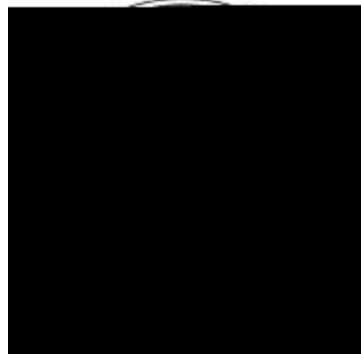


The University of Southern Mississippi
Mississippi Statistical Analysis Center

**DISPROPORTIONATE MINORITY
CONTACT IN MISSISSIPPI**



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MISSION

The Mississippi Statistical Analysis Center was created by executive order of Governor Ronnie Musgrove in October 2000. The mission of the MS-SAC is to provide sound statistical information in order to improve the efficiency and effectiveness of the state's criminal justice system.

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ACKNOWLEDGMENTS

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INTRODUCTION

In recent years, disparities among racial minorities at various stages in the criminal justice system have garnered increasing attention from researchers and practitioners. Much, if not most, of the existing research has been focused primarily on highly publicized issues, such as racial profiling and increased sentences for offenses commonly associated with minorities (i.e. selling crack cocaine). Recently, attention has shifted toward examining these issues as they pertain to juvenile offenders. This shift is

committed delinquent acts rather than status offenses. Revisions to the JJDP Act also mandated investigation regarding instances of contact rather than confinement – focusing on key individual points within the juvenile justice system. As a result, rates of contact can be compared at each stage of the juvenile justice process, from arrest to adjudication. Comparisons are made using the *relative rate index* (RRI), which compares proportionate instances of occurrences between Caucasian and minority juveniles, based on the size of their respective at-risk populations. Hence, instances of *disproportionate minority contact* (the “new” DMC) can be assessed at each individual stage of the juvenile justice process.

GOALS OF DMC RESEARCH (OJJDP)

The Office of Juvenile Justice and Delinquency Prevention (OJJDP), is responsible for guiding DMC policy and solicits various external agencies to assist in their efforts to collect data. Specifically, OJJDP outlines five goals² for DMC research:

1. **Identification** – to determine the extent of DMC
2. **Assessment** – to determine the reason for DMC
3. **Intervention** – to develop and implement strategies to address DMC
4. **Evaluation** – to determine the effectiveness of intervention strategies
5. **Monitoring** – to observe DMC trends and adjust strategies accordingly

In short, the provisions of DMC legislation are meant to ensure equal and fair treatment for every youth in the juvenile justice system, regardless of race and ethnicity.

THE RELATIVE RATE INDEX

The relative rate index (RRI) is a coefficient calculated using four numbers:

1. Instances of contact with Caucasian juveniles
2. Population of at-risk Caucasian youths
3. Instances of contact with minority juveniles
4. Population of at-risk minority youths

² Information regarding DMC definitions, policies, and procedures was obtained from the OJJDP website (<http://ojjdp.ncjrs.gov/dmc/index.html>).

The RRI illustrates the magnitude of representation of minority youths in comparison to Caucasian youths at any given point of contact, based on the number of youths at each contact point per 1,000 youths in the population. For example, assume that a county has an at-risk youth population of 15,000 Caucasian juveniles, 4,000 African-American juveniles, and 1,000 Asian juveniles. Last year, law enforcement officers arrested 1,000 Caucasian juveniles, 350 African-American juveniles, and 20 Asian juveniles. Initial assessment of this data (not using the RRI) would indicate the arrest rates for youths in this county would be:

<i>Caucasian Youth</i>		<i>African-American Youth</i>	<i>Asian Youth</i>	<i>Minority Youth</i>
$\frac{1,000}{15,000}$				

indicate the need for immediate investigation. RRI calculations for the previously mentioned population of youth are presented below:

