

**Disproportionate Detention of Minorities:
A Case Study of One State's Compliance with the Mandates of
the Juvenile Justice and Delinquency Prevention Act**

by

N.E. Schafer

and

Richard W. Curtis

Justice Center
University of Alaska Anchorage

Prepared for presentation at the annual meeting of the
Academy of Criminal Justice Sciences, Las Vegas, March 1996.

JC 9501.027

**Disproportionate Detention of Minorities:
A Case Study of One State's Compliance with the Mandates of
the Juvenile Justice and Delinquency Prevention Act**

Abstract

Pursuant to Section 223(a)(23) of the Juvenile Justice Delinquency Prevention act, states must examine whether minority youth are disproportionately detained in relation to their proportion in the general population. For a preliminary assessment of Alaska's compliance, four years of detention data for the state of Alaska are analyzed to assess the detention of minority and non-minority youth. A number of factors are used to compare racial groups: type of offense, prior record, gender, age, length of detention, etc.

**Disproportionate Detention of Minorities:
A Case Study of One State’s Compliance with the Mandates of
the Juvenile Justice and Delinquency Prevention Act**

In the Juvenile Justice and Delinquency Prevention Act, Congress mandated that states examine whether minority juveniles are overrepresented in their juvenile justice systems and, where they are, develop strategies directed at this disparity. Many states have found that minority youth are processed in proportionately greater numbers than are white youth. Most studies report on Black or Hispanic youth; very few report on the representation of Native American youth. For this paper we propose to examine a specific category of Native American youth, Alaska Natives, and their representation at a specific point in the juvenile justice process — detention.

Background

Studies of racial disproportionality in the juvenile justice system seem to have focused on the high incarceration rates of African-American youth. Some researchers have suggested that their higher rates of incarceration are due to higher involvement in deviant activities (e.g., Wilbanks, 1987), others that their higher rates result from racism in the system (e.g., Mann, 1993).

Pope and Feyerherm’s (1990) survey of minority studies found more suggestions of racism in adjudication and disposition studies than in referral/detention studies. However, it can be argued that if race has an impact in earlier stages, then the disproportionality will continue at subsequent points. Conley (1994) suggests that arrest circumstances may be the “most important factor contributing to racial and ethnic disproportionality” (p. 136) and she argued that the police report had a major impact on juvenile justice decision-making. Such research is difficult to do. In addition to her quantitative data, Conley used a qualitative approach with observation, in-depth interviews, and focus groups. Data are easier to gather further into the process. Preadjudication detention appears to be a reasonable starting point for quantitative analysis of disproportionate representation of minority youth in the justice system.

The decision to detain is a crucial point in the juvenile justice process. Some researchers have found that the detention decision influences subsequent decision points. Cohen (1975) found detention increased the probability of the filing of a petition, and this in turn increased the probability

of a more severe disposition. Frazier and Bishop (1985) found that detention increased the probability of formal processing. In their Florida study, Frazier and Cochran (1986) found that preadjudicatory detention is correlated with the action of the state attorney, the formality of the disposition, and the severity of the disposition. They note “the decision to detain has a strong and persuasive impact on the subsequent decisions made in juvenile justice processing” (p. 299).

If race plays a role in the detention decision there will be disparities at subsequent points in the system. It is therefore reasonable to examine minority disproportionality in detention.

Studies of minority overrepresentation at detention have been reported. A study of juvenile intake in California (Office of Juvenile Justice and Delinquency Prevention, 1983) found that “extra-legal” factors influenced intake decisions even where intake personnel contended that the decision was based on offense severity, prior record, demeanor, and age.

A study in Wisconsin (Jesudason, 1980) showed that the amount of time spent in detention (detention duration) was greater for minority than white youth when other factors were controlled.

Some states have developed plans related to the Office of Juvenile Justice and Delinquency Prevention mandate regarding disproportional representation of minority youth. Delaware’s plan (Klein, 1990) included data which showed that minority youth constituted 35 percent of arrested juveniles, 56.5 percent of detained juveniles, and 66.5 percent of institutionalized juveniles.

The Florida Department of Health and Rehabilitative Services (1993) reported that larger percentages of nonwhites than whites were detained, waived to adult court, and committed to institutions, even though a larger percentage of white youth are arrested. Of particular interest is one finding that African American youth were significantly more likely to receive formal processing if the complainant was white than white youth were when the complainant was black.

Wordes, et al. (1994) attempted to determine whether race was an important determinant of the decision to detain. They found that African American and Latino youth were significantly more likely to be securely detained than white youth (though their findings did vary by jurisdiction), even when they controlled for other factors.

In most of these studies, minority can be translated as African American. There are very few studies of the processing of Native American youth. Black and Smith (1980) estimated arrest, detention, and incarceration rates using Bureau of Indian Affairs (BIA) data as well as data from

state, federal and tribal courts to suggest that Natives had a higher rate of arrest for status offenses than either black or white youth, and they are referred by police at a higher rate.

Conley (1994) found Native American youth in her study twice as likely to be detained as white youth and three times more likely to be institutionalized, but the number of Native American youth in her sample was very small.

Vetter, et al. (n.d.) attempted to identify baseline data by which to monitor the secure detention of Native American youth for compliance with the Juvenile Justice and Delinquency Prevention Act and found a high incidence of status offender detention in secure facilities and fairly high compliance with the sight and sound provisions of the Act (p. 45). Lieber (1994) found that Native American youth received more severe sanctions than white youth but less severe dispositions than African Americans.

