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ACTION TO ELIMINATE RACIAL
AND ETHNIC DISPARITIES IN
JUVENILE JUSTICE

Center for Children's Law and Policy

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- Tiana Davis- Policy Director for Equity and Justice
- Roxana Matiella- Director of Alternatives to Incarceration



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Video: The R-Word!

Video: The R-Word (The Daily Show)



http://www.cc.com/video-clips/g65t3j/the-daily-show-with-jon-stewart-the-r-word?xrs=share_copy_email

Common reactions to talking about race



Ground rules: Creating a safe space

- There is no magic bullet. It's hard work.
- The process is part of the product.
- This training is a no-judgment zone. No finger-pointing, no accusations. Leave titles at the door. We're all human.



Training goals

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- Defining RED/DMC
- Strategies for productive conversations about race
- Key values and approaches for effective RED/DMC reform
- Understanding and addressing your own implicit bias
- Role of cultural responsiveness and family/community engagement
- Strategies to reduce disparities at key decision points
- Planning to advance reform-This training is just the FIRST STEP!

RED 101: OVERVIEW OF RACIAL AND ETHNIC DISPARITIES IN THE JUVENILE JUSTICE SYSTEM

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Introduction

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CCLP's work to eliminate disparities:

- Models for Change
- JDAI
- Connecticut
- OJJDP/MacArthur – CO, FL, MA, VA
- OJJDP/Burns Institute –Training &Technical Assistance
- RED Practice Manual
- Georgetown University Center for Juvenile Justice Reform-RED Certificate Program

Why is this issue important?

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- Michael Brown - Ferguson, MO
- Tamir Rice - Cleveland, OH
- Freddie Gray - Baltimore, MD
- Eric Garner - Staten Island, NY
- Alton Sterling - Baton Rouge, LA
- Philando Castile - Falcon Hills, MN



Why it matters: Reform makes us SAFER

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- > Support
- > Accountability
- > Fairness
- > Effectiveness
- > Respect

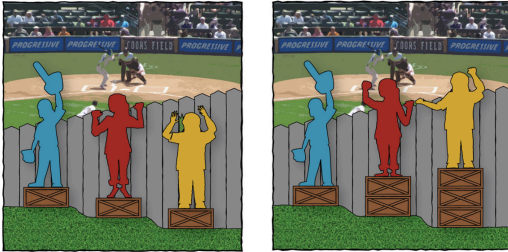
Language matters?

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- “Disproportionate minority confinement”
- “Disproportionate minority contact”
- “Racial and ethnic disparities”
- “Equality, equity and justice”

Equality vs equity

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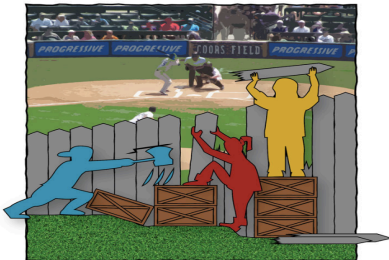
EQUALITY

EQUITY

Source: <http://culturalorganizing.org/the-problem-with-that-equality-vs-equality-graphic/>

Equality, equity and justice

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JUSTICE

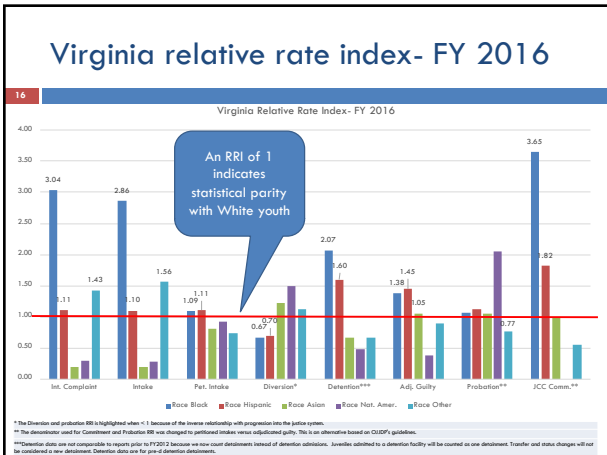
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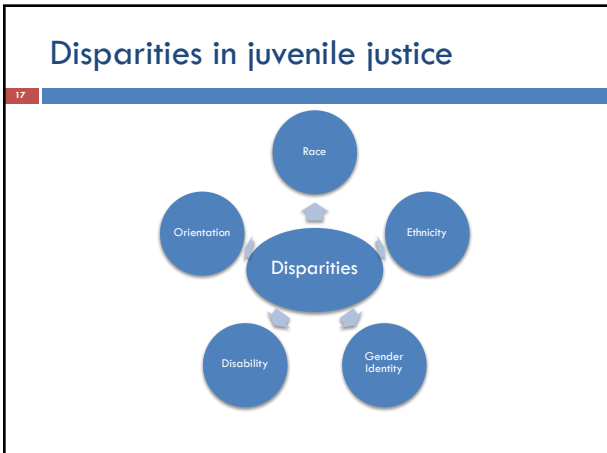
What is the scope of racial and ethnic disparity in juvenile justice?

15

- Disparities accumulate in the system.
- Youth of color are about one-third of the adolescent population, but two-thirds of incarcerated youth.







- ### What are some causes of racial and ethnic disparities in juvenile justice?
- Negative stereotypes and media imagery of youth of color
 - Differential risk factors
 - Differential offending
 - Differential enforcement of the law
 - Differential processing by the juvenile justice system
 - Other systems feeding the juvenile justice system
 - Implicit bias among system actors
 - Structural bias in the juvenile justice system

Two key aspects of this issue

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1. Individual – implicit bias and use of stereotypes
2. System – structural bias and discretionary decision-making by key individuals with implicit (unconscious) bias

History: Bias against youth of color in the juvenile justice system

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- African-American youth**
 - NY House of Refuge (1834)
 - Philadelphia House of Refuge
- Native American youth**
 - “Major Crimes Act” (1885)
 - Boarding schools
- Latino youth**
 - Arrests (1940)
 - CA State Reform Schools

Bell, J., and Ridolfi, L. J. (2008). Adoration of the question: Reflections on the failure to reduce racial & ethnic disparities in the juvenile justice system. San Francisco: W. Haywood Burns Institute.

History of bias

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- “Youth Predators”
 - Central Park joggers case (1989)



There has been limited overall progress...