<i>African-American Youth</i> (RRI)		<i>Asian Youth</i> (RRI)		<i>Minority Youth</i> (RRI)	
$\frac{87.5}{66.6}$	1.31	$\frac{20}{66.6}$			

rather than implementing overly-broad changes that may adversely affect the system as a whole. OJJDP provides specific definitions³ for each point of contact:

1. **Arrest:** Youth are considered to be arrested when law enforcement agencies apprehend, stop, or otherwise contact them and suspect them of having committed a delinquent act. Delinquent acts are those that, if an adult commits them, would be criminal, including crimes against persons, crimes against property, drug offenses, and crimes against the public order.
2. **Referral:** Referral is when a potentially delinquent youth is sent forward for legal processing and received by a juvenile or family court or juvenile intake agency, either as a result of law enforcement action or upon a complaint by a citizen or school.
3. **Diversion:** Youth referred to juvenile court for delinquent acts are often screened by an intake department (either within or outside the court). The intake department may decide to dismiss the case for lack of legal sufficiency, resolve the matter informally (without the filing of charges), or resolve it formally (with the filing of charges). The diversion population includes all youth referred for legal processing but handled without the filing of formal charges.
4. **Detention:** Detention refers to youth held in secure detention facilities at some point during court processing of delinquency cases (i.e., prior to disposition). In some jurisdictions, the detention population may also include youth held in secure detention to await placement following a court disposition. For the purposes of DMC, detention may also include youth held in jails and lockups. Detention should not include youth held in shelters, group homes, or other nonsecure facilities.
5. **Petitioned/charges filed:** Formally charged (petitioned) delinquency cases are those that appear on a court calendar in response to the filing of a petition, complaint, or other legal instrument requesting the court to adjudicate a youth as a delinquent or status offender or to waive jurisdiction and transfer a youth to criminal court. Petitioning occurs when a juvenile court intake officer, prosecutor,

³ See Chapter 1 (Table 1), DMC Technical Assistance Manual, 3rd Ed. (http://www.ncjrs.gov/html/ojjdp/dmc_ta_manual/index.html).

THE CURRENT PROJECT

Following the review and analysis by OJJDP (Office of Juvenile Justice and Delinquency Prevention), Mississippi was found not to be compliant with Section 223(a)(22) of the Juvenile Justice Delinquency Prevention Act, which requires states to address juvenile delinquency prevention efforts and system improvement efforts designed to reduce the disproportionate number of juvenile members of minority groups who come into contact with the juvenile justice system. In addition, Mississippi did not submit a plan for reducing DMC. In such plans, states are required to (1) provide DMC Relative Rate Index (RRI) spreadsheets for three counties with the largest minority concentration or counties with targeted DMC-reduction efforts and (2) document specific DMC-reduction activities conducted in the previous year as well as identify any planned activities for the upcoming year.

Mississippi is now in its fifth consecutive year of non-compliance with the DMC provisions of the JJDP Act and is required to submit data and information which would demonstrate DMC compliance. The *Compliance Plan* must include RRI estimates for three counties with the highest minority concentrations as well as concrete DMC reduction plans. There is a pressing need to develop and implement data collection strategies to provide information regarding DMC in Mississippi. The following project seeks to meet this need in the interest of providing an empirical understanding of DMC in Mississippi, thereby enhancing Mississippi's ability to prepare a plan to combat DMC and work towards achieving compliance with the JJDP Act.

DMC ASSESSMENT BY COUNTY

Methods

Analysts from the MS-SAC collected data from law enforcement agencies and youth courts in DeSoto, Hinds, and Harrison counties. Chiefs of police, sheriffs, and youth court judges were initially contacted by mail with a letter informing them of the scope and purpose of the current project (Appendix A). Following the initial mailing, analysts from the MS-SAC attempted to contact each agency to schedule a brief meeting to

discuss the project and data collection strategies. Although ev

DeSoto County

Data collection efforts in DeSoto County were mostly successful. In all, three out of five law enforcement agencies participated in data collection. Horn Lake Police Department was able to provide the MS-SAC with complete juvenile arrest data for 2005, 2006, and 2007. Olive Branch Police Department provided complete arrest data for 2007 and partial data for 2006. Hernando Police Department provided partial arrest data for 2007. DeSoto County Youth Services and Youth Court provided data for subsequent points of contact for 2006 and 2007.