Information in Alaska has shown disproportionality for Alaska Natives in both the adult and juvenile systems. The Advisory Committee on Minority Judicial Sentencing Practices (1980) found disproportionality at all decision points in the adult system, not just at sentencing. They found minority offenders disadvantaged at “arrest, the setting of bail, communication with counsel, and in all intermediate stages of the process terminating with the preparation of the presentence report and the imposition of sentence” (p. 2).

Previous studies of the Alaska juvenile justice process have noted some differentials in referrals (Becker, et al., 1989) and in arrests and detentions (Parry, 1987). A recent article using only 1993 Alaska detention data found that length of detention varied along racial/ethnic lines, with African American youth held longer on average than either white or Alaska Native youth (Schafer & Curtis, 1994).

Parry (1984) found, in an analysis of institutionalized juveniles, that rural youth were underrepresented in the state’s juvenile institutions on a particular census day. However, he did not have information on race and could not consider in his analysis, whether Alaska Natives as a whole were underrepresented (large numbers of Native youth live in Anchorage and other Alaska cities).

Background of the Study

Although Alaska is our largest state, it has the second smallest population. About half of this small population resides in the Anchorage area but the remainder is spread over a large geographical area in towns and villages with limited (and sometimes nonexistent) tax bases. In order to deliver criminal justice services to a broadly scattered population, the state has centralized most of them at the state level. (Law enforcement functions are often local.) The combination of small population and centralization makes it possible to research many criminal justice issues on a statewide rather than local (county) basis, as is common in the “lower 48.”

Juvenile corrections is the responsibility of the Division of Family and Youth Services (DFYS), a unit within the Department of Health and Social Services. Juvenile detention, probation, and institutionalization are all under the purview of DFYS, which is organized into three geographic regions: Southeast, Northern and Southcentral. There are seven juvenile detention facilities in the state: two are small juvenile holding facilities, five are joined with state training schools (though the detained and institutionalized populations are not mixed). Three of the five are in Alaska’s largest cities: Anchorage, Fairbanks and Juneau. These facilities not only serve their local area, but also hold youth transferred from rural areas in the region.

Eight-and-a-half years of detention data have been collected pursuant to monitoring Alaska’s compliance with the mandates of the Juvenile Justice and Delinquency Prevention (JJDP) Act—sight and sound separation of juveniles from adults, removal of juveniles from adult facilities and deinstitutionalization of status offenders. The thoroughness and reliability of the data have improved since the first monitoring effort and we have excluded the 1987, 1988, and 1989 data. Our analysis uses 1990 as the base year. Data for more recent years are considerably more reliable. The state recently changed from calendar to fiscal year reporting; as a result, our most recent data are from the first half of calendar year 1995. The data include every instance of detention where the juvenile was held for more than 45 minutes.

The data include: the date and time of admission; the date and time of release; the juvenile’s date of birth, sex and race; and the reason for the detention. The information was entered each time a youth was detained.

The data collected were detention events, not detained people. Personal identifiers were included in the data and, combined with date of birth, enabled us to reduce detention event data to individual data for some of our analyses.

Findings

There were, in the full data set, 8,574 detention events which involved 4,485 individuals, 1.9 detentions for each juvenile. These events were distributed among three types of facilities: adult jails, adult lockups, and juvenile facilities. More than 90 percent of the events were handled in juvenile facilities. Table 1 provides the race and gender associated with the 8574 events. We have used birth date and initials to reduce event data to information about individuals who appeared at least once in the five-and-one-half years of data. The individual data are displayed in Table 2.

The individual data show that Alaska Native youth were 27.2 percent of all juveniles detained from January 1990 through June 1995, while Caucasian youth were 43.7 percent. The Alaska Department of Labor (1991) estimated that Alaska Natives constituted only 18 to 20 percent of all Alaskans 10 to 19 years old. African American youth constituted the next largest proportion of detainees. They are overrepresented since they were estimated by the Department of Labor to constitute less than 5 percent of 10 to 19-year-old Alaskans.

We did not find the gender distribution particularly remarkable, although juvenile females constitute a considerably higher proportion of all juvenile offenders than adult female offenders do.

Table 1. Event Data by Facility Type, January 1990 to June 1995

	Adult jail		Department of Corrections facility		Adult lockup		Juvenile detention facility	
	N	%	N	%	N	%	N	%
A. Race								
White	121	31.5%	148	86.0%	22	9.4%	3,386	43.5%
Alaska Native	68	17.7	20	11.6	138	58.7	2,491	32.0
Black	3	0.8	2	1.2	1	0.4	719	9.2
Hispanic/Asian/Pacific Island	2	0.5	1	0.6	4	1.7	416	5.3
Other/missing	190	49.5	1	0.6	70	29.8	771	9.9
Total	384 events		172 events		235 events		7,783 events	
B. Gender								
White	252	65.6%	144	83.7%	149	63.4%	5,792	74.4%
Alaska Native	100	26.0	28	16.3	48	20.4	1,789	23.0
Other/missing	32	8.3	0	0.0	38	16.2	202	2.6
Total	384 events		172 events		235 events		7,783 events	

Table 2. Demographic Data, January 1990 to June 1995

		N	%
A. Race			
	White	1,960	43.7%
	Alaska Native	1,218	27.2
	Black	372	8.3
	Hispanic/Asian/Pacific Island	237	5.3
	Other/missing	698	15.6
	Total	4,485 individuals	
B. Gender			
	Male	3,269	72.9%
	Female	996	22.2
	Missing	220	4.9
	Total	4,485 individuals	
C. Frequency (number of appearances in full data set)			
	1 appearance	2,853	63.6%
	2-4 appearances	1,357	30.3
	5 or more appearances	275	6.1
	Total	4,485 individuals	

We have noted that there were approximately 1.9 detentions for each individual youth: Table 2C fleshes out this information. More than a third of the juveniles in the data set were detained more than once—23 juveniles were detained 10 or more times, with a record of 27 instances of detention in the five-and-one-half year period. We should note that some of these detention events arose from a single referral. Juveniles in small communities who are to be detained for more than a few hours are transferred to a juvenile facility. A detention is logged at the local lockup and at the facility

to which he is transferred. Each of these appears as a separate event in our data set.