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“Despite a research and policy focus on this matter for more than two decades, remarkably little progress has been made on reducing the disparities themselves or in reaching scholarly consensus on the root source of these disparities. Volumes of data documenting disparities have been collected, but comparatively little progress has been made in addressing the problem.”

National Research Council, *Reforming Juvenile Justice: A Developmental Approach* (2013)

...but there is some good news.

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- Understanding the value of “no judgment zones”
- Getting past “avoidance”
- Data-driven efforts to reduce racial disparities
- Measurable progress in JDAI sites and other jurisdictions
- New resources with practical advice

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Data-Driven Reform to Eliminate RED

How do we define RED/DMC?

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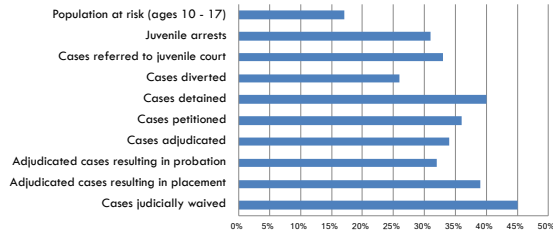
1. Over-representation of youth of color
2. Disparate treatment of youth of color
3. Unnecessary entry and moving deeper into the juvenile justice system

The goal is to reduce all three types of disparities, but reduction of any type of disparity is a significant achievement.

Overrepresentation

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African-American youth in the US (2010)

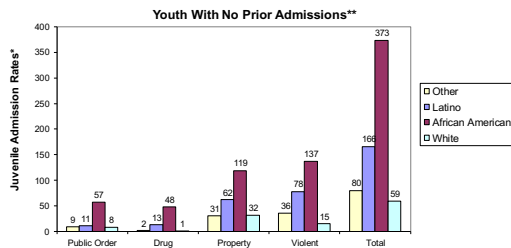


Puzzanero, C. and Hockenberry, S. (2013). National Disproportionate Minority Contact Databook. Developed by the National Center for Juvenile Justice for the Office of Juvenile Justice and Delinquency Prevention. Online. Available: <http://www.ojjdp.gov/njcds/8mcds/>

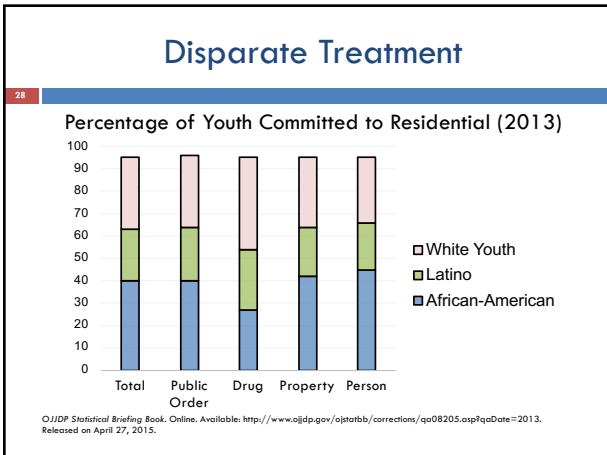
Disparate Treatment

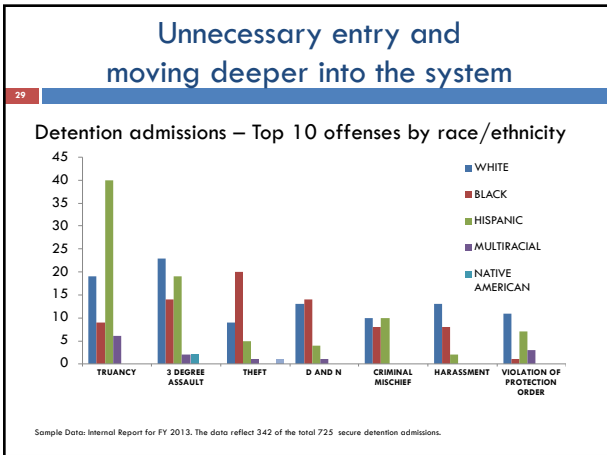
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Commitment rates to state facilities (1993)




Poe-Yamagata, E., and Jones, M. A. (2000). *And justice for some: Differential treatment of minority youth in the juvenile justice system*. Washington, DC: Building Blocks for Youth.





Effective efforts for reducing disparities are:

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- Data-driven**
- Locally-driven with state support
- Collaborative
- Intentional about changing the system's impact on youth and communities of color
- Focused on system response
 - Policy
 - Practice
 - Programs
- Focused on measurable outcomes

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Key goals

Dismantle **institutional racism and bias** against youth, families and communities of color.

Eliminate the system's **harmful impact** on youth, families and communities of color.

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Key values and principles

All youth should be treated **fairly** and as individuals.

Adolescents should not be expected to have the maturity and judgment of adults.

Incarceration should be reserved only for youth who represent a significant danger to public safety.

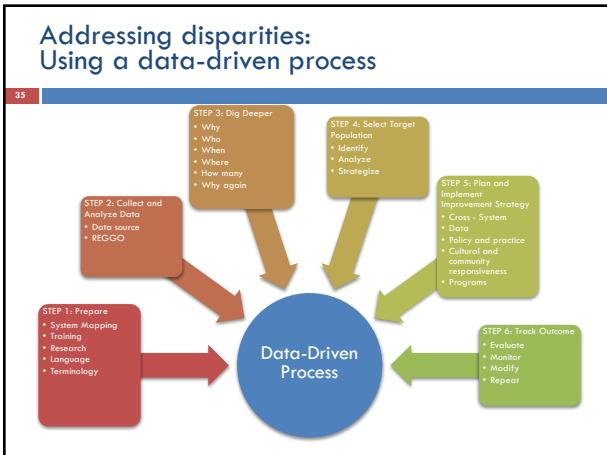
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Key values and principles

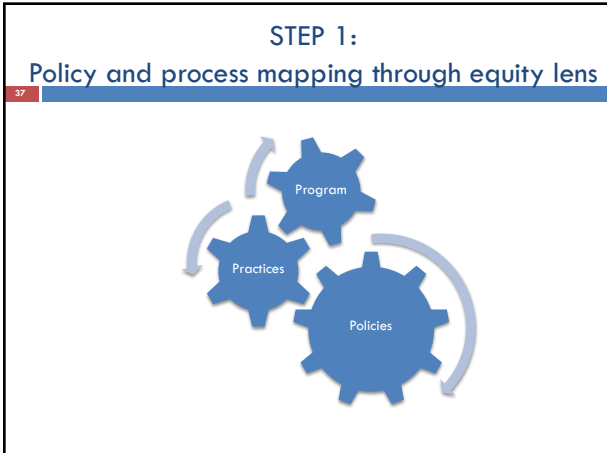
Reform efforts should include **families and communities of color**.