De Soto County

Juvenile Arrests

Sheriff's Dept.

DATA NOT AVAILABLE

Hernando P.D.

De Soto County

Youth Court

<i>2007</i>	Total	Caucasian	African- American	Hispanic	Asian	Indian	Other
Referrals	1077	562	484	21	9	1	0
Diversion	747	393	328	16	9	1	0
Detention	DATA NOT AVAILABLE						
Petition/Charges Filed	258	125	129	4	0	0	0
Delinquent Findings	258	125	129	4	0	0	0
Probation	227	115	109	3	0	0	0
Secure Confinement	30	9	20	1	0	0	0
Transferred	1	1	0	0	0	0	0
Missing or Unknown	72	44	27	1	0	0	0

<i>2006</i>	Total	Caucasian	African- American	Hispanic	Asian	Indian	Other
Referrals	1242	758	453	28	2	0	1
Diversion	981	581	373	25	1	0	1
Detention	DATA NOT AVAILABLE						

DMC Table 1B: DeSoto County – 2007 (Hispanic Youth)

Data Items

DMC Table 1C: DeSoto County – 2007 (Asian Youth)

Data Items	Rate of Occurrence - Caucasian Youth	Rate of Occurrence - Minority Youth	Relative Rate Index
1. Population at risk (age 10 through 17)	<input type="text"/>		

DMC Table 1D: DeSoto County – 2007 (All Minorities)

2006

DMC Table 2A: DeSoto County – 2006 (African-American Youth)

Data Items	Rate of Occurrence - Caucasian Youth	Rate of Occurrence - Minority Youth	Relative Rate Index
1. Population at risk (age 10 through 17)			
2. Juvenile Arrests	22.95	81.66	3.56
3. Refer to Juvenile Court	245.31	137.27	0.56
4. Cases Diverted	76.65	82.34	1.07
5. Cases Involving Secure Detention	0.00	0.00	--
6. Cases Petitioned (Charge Filed)	19.00	14.35	0.76
7. Cases Resulting in Delinquent Findings	100.00	100.00	--
8. Cases Resulting in Probation Placement	94.44	90.77	0.96
9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	5.56	9.23	1.66
10. Cases Transferred to Adult Court	0.00	0.00	--

Key:			
Statistically significant results:	Bold font		
Results that are not statistically significant	Regular font		
Group is less than 1% of the youth population	*		
Insufficient number of cases for analysis	**		
Missing data for some element of calculation	---		

DMC Table 2B: DeSoto County – 2006 (Hispanic Youth)

Data Items	Rate of Occurrence - Caucasian Youth	Rate of Occurrence - Minority Youth	Relative Rate Index
1. Population at risk (age 10 through 17)			
2. Juvenile Arrests	22.95	27.74	1.21
3. Refer to Juvenile Court	245.31	133.33	**
4. Cases Diverted	76.65	89.29	**
5. Cases Involving Secure Detention	0.00	0.00	--
6. Cases Petitioned (Charge Filed)	19.00	10.71	**

DMC Table 2C: DeSoto County – 2006 (Asian Youth)

Data Items	Rate of Occurrence - Caucasian Youth	Rate of Occurrence - Minority Youth	Relative Rate Index
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DMC Table 2D: DeSoto County – 2006 (All Minorities)

Discussion

Instances of DMC in DeSoto County seemed to be concentrated at the arrest point of contact. In 2006 and 2007, African-American youths were arrested at an alarmingly high rate compared to Caucasian youths, and arrests for minority youths occurred at a rate of approximately four-to-one over Caucasian youths. Subsequent points of contact did not exhibit any obvious instances of DMC, and, in fact, demonstrated a degree of disproportionately high rates for Caucasian youths. One notable exception to this trend was the secure confinement point of contact, where African-American youths were sentenced at a rate of two-to-one over Caucasian youths in 2007.

