Reducing Racial and Ethnic Disparities in Juvenile Justice Systems

PROMISING PRACTICES

POLICY UPDATE | SEPTEMBER 2014

Crime policies and school, police, and juvenile court practices have led to a disproportionate focus on—and more punitive responses to—the behavior of youth of color. Despite the fact that crime rates and youth confinement have fallen sharply, youth of color remain disproportionately represented at nearly all contact points in the juvenile justice system—from arrest through charging, confinement, and transfer to adult court.

Many states have begun implementing reforms to help reduce racial and ethnic disparities in the juvenile justice system. Thanks to the support of the John D. and Catherine T. MacArthur Foundation’s Models for Change Initiative, Pennsylvania has implemented effective, data-driven reforms in several jurisdictions to reduce racial and ethnic disparities at many points in the juvenile justice system. This policy update draws on the work in Pennsylvania, as well as that in other jurisdictions—many of which have also been supported by Models for Change—to identify key policy recommendations that may help other jurisdictions reduce racial and ethnic disparities in detention and out-of-home placements.

POLICY RECOMMENDATIONS FOR REFORM

Engage Juvenile Justice Professionals and Diverse Members of the Community in Addressing Racial and Ethnic Disparities

Racial and ethnic fairness is a complex issue that involves all aspects of the juvenile justice system and impacts many different community members. Often, as happened in Pennsylvania, juvenile justice professionals—including judges, prosecutors, defenders, and probation staff—form a steering committee or working group to address the issue of disparities. It is important
that these steering committees also include and work collaboratively with community members,
such as formerly system-involved youth and their families, advocates, police, schools, clergy,
members of community organizations, and mental health service providers, as they are most
directly impacted by the problem and can bring a sense of energy and urgency to the work.\textsuperscript{4} In
Pennsylvania, the committee expanded beyond the “traditional” players to include many
different voices, which led to the development of more culturally competent services, greater
collaboration among youth-serving agencies, and, in one jurisdiction, a brand new federal grant
to help at-risk youth.\textsuperscript{5} Other examples of community collaboration include the following:

- The Cook County, Illinois, Disproportionate Minority Contact (DMC) Workgroup
  includes many non-system stakeholders, including community-based service providers,
grassroots leaders, and community residents.\textsuperscript{6}
- In Washington State, the Benton-Franklin Counties’ DMC coordinator and her colleagues
  engaged the community in identifying causes of racial disparities and developing
  solutions. They helped to facilitate a sixteen-member Latino community leaders group
  and also helped to facilitate numerous meetings of African-American community
  leaders.\textsuperscript{7}

\textbf{Collect Data Regularly and Use it to Guide Decision-Making}

Regular data collection and analysis is necessary to understand the characteristics of justice-
involved youth and to identify areas of disparity. It is important to collect data from each of the
key decision points\textsuperscript{8} in the juvenile justice process in order to learn at which point disparities are
occurring and where they are most significant. This information can then be used to most
effectively design strategies to address the inequities.\textsuperscript{9}

Some localities fail to separate race and ethnicity categories when surveying youth, which leads
to inaccurate and incomplete data; for example, it would prohibit a youth from identifying his
race as black \textit{and} his ethnicity as Hispanic. This can lead to an undercounting of Hispanic youth
who choose to report their race, but not their ethnicity.\textsuperscript{10} Pennsylvania improved the accuracy of
its data by separating race and ethnicity into two separate questions.\textsuperscript{11}

Other communities have looked to more accurate and thorough data collection as a means to
evaluate and reduce disparities:

- Rapides Parish, Louisiana adopted the two-question approach to race and ethnicity, and
  standardized the data that different law enforcement agencies collect on youth.\textsuperscript{12}
- Union County, North Carolina separated race and ethnicity questions, and also added a
  third question regarding a youth’s language preference.\textsuperscript{13}
Through data collection, Connecticut was able to identify those decision points at which disproportionality was most prevalent and evaluate which strategies were most effective. Ethnic and racial minorities were found to be transferred to adult court at significantly higher rates; as a result, the 2009 study recommended training for all prosecutors to understand DMC and their role in reducing it.\textsuperscript{14}

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) recommends that jurisdictions collect data on the English language proficiency of youth and their families as well as data on other family characteristics, such as national origin and household composition. This data will help officials to gain a more thorough understanding of their community so that they can provide more culturally and linguistically competent interventions (see below for more information on culturally and linguistically competent interventions).\textsuperscript{15}

### Use Structured Decision-Making Tools

Objective, structured decision-making tools,\textsuperscript{16} such as detention risk assessment instruments, help intake staff make objective decisions regarding whether to recommend detaining a youth based on criteria such as prior failure to appear, current charges, and previous violations of conditions of release. By reducing individual discretion, structured decision-making tools can help to mitigate unconscious bias and reduce racial and ethnic disparities. Several jurisdictions in Pennsylvania implemented objective assessment tools that contributed to reduced use of out-of-home placements for all youth, including youth of color.\textsuperscript{17} Many other localities have reduced out-of-home placements and racial and ethnic disparities in the system by implementing structured decision-making tools:

- Rapides Parish, Louisiana developed and implemented a detention screening instrument in 2008 to ensure that law enforcement officials make objective decisions regarding detention of youth. A 2010 study found that use of the screening instrument has resulted in a significant reduction in the proportion of African-American youth being detained.\textsuperscript{18}
- In North Carolina, the state Division of Juvenile Justice piloted a detention assessment instrument from January through June of 2012, which resulted in a 22 percent overall reduction in detention admissions from the previous year, including a 24 percent reduction for African-American youth and a 16 percent reduction for Latino youth.\textsuperscript{19}
- Kenosha, Outagamie, and Rock counties in Wisconsin began using the Youth Assessment and Screening Instrument (YASI) during their case planning process to help them make decisions regarding confinement that were race-, gender-, and culture-neutral. In Rock County, through the use of the YASI and a graduated sanctions probation violation program, placements of youth in state correctional facilities dropped 88 percent between 2007 and 2009, and detention of youth of color for probation violations also declined.\textsuperscript{20}
Develop More Community-Based Alternatives

Increasing and expanding pathways out of the juvenile justice system can help to reduce the disproportionate numbers of youth of color that are securely detained or are confined after adjudication. By developing more diversion programs and community-based alternatives to incarceration—such as evening reporting centers and evidence-based treatment programs in the community—jurisdictions have been able to reduce the number of youth of color who are confined and overall racial and ethnic disparities in their juvenile justice systems.21

Lancaster County, Pennsylvania reduced its detention population by 12 percent and also reduced the percentage of minority youth detained after it implemented a detention assessment instrument (see above) and opened an evening reporting center.22 Berks County, Pennsylvania also implemented a detention assessment instrument and opened an evening reporting center; these changes helped reduce the county’s detention population by 60 percent from 2007 to 2011, and resulted in an average of 16 fewer Latino youth and five fewer African-American youth detained on any given day.23 A number of other states have implemented successful programs in the community:

- Baltimore, Maryland started the Pre-Adjudication Coordination and Transition (PACT) Center, which provides support services to youth so that they do not have to be detained pending trial. Ninety-nine percent of the youth served at the PACT Center between July 2007 and March 2010 were African-American. Of the more than 400 youth served, 98 percent appeared for their scheduled court hearings and 92 percent did not reoffend while participating in the program.24
- From 2002 to 2010, Rock County, Wisconsin implemented six new community-based supervision programs, including Aggression Replacement Therapy, substance abuse services, and a weekend and evening report center. The county saw a 35 percent reduction in the number of youth of color locked up for probation violations, and a 30 percent reduction in the average daily population of African-American youth in secure detention.25
- Ventura County, California developed an evening reporting center which, combined with other strategies, reduced admissions of Latino youth to detention for violations of probation by 53 percent from 2009 to 2012.26
Enhance Cultural and Linguistic Competence

Cultural and language barriers can make the juvenile justice system even more difficult for some youth and their families to navigate. It can further youths’ penetration into the system in a number of ways, such as by harming their ability to effectively participate in the court process, limiting their ability to understand and communicate effectively with probation officers, and lessening their ability to connect with and succeed in community-based programs. Effective communication and cultural understanding are prerequisites to a fair, efficient, and effective justice system and can help to reduce the disproportionality of youth of color in the system. Below are a few ways to enhance these competencies.

• **Develop Culturally Competent Programs and Services**
  Evidence-based practices may need to be adapted in order to be effective with the actual population of youth served; programs may be adapted based on language, racial or ethnic group, and/or geographic setting. Proponents of these “cultural adaptations” recommend them as a bridge between evidence-based practice and the need for cultural competence so that the programming aligns with the youth’s worldview. Examples of culturally competent services include:

  o Pierce County, Washington developed a culturally competent Functional Family Therapy (FFT) program to better engage African-American youth. While studies have found FFT to be effective in reducing recidivism, few African-American youth in Pierce County were responding to the program until the program engaged a provider who could effectively relate to African-American youth and their families. Development of this specialized caseload led to a dramatic increase in the program completion rate for African-American youth—from 45 percent to 100 percent.

  o The Sovereign Tribal Nation of Sicangu Lakota, located in Rosebud, South Dakota, worked to increase alcohol and drug treatment and prevention services to young people and their families in the community in a culturally competent way. They incorporated Lakota cultural practices such as archery, beadwork, and outfit-making, and promoted indigenous practices, such as peacemaking and family group decision making, to repair harm and keep cases out of the court system.

