



Disproportionate Minority Contact: Native American Data Collection Project

FINAL REPORT

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BACKGROUND

In May 2006 the WI Office of Justice Assistance (OJA) put out a request for services (RFS) for a Native American data collection project to study disproportionate minority contact (DMC) in WI. This would be the “first time” that this data would be collected (from the original OJA RFS, May 2006). The vendor was contracted on July 12, 2006 to collect data for the two deliverables required for this DMC study:

1. Completion of RRI spreadsheets for each participating county
2. Summary of survey interviews for each participating Tribe

After the contract approval process, the project research team was hired and they immediately began discussing and formulating the design for the study. Members of the study’s research team were: Nicole Bowman, Project Administrator & Qualitative Research Specialist; Nicole Butt, Quantitative Research Specialist; Mary Jo Keating, County Research Specialist; and Melanie Shively, Project & Logistical Staff. The team met several times together, consulted multiple times with OJA, and drafted up a project definition, study design, and instruments to collect data. On August 10, 2006 OJA approved our design and instruments and gave us the approval to formally begin collecting data from the counties and Tribes selected to participate in the study. Data was collected from participants starting in mid August 2006 through the end of September 2006. This report presents the *DMC Native American Data Collection Project* study findings (funded by WI OJA Contract #15-93350-001).

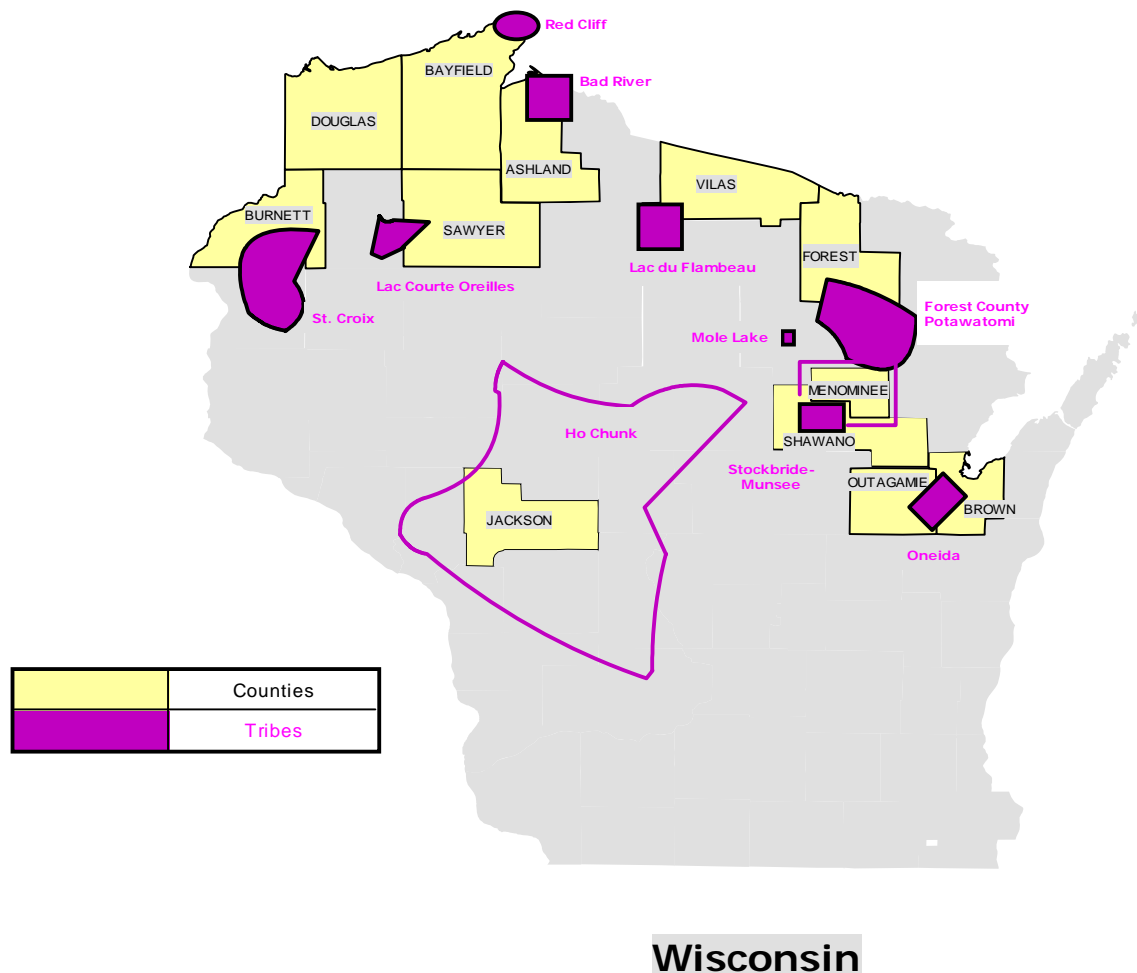
DESIGN

The study employed a basic research design (Miller & Salkind, 2002) to gather knowledge about DMC and Native American populations between the ages of 10 and 17 years, which has never been studied before in WI (WI OJA, 2006). The study was designed to meet the OJA project deliverables, study the phenomena of DMC in WI with Native American youth, produce new data generated by Tribal populations, and discover the relationships between the county and Tribal participants in the study. Therefore as a basic research study, our purpose was to “understand basic scientific phenomena and describe the world as it exists” (p. 4, Miller & Salkind, 2002).

A multi-ethnic research team was purposefully chosen for this study. Of the four staff employed on the study, two were of Native American descent and two were non-Native American. Multicultural validity (Kirkhart, 2005) was explicitly treated as part of the overall project design so that the racial demographics of the research team aligned with the Tribal and county participants in the study. Multicultural validity in the scientific study design, and as importantly in the racial make-up of the research team, is critical for community access, authenticity of data collected, and developing understandings across multiple, dynamic, and different cultural and geographic environments. Multicultural validity is a unique design element that is an anomaly for most government funded projects. The critical inclusion of this element in scientific studies is needed to produce studies with high levels of validity and reliability so that long-term social issues can truly be understood, explained, and eventually resolved. Consequently, we are pleased to have been able to include this design element and acknowledge the WI OJA’s staff for their genuine support for this particular aspect of the study.

A mixed-method was employed by a multi-ethnic research team to collect RRI data on the status of DMC stemming from juvenile justice decisions involving Native American youth.

The WI OJA criteria selection for the participating counties must have a Native American population of 5% or have over 50 detentions of Native American youth. The Tribal participants for the study were pre-determined by the WI OJA that they must come from federally designated Tribal Reservation lands in WI. After much discussion and preliminary research on counties and Tribes, the research team and WI OJA staff decided on 12 counties and 11 Tribal Reservation areas in WI to be participants for this study (see participant map in diagram 1 below). These study design elements will be described in greater detail in the next sections.



Quantitative Methodology

To begin the quantitative design, the number of detentions of Native American youth was not known to the research team. Therefore initial statistical research and a qualitative analysis of American Indian (AI) youth ages 10-17 years as compared to the percent of county population in Wisconsin was completed. Based upon the results of the number of the AI youth population, percent of the AI youth population within the county, consideration for the geographic local of tribal reservation lands within counties, and through many conversations with the WI OJA staff, it was expressed that it would be ideal to collect data for the first 'tier' of counties that were included in an earlier WI OJA DMC study (Barak, 2006). These nine 'tier' counties included in

the study were: Ashland, Bayfield, Brown, Forest, Jackson, Menominee, Shawano, Sawyer, and Vilas. The remaining three counties of Burnett, Douglas, and Outagamie were chosen based on their high numbers and/or percent of AI youth. The following 12 counties were selected by the research team and then confirmed by the WI OJA staff as the county participants for the study:

Table 1:

County	# AI 10-17 yr. Population*	% AI 10-17 yr. Population*	Tribal Reservation Lands Located in the Corresponding County
1. Menominee	764	96.6	Menominee
2. Sawyer	437	23.4	Lac Courte Oreilles
3. Forest	256	20.9	Potawatomi, Mole Lake
4. Vilas	392	17.8	Lac du Flambeau
5. Ashland	323	17.0	Bad River
6. Bayfield	281	16.1	Red Cliff
7. Shawano	470	9.8	Stockbridge-Munsee
8. Jackson	214	9.8	**HoChunk
9. Burnett	120	7.0	St. Croix
10. Brown	929	3.4	Oneida
11. Douglas	130	2.8	
12. Outagamie	445	2.1	Oneida
* 10-17 year old AI data is based on 2004 OJJDP data			
** The HoChunk do not have reservation lands in Wisconsin, rather this is reflective of a large population of HoChunk Nation members in residence in the county.			

A member of the BPC team who had strong experience with the counties and the juvenile justice system created the survey instrument to guide the data collection of counties (County RRI Data Collection Instrument). It was decided that requests would be made to Tribal Nation contacts for the RRI data elements as well to determine if a comparison between county and tribal nation could be made (Tribal RRI Data Collection Instrument). As pre-determined by the WI OJA staff, the data to be collected was the number of incidences for the 10 data elements for *American Indian youth* age 10-17 and the number of incidences for the 10 data elements for *all youth* age 10-17. BPC collected county and Tribal RRI data for the 10 elements where and when it was available:

1. Population at risk (age 10 through 17)
2. Juvenile Arrests
3. Refer to Juvenile Court
4. Cases Diverted
5. Cases Involving Secure Detention
6. Cases Petitioned (Charge Filed)
7. Cases Resulting in Delinquent Findings
8. Cases resulting in Probation Placement
9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities
10. Cases Transferred to Adult Court.

Working with the WI OJA and through online research, the County Research Specialist on the BPC team created a database with the names and contact information for each of the 12 County Directors and Chief Intake Workers. Developed by the project administrator, letters of introduction, which included the DMC project description and RRI instrument, were sent to counties in mid-August via e-mail and then in hardcopy via U.S. mail. A phone script was developed by the project administrator so that follow up phone calls a week later could be completed by the assigned BPC staff to verbally introduce the research team to the counties and to answer any questions counties may have as they began collecting the RRI data. After that, regular e-mails and phone calls were each sent at least once per week through the remaining timeline of the study. This was done to support the study's data collection process and keep information coming into the research team in a timely manner. Finally, thank you cards and the October DMC conference flyer were sent to county participants the last week of September in appreciation for their participation in the study. With WI OJA approval, the final report will be e-mailed to county participants after the October DMC conference by BPC staff.