Results of the analyses for DeSoto County must be interpreted with caution, for a variety of reasons. First, statistically significant RRI estimates do not mean meaningfully different RRI estimates. Some RRI estimates exhibited large departures from one (1.0), yet were not statistically significant. Other RRI estimates were nearly equal to one. This is due to the fact that statis

Harrison County

Data collection efforts in Harrison County were extremely successful. Every agency contacted by the MS-SAC agreed to participate in this project. Considering the impact and devastation of Hurricane Katrina in 2005, it was surprising that each agency in Harrison County managed to recover nearly 100% of their data. Exceptions were the Pass Christian Police Department and Harrison County Sheriff's Department, who, understandably, could not provide data for 2005. The Harrison County Juvenile Detention Center was able to provide the MS-SAC with data regarding detention.

Harrison County

Juvenile Arrests

Sheriff's Dept.	Total	Caucasian	African-American	Hispanic	Asian	Indian	Other
2007	6516	5423	1018	412	75	0	0
2006	6703	5594	1044	337	62	3	0
2005	DATA NOT AVAILABLE						

Biloxi P.D.	Total	Caucasian	African-American	Hispanic	Asian	Indian	Other
2007	392	191	172	14	13	0	16
2006	254	135	111	3	5	0	3
2005	434	237	176	5	11	0	10

Gulfport P.D. Total

Harrison County

Youth Court

2007

DMC Table 3A: Harrison County – 2007 (African-American Youth)

Data Items	Rate of Occurrence - Caucasian Youth	Rate of Occurrence - Minority Youth	Relative Rate Index
1. Population at risk (age 10 through 17)			
2. Juvenile Arrests	426.22	306.29	0.72
3. Refer to Juvenile Court	12.64		

DMC Table 3C: Harrison County – 2007 (Asian Youth)

Data Items	Rate of Occurrence - Caucasian Youth	Rate of Occurrence - Minority Youth	Relative Rate Index
1. Population at risk (age 10 through 17)			
2. Juvenile Arrests	426.22	121.14	0.28
3. Refer to Juvenile Court	12.64	27.45	2.17
5. Cases Involving Secure Detention	49.34		

DMC Table 3D: Harrison County – 2007 (All Minorities)

Data Items	

2006

DMC Table 4B: Harrison County – 2006 (Hispanic Youth)

Data Items	Rate of Occurrence - Caucasian Youth	Rate of Occurrence - Minority Youth	Relative Rate Index
1. Population at risk (age 10 through 17)			
2. Juvenile Arrests	457.68	791.11	1.73
3. Refer to Juvenile Court	12.34	0.00	**

DMC Table 4C: Harrison County – 2006 (Asian Youth)

Data Items

DMC Table 4D: Harrison County – 2006 (All Minorities)

Data Items	Rate of Occurrence - Caucasian Youth	Rate of Occurrence - Minority Youth	Relative Rate Index
1. Population at risk (age 10 through 17)			
2. Juvenile Arrests	457.68	319.24	0.70
3. Refer to Juvenile Court	12.34	39.37	3.19
4. Cases Diverted	0.40	0.94	**
5. Cases Involving Secure Detention	49.20	62.89	1.28
6. Cases Petitioned (Charge Filed)	99.60	99.06	0.99
7. Cases Resulting in Delinquent Findings	16.78	22.22	1.32
8. Cases Resulting in Probation Placement	64.00	46.67	0.73
9. Cases Resulting in Confinement in Secure Juvenile Correctional Facilities	7.20	21.43	2.98
10. Cases Transferred to Adult Court	0.00	0.53	**

Key:	
Statistically significant results:	Bold font
Results that are not statistically significant	Regular font
Group is less than 1% of the youth population	*
Insufficient number of cases for analysis	**
Missing data for some element of calculation	---

Table 4D depicts DMC results for minority Harrison County youths in 2006. RRI estimates indicate some degree of disproportional minority representation at the referral and secure confinement stages. Minority youths were (on average) three times as likely as Caucasian youths to be referred to juvenile court and sentenced to a secure confinement facility. RRI estimates for the remaining points of contact do not indicate any noteworthy instances of disparate contact with minority youths.

