

Disparities in Juvenile Justice System

By [Dan Gorenstein](#) on Thursday, August 7, 2008.

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In New Hampshire African American children between the ages of 10-17 are three times more likely to be arrested as white ten to seventeen year olds.



That's according to the most recent statistics from the state's Division of Juvenile Justice.

A committee made up of police officers, judges and advocates has begun to dig into the root causes of the disparity.

New Hampshire Public Radio's Dan Gorenstein reports.

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Patrina Rivera remembers when her son Sammy- who was 15 at the time- ended up in court over a fistfight as school in Nashua.

T.511

7:39 at the age that he was...I thought they would look at the whole situation, realize he was defending himself, and the case would be dropped. But instead they sent him away.

Sammy was ordered to spend six months detention in Somersworth.

The worst thing he had done up to then was cut school.

As a rule, Rivera doesn't see the world in black and white...not blaming the troubles she and her family face on being black.

But after Sammy got that punishment, she couldn't see it any other way.

T.511

9:19 'if he was a white kid, would it have happened the same way?' I don't think it would have happened the same way.

Even though her son wasn't arrested, Rivera says she's experienced enough to believe people of color in New Hampshire are treated differently by the police and the courts.

Eddie Edwards knows that perception has become reality for some Hispanics and African Americans in the state.

Edwards- who is black - is heading up the committee to investigate the disparities.

The former police officer says, clearly, prejudice is a contributing factor.

T.473

17:44 I think we would have to be absolutely lying to ourselves if we didn't believe that racism didn't affect every profession and every race. But equally importantly, I don't believe there are racist police departments. I don't believe we have a racist juvenile justice system. But on an individual degree definitely.

Every year, most states report on the race of the people in their juvenile justice systems to the federal government

then juvenile justice systems to the federal government.

The statistic goes by the cumbersome moniker Disproportionate Minority Contact, or DMC.

In the most recent New Hampshire report two numbers stand out.

Black kids are three times more likely than white kids to be arrested.

Hispanic kids who have been arrested are twice as likely to have their cases go to court as their white counterparts.

As Edwards has begun to investigate, he's set a tone on his committee- hold people accountable, but don't go pointing fingers.

T.473

11:58 the difficulty we have with this is that we are discussing race. And the natural tendency is for people to look at that where is the racism? And we are not looking for that. We are looking for how do we make changes.

Edwards knows that if he can't build lasting relationships within the justice system, he's not going to get the cooperation he needs to move forward.

After a year on the committee, he says the mayor's, chiefs of police and judges in Manchester and Nashua have taken the issue very seriously.

Clearly, the situation is still delicate.

The Manchester Police Department did not return repeated calls for comment.

Nashua Police Detective Sergeant Frank Sullivan says he doesn't believe the department needs to make changes in light of the findings.

Sullivan strongly rejects the idea that these statistics are any sort of indictment.

:39.. there are many explanations for DMC....the fact that DMC exists doesn't prove that minority youth are being treated unfairly, or improperly.

At the same time, the Nashua Police have sent officers to DMC meetings, and Detective Sergeant Sullivan says his department believes it's important to get at what's behind the numbers.

2:36 if you live in the US, you have to assume that race, poverty and crime is all intertwined.

That's University of Chicago researcher Jeffery Butts.

Butts thinks a host of factors drive disparities in the juvenile justice system.

School performance, parental supervision, whether a kid takes drugs, the fact that police spend more time in minority neighborhoods....

10:38...you could throw in a lot of factors into the hopper to try to come up with an equation to predict the difference. And you would never explain it completely. But you have to look at social factors beyond race in order to understand the origins of racial disparity.

Just to show how complicated the whole thing is, Butts tells a story about a day he spent in a courtroom.

He saw two young offenders- one white, one black- similar charges, similar records.

12:09 the AA had no one with him. had a bad attitude in court. Did not respect the proceedings, stared at the floor, made grunting noises in response to the judge.

The judge had that teenager locked up.

The other was sent home.

12:28 the white youth on the other hand had two parents, a minister, a counselor and a defense attorney, standing behind him, with their hands on his shoulders speaking out for him, and acting very assertive, and the judge is more likely to say I think this family can handle this problem. I don't want to spend state money on a locked facility for this person when it could be the family can handle it. now is that racism? Is that discrimination? Or is that sensible decision making by the court? It had a racist impact. But you can't attribute it to malevolence or to discrimination.

Butts says when disparity numbers pop up, Juvenile Justice officials need to review the system for any policies that lead to unintended discrimination.

The state has contracted the Minority Health Coalition to do just that.

One problem that's been discovered is a number of court documents are only available in English.

The Minority Health Coalition's Lynn Clowes says another issue is that in Nashua, at least, people of color aren't taking advantage of diversion programs.

18:00...that really helps them. They end up with community consequences and something that is appropriate to what they did. And some counseling that is appropriate to where they are in their life. They don't end up with a record, they don't end up locked up. And that changes the trajectory of their lives.

Clowes says part of the problem is that people have to kick-in \$150 to help cover the costs.

She says a more elemental concern is that plenty of people apparently don't know the option exists.

Clowes says in the coming months the Coalition plans to hire a handful of advocates that can help families navigate the court system.

23:09 nine mentors...we are chipping away...the ideas aren't small, but the steps are small. And this is the only way we change systems....I am actually quite optimistic. Do I think we have a long way to go? Yes.

Clowes and others on the committee know there's no quick answer to explain the disparity.

Glinda Allen, who works with Clowes at the Minority Health Coalition, believes the most difficult challenge to reversing the trend will be getting people to stop being suspicious of each other.

Allen, who is black, says, right now, she gives her son strict instructions to watch himself.

19:08...If you get stopped by a cop, stop. You don't say nothin'. You be still. Don't move.'...so my son, African American male, living in New Hampshire...I've just always wanted to make sure he was safe. Just know that you don't want to see yourself as different, but you are seen as different. That's the way it is.

Allen says as the committee has dug into this work, people have begun to air out their prejudices and their suspicions.

She says that alone has helped key players in the state realize the disparities in the juvenile justice system are real and must be dealt with.

For NHPR News, I'm DG.