Qualitative Methodology

The qualitative design was developed by the Native American researchers on the project. All Tribes in WI were included in the study. The 11 Tribes selected for participation were: Bad River, Lac Courte Oreilles, HoChunk, Lac du Flambeau, Menominee, Mole Lake, Oneida, Potawatomi, Red Cliff, St. Croix, and Stockbridge-Munsee. BPC enlisted the assistance of a Tribal member who is on a state juvenile justice and youth social services commission to identify contacts within each tribe who would be able to participate in the study. Potential groups on the Tribal Reservations initially identified were: Indian Child Welfare Directors, Family Service Provider Directors, American Indians Against Abuse Board Members, Great Lakes Intertribal Board Directors (these are the 11 Tribal Chairmen or Chairwomen). The secondary level of identification for Tribal participants included: Tribal Intake/Human Services staff, Tribal Prosecutors, Tribal Human Services and/or Delinquency Services Staff, Tribal Leaders (cultural or community leaders), Tribal Juvenile Judges, and Tribal Law Enforcement.

Next, the project administrator developed a letter of introduction, which included the DMC project description, the Tribal RRI instrument, and the Tribal Interview Instrument. These items were sent to the initial Tribal contacts in mid-August via e-mail and then a week later in hardcopy via U.S. mail. A phone script was developed by the project administrator so that follow up phone calls could be completed by the assigned BPC staff to verbally introduce the research team to the counties and to use a snowballing technique to determine the appropriate contact within the Tribes who would be able to assist on the project. This long process took nearly 3 weeks to uncover the appropriate contact or contacts to assist with the Tribal RRI data collection and to participate in the Tribal interview. Once the final and appropriate contact(s) for Tribes were identified (each Tribe was different), an updated Tribal database was created to track participation and data collection for the Tribal participant component of the DMC study. The results of this complex process will be discussed further in the findings section.

Using the Tribal RRI instrument described in the quantitative methods section, a semi-structured survey instrument was developed to ask further questions and guide the discussion with Tribal contacts. This instrument was later modified after being field tested to include 10 questions specifically about Tribe and county infrastructure, capacity, and communication, and relationship that could be ranked using a Likert scale. The final "Tribal OJA DMC Interview

Instrument” was given over the phone and in person. Most interviews allowed for tape recording (digital or analog methods), transcripts were typed, and a narrative analysis of the interview data was conducted. Included with the interviews were multiple examples and documents given that provided visual data, policy information, infrastructure documents, communication documents, and other administrative or ordinance related documentation. These documents surfaced as a natural part of the interview process and were referenced during the discussion. When possible, these documents were collected if the interview participant had access to it and/or was willing to send it in a timely manner.

Throughout the month of September, the BPC staff used three Native researchers and project support to efficiently gather data for the study. The Tribal contacts were called and e-mailed at least 3 times per week to set up on-site or phone interviews with BPC research staff. Scheduling Tribes was a complex and time consuming process for many reasons which will be discussed in the findings section. Additionally, our calls and e-mails to Tribes answered any questions that Tribes had as they were collecting the RRI data and helped to explain in non-technical terms how the Tribal RRI data was different than the Tribal interview data. These frequent calls, e-mails, and site visits (planned and unplanned) built relationships, established trust, allowed access to the community’s data, and served as a friendly presence to make sure that the study’s data collection process was completed in a timely and accurate manner. Finally, thank you cards, a small gift (Native American tradition), and the October DMC conference flyer were sent to Tribal participants the last week of September in appreciation for their participation in the study. With WI OJA approval, the final report will be e-mailed to the Tribal participants after the October DMC conference by BPC staff.

Key to Reading the RRI Data

All of the graphs in this report illustrating the findings of the RRI analysis will follow the same convention. If the value is illustrated in red, it is statistically significant; this means there is a difference in the way that American Indian youth are treated in comparison to all other youth or White youth (dependent on the particular analysis). If the value is illustrated in blue, it is not statistically significant. If the value is illustrated in yellow, the findings should be viewed with caution as that data element did not have enough cases for sufficient data analysis. These are still being included because they may indicate a trend; however it is up to the reader to determine the worth.

FINDINGS

Counties

The study produced complete data by only four counties: Brown, Menominee, Sawyer, and Outagamie (see Appendix A for the number of incidences of each data element for AI youth and total youth by county). The Optimal RRI Base Calculation Flow Chart was attempted to be followed for all counties, however, in some cases (i.e. Shawano County, Jackson County, and Douglas County) Abbreviated RRI Base Calculation Flow Chart was used due to lack of data.

BROWN COUNTY

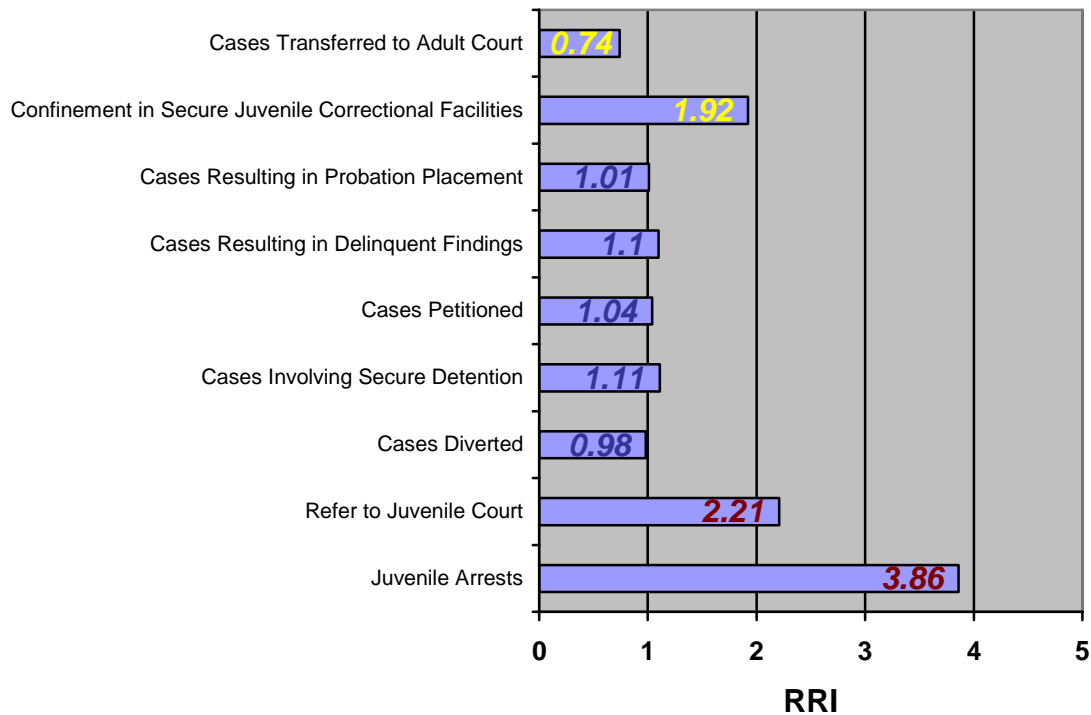
RRI Values in Brown County, 2005 AI youth as compared to all other youth



The Brown County graph above shows that American Indians were significantly disproportionately arrested in 2005 with a RRI value of 3.69 in comparison to all other youth. Likewise, American Indian youth were significantly disproportionately referred to Juvenile Court in 2005 with a RRI value of 1.78 in comparison to all other youth. In terms of cases diverted, cases involving secure detention, cases petitioned, cases resulting in delinquent findings, and cases resulting in probation placement there was no statistically significant difference among American Indian youth and all other youth. For cases resulting in confinement in secure juvenile correctional facilities and cases transferred to adult court American Indian youth are represented at a lesser number than all other youth, although these findings should be viewed with skepticism as there are not enough cases for sufficient analysis.

Brown County provided data on all white youth in addition to American Indian youth and total youth, thus RRI values comparing American Indian youth to white youth were also calculated.

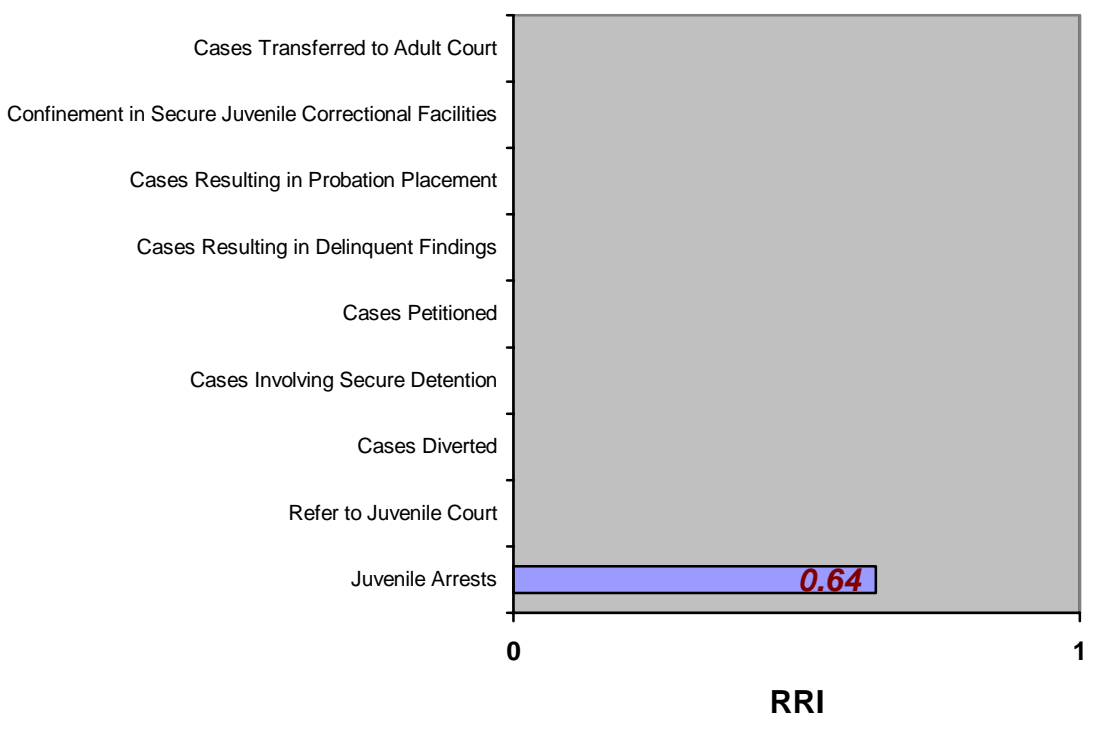
**RRI Values in Brown County, 2005
AI youth as compared to White youth**



The results in calculating RRI values for American Indian youth in comparison to White youth show a greater disparity. American Indian youth were arrested at a volume of 3.86 times more than White youth in Brown County in 2005 and referred to juvenile court 2.21 times. Although cases diverted, cases involving secure detention, cases petitioned, cases resulting in delinquent findings, and cases resulting in probation placement demonstrate a nearly equivalent rate for American Indian youth as White youth, the cases that led to confinement in secure juvenile correctional facilities for American Indian youth were 192% greater than those of White youth.