2005

DMC Table 5B: Harrison County – 2005 (Hispanic Youth)

Data Items	Rate of Occurrence - Caucasian Youth	Rate of Occurrence - Minority Youth	Relative Rate Index
1. Population at risk (age 10 through 17)			

DMC Table 5C: Harrison County – 2005 (Asian Youth)

Data Items	Rate of

DMC Table 5D: Harrison County – 2005 (All Minorities)

Data Items	Rate of

Juvenile Arrest Totals	Total	Caucasian	African-American	Other
2007	1746	49	1696	0
2006	50	4	45	1
2005	33	8	22	3

Hinds County

Youth Court

2007	Total	Caucasian	African-American	Asian	Other
Referrals	1206	62	1144	0	0
Diversion	889	85	800	4	0
Detention	370	55	315	0	0
Petition/Charges Filed	1096	126	661	0	0
Delinquent Findings	720	72	648	0	0
Probation	180	5	175	0	0
Secure Confinement	8	0	8	0	0
Transferred	3	0	3	0	0

2006	Total	Caucasian	African-American	Asian	Other
Referrals	1992	74	1914	0	4
Diversion	703	35	668	0	0
Detention	7	1	6	0	0
Petition/Charges Filed	1695	169	1526	0	0
Delinquent Findings	268	18	250	0	0
Probation	99	9	89	1	0
Secure Confinement	19	3	16	0	0
Transferred	0	0	0	0	0

2005	Total	Caucasian	African-American	Asian	Other
Referrals	1872	117	1754	1	0
Diversion	774	193	581	0	0
Detention	5	0	5	0	0
Petition/Charges Filed	1105	132	973	0	0
Delinquent Findings	185	13	172	0	0
Probation	61	7	53	1	0
Secure Confinement	20	2	18	0	0
Transferred	0	0	0	0	0

Totals for each point of contact in Hinds County were entered in the DMC spreadsheet to calculate RRI estimates and identify race categories meeting the *one percent rule*. For Hinds County, African-American and Hispanic youths qualified for individual DMC analysis. However, no data regarding Hispanic ethnicity was collected by any Hinds

African-American youths could be analyzed as a separate
ies of other minority categories precluded analysis
ns.

2007

Is County – 2007 (African-American Youth)

	Rate of Occurrence - Caucasian Youth	

2005

DMC Table 8: Hinds County – 2005 (African-American Youth)

Data Items	Rate of Occurrence - Caucasian Youth	Rate of Occurrence - Minority Youth	Relative Rate Index
1. Population at risk (age 10 through 17)			

Discussion

The lack of available data for Hinds County law enforcement agencies precludes any confidence in analysis of DMC at the arrest point of contact. Although RRI estimates for points of contact within the Hinds County Youth Court were reasonably consistent and did not exhibit any considerable departures from proportionality, some results were troubling. RRI estimates for every year indicated that African-American youths were almost twice as likely to be found delinquent (although the RRI from 2006 was not statistically significant). Conversely, Caucasian youths were more likely to have cases diverted than African-American youths by five-to-one in 2005, three-to-four in 2006, and two-to-one in 2007. Although this pattern is not necessarily indicative of DMC, it certainly warrants further investigation.

