

JUVENILE ARREST TO CHARGE STUDY

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Purpose of Study

1. Analyze arrests that do not lead to formal charges by race, ethnicity, gender, offense, and location of arresting police agency (REGGO).
2. Analyze arrests that lead to formal charges by REGGO.
3. Analyze **changes** from arrest to charged offense by race, gender, and location of arresting police agency.

Why is this important?

- Nationally, the detention growth rate for minority youths is much higher than non-minority youth (Justice Policy Institute 2002).
- Research finds detention status at first appearance negatively impacts subsequent court processing such as remaining in detention and more serious dispositional outcomes (Engen and Steen 2002).
- If a disproportionate number of minority youth are detained at arrest, it impacts their outcomes at six stages of juvenile court processing: detention status can serve to promote disparities (Lieber and Fox 2005).

Data

- Data extracted from two sources and merged
 - ▣ Juvenile Detention Center RAI extracts
 - ▣ Minnesota Court Information System (MNCIS)
- Period of Time
 - ▣ April 2008 to June 2009
- Variables
 - ▣ Race and Ethnicity (as reported by JDC extracts)
 - ▣ Age
 - ▣ Gender
 - ▣ Offense (categorized by statute at both arrest and charging)
 - ▣ Arresting law enforcement agency
- Total sample size: 1,199 arrests

Data: Offense

- Classified arresting and charged offense by statute to the following categories by JDC RAI points (see Appendix B)
 - ▣ 15-point mandatory hold
 - ▣ 6-point mandatory hold (non-felony domestic)
 - ▣ 6-point other felonies
 - ▣ 3-point other non-felonies
- Classification into meaningful categories by statute
 - ▣ Person, criminal sexual, weapon, drug, property, non-felony domestic, other felony, non-felony (see Appendix D)

Important Caveats

- Sample includes only a subset of juvenile offenses in Hennepin County
 - ▣ JDC detention criteria restricts cases brought to the JDC to fairly serious to very serious in nature (see Appendix A).
- Does not include cases that involve detention for a warrant or hold for another jurisdiction.
- Changes from arrest to charging can and do happen because different legal standards need to be met at each level of juvenile processing (i.e., decision to arrest versus decision to formally charge)

Part One: Non-Charged vs. Charged Cases (n=1,199)

**Table 1. All Juvenile Arrests for New Offenses: April 2008-June 2009
Non-Charged Cases vs. Charged Cases**

23% of the arrests brought to the JDC do not result in formal charges.

	N	Percent
Non-Charged Cases	280	23.4
Formally Charged	919	76.6
Total	1,199	100.0

Non-charged vs. Charge by Race

**Table 2. All Juvenile Arrests for New Offenses: April 2008-June 2009
Non-Charged vs. Charged Cases by Race**

Significantly more minority youth are arrested and NOT formally charged compared to white youth (25% vs. 17%)

		Race		
		Non-Minority	Minority	Total
Non-Charged	Count	35	244	280
	Column %	17.1%	24.5%	23.3%
Charged	Count	170	749	919
	Column %	82.9%	75.3%	76.6%
Total	Count	205	994	1,199
	Column %	100.0%	100.0%	100.0%

Non-charged vs Charged by Ethnicity

**Table 3. All Juvenile Arrests for New Offenses: April 2008-June 2009
Charged vs. Non-Charged Cases by Ethnicity**

		Ethnicity		
		Hispanic	Non-Hispanic	Total
Non-Charged	Count	28	252	280
	Column %	22.2%	23.5%	23.4%
Charged	Count	98	821	919
	Column %	77.8%	76.5%	76.6%
Total	Count	126	1,073	1,199
	Column %	100.0%	100.0%	100.0%

No significant differences exist by ethnicity (Hispanic vs. Non-Hispanic).

Release Outcomes for Non-Charged Cases by Race

**Table 4. All Juvenile Arrests for New Offenses: April 2008-June 2009
Arrested and Non-Charged Cases by Race and JDC Release Outcomes**

		Race		
		Non-Minority	Minority	Total
Detain-Mandatory Hold	Count	27	184	211
	Column %	77.1%	75.1%	75.4%
Detain	Count	0	5	5
	Column %	0.0%	2.0%	1.8%
Detention Alternative	Count	1	6	7
	Column %	2.9%	2.4%	2.5%
Release	Count	7	50	57
	Column %	20.0%	20.4%	20.4%
Total	Count	35	245	280
	Column %	100.0%	100.0%	100.0%

-No significant differences by race and detention outcomes for the 280 non-charged cases.

-Lends support to effectiveness of the JDC RAI-emphasizing objective legal criteria for bases of release decisions.