MENOMINEE COUNTY

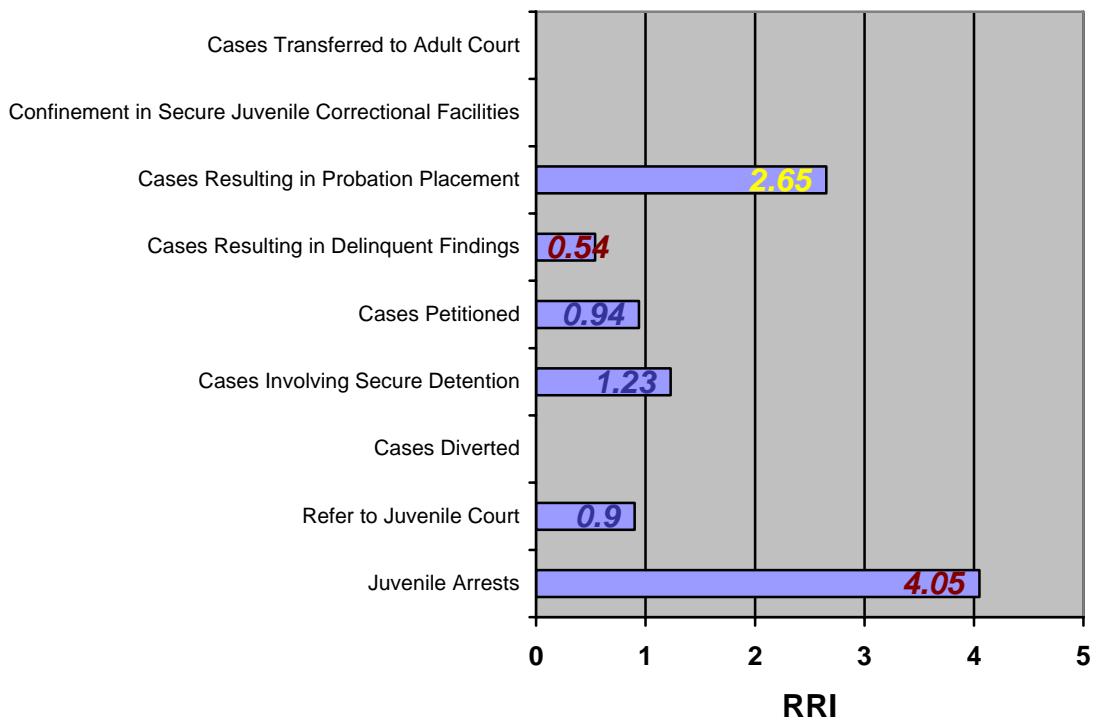
**RRI Values in Menominee County, 2005
AI youth as compared to all other youth**



Although complete data for Menominee County was obtained, the only RRI value that could be calculated was based on data reported through the Statistical Analysis Center’s Uniform Crime Reporting (UCR) database. According to these data, the Menominee County graph above indicates that the rate of arrests of American Indians was significantly less than that of all other youth with an RRI value of 0.64. However, data reported to the state does not reflect what is the viewpoint of those ‘in the field’ at the county level, as the Menominee County contact reported that they “only deal with American Indian youth.” With this, RRI values for the remaining decision points could not be calculated as 100% of the events occurred with American Indian youth.

SHAWANO COUNTY

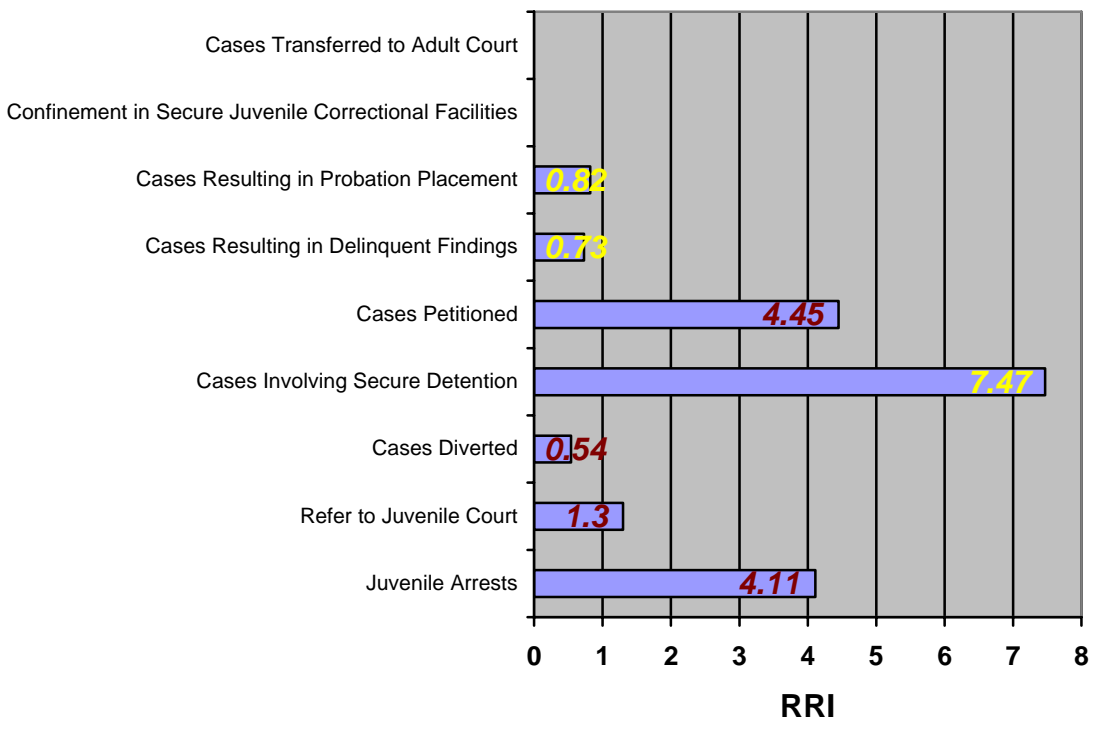
RRI Values in Shawano County, 2005 AI youth as compared to all other youth



The Shawano County graph above shows that American Indians were disproportionately arrested in 2005 with a RRI value of 4.05 in comparison to all other youth. However, for cases resulting in delinquent findings a significant RRI of 0.54 was found for American Indian youth in comparison to all other youth. Findings for cases resulting in probation placement would indicate the volume of cases of American Indian youth placed on probation were 2.65 times more than all other youth, but these results should be viewed cautiously as there were not enough cases for statistical power.

SAWYER COUNTY

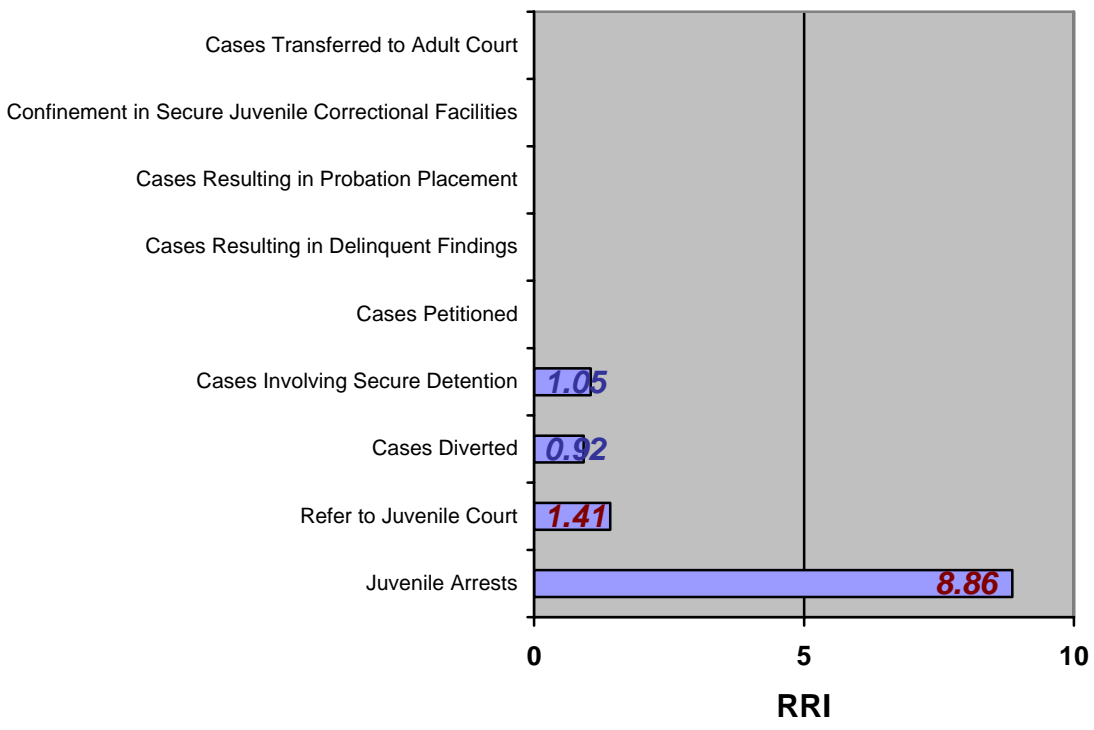
RRI Values in Sawyer County, 2005 AI youth as compared to all other youth



The Sawyer County graph above shows there is a significant disproportionate number of American Indian juvenile arrests, cases involving secure detention, and cases petitioned in comparison to all other youth. The volume of American Indian youth arrested is 4.11 times greater than all other youth. The volume of detentions is 7.47 more times (this finding is lacking statistical power), and cases petitioned is 4.45 times more.