We also examined individual demographic information by year in order to examine changes over time (Table 3). One striking change is the increase of youth under 15 who, for the first three years, constituted 20 percent of all detained youth and, for the last three years, 25 percent or more. The percentage of Alaska Natives seems to be increasing as well; our most recent half-year of data (1995) shows that 37.4 percent of detained youth were Alaska Native, a considerably greater proportion than one would expect from their proportion in the general Alaska population. If the proportion continues for the remainder of 1995, it will mark a quite extraordinary increase. The

Table 3. Demographic Information for Individuals by Year, January 1990 to June 1995*

	1990		1991		1992		1993		1994		Jan-Jun 1995		Total 1990-Jun 1995	
	Total individuals (Total events)	N %	Total individuals (Total events)	N %	Total individuals (Total events)	N %	Total individuals (Total events)	N %	Total individuals (Total events)	N %	Total individuals (Total events)	N %	Total individuals (Total events)	N %
Age														
Under 15	181	19.5%	169	20.2%	182	19.1%	253	25.0%	324	25.6%	189	24.8%	1,298	25.8%
15	186	20.0	143	17.1	169	17.7	198	19.6	242	19.1	152	19.9	1,090	21.6
16	227	24.5	212	25.3	267	28.0	261	25.8	322	25.4	197	25.9	1,486	29.5
17	334	36.0	313	37.4	335	35.2	299	29.6	379	29.9	224	29.4	1,884	37.4
Gender														
Male	613	66.1%	583	69.7%	663	69.6%	761	75.3%	986	77.8%	566	74.3%	4,172	82.9%
Female	182	19.6	175	20.9	231	24.2	231	22.8	259	20.4	193	25.3	1,271	25.2
Missing	133	14.3	79	9.4	59	6.2	19	1.9	22	1.7	3	0.4	315	6.3
Race														
White	271	29.2%	393	47.0%	407	42.7%	456	45.1%	555	43.8%	306	40.2%	2,388	47.4%
Alaska Native	156	16.8	164	19.6	301	31.6	275	27.2	388	30.6	285	37.4	1,569	31.2
Black	40	4.3	77	9.2	99	10.4	91	9.0	99	7.8	73	9.6	479	9.5
Other/missing	461	49.7	203	24.3	146	15.3	189	18.7	225	17.8	98	12.9	1,322	26.3

* Files for each year were computed separately. The total column for 1990-1995 includes individuals who appear in more than one year, and therefore adds to fewer than the totals per year.

Table 4. Reason for Detention by Year, January 1990 to June 1995

Juvenile facilities only.

Total events	1990		1991		1992		1993		1994		Jan-Jun 1995		Total 1990-Jun 1995	
	1309 events		1081 events		1314 events		1426 events		1700 events		953 events		7783 events	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%
Offenses against persons	116	8.9%	87	8.0%	143	10.9%	218	15.3%	223	13.1%	127	13.3%	914	11.7%
Offenses against property	291	22.2	217	20.1	173	13.2	334	23.4	326	19.2	148	15.5	1,489	19.1
Offenses against public order	74	5.7	62	5.7	71	5.4	73	5.1	98	5.8	50	5.2	428	5.5
Traffic offenses	80	6.1	56	5.2	58	4.4	63	4.4	59	3.5	30	3.1	346	4.4
Status offenses	8	0.6	2	0.2	2	0.2	18	1.3	18	1.1	6	0.6	54	0.7
Protective custody	135	10.3	89	8.2	116	8.8	108	7.6	114	6.7	101	10.6	663	8.5
Probation violations	300	22.9	261	24.1	365	27.8	352	24.7	536	31.5	324	34.0	2,138	27.5
Warrant	107	8.2	141	13.0	114	8.7	107	7.5	139	8.2	59	6.2	667	8.6
Court/detention order	94	7.2	90	8.3	145	11.0	82	5.8	67	3.9	56	5.9	534	6.9
Internal	93	7.1	66	6.1	116	8.8	65	4.6	93	5.5	43	4.5	476	6.1
Other/missing	11	0.8	10	0.9	11	0.8	6	0.4	27	1.6	9	0.9	74	1.0

increase over time suggests that, so far as detention is concerned, disproportionality is increasing rather than decreasing.

Since it is possible that brief detentions in adult facilities (particularly local lockups) color that data on Alaska Native youth, we have examined event data in a number of ways at juvenile facilities only. Table 4 provides an overview of detention events at juvenile facilities by year of event and reason for detention. The reasons for detention have been grouped, usually into very obvious categories (charge of offense against person, property crime, etc.). For our minority assessment we will focus on the larger categories; however, two fairly substantial categories are without detail in our data set (warrant and detention order). These may be based on traffic offenses or felonies or even violation of the conditions of probation. Some of the detention orders involve a review of detention and continuance for an additional 30 days (the limit of detention time without a court review). These numbers may therefore be artificially inflated.