Overall, results of the analysis for Hinds County are unreliable and at best are only

Summary of Trends and Graphic Analysis

As mentioned previously, RRI estimates are used to identify DMC trends. Examination of each point of contact by year allows each county to det

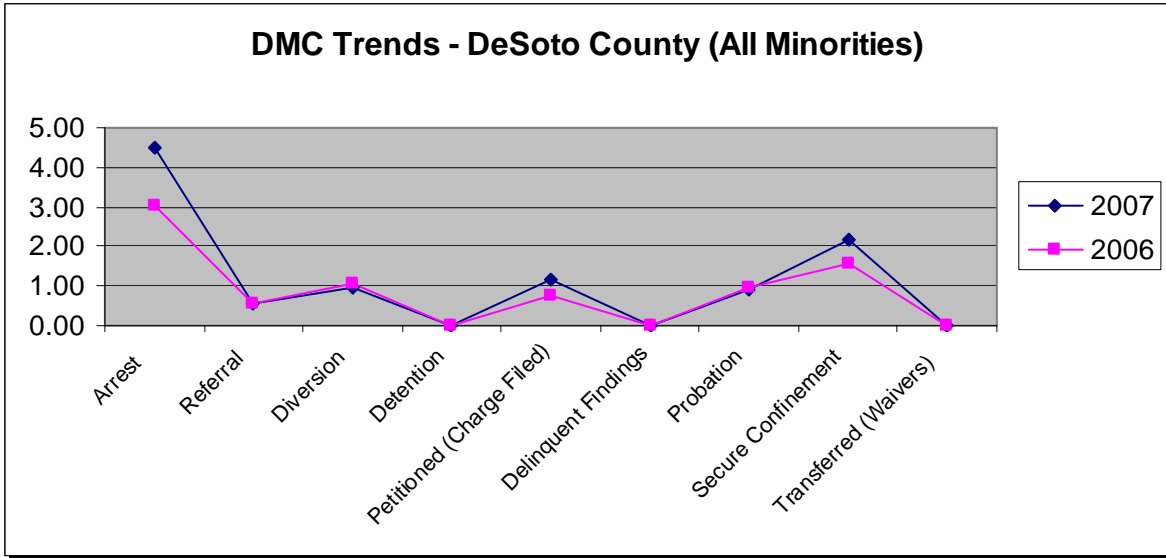
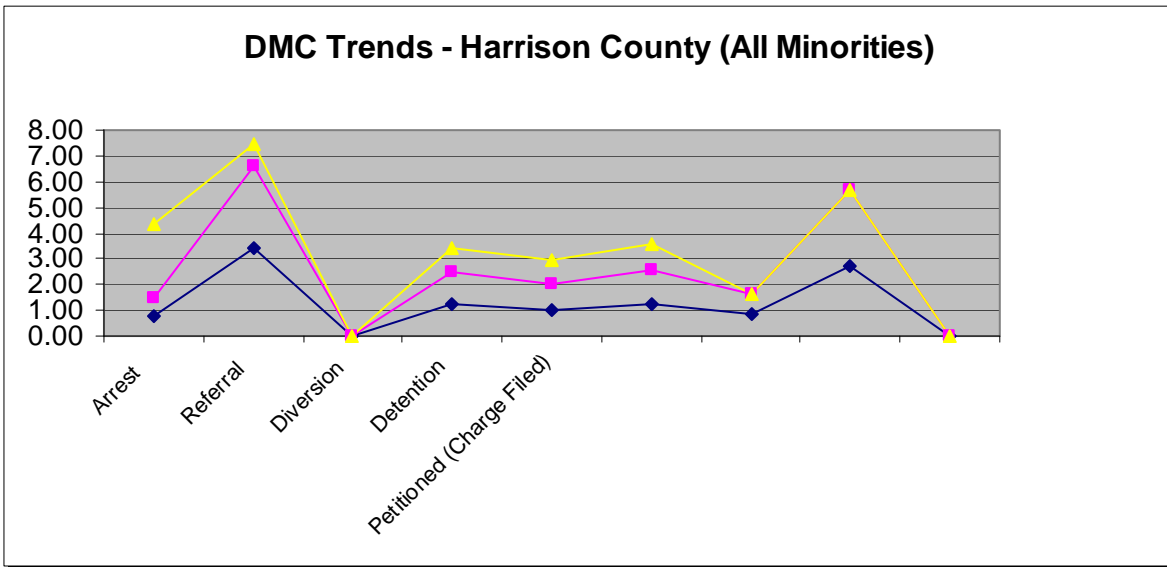


Figure 1.