VILAS COUNTY

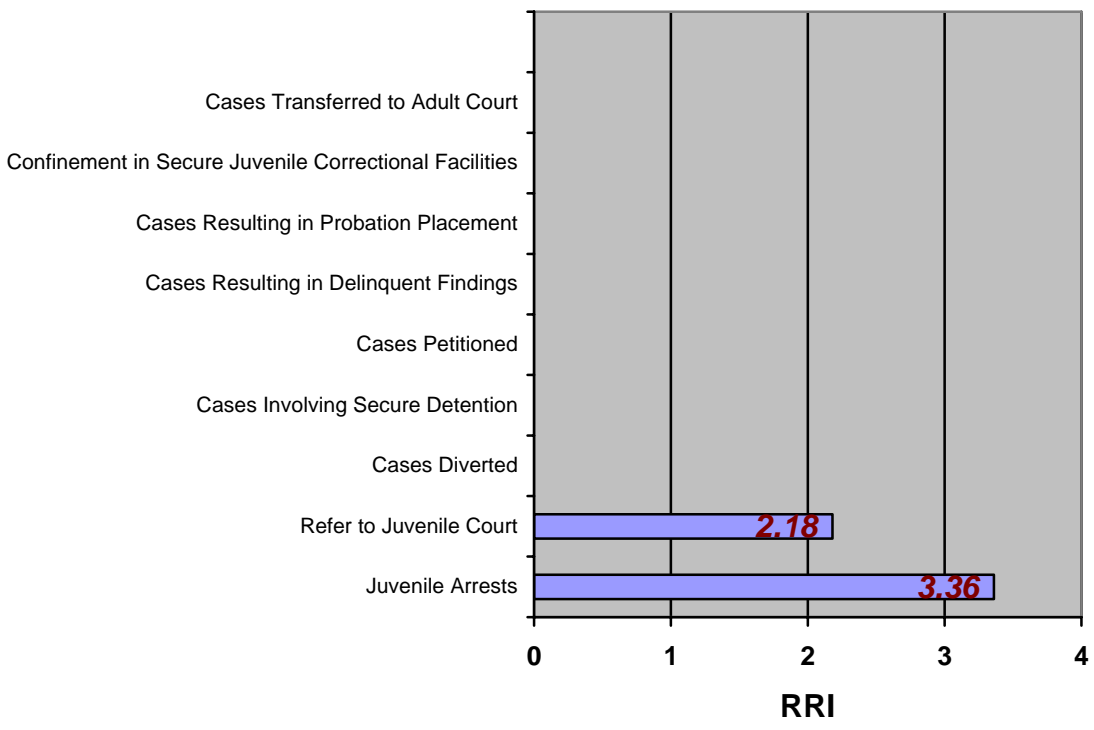
**RRI Values in Vilas County, 2005
AI youth as compared to all other youth**



The Vilas County graph above shows that American Indians were disproportionately represented at juvenile arrests with a RRI value of 8.86 and referrals to juvenile court with a RRI of 1.41 in comparison to all other youth. However, in cases diverted and cases involving secure detention American Indian youth are nearly equivalent in representation to all other youth.

ASHLAND COUNTY

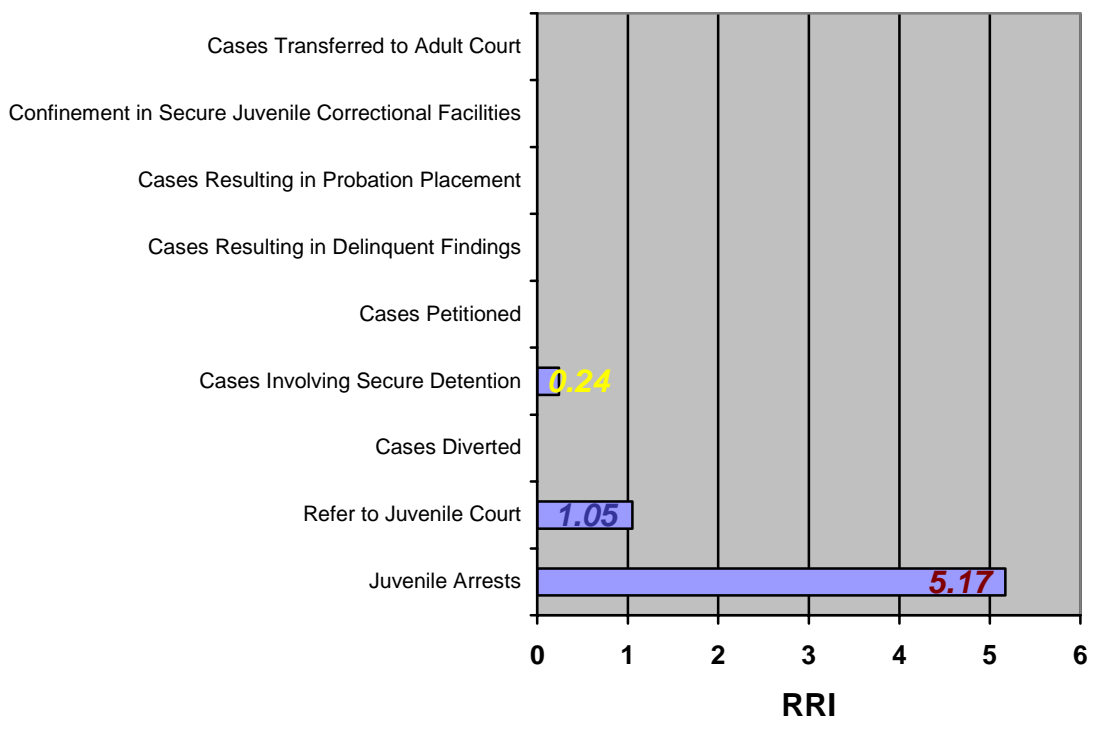
**RRI Values in Ashland County, 2005
AI youth as compared to all other youth**



The Ashland County graph above shows that American Indians were disproportionately arrested in 2005 with a RRI value of 3.36 in comparison to all other youth, as well as disproportionately referred to Juvenile Court in 2005 with a RRI value of 2.18. A positive point is that the American Indian youth did not represent any of the 20 cases resulting in confinement in secure juvenile correctional facilities. Either not enough data was provided to compute RRI values for the remaining data elements or there were no cases.

BAYFIELD COUNTY

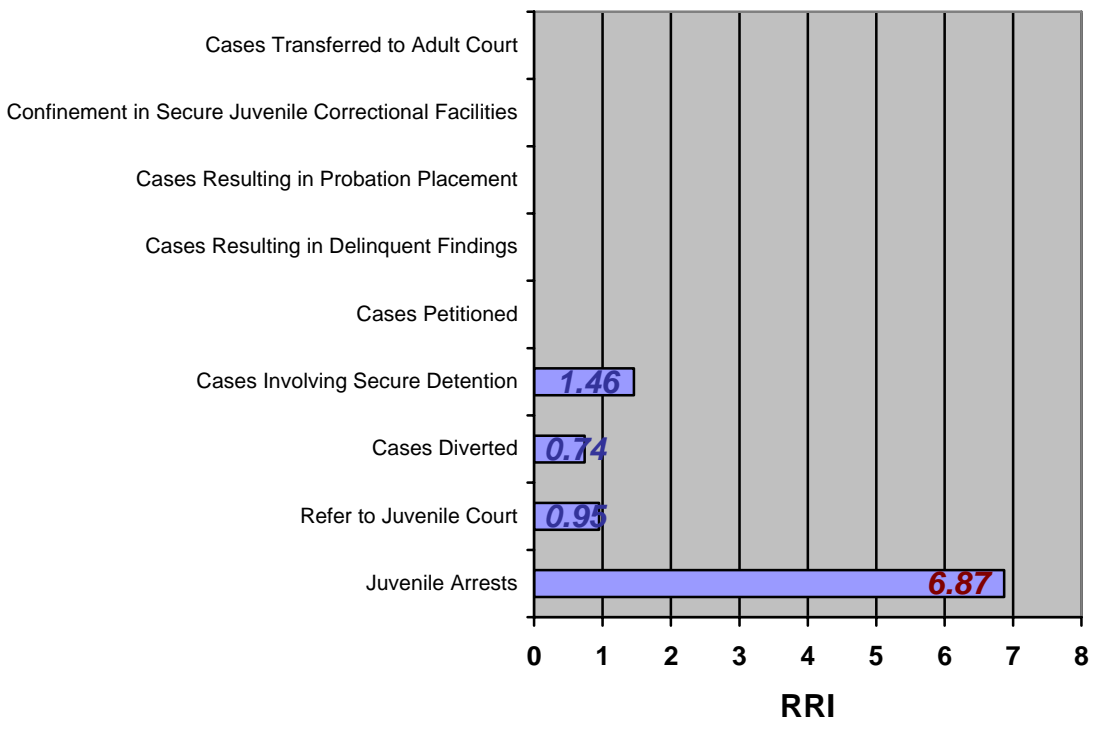
RRI Values in Bayfield County, 2005 AI youth as compared to all other youth



The Bayfield County graph above shows that American Indians were significantly disproportionately arrested in 2005 at a rate of 5.17 times that of all other youth. They were referred to juvenile court at a roughly equivalent rate. Although the graph would appear to indicate that cases involving secure detention are less likely for American Indian youth this needs to be viewed with caution as there are not enough cases for sound statistical analysis.

