



# Indiana Juvenile Justice Racial and Ethnic Disparities Plan

Federal Fiscal Year 2023

The Honorable Eric Holcomb, Governor  
Mr. Devon McDonald, ICJI Executive Director  
Mr. Michael Ross, Behavioral Health Division Director  
Mr. Evan Shorter, Youth Compliance Monitor & R/ED Coordinator

Racial and ethnic disparities are apparent in the Indiana juvenile justice system. In 2020, there were a total of 716,913 Hoosiers between ages 10 through 17.<sup>1</sup> The total youth population, aged 10 through 17, as reported by counties into the Indiana Court Information Technology Extranet (INcite) in FFY 2022 was 758,045. The FFY 2022 racial and ethnic demographics of Indiana youth are as follows: 68% White, 12.3% Black/African American, 11.3% Hispanic/Latino, 2.7% Asian, 0.23% American Indian or Alaskan Native, and 5.4% Other/Mixed Race. Altogether, approximately 32% of youth between ages 10 through 17 are non-white youth or youth of color.

Per the Office of Juvenile Justice and Delinquency Prevention (OJJDP) guidelines, the following model was utilized to present the Racial and Ethnic Disparities (R/ED) compliance report pursuant to the Juvenile Justice and Delinquency Prevention Act, as amended through P.L. 115–385, Enacted December 21, 2018, at (Section 223(a) (11), (12), (13), and (15)).

Indiana affirms there is a R/ED coordinating body comprised of juvenile justice stakeholders serving as a workgroup under the Juvenile Justice State Advisory Group (JJSAG). The Racial and Ethnic Disparities Workgroup advises the designated state agency in efforts to reduce racial and ethnic disparities.

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<sup>1</sup> Puzzanchera, C., Sladky, A. and Kang, W. (2021). "Easy Access to Juvenile Populations: 1990-2020." Online. Available: <https://www.ojjdp.gov/ojstatbb/ezapop/>

## *DATA OF JUVENILE JUSTICE DECISION POINTS<sup>2</sup>*

The Indiana Criminal Justice Institute (ICJI) serves as the state's planning agency for criminal justice, juvenile justice, traffic safety, and victim services. A Board of Trustees, appointed by the Governor, provides oversight and direction to the agency. The ICJI Behavioral Health Division, with guidance from Indiana's Juvenile Justice State Advisory Group oversee the distribution of funds from, and compliance with, the Juvenile Justice Delinquency Prevention Act (JJDP), as amended.

Below are the FFY 2022 population statistics disaggregated by four of the five decision points and race/ethnicity as required by the Office of Juvenile Justice and Delinquency Prevention (OJJDP). Indiana does not collect comprehensive arrest data and is unable to report upon this decision point.

**Chart 1: Comparing the Frequency of Contact with each Decision Point in Indiana's Juvenile Justice System from FFY21 to FFY22**

Federal Fiscal Year 2022 <sup>3</sup>		White	Black/ African American	Hispanic	Asian	Other/ Mixed <sup>4</sup>	Total	FFY21 Total Youth of Color	FFY22 Total Youth of Color
2020 US Census <sup>5</sup>	Population Data	515,838	93,402	85,499	20,434	40,840	758,045	201,124	242,207
Diversion <sup>6</sup>	#	4,843	1,571	744	62	492	7,725	1,802	2,882
	%	60%	44%	55%	71.3%	53.4%	55.1%	51%	48.5%
Pretrial Detention <sup>7</sup>	#	1,280	1,152	231	36	225	2,927	833	1,647
	%	15.8%	32.3%	17.1%	41.4%	24.4%	20.9%	23.4%	27.7%
Secure Confinement <sup>8</sup>	#	39	43	8	-	6	96	46	57
	%	0.48%	1.2%	0.59%	-	0.65%	0.68%	1.3%	0.96%
Transfer to Adult Court <sup>9</sup>	#	6	21	1	-	1	29	10	29
	%	0.12%	2.3%	0.07%	-	0.11%	0.21%	0.28%	0.39%
Arrest/Referral <sup>10</sup>	#	8,081	3,571	1,347	87	921	14,028	3,565	5,947
	%	1.6%	3.8%	1.6%	0.43%	2.3%	1.9%	1.8%	2.5%

<sup>2</sup> Refer to Appendix A for the definitions of each decision point Indiana uses to collect and analyze racial and ethnic disparity.