• **Train Juvenile Justice Professionals**
  Provision of cultural competency training for professionals who work with justice-involved youth—such as probation officers and court staff—can help enhance communication with youth and families.
• Santa Cruz County, California hired a consultant to provide multicultural training for juvenile justice staff on working with Latino youth and families. The consultant helped to alter treatment approaches and include families in the treatment process. The county also hired translators to assist non-English-speaking families with navigating the court process. The changes increased family members’ ability to advocate for youth.\(^{31}\)

• The New York City Department of Probation requires cultural competency training for all probation staff so they will be able to interact with youth in a culturally competent manner that “embraces an ‘acceptance’ of the community in which the [youth] resides” and will be able to connect with the youth efficiently and effectively.\(^{32}\)

• The Oregon Juvenile Crime Prevention Advisory Committee adopted a policy requiring counties to ensure that services be culturally appropriate and gender-specific. The committee commissioned the Office of Minority Services within the Oregon Youth Authority to design training and technical assistance for counties on cultural competency and gender-specific programming.\(^{33}\)

• **Break Down Language Barriers**

Even though federal law requires state courts to meet federal language access requirements—such as providing free interpreters for court proceedings—states do not always comply with these requirements.\(^{34}\) In addition to advocating for states to meet these federal requirements, localities have taken other steps to improve linguistic competence:

• Some jurisdictions in Pennsylvania got help from community members to translate court forms and information into languages other than English, while other jurisdictions built up the Spanish-language proficiency of their juvenile justice staff.\(^{35}\)

• In Santa Cruz County, California the probation office aims to have a Spanish-speaking staff member at every stage of the juvenile justice process. The office partners with a community-based agency that helps prepare families of Latino youth in the system for what they should expect and explains court processes.\(^{36}\)
Improve Youth-Police Relationships

To help reduce disparities at the arrest stage, as well as to reduce the number of overall arrests, many communities conduct training programs for law enforcement that help police to develop skills that enable more positive interactions with youth, particularly youth of color. In Pennsylvania, many jurisdictions train law enforcement on adolescent development, youth culture, and understanding the environmental bases for adolescent behavior. The training also brings youth and police together for annual discussion forums. Examples of law enforcement training programs include:

- Florida jurisdictions now use the training model developed in Pennsylvania. Staff from Philadelphia have traveled to Florida to prepare their new trainers.
- Since 2007, Connecticut has trained police officers with a curriculum to help officers better understand youth development, strategies for interacting more positively with youth, and how to treat youth equally. A 2008 evaluation found the training had a lasting positive impact on officers’ attitudes towards youth. Connecticut has also conducted their training for law enforcement in a number of other states, including Idaho, Kentucky, Louisiana, Maine, Montana, New Hampshire, New Jersey, North Carolina, Ohio, Oklahoma, South Carolina, and West Virginia.
- The non-profit organization “Strategies for Youth” provides a training program for police officers that involves community-based youth-serving organizations and local youth. The program teaches officers about adolescent development, strategies for working with teens with mental health issues, cultural issues affecting adult/youth interactions, and recognizing and addressing implicit bias. Strategies for Youth trained officers in Cambridge, Massachusetts in 2004; arrests of youth decreased by 71 percent from 2006 to 2012. After officer training in Everett, Massachusetts in 2007, arrests of youth decreased 52 percent from 2007 to 2010. This training has also been used in California, Connecticut, Massachusetts and Ohio.

CONCLUSION

Racial and ethnic disparities are still all-too prevalent at every stage of the juvenile justice process. Changing this endemic problem will take a village—the commitment of juvenile justice professionals working in the system, continued pressure and education from the advocacy community, and the input and guidance of youth, families, and community members most affected by disparate policies and practices. The good news is that progress can and has been made by communities working together to utilize many of the reforms outlined above.
For more information on this topic, please refer to the source documents, the **Models for Change Initiative** and its **Disproportionate Minority Contact (DMC) Action Network**, and additional resources below.

**FOR MORE INFORMATION**

- *Unbalanced Juvenile Justice*, W. Haywood Burns Institute. An interactive online tool with state and county data on racial disparities in the juvenile justice system, and more.

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1 This policy update defines the term “youth of color” as youth who are African American, African Caribbean, Latino/Latina/Hispanic, Asian American/Pacific Islander, and American Indian/First Nations/Native American.


8 OJJDP recommends that states collect disparity data at the following key juvenile justice decision making points: arrest, referral to court, diversion, case petitioned, secure detention, delinquency finding, probation, confinement in a secure correctional facility, and case transferred, certified, and waived to adult criminal court. U.S. Department of Justice, “OJJDP in Focus: Disproportionate Minority Contact” (Washington, DC: Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, November 2012), 2, at http://www.ojjdp.gov/pubs/239457.pdf.
15 Maria F. Ramiu and Dana Shoenberg, “Strategies for Serving Hispanic Youth,” 7-1.
24 Balck, Advances, 18.
27 “Cultural competence” refers to the ability of juvenile justice system professionals—such as police, probation and correctional staff, attorneys, judges, and program providers—“to understand and respect values, attitudes, beliefs, and mores that differ across cultures and to respond appropriately to these differences” in interacting with youth and their families, and in planning and implementing programs for them. See Curricula Enhancement Module Series, “Definitions of Cultural Competence,” National Center for Cultural Competence, Georgetown University Center for Child and Human Development, accessed January 6, 2014 at http://bit.ly/1hgs8X0. By “linguistic competence,” we are referring to communication that conveys information to youth and their families in a way that is easily understood by diverse audiences, such as those with limited English proficiency or low literacy skills.