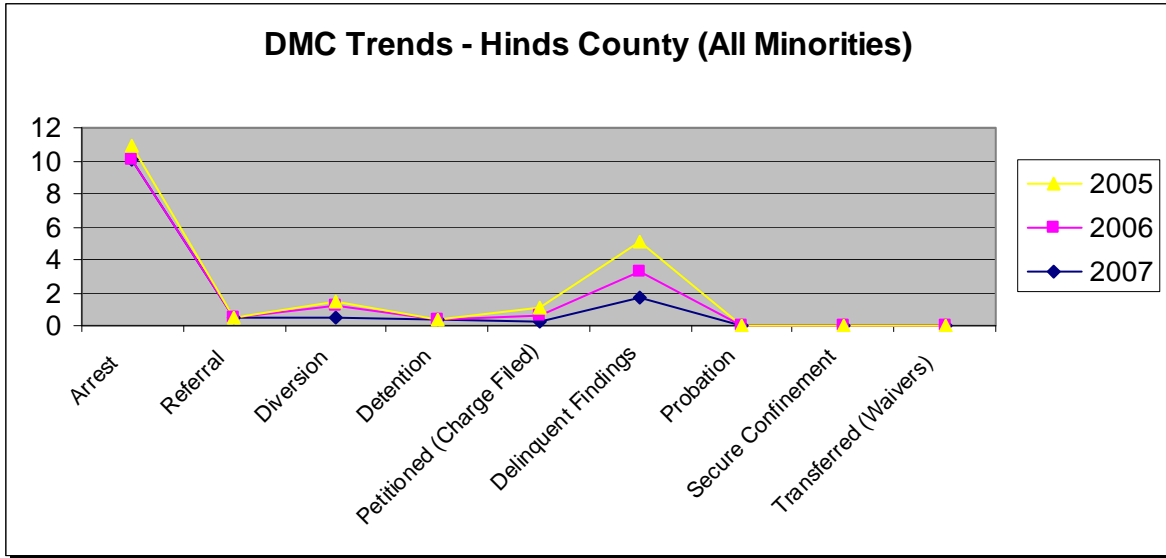


Figure 3.

Figures 1, 2, and 3 allow a visual assessment of RRI trends for each year at each point of contact. Examining graphic representations of RRI estimates is often easier when investigating individual points of contact. Comparing RRI estimates by year provides some measure of consistency with regards to individual agencies. Additionally, this method of analysis allows points of contact to be ranked in order of importance when considering policy adjustments to combat DMC.

Analysis & Conclusions

Typically, the most difficult part of any research project is to synthesize results of various analyses and formulate conclusions based on limited information. For this project, however, data collection was the most difficult task. Although there were several methodological issues which likely affected the accuracy of RRI estimates, several conclusions can be confidently made regarding DMC in Mississippi:

- ***Disproportionate representation does not equate to discrimination.*** It is important to understand that disproportionate minority contact is not directly indicative of prejudice or racism. The purpose of examining instances of DMC is to evaluate each stage of the juvenile justice process and determine if any patterns of DMC exist, and if so, investigate why.
- ***Data collection strategies were vulnerable to repeat offenders.*** Due to the manner in which agencies maintained official records, one juvenile arrested six times over the period of one year would appear as six separate contacts for that year. Currently, there is no way to account for offenders with multiple appearances in the juvenile justice system.
- ***There are stages that warrant further investigation.*** Arrest, referral, and secure confinement are points of contact which exhibited relatively high RRI estimates in the observed counties, specifically those for African-American youths.
- ***RRI estimates were lower than expected.*** Although each county exhibited elevated RRI estimates, no consistent pattern of disparate treatment emerged so as to indicate abusive practices within any agency.
- ***The phrase “statistically significant” is not translated as “meaningful difference.”*** RRI estimates are based on the chi-square distribution. For a number of reasons, most of which are beyond the scope of this report, accepting an RRI estimate based on statistical significance alone is not wise. In this case, sample size (total number of juvenile contacts per year) can affect statistical significance just as easily as disproportionate representation of a minority group at a point of contact. Put simply, RRI estimates should be used to gauge trends and should not be treated as hard evidence of discrimination.