The largest category in every year was violation of probation. The data were coded in such a way that a probation violation which involved a specific (new) law violation was included in the offense category rather than the probation violation category. Where no offense was specified (sometimes the reason for the violation was “new charge”) or if the conditions of probation were violated (a technical violation) or if no reason was listed, the event was included in the probation violation category.

The next largest category was property offense (1489)—also a yearly pattern. Offenses against persons were the third largest category in total, but were not the third largest each year. We had an interest in status offenses—in part because some of the literature addresses an escalation

effect for processed status offenders (e.g., Sheldon, et al., 1989). However, status offenses constituted fewer than one percent of all detention events.

One type of detention event which in some years was more numerous than crimes against persons was protective custody. Although Alaska long ago decriminalized public drunkenness, there are statutes which permit (and court decisions which require) law enforcement personnel to take inebriates into custody for their own protection. If no alternative is available, the inebriate may be detained at a lockup, jail, etc. for up to 12 hours (until sober). In the case of inebriated juveniles, this often means being taken to a juvenile facility, but *may* involve lockups or jails in small communities where no juvenile facility is available.

We also examined race and gender by reason for detention for all five-and-a-half years of data. For the race/gender analyses we have included only the data on the three largest groups—Caucasian, Alaska Native, and African American youth. We have collapsed Hispanic, Asian/Pacific Islander, and other youth into an other/missing category.

Table 5 presents this information for 7,682 detention events in juvenile facilities (there were 101 events which are not in the table due to missing gender, race, reason data or a combination of these). The numbers clearly show that white youth account for the majority of detention events in juvenile facilities and the majority detained for most of the offenses. Racial proportions must be used to examine differences. The proportion of detention events associated with African American youth is greater for both person and property offenses than the proportion attributable to either Caucasian or Alaska Native youth.

Where the Alaska Native proportions are greatest is in the protective custody category where not only their proportional attribution is greater, but also their numeric representation. The protective

Table 5. Reason for Detention by Race and Gender, January 1990 to June 1995

Juvenile facilities only.

Total events	White male		White female		Native male		Native female		Black male		Black female		Other/missing		Total 1990-Jun 1995	
	2648 events		696 events		1683 events		787 events		615 events		98 events		1155 events		7682 events	
	N	%	N	%	N	%	N	%	N	%	N	%	N	%	N	%
Offenses against persons	314	11.9%	79	11.4%	191	11.3%	77	9.8%	97	15.8%	14	14.3%	139	12.0%	911	11.9%
Offenses against property	619	23.4	128	18.4	233	13.8	47	6.0	156	25.4	22	22.4	275	23.8	1,480	19.3
Offenses against public order	156	5.9	21	3.0	98	5.8	35	4.4	35	5.7	3	3.1	77	6.7	425	5.5
Traffic offenses	128	4.8	37	5.3	42	2.5	21	2.7	46	7.5	9	9.2	59	5.1	342	4.5
Status offenses	12	0.5	7	1.0	16	1.0	14	1.8	2	0.3	0	0.0	3	0.3	54	0.7
Protective custody	46	1.7	13	1.9	229	13.6	223	28.3	3	0.5	0	0.0	141	12.2	655	8.5
Probation violations	809	30.6	234	33.6	439	26.1	194	24.7	164	26.7	23	23.5	267	23.1	2,130	27.7
Warrant	219	8.3	110	15.8	117	7.0	77	9.8	45	7.3	12	12.2	78	6.8	658	8.6
Court/detention order	194	7.3	43	6.2	125	7.4	47	6.0	44	7.2	10	10.2	70	6.1	533	6.9
Internal	143	5.4	23	3.3	188	11.2	50	6.4	23	3.7	5	5.1	44	3.8	476	6.2
Other/missing	8	0.3	1	0.1	5	0.3	2	0.3	0	0.0	0	0.0	2	0.2	18	0.2

custody category is numerically second only to probation violations in the large number of detention events for which Native youth were responsible. Note that as many detentions for protective custody are associated with Native females as with Native males. Indeed, the largest number of events associated with Alaska Native females are in this category. Twenty-eight percent of all detentions attributed to Native females are protective custody detentions.

We should iterate here that these are events from juvenile facilities only. Removal of lockups from consideration here drops eight percent of all Native detentions. We had assumed that this would affect the protective custody data related to Alaska Native youth, because small Native communities have no options for protecting inebriates other than the local lockup. Juvenile detention facilities tend to be located in cities (Anchorage, Fairbanks, and Juneau) or in rural “hubs,” population centers serving a number of villages. While much of the lockup data did include protective custody, the numbers continue to be large. Bethel and Nome Youth Centers account for a fairly large percentage of these detentions.

For one measure of whether race (or gender) was tied to detention, we used length of detention (in hours) as a dependent variable. Analysis of variance identified race as significant when accounting for differences in the duration of the detention event for three types of detentions: crimes against persons (murder, assault, sexual assault, etc.), public order crimes (drug possession and/or trafficking, alcohol offenses, weapons offenses, etc.), and, at least marginally, for probation violations. We were concerned with the disproportionate effect of a few lengthy “outliers” on the mean and thus on the ability of the f-test within ANOVA to detect differences between groups. Therefore we conducted significance testing using categorized duration data to examine the extent to which race and three categories of detention duration (up to 24 hours, 1-7 days, more than 7 days) were associated.