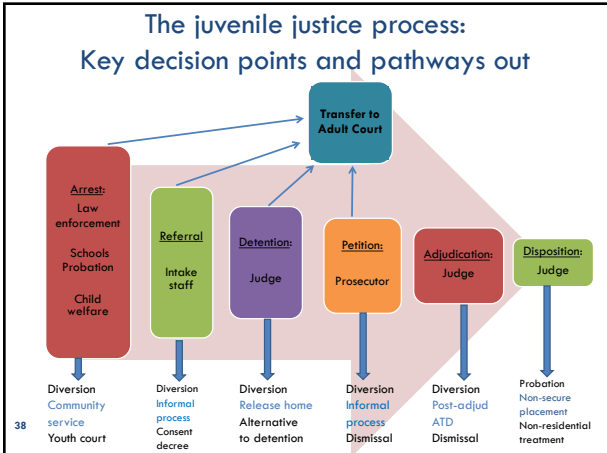
Reform efforts should be **culturally and linguistically responsive** to the needs and backgrounds of youth in the juvenile justice system.

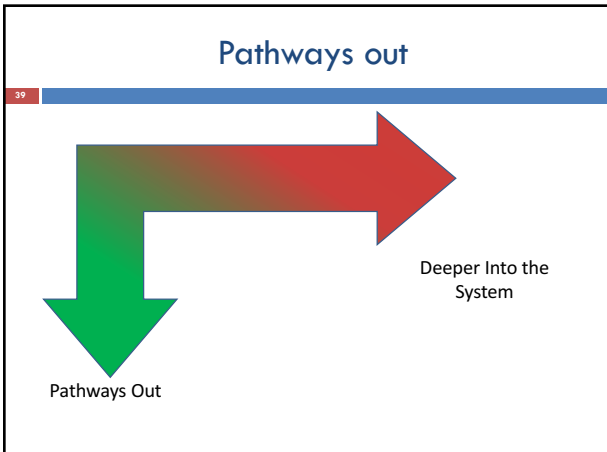
34 RED: The Data-Driven Reform Process

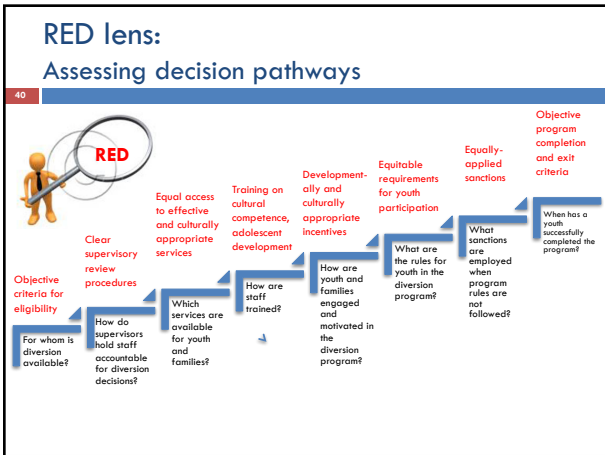


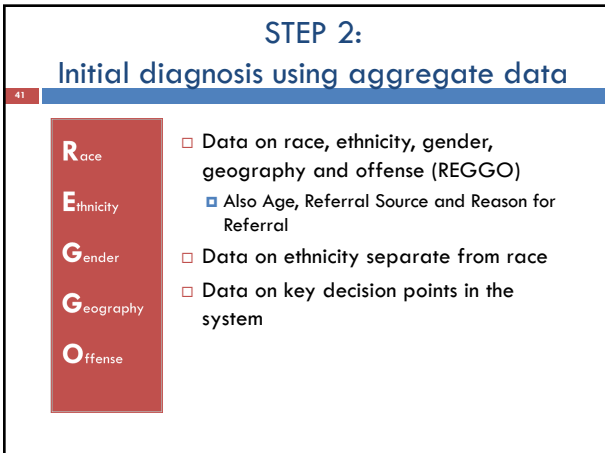


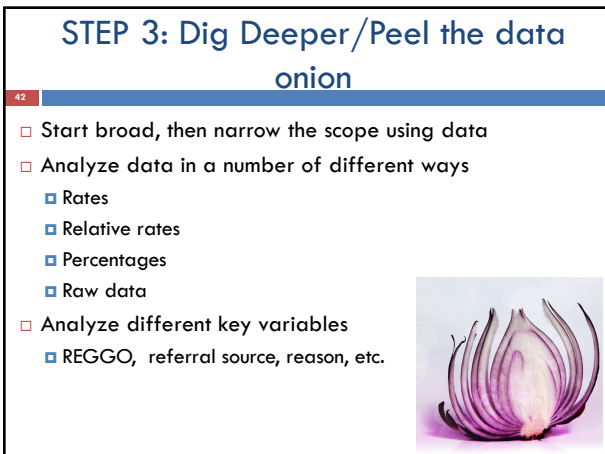












STEP 4: Identify target

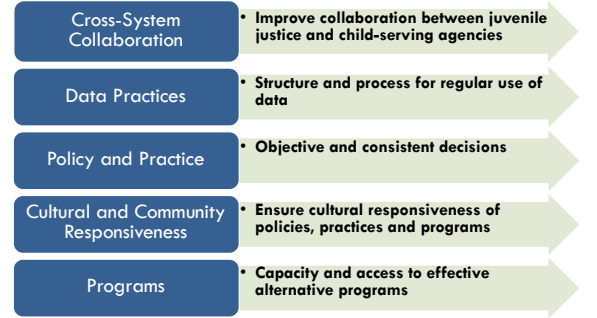
43

- Identify a target using data
- Pinpoint a specific policy, practice, program, or population that is driving disparities
- Focusing on a well-defined target improves likelihood of measurable success



