and programmatic requirements. Consideration should also be given to needs at the state and local government levels....as well as to general societal needs for these data.
7. The categories should set forth a minimum standard; additional categories should be permitted provided they can be aggregated to the standard categories. The number of standard categories should be kept to a manageable size, determined by statistical concerns and data needs.

The main objective of the review was “to enhance the accuracy of the demographic information collected by the Federal Government by having categories for data on race and ethnicity that will enable the capture of information about the increasing diversity of our Nation’s population while at the same time respecting each individual’s dignity.”

Source: Federal Register (Thursday October 30, 1997 (page 58781) Part II Office of Management and Budget Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity; Notices), <http://www.gpoaccess.gov/fr/search.html>.

Models for Change

The Models for Change initiative is an effort to create successful and replicable models of juvenile justice system reform through targeted investments in key states. With long-term funding and support from the John D. and Catherine T. MacArthur Foundation, Models for Change seeks to accelerate progress toward a more rational, fair, effective, and developmentally appropriate juvenile justice system. Models for Change in Illinois is focusing on bringing about change in three areas: (1) right-sizing the juvenile court's jurisdiction, (2) expanding community-based alternatives to the confinement and formal processing of juveniles, and (3) addressing disproportionate minority contact with the juvenile justice system. While the work in all these areas is being carried out statewide, five local demonstration projects are currently working with Models for Change to expand their array of alternatives to confinement.

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Illinois Juvenile Justice Commission

The Illinois Juvenile Justice Commission, which has partnered with the Illinois Models for Change Initiative in issuing this guide, serves as the federally mandated State Advisory Group to the Governor, the General Assembly and the Illinois Department of Human Services. The Commission develops, reviews and approves the State's juvenile justice plan for the expenditure of funds granted to Illinois by the federal Office of Juvenile Justice and Delinquency Prevention (OJJDP). The Commission is also responsible for ensuring the State's compliance with the Federal Juvenile Justice Delinquency Prevention Act. The Commission also has a statutory responsibility to submit an annual report to the Governor and General Assembly that highlights the State's accomplishments, its most urgent challenges relative to juvenile justice in Illinois and its recommendations for addressing those issues.

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An initiative supported by the John D.
and Catherine T. MacArthur Foundation
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