Non-Charged vs. Charged by Gender

**Table 5. All Juvenile Arrests for New Offenses: April 2008-June 2009
Charged vs. Non-Charged Cases by Gender**

		Gender		
		Female	Male	Total
Non-Charged	Count	46	234	280
	Column %	24.2%	23.2%	23.3%
Charged	Count	144	775	919
	Column %	75.8%	76.8%	76.6%
Total	Count	190	1,009	1,199
	Column %	100.0%	100.0%	100.0%

No significant differences by gender for charged vs. non-charged cases.

Part Two: Analysis of Charged Cases: Sample Characteristics (n=919)

Table 6. Sample Characteristics for Charged Cases

Variable	N	Percent
<i>Gender</i>		
Female	144	15.7
Male	775	84.3
<i>Age</i>		
15 or younger	377	41.0
16 or older	542	59.0
<i>Race</i>		
African American/Black	634	69.0
White	170	18.5
Other Race	115	12.5
<i>Ethnicity</i>		
Hispanic	98	10.7
Non-Hispanic	821	89.3
<i>Law Enforcement Agency</i>		
Downtown	542	59.0
Suburban	366	39.8
Out of County/State	11	1.2
<i>Total</i>	919	100.0

Arrest to Charge Outcomes by Offense Classification

Table 7. Arrests that were Formally Charged: April 2008-June 2009
Arrest and Charge Level JDC RAI Offense Classification

JDC RAI Classification	Arrest-Level		Charge-Level	
	N	Percent	N	Percent
15-Point Mandatory Hold	532	57.9	437	47.6
6-Point Mandatory Hold	277	30.1	207	22.5
6-Point Other Felonies	92	10.0	100	10.9
3-Point Other Non-Felonies	18	2.0	175	19.0
Total	919		919	

-More mandatory hold cases at arrest than charging (58% vs. 48%).

-Fewer 3-point non-felony cases at arrest (2%) than charging (19%).

18% of juveniles held in detention at arrest would not have met the criteria based on their charged offense.

Charged Cases by Location of Arresting Agency and JDC RAI Offense Classification

**Table 8. Arrests that were Formally Charged in Court: April 2008-June 2009
JDC RAI Offense Classification by Arresting Police Agency**

JDC RAI Offense Classification		Location of Police Agency			Total
		Downtown	Suburban	Other	
15 Point Mandatory Hold Felonies	Count	344	183	5	532
	Row%	64.7%	34.4%	0.9%	100.0%
6 Point Mandatory Hold Non-Felonies	Count	119	156	2	277
	Row %	43.0%	56.3%	0.7%	100.0%
6 Point other Felonies	Count	65	24	3	92
	Row %	70.7%	26.1%	3.3%	100.0%
3 Point other Non-Felonies	Count	14	3	1	18
	Row %	77.8%	16.7%	5.6%	100.0%
Total	Count	542	366	11	919
	Row %	59.0%	39.8%	1.2%	100.0%

-Majority of 15-point mandatory hold offenses originate from downtown police agencies (65%).

-More 6-point mandatory hold offenses originate from suburban agencies (56%).

57% of all mandatory hold offenses (15 pt and 6 pt) originate from downtown police agencies.

Charged Cases by Offense Classification and Race (row %)

**Table 9. Arrests that were Formally Charged in Court: April 2008-June 2009
JDC RAI Classification by Race at Arrest and Charging**

JDC RAI Offense		Arrest			Charge		
		Non-Minority	Minority	Total	Non-Minority	Minority	Total
15 pt Mandatory Hold Felonies	Count	72	460	532	59	378	437
	Row %	13.5%	86.5%	100.0%	13.5%	86.5%	100.0%
6 pt Mandatory Hold Non-Felonies	Count	84	193	277	74	133	207
	Row %	30.3%	69.7%	100.0%	35.7%	64.3%	100.0%
6 pts Other Felonies	Count	12	80	92	13	87	100
	Row %	13.0%	87.0%	100.0%	13.0%	87.0%	100.0%
3 pt Other Non-Felonies	Count	2	16	18	24	151	175
	Row %	11.1%	88.9%	100.0%	13.7%	86.3%	100.0%
Total	Count	170	749	919	170	749	919
	Row %	18.5%	81.5%	100.0%	18.5%	81.5%	100.0%

-Significantly more minority youth are arrested and charged for each JDC RAI classification.

81% of youths arrested for mandatory hold are minority; 79% youth charged with mandatory hold are minority.

-No significant differences by offense and ethnicity at arrest and charging (not shown).