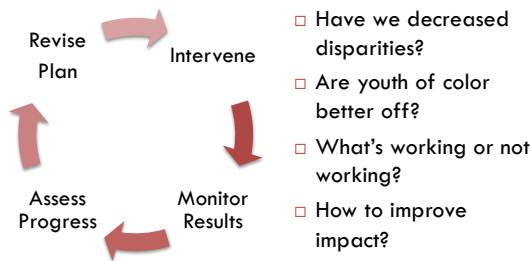
STEP 5: Strategic approaches for eliminating racial and ethnic disparities

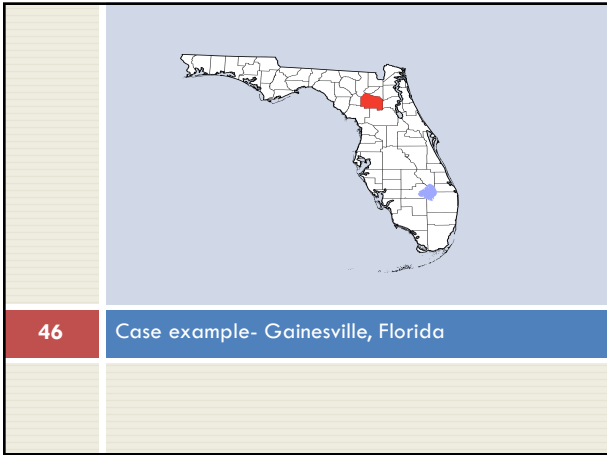
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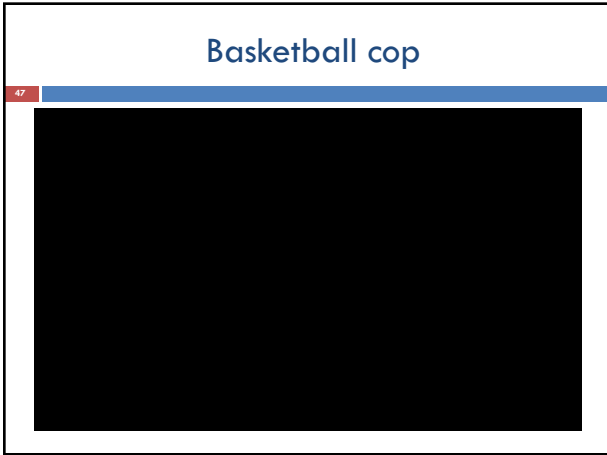


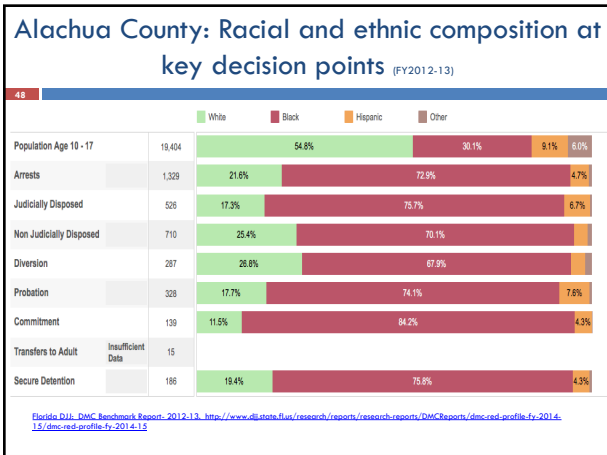
STEP 6: Track Outcome

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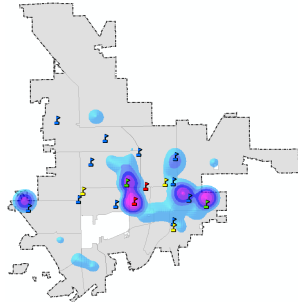




Gainesville: Juvenile arrests geography

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Where were these concentrated?



Interventions for school arrests

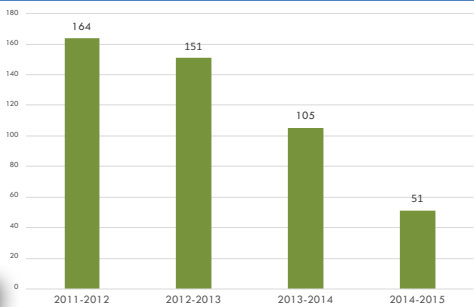
53

- Juvenile Arrest Policy- General Order
- School Police MOU
 - Incremental Changes
- DJJ Graduated Responses Protocol
- Mediation and Restorative Circles
- System of Care



On-campus juvenile arrests (All Gainesville Schools)

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Interventions for community responsiveness

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- ▣ Police-Youth Dialogues and Training
- ▣ Police-Community Socials
- ▣ Partner with Community Organizations
- ▣ Sports Equipment for Officers
- ▣ Public Information-Transparency
- ▣ Change in Supervisory Review and Performance Standards



Gainesville RESULTS

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Juvenile Arrests	2014	2015	2016 (through Sept. 15)
Black	546	308 (down 43%)	192
White	67	49 (down 27%)	21
Asian	1	0 (down 100%)	0
Total	614	357 (down 42%)	213


Gainesville RESULTS

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PARTNERS





58 Confronting and Countering Implicit Bias

Silent Beats

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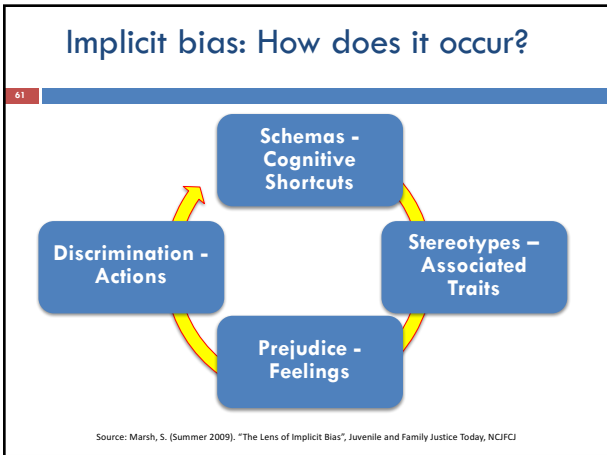
<https://www.youtube.com/watch?v=Nnr41dvsDvY>

What is implicit bias?