FOREST COUNTY

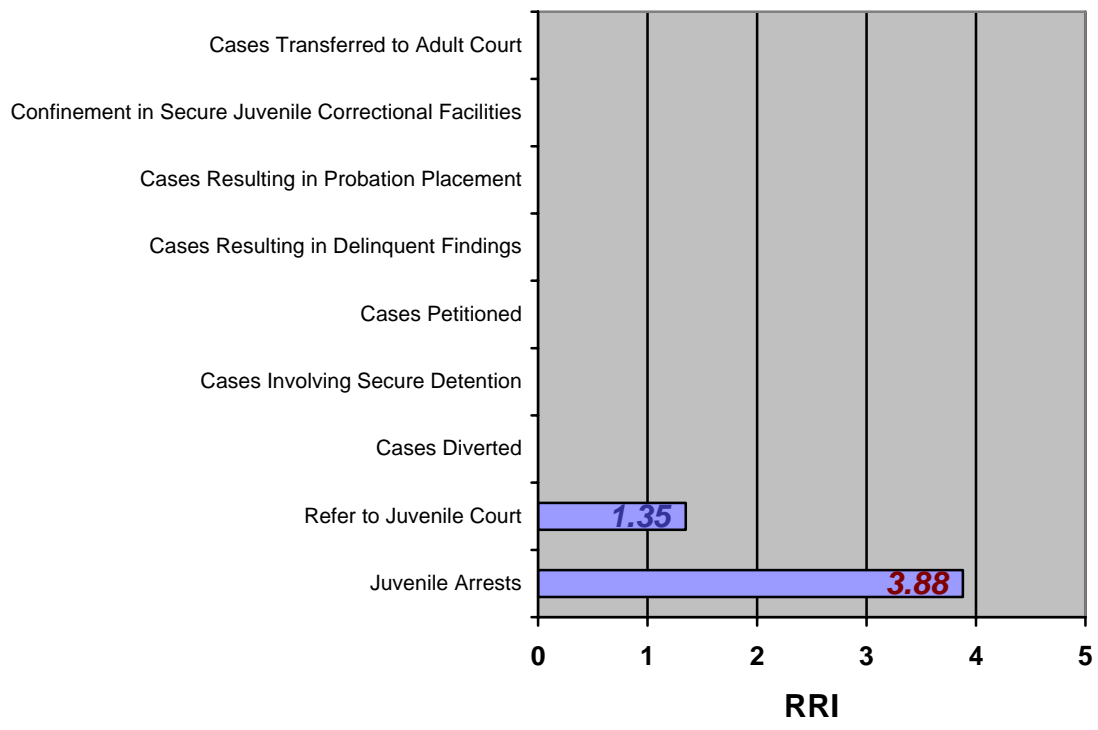
**RRI Values in Forest County, 2005
AI youth as compared to all other youth**



American Indian youth were arrested at a volume of 6.87 times that of all other youth in Forest County in 2005. Of those youth arrested, the rate at which American Indian youth were referred to juvenile court is nearly equivalent to that of all other youth. American Indian youth had their cases diverted at a lesser rate than that of all other youth and were detained at higher volume than all other youth.

JACKSON COUNTY

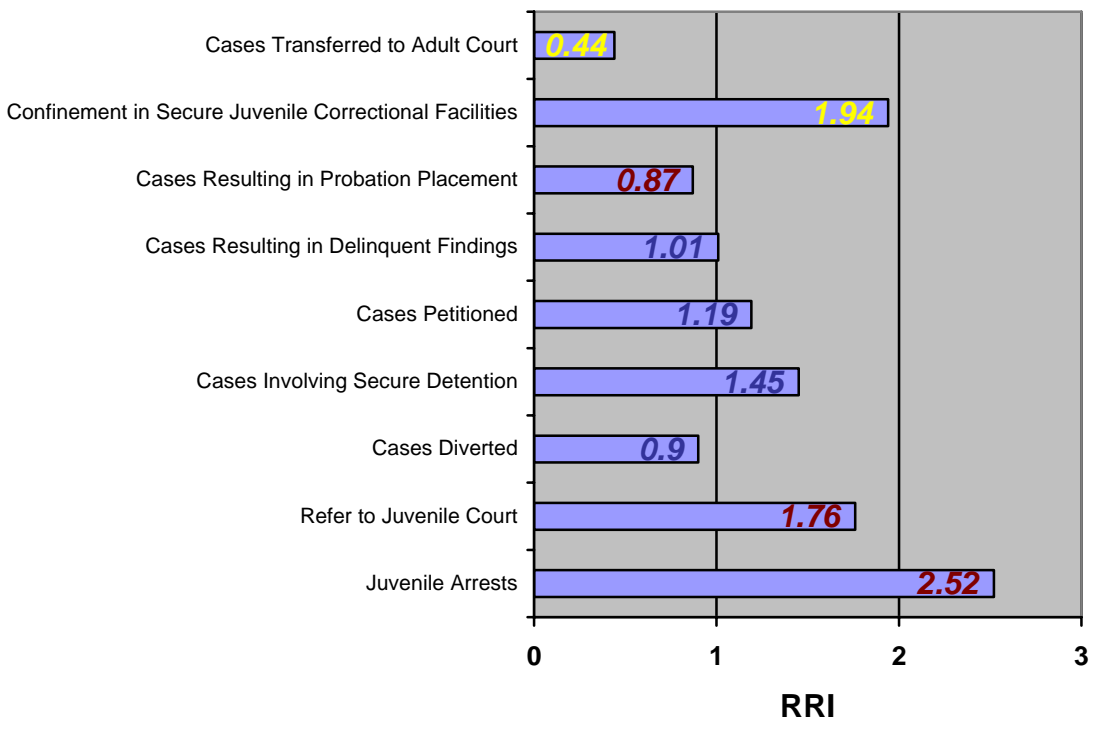
RRI Values in Jackson County, 2005 AI youth as compared to all other youth



The Jackson County graph above shows that American Indians were disproportionately arrested in 2005 with a RRI value of 3.88 in comparison to all other youth. There was not enough data reported to calculate RRI using the Optimal RRI Base Calculation Flow Chart (Appendix B) thus analysis follows the Abbreviated RRI Base Calculation Flow Chart (Appendix C). Doing so, a RRI value of 1.35 is obtained for referrals to juvenile court. All cases resulting in confinement in secure juvenile correctional facilities and all cases transferred to adult court involve American Indian youth.

OUTAGAMIE COUNTY

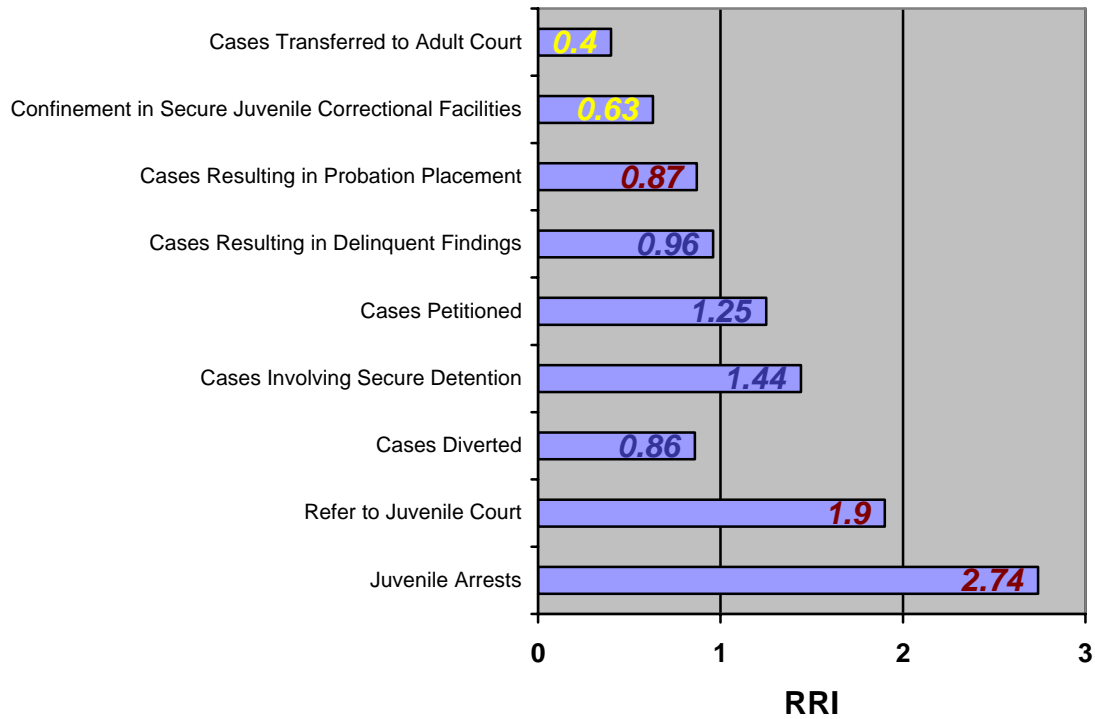
**RRI Values in Outagamie County, 2005
AI youth as compared to all other youth**



American Indian youth were arrested at 2.52 times the volume as all other youth in Outagamie County in 2005 and referred to juvenile court at 1.76 times the volume. Additionally, American Indian youth had an RRI value of 1.45 for cases involving detention and RRI value of 1.94 for cases resulting in confinement in secure juvenile correctional facilities (although this result should be viewed cautiously as there are not enough cases for statistical power). The rate at which American Indian youth had cases diverted, cases petitioned, cases resulting in delinquent findings, and cases resulting in probation placement were nearly equivalent to all other youth. Although the graph indicates that American Indian youth were less likely to have their cases transferred to adult court this finding should be viewed cautiously due to the small number of cases (lack of statistical power).

Outagamie provided data on White youth as well as American Indian youth and total youth, thus RRI values were calculated comparing American Indian youth to White youth.

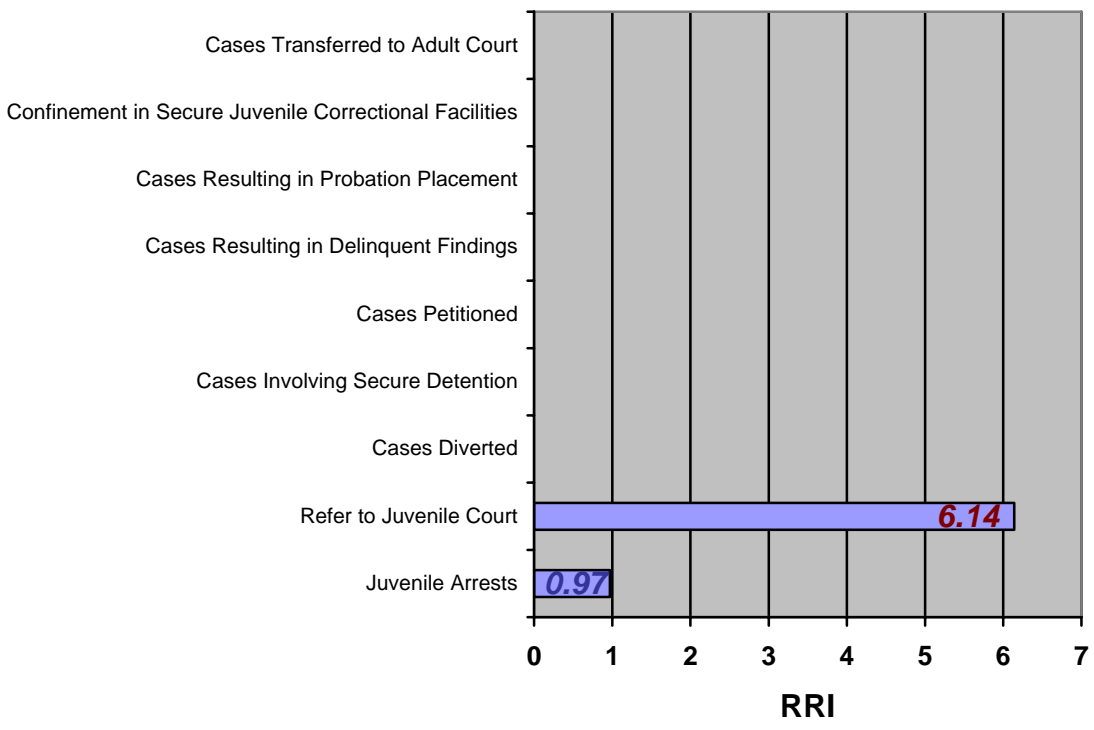
RRI Values in Outagamie County, 2005 AI youth as compared to White youth



In doing so, the RRI values remain relatively the same with the exception of juvenile arrests, which results in an RRI value of 2.74.

