

# Indiana Disproportionate Minority Contact (DMC) Definitions for Decision Points

## I. Arrest

Definition: A child is considered arrested when the child is taken into custody and/or referred to juvenile court by a law enforcement agency for having committed a crime delinquent act.

Commentary: Although status delinquent acts are not included in the DMC definition of arrest, Indiana collects this information separately.

## II. Juvenile Referral

Definition: A referral is any written report or document received by the probation department or prosecuting attorney indicating that a child committed a delinquent act, including a status offense under Indiana law.

Commentary: Sources of written referrals vary from county to county and may include citizens, government entities, schools, law enforcement, merchants, or parents.

Commentary: Written referrals must include the date of birth, gender, race and ethnicity of the juvenile. The race and ethnicity information may be obtained in the following manner:

When inquiring about race, the juvenile should first be asked if he or she is:

- Hispanic or Latino or
- Non/not Hispanic or Latino.

The juvenile should then be asked to indicate which of the following racial category/categories applies to him or her.

- Asian
- American Indian or Alaska Native
- Black or African American
- Native Hawaiian or Other Pacific Islander
- White
- Multi-racial
- Other

### **III. Diversion**

Definition: A diversion is the handling of a referral without the filing of a delinquency petition.

Commentary: A decision or action by probation or a prosecuting attorney which results in any of the following should be counted as a diversion:

- No action taken;
- Warn and release;
- Informal adjustment;
- Recommendation to an agency for programs and/or services; or
- Transfer of a case to another county.

### **IV. Detention**

Definition: 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 IDOC.

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.

### **V. Petition Filed**

Definition: A filing of a written petition alleging the child is a delinquent child by the Prosecuting Attorney.

### **VI. Found Delinquent**

Definition: A Court issues an order finding the child is a delinquent child after an adjudicatory hearing in a court of competent jurisdiction.

### **VII. Probation**

Definition: Probation cases are those cases in which a youth is placed on court-ordered supervision following a juvenile court disposition.

## **VIII. Secure Confinement**

Definition: Secure confinement includes youth, following a court disposition, which are placed or held in a secure detention facility licensed by the Indiana Department of Correction (IDOC) or placed or held as ward of the Indiana Department of Correction for housing in a correctional facility for children.

Commentary: Placement in confinement for diagnostic or assessment purposes should not be counted for this purpose.

## **IX. Waiver**

Definition: 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 Ind. Code § 31-30-3-1.

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.

## **X. Motion for Waiver Filed**

Definition: A filing of a motion by the Prosecuting Attorney seeking waiver of the child to a court 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.

## **XI. Direct File**

Definition: Direct file is 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.

*Note: These decision points do not cover predispositional detention alternatives and post-dispositional placements generally.*