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- Attitudes or stereotypes that affect our understanding, actions, and decisions in an unconscious manner
 - ▣ Pervasive
 - ▣ Automatic
 - ▣ Do not necessarily align with conscious beliefs
 - ▣ Can skew in positive and negative directions
 - ▣ Favor one's own ingroup

Source: Kirwan Institute, State of the Science: Implicit Bias Review 2015



Cognitive shortcuts

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We all rely on them....

- Filter information we receive
- Fill in missing data
- Categorize people and information

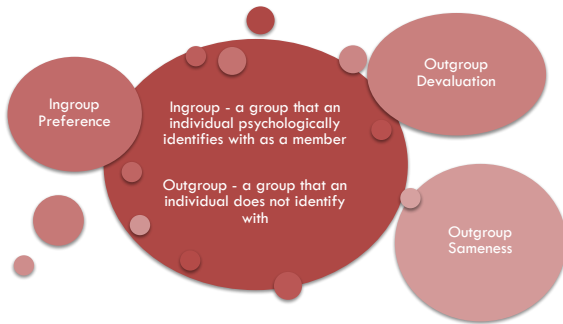
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IF YOU CAN READ THIS
WITH EASE THEN YOU ARE
INCREDIBLY TALENTED AT
READING BACKWARDS,
WHICH IS AN INCREDIBLY
POINTLESS TALENT
TO HAVE.

WeirdNutDaily.com

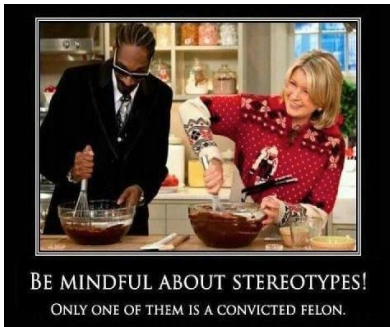
Ingroups and outgroups

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Implicit bias

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Research on bias: Public attitudes

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Research on how we "frame" information on crime and race:

Do we have stereotypes that affect the way we think about who commits crimes?

Research on bias: Public attitudes

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Findings:

- ❑ Where a **black perpetrator** was shown, 70% of subjects recalled a black perpetrator.
- ❑ Where **no perpetrator** was shown, 60% recalled seeing a perpetrator, and 70% of those recalled seeing a **black** perpetrator.
- ❑ Where a **white perpetrator** was shown, 10% recalled seeing a black perpetrator.



Gilliam, F., D., Jr., & Iyengar, S. (2000). Prime suspect: The influence of television news on the viewing public. *American Journal of Political Science*, 44, 560-573.

Perceptions of youth of color

68

Research on perceptions of the age of African American and white youth by the public and by law enforcement:

Does race affect our perceptions of age?

Perceptions of youth of color

69

Findings:

- ❑ The **general public**:
 - ❑ Perceived African American felony suspects as **4.53 years older** than they actually were
 - ❑ Perceived white youth as **less culpable**
- ❑ Among **law enforcement**:
 - ❑ Also rated African American felony suspects as **4.59 years older** than they actually were
 - ❑ Also perceived white youth as **less culpable**



Goff, P.A., et al. (2014). The essence of innocence: Consequences of dehumanizing Black children. *Journal of Personality & Social Psychology*, 106, 526-545.

Research on bias: Probation officers

70

Research on pre-disposition reports by probation officers:

Bad kids or bad environments?

Probation officers: Pre-disposition reports

71

Example: Two 17-year-old boys

- No prior criminal history for either one
- Both charged with first degree robbery with a firearm
- No injuries in either incident
- One case: gas station robbery
- Other case: robbery of two motels
- One boy was black, the other was white

Probation officers: Two 17-year-old boys

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Ed: "This robbery was very dangerous as Ed confronted the victim with a loaded shotgun. He pointed it at the victim and demanded that he place the money in a paper bag. This appears to be a premeditated and willful act by Ed....There was an adult quality to this referral. In talking with Ed, what was evident was the relaxed and open way he discussed his life style. There didn't seem to be any desire to change. There was no expression of remorse from the young man. There was no moral content to his comment."

Lou: "Lou is the victim of a broken home. He is trying to be his own man, but...is seemingly easily misled and follows other delinquents against his better judgment. Lou is a tall, emaciated little boy who is terrified by his present predicament. It appears that he is in need of drug/alcohol evaluation and treatment."

Which youth was Black and which youth was White?

Research on Bias: Probation officers

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Findings:

- ❑ Reports on **black youth** were more likely to include negative internal attributions (personality, values) than reports on white youth.
- ❑ Reports on **white youth** were more likely to include negative external attributions (environment, peers) than reports on black youth.
- ❑ **Black youth** were judged to have a higher risk of re-offending than white youth.

Bridges, G., and Sreen, S. (1998). Racial disparities in official assessments of juvenile offenders: Attributional stereotypes as mediating mechanisms. *American Sociological Review*, 63, 554-570.

Research on bias: Trial judges

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Research on trial court judges' perceptions of crime scenarios involving youth of color:

Can judges be fair?

Research on bias: Trial judges

75

Findings:

- ❑ Judges harbor the same implicit biases as other people.
- ❑ These biases can influence their judgment.
- ❑ But given sufficient motivation, judges can compensate for the influence of biases.

Rochinski, J., et al. (2009). Does unconscious racial bias affect trial judges? *Notre Dame Law Review*, 84, 1195-1246.

Everyone has it!

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- When an individual believes that others are biased but they are not.
- Thinking this way, ironically, leaves one more susceptible to biases.

Adapted from CCLP/CJIR 2015 RED Certificate Program, Kristin Henning (Georgetown Law School)

Bias and stereotypes are more likely when:

- Lots of information to process
- Complex decisions are needed
- Under time pressure
- Gaps in information
- Anxious, distracted, "brain drain"

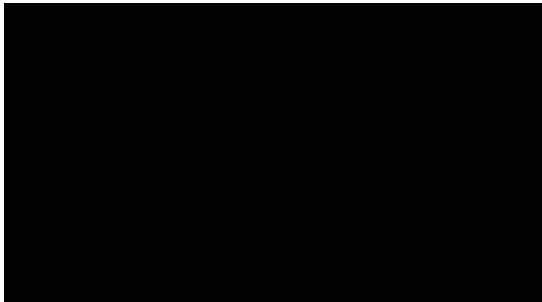


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Strategies for Addressing Individual Bias

Awareness test

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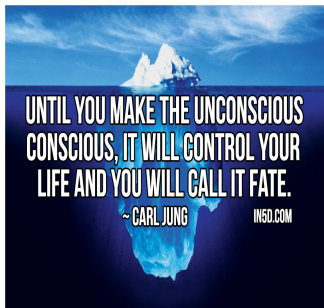


<https://www.youtube.com/watch?v=yraqkih1w-s>

Retraining the brain

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- Less than 10% of emotional cognition is available consciously
- For most of us, racial bias resides in the unconscious



Research on reducing implicit bias

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Is it possible to reduce the impact of bias?