DOUGLAS COUNTY

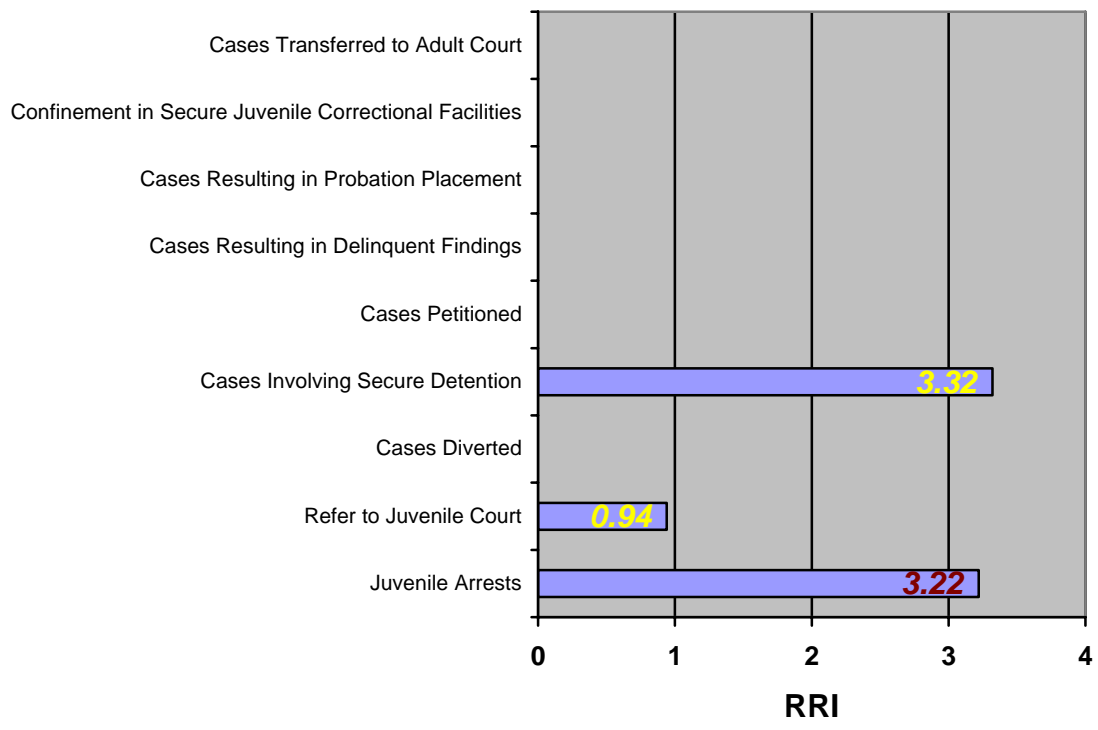
**RRI Values in Douglas County, 2005
AI youth as compared to all other youth**



The Douglas County graph indicates that American Indian youth are arrested at a rate nearly equivalent to that of all other youth. There was not enough data provided to calculate the RRI value using the optimal flow chart, thus the abbreviated RRI calculation was used. Doing so, it was found that the volume of referrals to juvenile court for American Indian youth was 6.14 times more than all other youth.

BURNETT COUNTY

RRI Values in Burnett County, 2005 AI youth as compared to all other youth



The Burnett County graph illustrates the volume of arrests of American Indian youth is 3.22 times more than that of all other youth and 3.32 times more for detentions. However, American Indian youth are referred to juvenile court at a rate nearly equivalent to that of all other youth. All of the cases resulting in confinement in secure juvenile correctional facilities involved American Indian youth.

Tribes

For Tribal interviews, 11 Tribes were contacted for the study. Of the 11 Tribes, nine responded to our interview and provided data over the phone, during a face-to-face interview, or faxed over responses to BPC. This is an 81.8% response rate from the WI Tribes. 56% of the respondents interviewed had transcripts typed up for analysis and 56% of the Tribal interviewees provided additional data beyond the interview in the forms of ordinances, sample agreements they have with counties, and other related policies, internal documents, or RRI data. There were several tribes that requested and provided multiple interviewees to help complete the Tribal interview instrument as a collective endeavor. In total, 11 people were interviewed from the 11 Tribes in WI to complete the Tribal interviews for the study.

The Tribal interview instrument asked 22 questions relating to criminal jurisdiction, the juvenile referral process, support services and programs available beyond the juvenile justice systems, cultural approaches to dealing with juveniles, enrollment requirements for juvenile justice or other Tribal services to Native youth, perspectives on DMC (reasons for and how to improve), and how Tribes and counties interact with each other in terms of: Tribal and county interfacing, jurisdiction, and transfer of juveniles, philosophical approach to juvenile justice, communication channels, resource sharing, infrastructure, cooperative policies/ordinances, short and long-term effectiveness to solve juvenile justice problems, relationships and understandings of Native American culture, and perceptions about how counties treat Native youth, families, and justice staff members. One part of the interview instrument asked Tribal participants to rank activities with counties on a four point Likert scale: strongly agree (SA), agree (A), disagree (D), and strongly disagree (SD). Participants also had a not applicable (N/A) option. Across Tribal participants, here is how the Tribes collectively ranked counties on the ten questions:

1. There is a high level of coordination between county agencies and the tribe in dealing with issues of law with tribal youth	66% disagreed or strongly disagreed
2. There is excellent communication between county agencies and the tribal agencies	55% disagreed
3. The county agencies share resources with tribes	55% disagreed or strongly disagreed
4. The county agencies deal with tribal juveniles with respect and consideration	66% disagreed or strongly disagreed
5. The county agencies deal with tribal parents with respect and consideration	56% disagreed
6. The county agencies deal with tribal workers/ agencies with respect and consideration	55% agreed or strongly agreed
7. The county agencies understand the differences between/ among Tribal Nations	88% disagreed or strongly disagreed
8. The county agencies understand the culture of the tribe	100% disagreed or strongly disagreed
9. The county agencies have high expectations of tribal juveniles	88% disagreed or strongly disagreed
10. The county agencies have positive relationships with the tribal agencies	55% disagreed

From the findings of the ranking questions on the Tribal interview instrument listed in the table above, it is clear that basic cultural understandings for Native Americans (collectively or as individual Tribes with unique differences) is the area that Tribal interviewees most commonly felt was misunderstood or not understood at all by county agencies or individuals. This is an important finding and with a deeper study, may provide insights to understanding and lowering DMC for Native youth in the future. A deeper data collection on this topic may also serve as a basis for providing non-Tribal staff involved with Native American juvenile justice issues to be trained on cultural sensitivity issues, understand new ways of cooperating with Tribes and supporting corrective intervention with Native youth and families, and also could help to break down the present barriers and negative perceptions currently held by the Native American communities participating in this study.

Beyond the obvious physical, geographic, and linguistic practices that are different among WI's 11 Native American Tribes, there are even more cultural community, family, parenting, and philosophical practices that are different among Native Americans in WI (on and off the reservation). Urbanicity, religious, and economic differences are just some of the factors that distinguish Tribes and Tribal people from one another. Outside of the Native American communities in WI, there is another layer of complexity when you compare Native Americans (individually, as a family, or as a rural, urban, suburban, or Reservation community) with non-Indians who work in the county, school, and juvenile justice offices off the reservation. It is critically important for non-Indians to understand that there are real cultural and geographic differences among and across Native Americans living in WI. These cultural differences within Tribes and across Tribal/non-Tribal race/ethnic lines affect communication styles, discipline styles, philosophies, approaches to rehabilitation, intervention and prevention strategies, and conflict resolution to name several topics. These cultural differences can cause gaps in communication, participation, expectations of Native youth, and contribute to long-standing differences that impact how Native juveniles are handled by Tribes and counties. Some specific comments from Tribal interviewees to substantiate these findings include:

- “Most of them [still] don’t understand because I work regularly with them in five areas of WI.....I usually have to start from base one and educate them....I think some training would be pleasing [to me].”
- “We were trying to work with the county and we didn’t want to develop a bad relationship with the county.....we wanted to have input with them [the county] right away.....but the problem we have been running into is that they [the county] haven’t been receptive in doing that.”
- “Racism, discrimination, and stereotyping of Indians has caused the Tribe’s communication and cooperation with counties to break down....I feel our Tribe and the Tribes in WI have gone out of their way to correct this but the counties haven’t.”

There is some evidence (around 45% of Tribal participants on average) who agree that there are instances of positive working relationships, good communication, and respectful interactions with a Tribal office or person on issues related to Native American youth in the juvenile justice system. Evidence of this from the interviews and data collected after the interviews include: formal consultation agreements, regular quarterly meetings, data sharing memo of understandings, regular reservation site visits, cultural sensitivity trainings or technical assistance, cross deputization agreements and jurisdictional agreements between some Tribes and counties. However, these policies, agreements, and other formal structures are not seen

consistently within or comprehensively across the 11 Tribes. In other words, these formal cooperative agreements or memos of understanding may be intermittently seen between a Tribe and county, but most often it does not extend beyond one or two program offices. One example is a Tribe's police department reported good relations with the county and cited their cross deputization program. But in that same county a staff member interviewed from the social service area and one staff from the Tribal administration office both reported poor relationships with the local county based on "racist and disrespectful treatment of youth and families.....they do not understand our culture and the ways we handle our youth." Finally, the relationships between Tribes and counties, "often are dependent on whom the main contact person is in the Tribe and the county and if they get along." The interviewee reporting this had over a 20 year history working with Tribes and counties. She was employed for the county in the past for nearly 15 years and at her present job had seven years already working for this particular Tribe who also resided in the county she used to work for.