Chi square analysis found significance in the association of race with detention duration for six reasons for detention: crimes against persons, crimes against the public order, traffic offenses, probation violation, warrants, and court orders. These differences are presented in Table 6. For the table we show only the proportion of each race held more than 24 hours for each category of detention reason. Where significance was found the data are in boldface type.

Duration data do not reflect the overrepresentation of Alaska Native youth detained for reasons of protective custody. Protective custody detentions should, by statute, be for no more than 12 hours. Table 6 does, however, show that youth of both minorities—Alaska Native and African

Table 6. Duration of Detention by Race and Gender for Different Detention Reasons, January 1990 to June 1995

*Juvenile facilities only.
Significance is indicated by **boldface**.*

	Race			Gender	
	White	Native	Black	Male	Female
	% over 24 hours	% over 24 hours	% over 24 hours	% over 24 hours	% over 24 hours
Offenses against persons	68.2%	76.4%	79.2%	72.3%	63.2%
Offenses against property	76.6	76.0	80.7	80.8	66.5
Offenses against public order	58.5	59.1	78.9	63.2	61.0
Traffic offenses	15.6	37.7	30.9	24.7	24.0
Status offenses	47.4	37.9	50.0	50.0	35.0
Protective custody	8.6	6.1	0.0	7.3	5.5
Probation violations	89.2	89.7	93.5	90.1	89.2
Warrant	68.4	77.7	66.7	69.4	76.5
Court/detention order	52.2	63.5	29.6	51.8	51.9
Internal	87.3	83.0	81.4	85.2	82.1
Other/missing	55.5	66.7	n/a	67.2	66.7

American—tend to be held for longer periods than white youth on charges of crimes against persons and on traffic offenses, while African American youth are held for longer periods of time than either white or Native youth on charges of crimes against the public order and on probation violations.

This last offense category was of some interest because it reflects internal decision-making and depends less on police referrals. By definition, youth who are detained for violating probation are repeat offenders, since one has to commit an offense in order to be on probation in the first place. We therefore examined frequency of detention by race.

There were some youth who appeared numerous times in the data set. The number of appearances per juvenile for all youth ranged from 1 to 27. The largest percentage (62.9%) of youth appeared only once (N=3166). Only 23 appeared ten or more times, while only 189 juveniles appeared six or more times (2.3% of the total). We have categorized frequency of appearance in Table 7, making six or more times the most frequent category. We note that there are few proportional racial differences in the first three frequency categories for white, Native, and black youth; in the most frequent category (six or more appearances), Alaska Natives were *numerically* greater than

Table 7. Number of Appearances per Person in the Full Data Set

	Once		2-3 times		4-5 times		6 or more times		Total 1990-Jun 1995	
	N	%	N	%	N	%	N	%	N	%
	White	1,230	62.8%	540	27.6%	130	6.6%	60	3.1%	1,960
Alaska Native	706	58.0	337	27.7	99	8.1	76	6.2	1,218	27.2
Black	215	57.8	110	29.6	31	8.3	16	4.3	372	8.3
Other/missing	702	75.1	181	19.4	44	4.7	8	0.9	935	20.8
Total	2,853	63.6%	1,168	26.0%	304	6.8%	160	3.6%	4,485	

Row percentages.

Caucasian youth. They constituted 42 percent of all youth in the category (N=76), while white youth were 33 percent (N=60).

Because repeat appearances in the data set may result from a single incident (e.g., transfers from one facility to another), we randomly selected youth from the six-or-more category to illustrate the types of detention histories in the data set. These are presented as an appendix to this paper. The histories are presented in chronological order and include sex, race, age at detention event, charge, and location of each event.

We included only those youth who appeared in the 1994 or 1995 data sets in order to assure (insofar as possible) a complete detention history.

Discussion

Minorities, particularly Alaska Natives and African Americans, are overrepresented in Alaska detention data in comparison to what one would expect from their representation in the general population. This overrepresentation might be traced to referral decision-making or intake decisions, but assessment is beyond the scope of this paper.

The data on detention duration show that African American youth are detained for significantly longer periods for two charge categories—crimes against persons and crimes against the public order—and for three processing categories—probation violation, warrant, and court orders.

Frequency of detention could not be correlated with race, though prior record might have an impact on future detention decisions. While Alaska Natives are detained more frequently for protective custody reasons than are members of any other racial category, much of this proportion comes from rural juvenile holding facilities (Bethel, Nome, and several jails and lockups.) Given Alaska's climate and the lack of alternative "drying out" procedures, these numbers are not surprising.

Although detention is an early decision point, referral and intake decisions might provide clues on the reasons for overrepresentation of minorities. Further research is planned for earlier stages and for later ones. We are interested in discovering whether detention influences later decision points and we hope to examine both adjudication and institutionalization data for overrepresentation of minorities.