Race implicit-association test

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<https://implicit.harvard.edu/implicit/>

Race implicit-association test

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Breaking the implicit bias habit

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Bias is a habit that can be broken by:

- ▣ Becoming **aware** of one's implicit bias.
- ▣ Acknowledging and being **concerned** about the consequences of bias.
- ▣ Learning to **replace** biased responses with non-biased responses: ones that more closely match the values people consciously believe that they hold.

Research by Devine, Austin and Cox (2012)

Devine, P. G., Forscher, P. S., Austin, A. J., & Cox, W. T. L. (2012). Long-term reduction in implicit race bias: A prejudice habit-breaking intervention. *Journal of Experimental Social Psychology*, 48(6), 1267-1278. <http://doi.org/10.1016/j.jesp.2012.06.003>

Stereotype replacement

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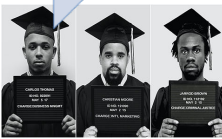
Replacing stereotypical responses with non-stereotypical responses

Step 1: Recognize

Step 2: Label

Step 3: Reflect

Step 4: Replace response



A flowchart with four blue rounded rectangular boxes containing the steps: Step 1: Recognize, Step 2: Label, Step 3: Reflect, and Step 4: Replace response. A large blue arrow points from left to right behind the boxes. Below the boxes is a photograph of three African American men in graduation caps and gowns.

Counter-stereotypic imaging


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Imagining non-stereotypic group members to create new shortcut

Step 1: Recognize

Step 2: Identify a non-stereotypic group member

Step 3: Spend time imagining, in vivid detail



A flowchart with three red rounded rectangular boxes containing the steps: Step 1: Recognize, Step 2: Identify a non-stereotypic group member, and Step 3: Spend time imagining, in vivid detail. A large red arrow points from left to right behind the boxes. Below the boxes is a photograph of a man in a white robe with his arms raised, set against a background of clouds.

Perspective taking

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Increase psychological closeness to the stigmatized group.

Step 1: Identify a group

Step 2: Imagine happening to you

Step 3: Spend time living there

Step 4: Reflect



A flowchart with four red rounded rectangular boxes containing the steps: Step 1: Identify a group, Step 2: Imagine happening to you, Step 3: Spend time living there, and Step 4: Reflect. A large red arrow points from left to right behind the boxes. Below the boxes is a photograph of a pair of sneakers on a dark surface.

Individuation

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- Prevent or counter stereotypic inferences by obtaining specific information about group members.
- Helps an individual to evaluate members of a group based on personal attributes, rather than group attributes.
- Examples?

Increasing opportunities for *positive* contact

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- Seek opportunities to encounter and engage in *positive* interactions with out-group members
- Pennsylvania DMC Youth Law Enforcement Curriculum/Youth Dialogues
- Other Examples?



Other strategies to reduce biased decision-making

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- Reduce cognitive load
- High-effort processing
- Mindfulness
- Checklists



Exercise – Develop De-biasing Tools

Use your strategy to come up with possible examples of ways to fight individual implicit bias in the JJ system (e.g. screen saver, football in trunk). Examples can be for specific stakeholders (administrator, probation officer, law enforcement, service provider, etc.).

1. Stereotype replacement
2. Counter-stereotypic imaging
3. Perspective taking
4. Individuation
5. Creating Opportunities for Positive Contact

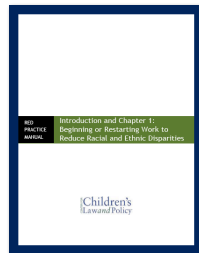
Key points to keep in mind

- ❑ Systems don't make decisions – people do.
- ❑ Systems give opportunities for people to use discretion when they make decisions.
- ❑ People have implicit biases.
- ❑ The intersection of discretionary decision-making and implicit bias is where most RED occurs.



Don't be seduced by implicit bias...

- ❑ Confronting implicit bias only part of the solution
- ❑ We must tackle structural contributors to RED/DMC
- ❑ Resource: Racial and Ethnic Disparities Reduction Practice Manual

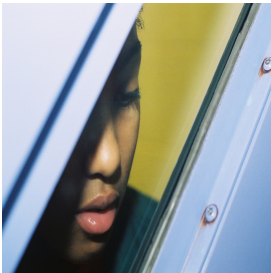


Download at cclp.org/practicemanual.php

94 Cultural Responsiveness and RED

Arlena

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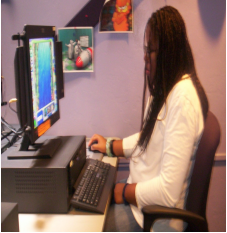


Arlena is a 15 years old. Her family immigrated from Mexico when she was 5. Arlena is now clean after struggling with alcohol. Her probation officer just filed a violation due to a series of no-shows for family counseling.

Placement "failure"

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- Data showed placement failures in a jurisdiction were high for African-American girls.
- Digging deeper, found out it was mostly for incorrigible behavior and assault on staff.
- The issue?



What is race?

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- **Race:** The concept of dividing people into populations or groups on the basis of various sets of physical characteristics (skin color, facial features, etc.)
- A social construct

Source: <http://www.britannica.com/topic/race-human>

What is culture?

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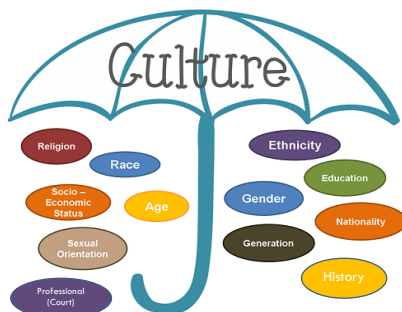


- **Culture:** The thoughts, ideas, behavior patterns, customs, values, skills, language, arts, and faith or religion of a particular group of people at a given point in time.