Offense Classification by Gender

**Table 10. Arrests that were Formally Charged in Court: April 2008-June 2009
Gender by JDC Offense Classification at Arrest and Charging**

JDC RAI Classification	Arrest			Charge			
	Female	Male	Total	Female	Male	Total	
15 pt Mandatory Hold Felonies	Count	47	485	532	29	408	437
	Column %	32.6%	62.6%	57.9%	20.1%	52.6%	47.6%
6 pt Mandatory Hold Non-Felonies	Count	88	189	277	70	137	207
	Column %	61.1%	24.4%	30.1%	48.6%	17.7%	22.5%
6 pts Other Felonies	Count	6	86	92	16	84	100
	Column %	4.2%	11.1%	10.0%	11.1%	10.8%	10.9%
3 pt Other Non-Felonies	Count	3	15	18	29	146	175
	Column %	2.1%	1.9%	2.0%	20.1%	18.8%	19.0%
Total	Count	144	775	919	144	775	919
	Column %	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

Significant differences by gender:

-Proportionally more females are arrested and charged with 6-point mandatory holds than males.

-Males are more likely to be arrested and charged with 15 pt. mandatory holds.

Charged Cases: JDC Release Outcomes at Arrest and Charging

-Using the charged offense to determine JDC release outcomes results in less youths held in detention (809 vs. 644).

-More youths released to detention alternative.

-Approximately 4 times as many youth released.

**Table 11. Arrests that were Formally Charged in Court: April 2008-June 2009
How Charged Offenses Hypothetically Changes Release Decisions**

Release Outcomes	Arrest			Charge	
	N	Percent		N	Percent
<i>Detain- Mandatory Hold</i>	809	88.0	→	644	70.1
<i>Detain</i>	18	2.0		9	1.0
<i>Detention Alternative</i>	36	3.9		44	4.8
<i>Release</i>	56	6.1	→	222	24.2
Total	919	100.0		919	100.0

Part Three: Changes from Arrest to Charging by Race

Changes within cases

-Significant differences by race

-For minority youth, fewer (73%) began and stayed at the same level compared to non-minorities (82%).

-More minority had their cases drop in severity from arrest to charging (23% vs. 16%)

-No significant differences exist by ethnicity or gender (not shown).

**Table 12. Arrests that were Formally Charged in Court: April 2008-June 2009
Change from Arrest to Charged Offense Categories by Race**

Offense Classification		Race		Total
		Non-Minority	Minority	
Stayed the Same between Arrest/Charge	Count	139	545	684
	Column %	81.8%	72.8%	74.4%
Became Mandatory Hold at Charge	Count	4	31	35
	Column %	2.4%	4.1%	3.8%
No Longer Mandatory Hold at Charge	Count	27	173	200
	Column %	15.9	23.1	21.8
Total	Count	170	749	919
	Column %	100.0%	100.0%	100.0%

Changes from Arrest to Charge by Police Location

**Table 13. Arrests that were Formally Charged in Court: April 2008-June 2009
Change from Arrest to Charged Offense Categories by Police Location**

JDC Offense Classification		Geographic Arrest Location			Total
		Downtown	Suburban	Other Law Enforcement Agencies	
Stayed the Same between Arrest/Charge	Count	403	273	8	719
	Column %	56.1%	38.0%	1.1%	100.0%
Became Mandatory Hold at Charge	Count	28	6	1	35
	Column %	80.0%	17.1%	2.9%	3.8%
No Longer Mandatory Hold at Charge	Count	111	87	2	200
	Column %	55.5%	43.5%	1.0%	21.8%
Total	Count	542	366	11	919
	Column %	55.9%	39.8%	1.2%	100.0%

Of the 200 cases that changed from a mandatory hold at arrest to non-mandatory hold at charging:

-56% originated from downtown police agencies followed by 44% from suburban.

Summary: Big Picture Findings

- Comparing arrest and charge status (not charged vs. formally charged), **significantly** more minorities are not charged (25%) compared to non-minorities (17%).
 - ▣ No other statistically significant differences exist by gender, ethnicity, or release outcomes.
- **Significantly** more minority youth are arrested and charged for 15-point mandatory hold offenses than non-minority youth (the disparity does not get worse at charging but it does not disappear).
- **Significant** differences exist by race for changes from arrest to charging within cases.
 - ▣ For minorities, fewer cases began and stayed at the same level (73%) compared to non-minorities (82%).

Recommendations

- Increased communication between police agencies and Hennepin County Attorney's office regarding legal criteria necessary for charging may decrease the overall number of youth arrested; subsequently reducing the number of minority youth in detention.
- Continue to examine charged cases as they move through formal case processing (to disposition) to assess how detention status affects subsequent decision making.