References

- Advisory Committee on Minority Judicial Sentencing Practices. 1980. *Report of the Advisory Committee on Minority Judicial Sentencing Practices*. Juneau, AK: Alaska State Legislature.
- Alaska Department of Labor. 1991. *Alaska Population Overview: 1991 Estimates*. Juneau, AK: Alaska Department of Labor.
- Becker, D., Read, E., and Schafer, N.E. 1989. "Delinquency in Southcentral Alaska." *Alaska Justice Forum* 6(2): 1, 4-7.
- Black, T.E. and Smith, C.P. 1980. *Preliminary Assessment of the Numbers and Characteristics of Native Americans Under 18 Processed by Various Justice Systems*. Sacramento, CA: American Justice Institute.
- Bynum, T. 1980. "Parole Decision-Making and Native Americans." In R. McNeely and C. Pope, eds., *Race, Crime, and Criminal Justice*. Beverly Hills, CA: Sage Publications. Pp. 75-87.
- Cohen, L.E. 1975. *Delinquency Dispositions: An Empirical Analysis of Processing Decisions in 3 Juvenile Courts*. Albany, NY: Hendelang Criminal Justice Research Center.
- Conley, D.J. 1994. "Adding Color to a Black and White Picture: Using Qualitative Data to Explain Racial Disproportionality in the Juvenile Justice System." *Journal of Research in Crime and Delinquency* 31(2): 135-148.
- Florida Department of Health and Rehabilitative Services. 1993. *Florida's Minority Overrepresentation Initiative*. Miami, FL: Florida Department of Health and Rehabilitative Services.
- Frazier, C.E. and Bishop, D.M. 1985. "The Pretrial Detention of Juveniles and Its Impact on Case Dispositions." *Journal of Criminal Law and Criminology* 76(4): 1132-1152.
- Frazier, C.E. and Cochran, J.K. 1986. "Detention of Juveniles: Its Effect on Subsequent Court Processing Decisions." *Youth and Society* 17(3): 286-305.
- Jesudason, V. 1980. *Determinants of Duration of Preadjudication Detention of Juveniles in Wisconsin*. Madison, WI: Youth Policy and Law Center.
- Klein, B.J. 1990. *State Workplan on the Disproportionate Representation of Minority Youth in Secure Facilities*. Dover, DE.
- Lieber, M.J. 1994. "A Comparison of Juvenile Court Outcomes for Native Americans, Afro-Americans, and Whites." *Justice Quarterly* 11(2): 257-279.

- Mann, C.R. 1993. *Unequal Justice: A Question of Color*. Bloomington, IN: Indiana University Press.
- Office of Juvenile Justice and Delinquency Prevention. 1983. *Differential Penetration of Minority Youth into the Juvenile Justice System*. Office of Juvenile Justice and Delinquency Prevention, NCJ-100102.
- Parry, D.L. 1984. *Institutionalization of Juveniles in Alaska: An Assessment of Resource Availability and Juvenile Court Disposition*. Anchorage, AK: Justice Center, University of Alaska Anchorage.
- . 1987. *An Analysis of Offense Patterns, Recidivism, and Emergency Detention of Children Accused of Delinquent Acts in Alaska in 1985*. Anchorage, AK: Justice Center, University of Alaska Anchorage.
- Pope, C.E., and Feyerherm, W. 1990. "Minority Status and Juvenile Processing." *Criminal Justice Abstracts* 22(2): 327-336; 22(3): 527-542.
- Roscoe, M., and Morton, R. 1994. "Disproportionate Minority Representation" (OJJDP Fact Sheet). Washington, DC: Office of Juvenile Justice and Delinquency Prevention.
- Schafer, N.E. and Curtis, R.W. 1994. "Juvenile Detention in Alaska." *Alaska Justice Forum* 11(3): 1, 5-7.
- Sheldon, R.G., Horvath, J.A., and Tracy, S. 1989. "Do Status Offenders Get Worse? Some Clarifications on the Question of Escalation." *Crime and Delinquency* 35(2): 202-216.
- Vetter, L., Tallakson, J., and Colosimo, E.T. n.d. *Children in Federal Custody: Native American Youth Study, Phase II Report*. Washington, DC: Federal Coordinating Council on Juvenile Justice and Delinquency Prevention.
- Washington State Governor's Juvenile Justice Advisory Committee. 1990b. *Juvenile Justice Report*. 1990. Olympia, WA: Washington State Governor's Juvenile Justice Advisory Committee.
- Wilbanks, W. 1987. *The Myth of a Racist Criminal Justice System*. Belmont, CA: Wadsworth Press.
- Wordes, M., Bynum, T.S., and Corley, C.J. 1994. "Locking Up Youth: The Impact of Race on Detention Decisions." *Journal of Research in Crime and Delinquency* 31(2): 149-165.