Child Welfare League of America, 2002. Available at <http://www.cwla.org/programs/culturalresponsiveness/>

Dimensions of cultural identity

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Exercise

Exploring dimensions
of your cultural
identity?

Source: Ed Burnette, 2014 CJJR RED Certificate Program

Five circles exercise

(religious
affiliation)
--Susan

(ethnicity)
--Ted

(etc.)

(etc.)

(etc.)
--Gary
--Katrina

Source: Ed Burnette, 2014 CJJR RED Certificate Program

**Culture shapes values, attitudes,
and norms**

Punctuality	Authority Figures
Child-Rearing	Courts
Dress	Punishment
Education	Domestic Violence
Discipline	Help-Seeking
Importance of Family	Communication style
Government	Decision-making

Adapted from: Ed Burnette, 2014 CJJR RED Certificate Program

Dominant and oppressed groups

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- **Dominant group**– the group with the most power, the greatest privileges, and the highest social status
- **Oppressed group** – a group that receives unequal treatment and is the object of collective discrimination

Oppressed groups

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- Ascribed status
- Physical or cultural traits are held in low esteem by the dominant group
- Unequal treatment by the dominant/oppressive group
- Oppressed group is denied a proportionate share of what is deemed most valuable in society

Belonging to the dominant culture

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You belong to the dominant culture if:

- You can go shopping alone and be assured you won't be followed in the store
- You can do well in a challenging situation without being called a credit to your race
- You can easily buy postcards, greeting cards, dolls, and toys featuring people of your race



Source: Peggy McIntosh, *White Privilege: Unpacking the Invisible Knapsack*

Belonging to the dominant culture

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You belong to the dominant culture if:

- You can criticize the government without being seen as a cultural outsider



The dominant culture's attitude toward race

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- The U.S. has made considerable progress around race, and, if government now favors anyone, it is African Americans (and people of color generally).
- Individuals are "self-making." That is, what they accomplish is entirely a matter of their own will and desire.
- To the extent that racial inequality exists, then, it is a by-product of the inability/unwillingness of individuals to properly adhere to basic American values like hard-work and personal responsibility.

Impact of the dominant culture: Microaggressions

108

- **Microaggressions** are a series of minor but constant indignities, incessant, often gratuitous and subtle offenses, based on race, which undermine confidence, reduce one's sense of belonging, and subordinate people.
- Microaggressions can impair the performance of people by sapping their mental, emotional and spiritual energy.

Microaggressions: An example

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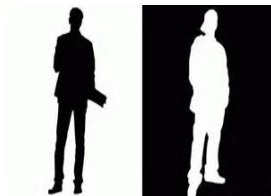


Francesca Ramsey, "If Microaggressions Happened to White People," <https://www.youtube.com/watch?v=K2PA4g-3yE>

Group discussion

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Microaggressions in juvenile justice practice?



What is cultural responsiveness?

111

Cultural responsiveness:

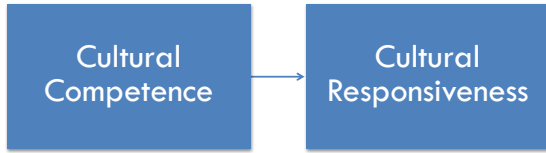
The ability of individuals and systems to respond respectfully and effectively to people of all cultures, classes, races, ethnic backgrounds, sexual orientations, and faiths or religions in a manner that recognizes, affirms, and values the worth of individuals, families, tribes, and communities, and protects and preserves the dignity and self-determination of each.



Adapted from Child Welfare League of America, 2002. Available at <http://www.cwla.org/programs/>

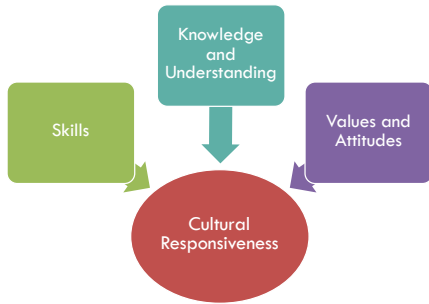
Cultural competence vs. responsiveness

112



Elements of cultural responsiveness

113



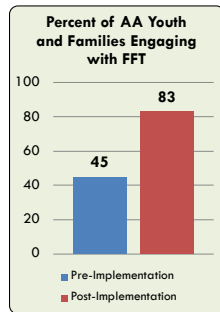
Adapted from Cross, Bazron, Dennis and Isaacs, 1989

Case study: Pierce County, WA

114

- **The problem:**
 - Low engagement in FFT for African American youth

- **The response:**
 - Identified an African American therapist with credibility within communities of color
 - Developed a specialized caseload of youth and families with the highest needs
 - Provided cultural responsiveness training and support to probation officers



Strategies to improve cultural responsiveness

115

- Therapist matching (not just race/ethnicity)
- Using appropriate language
- Incorporating culturally relevant metaphors
- Improving provider knowledge of culturally appropriate therapeutic strategies

A Toolkit for Applying the Cultural Enhancement Model to Evidence-Based Practices (2011)
modelsforchange.net/publications/476

Key principles of cultural responsiveness among **juvenile justice practitioners**

116

- Understand personal bias and work proactively to *manage* it.
- Acknowledge values, attitudes, beliefs, and norms that differ across cultures.
- Respect differences in interactions with youth and their families.
- Respond in ways that build upon cultural strengths.

Key principles of cultural responsiveness in **juvenile justice agencies**

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- Data-informed system management
- Accessibility to target population
- Name, structures and processes responsive to target population
- Ongoing training in diversity, implicit bias, and disparities
- Active outreach to involve communities of color in decision-making
- Sustained relationships with other systems serving youth of color

Resources

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Tools and standards developed by national organizations, such as:

- ▣ Annie E. Casey Foundation, Race Matters Toolkit
- ▣ National Center for Cultural Competence, Cultural and Linguistic Competence Policy Assessment (CLCPA)
- ▣ Department of Health and Human Services, A Blueprint for Advancing and Sustaining CLAS Policy and Practice

Day two

119

- ▣ Partnering with Families and Communities
- ▣ Data-Driven Reform at Key Decision Points
- ▣ How to Talk About Race
- ▣ Local Planning and Individual Commitments

Engaging Families and Communities
in Culturally Responsive Ways

Adapted from CJJR Georgetown RED Certificate Program 2014, Liane Rozzell

Partnering with families

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- What is family?
- What is family and youth engagement?
- Why is partnering with families and communities important to RED work?
- How will you partner with youth and families?