<sup>3</sup> Data for each contact point was retrieved from the Indiana Court Information Technology Extranet (INcite).

<sup>4</sup> Population Data for Other/Mixed Raced youth was retrieved from the Indiana Office of Court Services (2021).

<https://www.in.gov/courts/iocs/>

<sup>5</sup> Puzzanchera, C., Sladky, A. and Kang, W. (2021). "Easy Access to Juvenile Populations: 1990-2020." Online. Available: [https://www.ojjdp.gov/ojstatbb/ezapop/asp/profile\\_display.asp](https://www.ojjdp.gov/ojstatbb/ezapop/asp/profile_display.asp). Ages 10-17 for a given racial/ethnic category and total are represented.

<sup>6</sup> The rate of diversion is calculated based upon the youth that were referred into the juvenile justice system.

<sup>7</sup> The rate of pretrial detention is calculated based upon the youth that were referred into the juvenile justice system.

<sup>8</sup> The rate of secure confinement is calculated based upon the youth that were referred into the juvenile justice system.

<sup>9</sup> The rate of youth transferred to adult court is calculated based upon the youth that were referred into the juvenile justice system.

<sup>10</sup> The rate of arrest/referral is calculated based upon the number of referrals relative to the youth population.

In order to analyze trends, relationships, and set goals for the upcoming year, Indiana provided a Problem Statement for each decision point based upon the data provided in Chart 1. Below is Chart 2 with each Problem Statement associated with the Decision Point.

**Chart 2: Racial Disparity Problem Statements for each Decision Point**

Decision Points	Problem Statements
<b>Arrest/Referral</b>	<p>African American youth in Indiana, relative to their population, are referred to the juvenile justice system at a rate of 3.8%. White youth in Indiana, relative to their population, are referred to the juvenile justice system less often at 1.6%.</p> <p>Other/Mixed Race youth in Indiana, relative to their population, are referred to the juvenile justice system at a rate of 2.3%. White youth in Indiana, relative to their population, are referred to the juvenile justice system less often at 1.6%.</p>
<b>Diversion</b>	<p>African American youth in Indiana, relative to their population, are diverted out of the juvenile justice system at a rate of 44%. White youth in Indiana, relative to their population, are diverted more often at a rate of 60%.</p> <p>Hispanic youth in Indiana, relative to their population, are diverted out of the juvenile justice system at a rate of 55%. White youth in Indiana, relative to their population, are diverted more often at a rate of 60%.</p> <p>Other/Mixed Race youth in Indiana, relative to their population, are diverted out of the juvenile justice system at a rate of 53.4% White youth in Indiana, relative to their population, are diverted more often at a rate of 60%.</p>
<b>Pretrial Detention</b>	<p>African American youth in Indiana, relative to their population, are held in pre-trial detention at a rate of 32.3%. White youth, relative to their population, are held in pre-trial detention less often at a rate of 15.8%.</p> <p>Asian youth in Indiana, relative to their population, are held in pre-trial detention at a rate of 41.4%. White youth, relative to their population, are held in pre-trial detention less often at a rate of 15.8%.</p>
<b>Secure Confinement</b>	<p>African American youth in Indiana, relative to their population, are held in secure confinement at a rate of 1.2%. White youth, relative to their population, are held in secure confinement less often at a rate of 0.48%.</p> <p>Hispanic youth in Indiana, relative to their population, are held in secure confinement at a rate of 0.59%. White youth, relative to their population, are held in secure confinement less often at a rate of 0.48%.</p>
<b>Transfer to Adult Court</b>	<p>African American youth in Indiana, relative to their population, are transferred to adult court at a rate of 2.3%. White youth, relative to their population, are transferred to adult court less often at a rate of 0.12%.</p>

## ***ACTION PLAN***

Indiana must develop an action plan to include measurable objectives for policy, practice, or other system changes, based upon the needs identified in the data collected. The Office of Juvenile Justice and Delinquency Prevention (OJJDP) outlined six questions to assist states in developing their action plans. Below are OJJDP's questions and Indiana's answers.