Other findings included that 100% of the Tribes interviewed reported that they had cultural elements to their juvenile justice services. Often cultural leaders, traditional teachers, and traditional stories, customs, or activities were interwoven with services Tribes gave to juveniles at risk and/or who were already in the juvenile justice system. One Tribe reported that, "It is more often that the cultural aspect of the services is the one that reaches the child than the threat or real punishment of the juvenile justice systems [tribal or county]."

Next, all Tribes in the study reported that more prevention and intervention services are used prior to formally putting a Native American youth into the juvenile justice system on the Reservation or within the county. These services and programs are available for families and the at risk youth. Several examples include:

- Economic support
- Tutoring or homework support
- Transportation
- Mentoring
- Cultural teachings
- Job training and rehabilitation services
- Social services
- Community service or volunteerism
- Medical services (dentist, doctor, chiropractor, etc.)
- Behavioral or Mental Health services (counseling, psychiatry, etc.)
- Alcohol, Drug, Tobacco, and Other Addictions services and treatment centers

Finally, most of the Tribal interviewees felt that "Tribes give more chances than the county" and "Tribes take a larger look at all the issues" that lead to Native American youth being incarcerated. Two thirds of the Tribal participants felt that counties did not take this wider look, did not have many positive experiences outside of the juvenile justice system with tribes (like social functions or participation in community events), and therefore, were more rigid with Native youth—especially after multiple offenses. One Tribal participant said, "It is easier for them [counties] to believe that Native youth or Indians in general are 'bad' than it is for them to believe that we live with more risk factors than any other group in the nation." However, about one third of the Tribes explicitly reported that Native families needed to be stricter with their children, make sure that the adults are clean and sober themselves so they can be good role

models, and that there needs to be more accountability within the Tribes for having better juvenile and adult behaviors.

DATA LIMITATIONS

The RRI analysis of the twelve counties is limited by the number of cases of each data element for each county. In some cases the counties did not provide the data, in other instances there were no cases for one or both of the target groups (American Indian youth and/or all youth). Because the RRI analysis is based upon ratios it is mathematically impossible to compute values for data elements that do not contain cases; in this event (lack of comparison data or lack of cases) there is no reported RRI value. Additionally, as the number of cases decreases for a data element below five events from a possible base of fifty events, the RRI analysis should be viewed with caution as the statistical power to report findings is compromised; in these cases the data is highlighted in yellow.

As can be seen by the RRI data sheet (Appendix A), the number of occurrences for each data element is dependent on the source for the data. For example, in Brown County the county source reported 451 cases involving secure detention for all youth in 2005 while data from the Juvenile Secure Detention Register (JSDR), state collected data, reports 626 cases involving secure detention for all youth in 2005. This demonstrates that the fact that how each of these data elements are defined by localities may be different. Likewise, because it is possible for counties to define the data elements in different ways, the data is not fully comparable across counties.

Furthermore, because the terms of analysis in consultation with OJA staff was American Indian youth in comparison to all other youth what is reported for most counties would not be considered a true Disproportionate Minority Contact analysis. This is because to be so the American Indian youth would need to be compared to the White youth; we were able to show those comparisons for Brown County and Outagamie County.

Finally, the research team had hoped to be able to collect RRI data from tribal agencies in addition to the county agencies and show a comparison of those records; however we found that the tribal agencies were currently unable to keep records of the data elements, although many expressed that they had a desire to do so and cited lack of resources (man power, funding, communication) as reasons that it was currently not done.

From a qualitative standpoint, there were some limitations of the data. The first is that there were only adult perspectives taken for this study. Using interviews with Native youth, Native families, counties, and possibly schools would have strengthened the findings. Not only would this multi-generational perspective provide richer qualitative data but the findings could have been derived through triangulation of the raw data collected during the study.

Another limitation is that multiple definitions of Native American were used (enrolled, 1st line descendent, 2nd line descendent) and each Tribe's policies for defining these enrollment types is different. Therefore, data collected during interviews could not consistently be obtained on Native American juveniles who were Tribal members (enrolled, 1st line descendent, or 2nd line descendent) but living off the reservation. So for the most part, the interviews reflect only Native juveniles living on the reservation. There was not time, staff, and/or an infrastructure to track this any more deeply or broadly. More time was needed to complete this study so that 100% response rates could be obtained. Conducting group interviews, focus groups, or other activities on site would be the most appropriate way to collect data from Native American study participants. Face-to-face communication, building trusting relationships through on site visits, and conversational activities on the Reservation would have yielded data that was even deeper

and richer than what was presently collected for the study. Our time limitations of 2 months for the study (data collection from July 15, 2006 to September 22, 2006) inhibited this culturally suitable process.

Finally, the attrition rates for Tribal interviews in terms of scheduling, return calls, and follow up was very intensive and beyond the normal scope of non-Indian studies. Suggestion for a minimum of six months is recommended for future studies with Native Americans. Timing of the study is important to take into consideration as well because scheduling a study during the summer months is not advised. Cultural commitments and ceremonies that Native Americans have during June-August are much higher than at other times of the year. During the summer Native Americans are especially out of the office due to cultural ceremonies, family vacations, or other scheduled travel such as Pow Wows all over North America where the normal means of travel is by car, truck, or van and not flying.

DISCUSSION & FUTURE STUDY

RRI analysis can be a useful tool in analyzing whether American Indian youth are indeed being treated differently throughout the system, but it doesn't solve any disparities. The RRI analysis showed nearly every county in the study had an overrepresentation of American Indian youth arrested and nearly as many counties demonstrated an overrepresentation of American Indian youth referred to juvenile court. Many of these cases are a matter of cultural differences which with cultural awareness and cross-communication culturally based methods of case handling could be utilized reducing the disparity and possibly the repeat offending. Resource sharing, communication, and cultural responsiveness training are the tools that will aid in reducing disparities. For the future we would suggest studying DMC for Native American youth by actually interviewing Tribal youth within the juvenile justice system, Tribal families, schools (especially police liaisons, counselors, and Indian advocates in schools), and county employees as well. Additionally, looking at geographic differences is important because the Native youth living off the reservation in rural, suburban, and urban areas was not studied in this project. This holistic study would give very valuable data on perceptions from multiple stakeholder groups, provide intergenerational data, and would help identify priority areas of need for training, technical assistance, and support that is needed to reduce the DMC for Native American juveniles. Without this type of study, the chronic levels may continue because a deeper study is needed to get down to the root cause of the problem rather than just studying the symptoms or outcomes which is disproportionate levels of Native youth being put into the juvenile justice system.

Next, developing a centralized infrastructure for counties and Tribes where there is a centralized data collection process, with agreed upon definitions, and standardized forms would allow for a more consistent and streamlined process that follows juvenile cases from the point of contact through the final outcome, regardless of the agencies handling the juveniles. Currently there is no infrastructure for this and therefore systemic efforts of counties and tribes are fragmented and functioning well below their potential. For the future we would suggest conducting a needs assessment or holding focus groups to find out the human, technological, policy, and other infrastructure needs that counties and Tribes have so they can optimally work together. Perhaps in the future the WI OJA could work with the counties and tribes to set up regular meetings (2 to 4 times per year), provide training and technical assistance in areas of need identified, and offer resources to set up a centralized data sharing system. This would provide efficient and effective data analysis as well as comparable data for future studies

(longitudinal data as well as snapshots of data as needed). Furthermore, setting up a centralized infrastructure (data sharing, meetings, communication systems, resource sharing, updated county, state, and Tribal contact databases, training calendars, technical assistance contacts, meeting schedules, agendas, minutes, etc.) would serve as a support system across tribal agencies and county agencies. Finally, all parties would benefit from a centralized system (state, county, and tribes) because each entity would be able to view the decision points with relative ease at any moment. As well, we recommend that for any future study of DMC, data be collected on all racial groups. This would provide an opportunity to examine the data in more complex ways (i.e. aggregated minority, comparison across racial groups) and give a clearer picture of whether DMC is actually occurring at different decision points and for whom. Although the information provided in this report allows us to examine how American Indian youth are being handled in comparison to all other youth, it still does not answer the question (exception Brown & Outagamie Counties) as to how they are being handled in comparison to White youth. We would highly recommend that future study examine DMC of American Indian youth in this context.

Finally, there was evidence of some formalized Tribal and county agency cooperative infrastructure. During phone interviews, e-mails, and site visits the conversations with Tribes and counties produced data to show formalized memo of understandings, cross deputization agreements between counties and Tribes, and other formal activities supported by policy related language. While some county agencies and tribal agencies expressed cooperative work in handling juveniles and working out alternatives which utilized tribal resources, others expressed barriers were in place between county agencies and tribal agencies. Gathering the formal and informal strategies, policies, and infrastructures that Tribes and counties have would be a good place to start documenting the baseline information of how these entities work together. This baseline information would also provide insight on the levels of cooperation and effectiveness that Tribes and counties have when working together on juvenile justice issues concerning Native American youth.