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The Supreme Court continues to disseminate the Mississippi Youth Court

APPENDIX A – Initial Letter to Agencies (January 2008)

Dear Sir or Madam:

My name is Lisa S. Nored. I currently serve as the Director of the Mississippi Statistical Analysis Center which is funded by the Bureau of Justice Statistics and is housed within the Department of Administration of Justice at The University of Southern Mississippi. The mission of the MS-SAC is to provide Mississippi justice agencies and the public with sound statistical information in order to improve the efficiency and effectiveness of the justice system.

In coordination with Mississippi Department Public Safety, Division of Public Safety Planning, the MS-SAC will collect and analyze data regarding the issue of Disproportionate Minority Contact (DMC) in Mississippi. This project is being undertaken in an collaborative effort to ensure that Mississippi is in compliance with the Juvenile Justice Delinquency Prevention Act Section 223 (a)(22) and thus receives all federal dollars to which we are entitled. These funds allow the State to fund state and local programs designed to strengthen and improve our juvenile justice system and to reduce DMC.

Three counties have been chosen as data collection sites for this project. These counties include DeSoto, Harrison and Hinds. In order to successfully complete our project and provide a complete and accurate report to the Office of Juvenile Justice and Delinquency Prevention, data must be collected from the following entities within each jurisdiction: law enforcement agencies, juvenile detention facilities and circuit and youth courts. Data regarding the following contact points is necessary to the project: arrest, referrals, diversion, detention, petition/charges filed, adjudication, probation, confinement in secure facilities and transfers to adult court. Augmentation of existing data will allow a thorough examination of DMC in these three target counties, and will therefore facilitate the ability of Mississippi to prepare a plan to

Approximately one week from the date of this letter, a representative from the Mississippi Statistical Analysis Center will be in contact with your office to answer any questions you may have regarding this project or the agencies involved with the same. Prior to that call, please feel free to contact our office with any questions you may have. We look forward to working with your office in order to successfully complete this project and will forward a copy of the final project report to you and wu3

APPENDIX B – Reminder Letter to Agencies (May 2008)

Dear Sir or Madam:

Thank you for your cooperation in the collection of statistical data regarding Disproportionate Minority Contact (DMC) in Mississippi. Much progress has been made in the three counties originally identified for data collection. However, in order to bring Mississippi into compliance with the Juvenile Justice Delinquency Prevention Act Section 223 (a)(22) complete information from agencies within those counties is required.

Approximately one week from the date of this letter, a representative from the Mississippi Statistical Analysis Center will be in contact with your office to verify the receipt of all data as well as to answer any questions you may still have regarding this project or the agencies involved with the same. Prior to that call, please feel free to contact our office with any questions you may have.

If your department has not provided data, please do so before May 31, 2008. Agencies who have not provided data will be identified as such. If your department is missing data or does not have access to DMC data, please advise the analyst when they contact you. This will ensure that agencies are classified appropriately.

We look forward to working with your office in order to successfully complete this project and will forward a copy of the final project report to you upon completion. Again, thank you for your continued assistance with this project.

Sincerely,

Lisa S. Nored, J.D., Ph.D.
Director, MS-SAC
Mississippi Juvenile Justice State Advisory Group
DMC Sub-Committee Co-Chair