### **Q1. What do your R/ED numbers tell you about your jurisdiction?**

African American youth are overrepresented at each decision point, except diversion where African American youth are underrepresented, in Indiana's juvenile justice system. Hispanic/Latino youth are underrepresented at the diversion and transfer to adult court decision points, and they are overrepresented at the pretrial detention and secure confinement decision points. Asian youth are overrepresented at the pre-trial detention decision point, and they are underrepresented at the other decision points. Other/Mixed youth are underrepresented at the diversion decision point, and they are overrepresented at all other decision points except transfer to adult court. Overall, the data suggests each decision point has statistically significant disparity for Youth of Color compared to White youth.

### **Q2. What would success in R/ED reduction look like for your state?**

Success in reducing R/ED in Indiana would be increasing the use of diversion among youth of color. ICJI has been appropriated \$10,000,000 in state funding dedicated to diversion programs. ICJI hopes that this new funding, along with other efforts across the state, will make a measurable impact on diversion use among youth involved in the juvenile justice system.

### **Q3. How much do you want to reduce R/ED next year?**

ICJI aims to increase the use of diversion among youth of color by at least 1%.

### **Q4. Is the reduction reasonable? If yes, why?**

Yes, ICJI believes this goal is reasonable due to House Enrolled Act 1359<sup>11</sup>, which requires the state to develop of a juvenile diversion plan and community alternative grant programs, receiving funding. This will allow ICJI to dedicate additional funds to R/ED and diversion programming. Additionally, further efforts to increase diversion use will take place through the Juvenile Justice State Advisory Group, Juvenile Detention Alternatives Initiative (JDAI), and partnerships with the Indiana Office of Court Services.

### **Q5. What do you need from OJJDP to be successful with your plan?**

ICJI would like to continue to receive technical assistance from OJJDP.

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<sup>11</sup> IC 2-5-36-9 (2022). <http://iga.in.gov/legislative/2022/bills/house/1359#document-f832c6b2>

**Q6. What safeguards will you put in place to ensure that, as you work to reduce R/ED, you are equipping youth to live productive lives?**

ICJI prioritizes the safety of Indiana communities, victim's perspectives and wellbeing, and holding youth accountable in a reasonable, justified manner. ICJI also supports and promotes the use of equity-impact analyses for decision-makers to understand the impact policies, standards, and rules have on minority populations. The use of equity-impact analyses can increase the consistency of practices used for different populations in all decision points by removing or reducing personal bias. Therefore, public safety and youth accountability is not compromised through efforts in reducing racial and ethnic disparity in the juvenile justice system. Additionally, through this analysis, decision-makers can better analyze the effectiveness in reducing recidivism from their practices to help youth live crime-free, productive, happy lives.

## ***OUTCOME-BASED EVALUATION***

Indiana is dedicated to reducing racial and ethnic disparities at any decision point where they are identified; therefore, critically analyzing the effectiveness of current efforts is necessary for system improvement. OJJDP provided six questions to help states determine the effectiveness of current reduction efforts. Below are their questions and Indiana's answers.

