5 Key Facts to Know About Racial Disparities in the Youth Justice System

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Most communities in the United States experience racial and ethnic inequities in their juvenile justice system – meaning that youth of color experience the justice system differently from white youth. Youth of color are more likely to be arrested, detained, and confined than white youth, and are more likely to be tried as adults.¹ These disparities have deep historical roots reaching back long before the founding of the juvenile justice system in this country.² This fact sheet highlights key facts to understand about the intersection of racial justice and the juvenile justice system.

1) Youth of Color Don’t Engage in More Delinquent Acts than White Youth
   Differing rates of delinquency among youth of different races and ethnicities do not explain the vast disparities in their involvement at various points in the juvenile justice system.³ 2015 survey data compiled by the Centers for Disease Control and Prevention (CDC), shows that black, Hispanic, and white youth are engaged in illegal behaviors at similar rates.⁴

2) Disparities Can be Found Across the United States
   In 2015, youth of color comprised a majority (69 percent) of the more than 47,000 youth incarcerated on any given day, and were significantly more likely to be incarcerated than white youth—black youth were 5 times as likely, Native American youth were 3.1 times as likely, and Latino youth were 1.6 times as likely to be incarcerated as white youth.⁵ When the data is broken down by decision point in the juvenile justice system, it shows over-representation of youth of color throughout the process from arrest through court referral and placement out of home.⁶
3) **Racial and Ethnic Disparities Have Grown as Youth Incarceration Rates Have Fallen**

Nationally, the rate of youth incarceration has fallen from 355 per 100,000 youth in 1997 to 152 per 1000,000 in 2015. In total numbers, there was a high of 110,126 total youth locked up on any given day in 2000 and that number fell to 48,043 in 2015.7

However, racial disparities in confinement have been growing. African-American youth were approximately four times as likely as white youth to be incarcerated in 2001 and are five times as likely today. Disparities grew in 37 states and shrank in only 13.8

4) **Implicit Biases Play Role in Disparities**

Implicit bias involves the unconscious use of attitudes or stereotypes that affect our understanding, actions, or decisions.9 The pervasiveness of negative stereotypes about youth of color in America has led many people to associate youth of color with crime and dangerousness,10 and often implicit biases impact juvenile justice system decision makers. Biases of key decision makers, such as police officers, judges, and probation officers,11 play a role in perpetuating disparities in the juvenile justice system.12

5) **Policies and Resource Distribution Drive Disparities**

There are numerous system and resource issues that lead to these racial and ethnic disparities. School disciplinary policies in which students are suspended, expelled, and arrested for minor disciplinary infractions, have been shown to disparately affect students of color and can start youth on a path of further delinquency.13 The high distribution of law enforcement to the streets and schools in low income communities that are majority people of color leads to increased arrests for frequently non-criminal behavior, such as truancy, curfew violations and loitering.14 Services are often lacking in communities of color, whether that be diversion programs, victims’ services, positive youth programming or family support services.15

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5 Data was compiled by The Burns Institute from data provided by the Office of Juvenile Justice and Delinquency Prevention from their one-day count data which shows how many youth are detained, committed, or otherwise sleeping somewhere other than their home by court order on any given day in a particular year. The W. Haywood Burns Institute, “Unbalanced Juvenile Justice,” accessed Aug. 17, 2017, http://data.burnsinstitute.org/about.


8 Rovner, “Still Increases in Racial Disparities in Juvenile Justice.”


12 Studies by Goff and colleagues found that officers overestimated the age of black and Latino male youth suspects, though not of white youth, and overestimated black youths’ ages the most. Phillip Atiba Goff, Matthew Christian Jackson, Brooke Allison Lewis Di Leone, Carmen Marie Culotta, and Natalie Ann DiTomasso, “The Essence of Innocence: Consequences of Dehumanizing Black Children,” Journal of Personality and Social Psychology 106: 4 (2014): 533-35, http://bit.ly/1C7mE6C; Studies of juvenile justice system stakeholders found “evidence of bias in perceptions of culpability, risk of reoffending, and deserved punishment for adolescents when the decision maker explicitly knew the race of the offender.” Henning, 420; Research found that judges carry implicit biases about race that can affect their judgment. Soler, 29; citing Rachlinski et al., 2009.

13 “A disproportionately large percentage of disciplined students are youth of color, students with disabilities, and youth who identify as lesbian, gay, bisexual, or transgender (LGBT).” Emily Morgan, Nina Salomon, Martha Plotkin, and Rebecca Cohen, “The School Discipline Consensus Report: Strategies from the Field to Keep Students


15 Spending on the police vastly outpaces spending on community resources and services in many jurisdictions – including spending on youth programs, mental health services, and education. Violence Prevention Coalition, LA for Youth, and Youth Justice Coalition, “Building a Positive Future for LA’s Youth” (June 2012): 8, http://bit.ly/2ngW4PH.