Reducing Racial and Ethnic Disparities

JDAI Research and Policy Series

EQUAL JUSTICE UNDER LAW

The foundation of the juvenile justice system rests on the laws being fairly enforced. When racial and ethnic disparities exist this principle in undermined. Youth of color are increasingly disproportionately represented at all points of contact in the system. Using data and objective screening and being aware of our implicit biases, our juvenile justice system can assure appropriate outcomes for each individual juvenile while reducing inequity.

Each day 90,000 youth in the U.S. will sleep somewhere other than their homes. For Latino youth the chance of this occurring is more than double that of White youth. For Black youth the chance of this occurring is more than five times that of White youth.[1]

What We Know: racial and ethnic disparities exist across all points of contact in the juvenile justice system.

Disparities in School Discipline, Arrest and Pre-Trial Procedures

- Black children represent **18%** of preschool enrollment, but **48%** of preschool children receiving more than one out-of-school suspension.[2]
- Black students are suspended and expelled at a rate **three times** greater than white students.[3]
- Schools with more students of color are more likely to have zero tolerance policies resulting in more suspensions and expulsions.[4]
- While black students represent 16% of student enrollment, they represent 27% of students referred to law enforcement and 31% of students subjected to school-related arrests.[5]
- Although White youth report carrying weapons to school at slightly higher rates than Black youth, Black youth are more than **twice** as likely to be arrested for weapons possession.[6]

- Youth of color make up **35%** of the total U.S. youth population, but **65%** of youth who are securely detained pre-adjudication.[7]
- Although White youth, Black youth and Latino youth report using drugs at similar rates, Black youth are detained for drug offenses at almost 5 times the rate of White youth, and Latino youth are detained at twice the rate of White youth.[8]

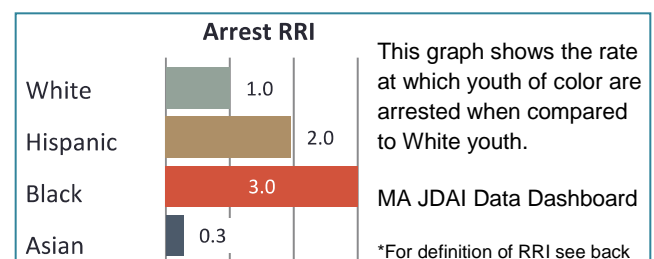### Disparities in Sentencing and Future Involvement in the Justice System

- African-Americans, Hispanics, Asians, Pacific Islanders and Native Americans comprise a combined **one-third** of the nation's youth population but account for over **two-thirds** of the youth in secure juvenile facilities.[9]
- Minority youth receive harsher treatment at every stage of the juvenile justice process.[10]
- Minority juveniles are confined and sentenced for longer periods and are less likely to receive alternative sentences or probation compared to White juveniles.[11]

Accumulated Disadvantage

From 2002-2004, African American youth in the U.S. were:
- 16% of youth
- 28% of juvenile arrests
- 30% of referrals to juvenile court
- 37% of the detained population
- 34% of youth formally processed by the juvenile court
- 30% of adjudicated youth
- 35% of youth judicially waived to criminal court
- 38% of youth in residential placement
- 58% of youth admitted to state adult prison

While "equal justice under the law" is the foundation of our legal system, and is carved on the front of the U.S. Supreme Court, the juvenile justice system is anything but equal for all.

Arrest RRI

White	1.0
Hispanic	2.0
Black	3.0
Asian	0.3

This graph shows the rate at which youth of color are arrested when compared to White youth.

MA JDAI Data Dashboard

*For definition of RRI see back

Information above provided by the National Council on Crime and Delinquency.
http://www.nccdglobal.org/sites/default/files/publication_pdf/justice-for-some.pdf

Promising Practices:

Throughout the U.S., reform initiatives exist and are working to combat the problem of racial and ethnic disparities in the juvenile justice system. Components that each of these initiatives has in common are: [13]

- Developing collaboration between justice system stakeholders, families and community members.
- Identifying decision points in the justice process where these disparities most often occur.
- Regularly collecting and analyzing data, including calculating the Relative Rate Index, at these decision points.
- Utilizing objective screening and assessment tools at each decision point.
- Creating alternatives to secure detention.
- Developing plans to reduce disparities with measurable objectives.
- Monitoring and evaluating the progress made.

Research shows that implicit bias exists in the juvenile justice system and contributes to racial and ethnic disparities.[14] Strategies exist to consciously counteract this implicit bias in decision-making. Starting a dialogue around racial and ethnic disparities is the first step in making progress toward reducing, and eventually eliminating, racial and ethnic bias in the juvenile justice system.

Photo taken by Richard Ross   www.juvenile-in-justice.com

National Outcomes of Utilizing Objective Screening in the Juvenile Justice Process[15]

- **Kansas**: using objective screening, alternatives to detention and case management has produced a 45% reduction in secure detention days while the Relative Rate Index for African-America youth has fallen from 4.16 to 3.49.
- **Pennsylvania**: by using a detention-screening instrument, the average length of stay was decreased by 32% for Latino youth and 50% for African-American youth.
- **Wisconsin**: placing youth in an evidence-based detention diversion program has resulted in a 61% increase in the number of youth of color diverted from detention and a 50% reduction in the number of African-American youth waived into the adult court since 2006.

Sources

[1] W. Haywood Burns Institute, *Adoration of the Question: Reflections on the Failure to Reduce Racial and Ethnic Disparities in the Juvenile Justice System* (2008). http://www.modelsforchange.net/publications/199

[2-3] U.S. Department of Education Office for Civil Rights, Civil Rights Data Collection (March 2014).

[4] Justice for Families, *Families Unlocking Futures* (2012). http://www.justice4families.org/download-report/

[5] U.S. Department of Education Office for Civil Rights, Civil Rights Data Collection (March 2014).

[6] Justice for Families, *Families Unlocking Futures* (2012). http://www.justice4families.org/download-report/

[7] W. Haywood Burns Institute, *Adoration of the Question: Reflections on the Failure to Reduce Racial and Ethnic Disparities in the Juvenile Justice System* (2008). http://www.modelsforchange.net/publications/199

[8] W. Haywood Burns Institute, *The Keeper and the Kept: Reflections on Local Obstacles to Disparities Reduction in Juvenile Justice Systems and a Path to Change* (2009). http://www.jdcap.org/Lists/Announcements/Attachments/3/BI%20Keeper%20Kept.pdf

[9-11] National Conference of State Legislatures, *Minority Youth in the Juvenile Justice System* (2009). http://www.ncsl.org/print/cj/minoritiesinjj.pdf

[12] Justice for Families, *Families Unlocking Futures* (2012). http://www.justice4families.org/download-report/

[13-14] National Center for State Courts, *Trends in State Courts: Reducing Racial and Ethnic Disparities* (2014). http://www.ncsc.org/sitecore/content/microsites/trends-2014/home/~/media/Microsites/Files/Future%20Trends%202014/Reducing%20Racial%20and%20Ethnic%20Disparities_Soler.ashx

[15] John D. and Catherine T. MacArthur Foundation's Models for Change, *Data on DMC Action Network sites*. http://www.modelsforchange.net/about/Action-networks/Disproportionate-minority-contact/Local-sites-and-partners.html

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