### **Q1. What are your new numbers?**

Overall, when comparing FFY21 to FFY22, disparities increased at each decision point for youth of color except use of secure confinement where there was a decrease. Use of diversion decreased for youth of color, and use of pre-trial detention and transfers to adult court increased. African American youth continue to face particularly disproportionate contact at each decision point in Indiana's juvenile justice system that is statistically significant. They face more significant disparities at each contact point than any other group. Though smaller in population than Hispanic youth, Other/Mixed youth have seen rates of disproportionate contact at the decision points surpass those of Hispanic youth. Other/Mixed youth have the second most significant disparities at each decision point except secure confinement. Hispanic youth have seen their disparities at each decision point decrease overall compared to last year, but they still face statistically significant disparities at each decision point compared to White youth. Asian youth are still significantly less likely to be referred into the juvenile justice system compared to white youth, and they are more likely to be diverted. However, Asian youth continue to be significantly more likely to be held in pre-trial detention, and their rate of disproportionate contact at this decision point increased slightly.

**Chart 4: Comparison of Change in Each Decision Point and Race**

Decision Point	Year	White	Black/AA <sup>12</sup>	Hispanic	Asian	Other/ Mixed	Total	Total Youth of Color
Arrest/Referral	2021	5,456	1,966	901	40	651	9,024	3,565
	2022	8,081	3,571	1,347	87	921	14,028	5,947
	# Change	+2,625	+1,605	+446	+47	+270	5,004	+2,382
	% Change	+48.11%	+81.64%	+49.5%	+117.5%	+41.47%	+55.45%	+66.82%
Diversion	2021	3,415	900	515	29	352	5,220	1,802
	2022	4,843	1,571	744	62	492	7,725	2,882
	# Change	+1,428	+671	+229	+33	+140	+2,505	+1,080
	% Change <sup>13</sup>	+41.82%	+74.56%	+44.47%	+113.79%	+39.77%	+47.99%	+59.93%
Detention	2021	834	569	139	15	110	1,667	833
	2022	1,280	1,152	231	36	225	2,927	1,647
	# Change	+446	+583	+92	+21	+115	+1,260	+814
	% Change	+53.48%	+102.46%	+66.19%	+140%	+104.55%	+75.58%	+97.72%
Secure Confinement	2021	24	32	9	0	5	70	46
	2022	39	43	8	0	6	96	57
	# Change	+15	+11	-1	0	+1	+26	+11
	% Change	+62.5%	+34.38%	-11.11%	0%	+20%	+37.14%	+23.91%
Transferred	2021	3	6	3	0	1	13	10
	2022	6	21	1	0	1	29	23
	# Change	+3	+15	-2	0	0	+16	+13
	% Change	+100%	+250%	-66.67%	0%	0%	+123.08%	+130%

**Q2. Did you meet your goal?**

Indiana did not meet our goal of increasing the use of diversion efforts for African American youth by 4%. African American youth saw their diversion rate drop from 45.8% to 44%.

**Q3. If yes, what worked? What drove the success? If no, what were the barriers? How might you overcome them next year? What partners do you need?**

Indiana has seen referral rates increase across all groups, and African American youth saw a particularly sharp increase. Though more African American youth were diverted in terms of raw numbers, the increase in diversions did not keep pace with the increase in referrals. Accounting for the increases in referrals and comparing to the previous year, the relative rate of diversion for African American youth is about the same when compared to White youth. ICJI received an influx of state juvenile justice funding that will be used, in part, for diversion efforts. The agency will leverage this funding and engage in a

<sup>12</sup> African American

<sup>13</sup> Furey, Edward "Percentage Change Calculator" at <https://www.calculatorsoup.com/calculators/algebra/percent-change-calculator.php> from CalculatorSoup, <https://www.calculatorsoup.com> - Online Calculators



process of continual system evaluation through mixed-method analysis of stakeholder input, including but not limited to Indiana’s Juvenile Justice State Advisory Group, ICJI’s Board of Trustees, related state agencies, units of local government, and a variety of youth serving organizations.

**Q4. How can OJJDP help you next year? What do you need from us?**

ICJI would like to continue to receive technical assistance from OJJDP.