Blank page

Appendix 1 Repeat Offenders

Case #	Sex	Race	Age	Detention event #	Date	Charge	Location
01	Male	Alaska Native	14	1	09/23/90	Protective custody (alcohol)	Bethel
				2	10/12/90	Protective custody (alcohol)	Bethel
				3	02/06/93	Protective custody (mental health)	Bethel
				4	11/05/93	Protective custody (alcohol)	Bethel
				5	02/04/94	Protective custody (alcohol)	Bethel
				6	04/07/94	Protective custody (alcohol)	Bethel
02	Male	Alaska Native	17	1	05/12/94	Probation violation	Nome
				2	05/14/94	Absent without leave	Nome
				3	06/23/94	Program discipline	Nome
				4	08/27/94	Transfer	Fairbanks
				5	09/02/94	Detention order	Anchorage
03	Male	Alaska Native	13	1	08/03/90	Burglary	Juneau
				2	10/15/90	Detention order	Juneau
				3	04/18/92	Probation violation	Juneau
				4	02/15/94	Detention order	Juneau
				5	03/31/94	Burglary	Missing
				6	04/21/94	Burglary	Missing
				7	07/05/94	DWI	Missing
				8	07/22/94	Probation violation	Missing
				9	07/23/94	DWI	Missing
				10	07/26/94	Warrant: failure to appear	Missing
				11	08/03/94	Bench warrant	Missing
04	Male	Alaska Native	16	1	01/26/94	Criminal mischief	Anchorage
				2	05/15/94	Bench warrant	Anchorage
				3	08/20/94	Bench warrant	Anchorage
				4	10/02/94	Probation violation	Anchorage
				5	10/26/94	Probation violation	Fairbanks
				6	10/27/94	Transfer	Anchorage
05	Female	Alaska Native	14	1	05/05/92	Assault	Juneau
				2	05/16/92	Assault	Juneau
				3	06/14/92	Assault	Juneau
				4	09/06/92	Assault	Juneau
				5	10/02/92	Assault	Juneau
				6	01/06/93	Probation violation	Juneau
				7	05/28/93	Bench warrant	Juneau
				8	05/29/93	Bench warrant	Juneau
				9	09/11/93	Detention order	Anchorage
				10	10/05/93	Bench warrant	Fairbanks
				11	10/10/93	Probation violation	Juneau
				12	12/18/93	Probation violation	Juneau
				13	09/13/94	Probation violation	Juneau
				14	10/09/94	Probation violation	Juneau
				15	11/19/94	Probation violation	Juneau
				16	01/09/95	Probation violation	Juneau
				17	06/07/95	Bench warrant	Juneau
06	Male	Black	15	1	04/16/93	Theft	Fairbanks
				2	05/06/93	Probation violation	Fairbanks
				3	06/24/93	Bench warrant	Fairbanks
				4	01/14/94	Probation violation	Fairbanks
				5	01/24/94	Assault	Fairbanks
				6	03/10/94	Violation of conditions of release	Fairbanks
				7	06/16/94	Criminal mischief	Fairbanks
07	Male	Alaska Native	15	1	02/08/94	Warrant — probation violation	Anchorage
				2	04/18/94	Warrant — probation violation	Anchorage
				3	07/28/94	Warrant — probation violation	Anchorage
				4	09/06/94	Warrant — probation violation	Anchorage
				5	11/10/94	Warrant — probation violation	Anchorage
				6	02/10/95	Warrant — probation violation	Anchorage

Case #	Sex	Race	Age	Detention event #	Date	Charge	Location			
08	Male	Alaska Native	14	1	02/12/93	Protective custody (mental health)	Bethel			
				2	03/20/94	Protective custody (mental health)	Bethel			
			16	3	08/05/94	Protective custody (alcohol)	Bethel			
				4	01/13/95	Protective custody (alcohol)	Bethel			
				5	04/01/95	Protective custody (alcohol)	Bethel			
				6	04/09/95	Protective custody (alcohol)	Bethel			
				7	04/17/95	Protective custody (alcohol)	Bethel			
09	Male	White	13	1	11/23/92	Assault	Juneau			
				2	01/10/94	Assault	Juneau			
				3	02/07/94	Assault	Juneau			
			16	4	09/11/94	Probation violation	Juneau			
				5	03/16/95	Probation violation	Juneau			
				6	04/18/95	Probation violation	Juneau			
10	Male	Alaska Native	13	1	01/14/93	Probation violation	Bethel			
				14	2	09/22/93	Protective custody (mental health)	Bethel		
			14	3	11/03/93	Assault	Bethel			
				4	06/05/94	Transfer	Bethel			
				5	06/06/94	Transfer	Fairbanks			
				6	06/15/94	Transfer	Bethel			
				7	06/17/94	Transfer	Bethel			
				15	8	08/20/94	Program discipline	Bethel		
					9	08/24/94	Program discipline	Bethel		
			10		09/12/94	Program discipline	Bethel			
			11		11/19/94	Program discipline	Bethel			
			12		03/13/95	Program discipline	Bethel			
			13		03/20/95	Program discipline	Bethel			
			11	Male	Alaska Native	12	1	03/18/93	Criminal mischief	Nome
							2	09/11/93	Violation of valid court order	Nome
13	3	09/21/93				Criminal mischief	Nome			
	4	09/26/93				Transfer	Fairbanks			
	5	10/15/93				Criminal mischief	Nome			
	6	10/20/93				Transfer	Fairbanks			
	7	11/16/93				Criminal mischief	Nome			
	14	8				07/03/94	Program discipline	Nome		
9		08/26/94				Transfer	Bethel			
10		01/31/95				Program discipline	Bethel			
12	Male	Alaska Native	13	1	09/09/94	Protective custody (alcohol)	Bethel			
				2	10/02/94	Protective custody (alcohol)	Bethel			
				3	10/22/94	Protective custody (mental health)	Bethel			
			14	4	01/14/95	Protective custody (alcohol)	Bethel			
				5	01/16/95	Protective custody (alcohol)	Bethel			
				6	02/25/95	Protective custody (alcohol)	Bethel			
				7	04/30/95	Protective custody (alcohol)	Bethel			
				8	05/26/95	Protective custody (alcohol)	Bethel			
				9	06/13/95	Protective custody (alcohol)	Bethel			
13	Male	White	12	1	02/14/94	Assault	Anchorage			
				2	02/25/94	Assault	Anchorage			
			13	3	11/15/94	Probation violation	Fairbanks			
				4	01/18/95	Probation violation	Fairbanks			
				5	01/29/95	Probation violation	Fairbanks			
				6	03/01/95	Probation violation	Fairbanks			
				7	03/29/95	Probation violation	Fairbanks			
				8	03/31/95	Probation violation	Fairbanks			
				9	04/07/95	Probation violation	Fairbanks			
14	Female	Native	16	1	12/03/92	Assault	Bethel			
				2	02/21/93	Bench warrant	Anchorage			
				3	02/23/93	Probation violation	Bethel			
			17	4	07/06/93	Bench warrant	Fairbanks			
				5	07/07/93	Probation violation	Bethel			
				6	07/22/94	Absent without leave	Bethel			