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APPENDIX

Appendix A: County RRI Data Entry Sheet

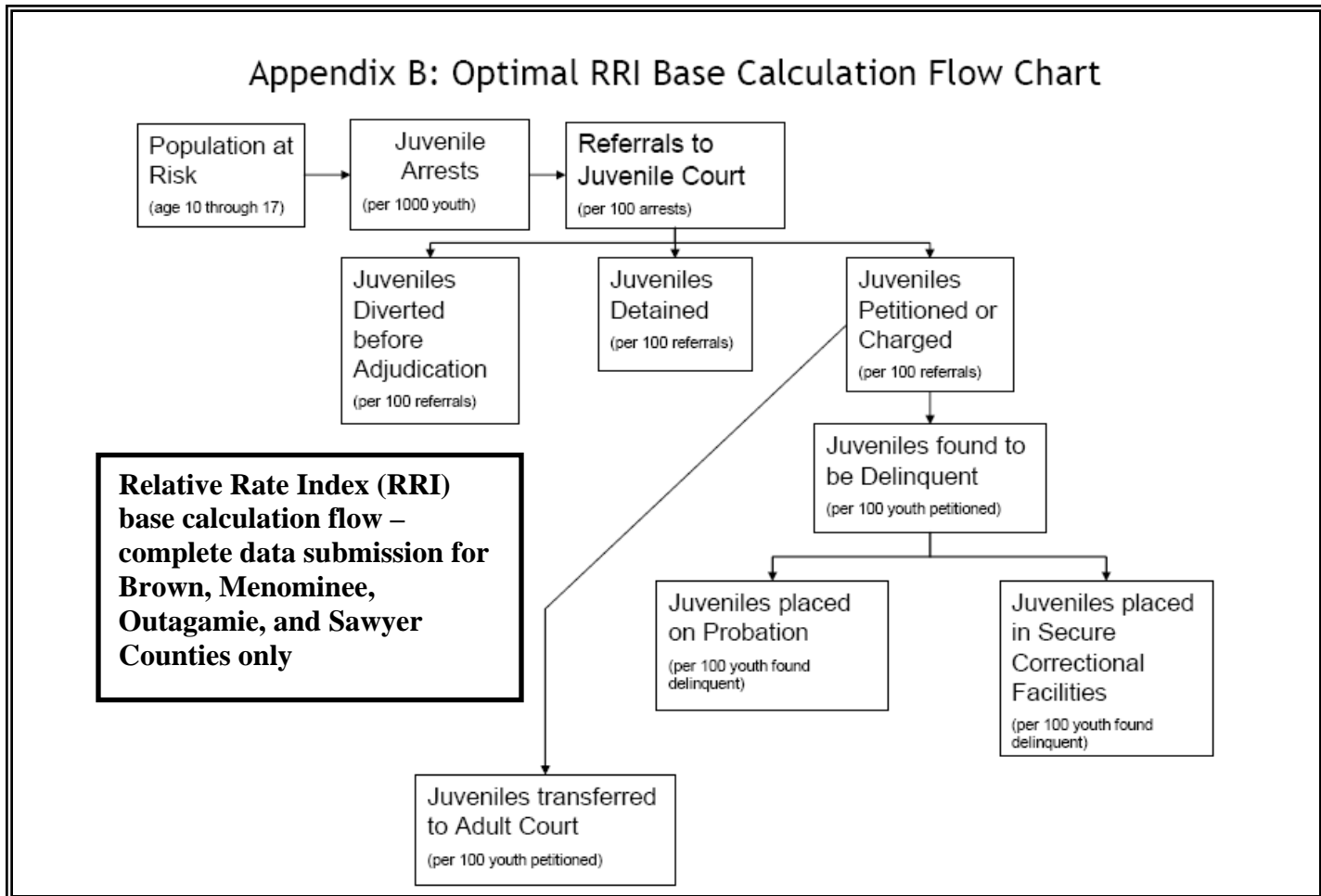
2005		1. Population at Risk	2. Juvenile Arrests	3. Refer to Juvenile Court	4. Cases Diverted	5. Cases Involving Secure Detention	6. Cases Petitioned (Charges Filed)	7. Cases Resulting in Delinquent Findings	8. Cases Resulting in Probation Placement	9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	10. Cases Transferred to Adult Court
Brown County	# all youth	26784/ 27,066*	/5773	1256	867	451/626	389	270	259	15/20	32
	# AI youth	810/815**	/594	213	148	92/104	65	49	49	3/2	4
	# White youth	23343/22765	/4300	699	494	209/307	205	141	140	3/9	17
Menominee County	# all youth	/791	/336	234	70	80/64	200	110	5	6/3	0
	# AI youth	/731	/298	234	70	80/58	200	110	5	6/3	0
Shawano County	# all youth	/4787	/964	418	no data	/111	157	131	131	/0	no data
	# AI youth	/448	474/284	114	46	34/35	41	21	44	/0	2
Sawyer County	# all youth	/1870	/190	229	146	68/51	48	43	52	3/3	1
	# AI youth	/425	/104	140	67	66/47	42	36	42	3/3	1
Vilas County	# all youth	/2207	/123	247	171	/109				/4	2
	# AI youth	/383	/80	179	121	/80	60	49	51	/2	2
Ashland County	# all youth	/1901	/414	171		/20				/0	1
	# AI youth	/313	/165	101		/0	38	30	38	/0	1
Bayfield County	# all youth	/1742	/125	183	no data	/16	16	16	40	/0	2
	# AI youth	/264	/60	90	no data	/3	16	16	16	/0	1
Forest County	# all youth	/1224	/245	104	46	/30	46	45		2/0	
	# AI youth	/242	/153	64	25	/21		30		1/0	

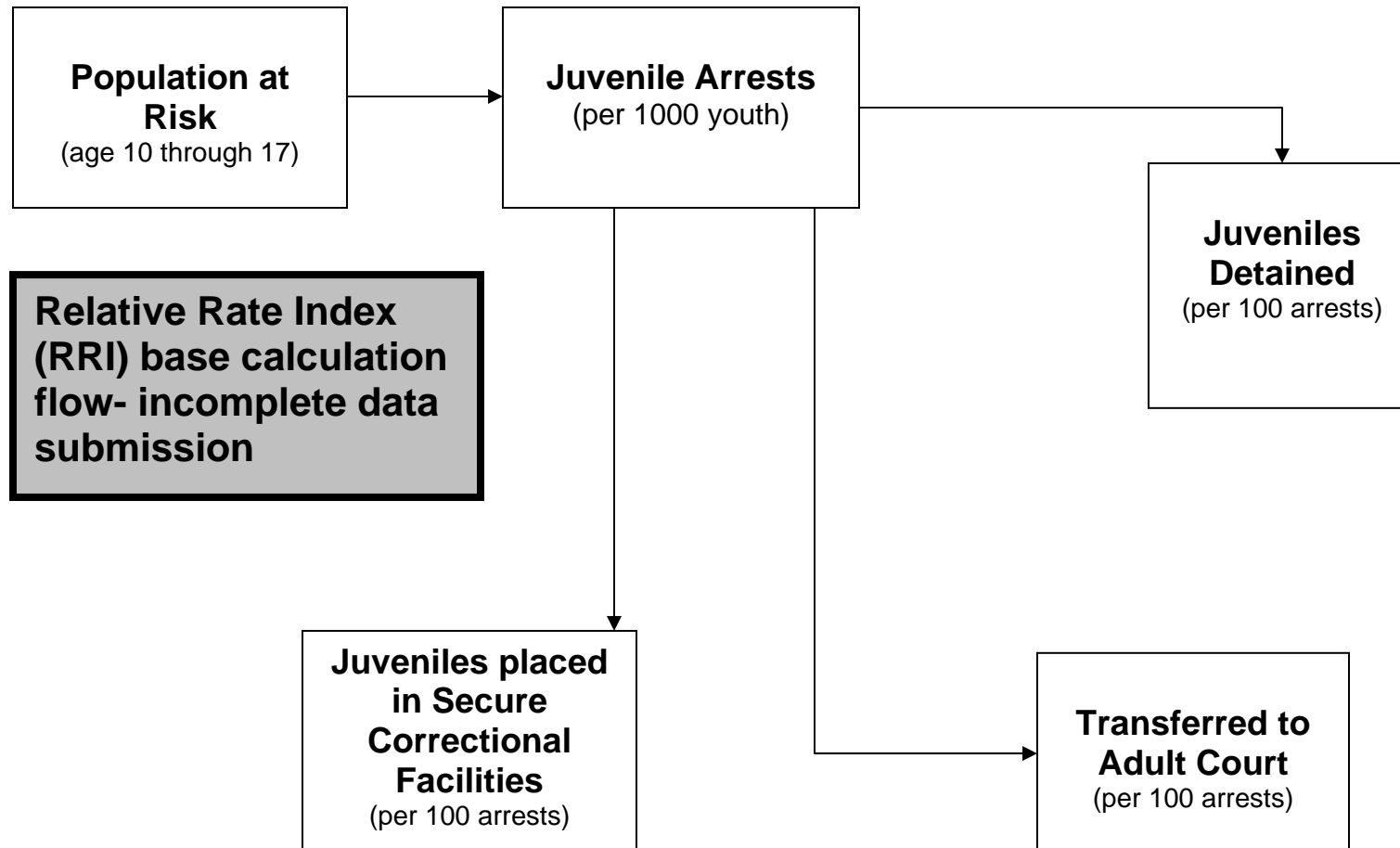
Jackson County	# all youth	/2184	/178	100		/42	45	11		/1	4
	# AI youth	/210	/52			/15				/1	3/4
Outagamie County	# all youth	/20699	/4032	1037	444	/217	581	428	376	16/6	23
	# AI youth	/394	/188	82	32	/24	54	40	31	4/1	1
	# White youth	/18564	/3236	744	339	/151	393	304	272	/12	18
Douglas County	# all youth	/4673	/795	364	no data	34/49	no data	no data	no data	/0	1
	# AI youth	/127	/21	no data	no data	/7	no data	no data	no data	/0	0
Burnett County	# all youth	/1722	/43	79		/24				/2	0
	# AI youth	/114	/8	14	5	/10	8	8	8	/2	0

DATA SOURCES:

1. county source/ <http://ojjdp.ncjrs.org/ojstatbb/ezapop/default.asp>
2. county source/ Statistical Analysis Center's Uniform Crime Reporting (UCR) database
3. county source
4. county source
5. county source/ Juvenile Secure Detention Register (JSDR)
6. county source
7. county source
8. county source
9. county source/ data provided to OJA by the DOC-DJC
10. county source

Appendix B: Optimal County RRI Base Calculation Flow Chart (Brown, Menominee, Outagamie, and Sawyer Counties only)



Appendix C: Abbreviated RRI Base Calculation Flow Chart

Appendix D: WI OJA Staff and BPC Research Staff Contact Information

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The curriculum vitae of the research staff at Bowman Performance Consulting, LLC (BPC) is available through e-mailing each staff member directly. The scientific credentials, national certifications, and experience of BPC are available upon written request to Nicole Bowman (Owner) or by reviewing materials posted at www.nbowmanconsulting.com.