**Q5. How did you equip juvenile offenders to live crime-free?**

ICJI prioritizes the safety of Indiana communities, victim’s perspectives and wellbeing, and holding youth accountable in a reasonable, justified manner. ICJI also supports and promotes the use of equity-impact analyses for decision-makers to understand the impact policies, standards, and rules have on minority populations. The use of equity-impact analyses can increase the consistency of practices used for different populations in all decision points by removing or reducing personal bias. Therefore, public safety and youth accountability are not compromised through efforts in reducing racial and ethnic disparity in the juvenile justice system. Additionally, through this analysis, decision-makers can better analyze the effectiveness in reducing recidivism from their practices to help youth live crime-free, productive, happy lives. Finally, ICJI works with core stakeholders to ensure that policy level actions are occurring and that communities are effectively engaged and supported in empowering youth who intersect with the juvenile justice system. This occurs through grant funding and technical assistance.

**Q6. What are your goals for next year?**

Below is the goal developed with the support of the Juvenile Justice State Advisory Group – Racial and Ethnic Disparities Workgroup.

**Goal: ICJI aims to increase the use of diversion among youth of color by 1%.**

Objectives/Tasks: Specific, measurable, action-oriented, realistic, time-limited	Indicators/Activities to Track Progress (How will I be accomplishing the goals and objectives?)
<p>ICJI will analyze diversion trends from counties with disproportionate racial and ethnic contact in the juvenile justice system.</p>	<p>Indiana’s Racial and Ethnic Disparities (R/ED) Coordinator will:</p> <ul style="list-style-type: none"> <li>· Quarterly review counties’ data submission to ensure timely reporting is conducted</li> <li>· Contact counties to verify data submitted is accurate</li> <li>· Continuously collaborate with the Indiana Office of Court Services to assist in the data submission processes for counties</li> </ul>

<p>ICJI will provide technical assistance to counties to increase their knowledge and understanding of race, gender, sexual orientation, religion, and socioeconomic status and the impact these items may have in decision-making. This technical assistance may include but is not limited to the understanding of implicit bias, gender-based trauma, and the interpretation of R/ED data. This technical assistance will ensure Indiana youth are treated equitably in the juvenile justice system on the basis of race, gender, family income, and disability.</p>	<p>Indiana’s Racial and Ethnic Disparities (R/ED) Coordinator will:</p> <ul style="list-style-type: none"> <li>· Continuously offer assistance, guidance, and resources to counties trying to reduce racial and ethnic disparities</li> <li>· Continue to prioritize Racial and Ethnic Disparity on our Title II Request for Proposals (RFP) as a pass-through grant to units of local government and other organizations in Indiana</li> <li>· Annually update the Racial and Ethnic Disparities Package that is distributed to juvenile court judges which provides local disparity data from the previous federal fiscal year</li> </ul>
<p>ICJI will promote the use of evidence-driven programs and tools that can be utilized in counties across Indiana.</p>	<p>Indiana’s Racial and Ethnic Disparities (R/ED) Coordinator will:</p> <ul style="list-style-type: none"> <li>· Prioritize evidence-driven programs and practices in reducing racial and ethnic disparities</li> <li>· Promote the use of equity-impact analyses to local decision-making authority figures</li> </ul>
<p>ICJI will use state-allocated dollars to open the diversion and community alternatives grant programs.</p>	<p>Indiana’s Racial and Ethnic Disparities (R/ED) Coordinator will:</p> <ul style="list-style-type: none"> <li>· Use these funds to promote priorities that will reduce racial and ethnic disparities</li> <li>· Promote the use of equity-impact analyses in diversion programs</li> </ul>

## Appendix

### Appendix A: Indiana’s Racial and Ethnic Disparities Plan Approved Definitions by the Office of Juvenile Justice and Delinquency Prevention<sup>14</sup>