Case #	Sex	Race	Age	Detention event #	Date	Charge	Location	
15	Male	Native	13	1	08/22/90	Burglary	Juneau	
				2	11/17/90	Disorderly conduct	Juneau	
			14	3	08/17/92	Detention order	Juneau	
				4	10/30/92	Transfer	Bethel	
			17	5	06/06/93	Program discipline	Bethel	
				6	11/24/93	Program discipline	Bethel	
				7	01/04/94	Program discipline	Fairbanks	
				8	03/19/94	Program discipline	Fairbanks	
16	Male	Native	16	1	08/24/93	Probation violation	Nome	
				2	08/24/93	Bench warrant	Pt. Hope	
				3	09/24/93	Probation violation	Nome	
			17	4	01/25/94	Probation violation	Fairbanks	
				5	03/17/94	Transfer	Fairbanks	
				6	09/14/94	Program discipline	Bethel	
17	Male	Native	16	1	06/21/93	Assault	Juneau	
				2	08/05/93	Probation violation	Juneau	
				3	03/04/94	Probation violation	Juneau	
			17	4	03/11/94	Transfer	Fairbanks	
				5	04/18/94	Transfer	Juneau	
				6	05/25/94	Transfer	Bethel	
				7	10/14/94	Transfer	Bethel	
18	Male	White	14	1	08/27/92	Bench warrant	Fairbanks	
				2	10/23/92	Theft	Fairbanks	
				3	12/09/92	Probation violation	Anchorage	
			16	4	12/10/92	Probation violation	Fairbanks	
				5	09/13/93	Probation violation	Fairbanks	
				6	12/02/93	Bench warrant	Fairbanks	
				7	01/11/94	Probation violation	Fairbanks	
				8	04/11/94	Theft	Fairbanks	
				9	05/12/94	Bench warrant	Fairbanks	
19	Male	Native	15	1	04/21/93	Assault	Juneau	
				2	08/10/93	Assault	Juneau	
				3	09/20/93	Theft	Juneau	
				4	12/06/93	Assault	Juneau	
				5	02/11/94	Transfer	Fairbanks	
			16	6	04/12/94	Transfer	Fairbanks	
				7	05/12/94	Transfer	Fairbanks	
				17	8	02/27/95	Probation violation	Juneau
					9	05/18/95	Bench warrant	Juneau
20	Male	Native	14	1	05/06/93	Protective custody (unspecified)	Anchorage	
				2	05/29/93	Theft	Fairbanks	
			15	3	08/21/93	Theft	Fairbanks	
				4	02/01/94	Bench warrant	Fairbanks	
			16	5	06/18/94	Warrant — probation violation	Fairbanks	
				6	02/05/95	Program discipline	Bethel	
21	Male	Native	16	1	08/21/94	Assault	Fairbanks	
				2	11/30/94	Probation violation	Fairbanks	
				3	02/02/95	Probation violation	Fairbanks	
				4	03/20/95	Probation violation	Fairbanks	
				5	04/07/95	Probation violation	Fairbanks	
				6	06/28/95	Probation violation	Fairbanks	
22	Female	Other	13	1	11/10/92	Detention order	Juneau	
				2	11/18/93	Probation violation	Juneau	
			15	3	03/14/94	Probation violation	Juneau	
				4	05/01/94	Probation violation	Juneau	
				5	09/14/94	Probation violation	Juneau	
				6	11/08/94	Probation violation	Juneau	
23	Male	White	12	1	01/07/92	Probation violation	Anchorage	
				2	07/01/92	Warrant — probation violation	Anchorage	
			13	3	01/07/93	Detention order	Anchorage	
				4	11/03/93	Burglary	Juneau	
			14	5	02/24/94	Sexual assault	Juneau	
				6	04/26/94	Sexual assault	Juneau	

Case #	Sex	Race	Age	Detention event #	Date	Charge	Location
24	Male	Other	14	1	09/14/94	Burglary	Anchorage
				2	10/10/94	Bench warrant	Anchorage
				3	11/21/94	Detention order	Anchorage
				4	04/27/95	Probation violation	Anchorage
				5	06/05/95	Probation violation	Anchorage
				6	06/21/95	Assault	Anchorage
25	Male	Native	13	1	11/16/94	Bench warrant	Juneau
				2	01/14/95	Detention order	Juneau
				3	02/09/95	Probation violation	Juneau
				4	04/06/95	Probation violation	Juneau
				5	04/28/95	Probation violation	Juneau
				6	05/18/95	Probation violation	Juneau
				7	05/22/95	Concealment of merchandise	Juneau
26	Female	Other	11	1	09/19/94	Burglary	Juneau
				2	09/22/94	Probation violation	Juneau
				3	11/29/94	Reckless driving	Juneau
			12	4	03/30/95	Probation violation	Juneau
				5	04/25/95	Probation violation	Juneau
				6	05/08/95	Probation violation	Juneau
				7	05/21/95	Bench warrant	Juneau