<p><b>Diversion</b></p>	<p>A diversion is the handling of a referral without the filing of a delinquency petition.</p> <p>Commentary: A decision or action by probation or a prosecuting attorney which results in any of the following should be counted as a diversion:</p> <ul style="list-style-type: none"> <li>• No action taken;</li> <li>• Warn and release;</li> <li>• Informal adjustment;</li> <li>• Recommendation to an agency for programs and/or services; or</li> <li>• Transfer of a case to another county.</li> </ul>
<p><b>Pretrial Detention</b></p>	<p>Detention includes youth placed or held in a secure detention facility pre- disposition. While detention is generally limited to pre-disposition, it also includes for purposes of this definition, post-disposition detention pending transfer to a private facility or Indiana Department of Correction (IDOC).</p> <p>Commentary: The secure detention facility may be public or private. Pre-disposition may be on the original petition or on petitions to modify. Detention does not include youth held in shelters, group homes, or other non-secure facilities, or other alternatives to detention which might include a liberty restriction. Detention also does not include time spent screening the child to determine whether or not to detain.</p>
<p><b>Secure Confinement</b></p>	<p>Secure confinement includes youth, following a court disposition, which are placed or held in a secure detention facility licensed by IDOC or placed or held as ward of IDOC for housing in a correctional facility for children.</p> <p>Commentary: Placement in confinement for diagnostic or assessment purposes should not be counted for this purpose.</p>
<p><b>Transfer to Adult Court</b></p>	<p>Includes Waiver, Motion for Waiver Filed, and Direct File cases.</p> <p><u>Waiver</u>: An order of the Juvenile Court waiving a juvenile delinquency case to a court that would have jurisdiction of the case if the act had been committed by an adult. See <a href="#">Ind. Code § 31-30-3-1</a>.</p> <p>Commentary: Waiver motions include presumptive and non-presumptive waivers. To better understand the reasons for the waiver motion, the waiver motions filed as presumptive and non-presumptive should be separately tracked.</p> <p><u>Motion for Waiver Filed</u>: A filing of a motion by the Prosecuting Attorney seeking waiver of the child to a court</p>

<sup>14</sup> Indiana Office of Court Services (2016). [https://www.in.gov/courts/iocs/search-results/?profile=judiciary&query=DMC+definitions&collection=agencies1&as\\_sfid=AAAAAAUnTTdqG2nhmXMZUOycrdb6L9NwEC\\_hffJkcOaGnxYRcHl-WgAyGmjcTjWvuVJXemA8PZWxKNoIpoh-vong67WpcnsAcB4AZworE87HE\\_AtVXSDaZkepDFfTVCR7QAvlPPbZ2nRqQsln23mfwSHdGSEXP5hVyyv9Fhg\\_AX-bASUcA%3D%3D&as\\_fid=4a9a94ea4f79f878cd5f2b9e8e323df7d1e8e59f](https://www.in.gov/courts/iocs/search-results/?profile=judiciary&query=DMC+definitions&collection=agencies1&as_sfid=AAAAAAUnTTdqG2nhmXMZUOycrdb6L9NwEC_hffJkcOaGnxYRcHl-WgAyGmjcTjWvuVJXemA8PZWxKNoIpoh-vong67WpcnsAcB4AZworE87HE_AtVXSDaZkepDFfTVCR7QAvlPPbZ2nRqQsln23mfwSHdGSEXP5hVyyv9Fhg_AX-bASUcA%3D%3D&as_fid=4a9a94ea4f79f878cd5f2b9e8e323df7d1e8e59f)

that would have jurisdiction of the case if the act had been committed by an adult.

**Commentary:** The number of waiver motions filed, the number of waiver motions withdrawn, granted and denied should be tracked. Additionally, waiver motions include presumptive and non-presumptive waivers. To better understand the reasons for the waiver motion, the waiver motions filed as presumptive and non-presumptive should be separately tracked. In addition, the underlying charges within each waiver motion should be separately tracked.

**Direct File:** A case brought against a person under eighteen (18) years of age at the time of the commission of the offense over which the Juvenile Court does not have jurisdiction under [Ind. Code § 31-30-1-4](#).

**Commentary:** The number of these cases filed, the underlying offenses charged and the disposition of these offenses should be separately tracked.