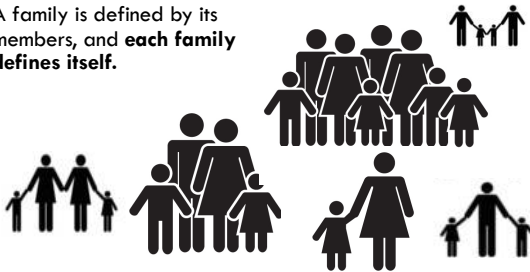


Adapted from CJJR Georgetown RED Certificate Program 2014, Liane Rozzell

Who defines a family?

122

A family is defined by its members, and **each family defines itself.**



Other, T., Garay, L., Jennings, B., Jimerson, D., Markus, S., & Martinez, K. (2011). Closing the Gap: Cultural Perspectives on Family-Driven Care. The Technical Assistance Partnership for Child and Family Mental Health

What is family engagement?

123

A **meaningful partnership** with **families** and youth **at every level** of your agency and system.

Adapted from CJJR Georgetown RED Certificate Program, Family Engagement, 2014, Liane Rozzell

How will you engage families?

124

Shift the culture . . .

- | | | |
|----------------------|---|-----------------------------------|
| Blame & Alienation | → | Partnership |
| Deficit-focused | → | Strengths-based, solution seeking |
| Fixed mindset | → | Growth mindset |
| Professional experts | → | Family expertise |

Adapted from CJJR Georgetown RED Certificate Program, Family Engagement, 2014

Family voice at every level

125

As **stakeholders**, families must have a voice and place at the table at all levels:

- Individual youth (case)
- Peer support
- Policy and practice (agency, local, state, federal)
- Training
- Oversight bodies
- Reform, advocacy

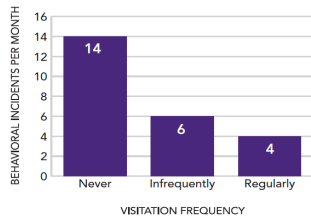
Adapted from CJJR Georgetown RED Certificate Program 2014, Liane Rozzell

Family engagement pays

126

Youth in secure facilities do better when they have more in-person visits with their family.

Figure 3. Behavior Incidents per Month and Visitation Frequency



Sources: The Impact of Family Visitation on Incarcerated Youth's Behavior and School Performance: Findings from the Families as Partner Project, by Sandra Villalobos Agudelo, Vera Institute Issue Brief, April 2013

Create infrastructure

127

- Learn who family members are
- Collect and track this information
 - ✓ Intake forms, database
 - ✓ Genograms & Ecomaps
- Put it to use
 - ✓ Team meetings, visitation, outreach

Adapted from CJJR Georgetown RED Certificate Program 2014, Liane Rozzell

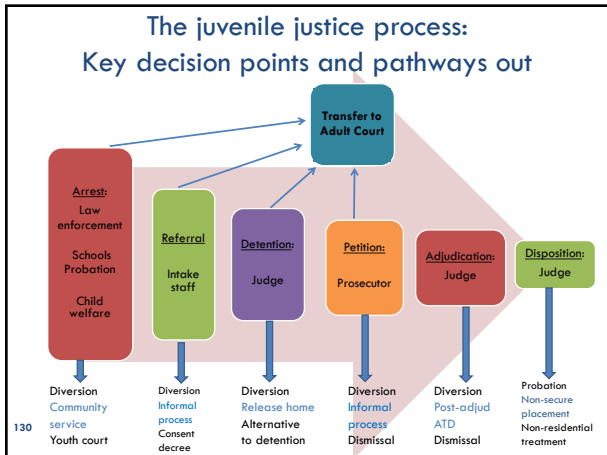
Benefits of community engagement

128

- Better outcomes for youth and families
- Develop well-informed policies, practices, and programs
- Bridges data and research with individual perspectives
- Challenges stereotypes and assumptions
- Bridges youth, families, communities, and systems
- Improves decision-making
- Leverages natural supports

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Addressing Disparities at Arrest and Diversion



Why is it important to address disparities at arrest?


131

- Gatekeepers- 1st point of contact with the juvenile justice system
- Collateral consequences
- Disparities at arrest drive disparities at later points in the system
- Wiley and Esbensen Study (2013)
 - Simply being stopped by the police can contribute to higher levels of delinquency, even before youth reach the stages of arrest or formal processing

What factors contribute to racial and ethnic disparities at arrest?

132

- > **Structural bias**
 - Socio-economic proxies for race and ethnicity
 - Cross-jurisdictional differences
- > **Systemic bias**
 - Racial profiling
 - Laws targeting specific geographical areas- schools, public housing
 - Law enforcement deployment
 - Policing practices
- > **Individual bias (implicit and explicit)**
 - Discretionary decision-making



Painting the picture at arrest: Qualitative data

133



Painting the picture at arrest: Quantitative data

134

- Race**
 - Accurate population data
 - Field contact data (rare)
- Ethnicity**
 - Arrest data
 - Uniform Crime Report v Local Dept. Data
 - Geography (zip code, community, schools)
- Gender**
- Geography**
 - Diversion data
 - Stationhouse Diversion
 - Civil Citations
 - Diversion Programs
- Offense**
 - Court referrals



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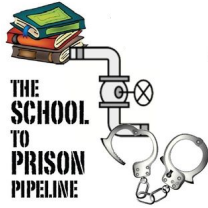
Disparity driver #1: Low-level offenses

135



Disparity driver #2:
School to prison pipeline

136



DEFINITION:
The policies and practices that are directly and indirectly pushing students out of school and on a pathway to prison.

Source: CCLP/CJIR RED Certificate Program, 2015, Kaitlin Banner (Advancement Project).

What leads to racial and ethnic
disparities
in school discipline?

137

Disparity Driver #3:
Child welfare and crossover youth

138

- ▣ Correlation between child maltreatment and juvenile delinquency
- ▣ Crossover youth
- ▣ Cumulative impact of child welfare and juvenile justice system disparities



Source: CCLP/CJIR RED Certificate Program, 2015, (Shay Kolbe, CJIS)
Photos: Richard Ross

Disparity Driver #4: Status offenders

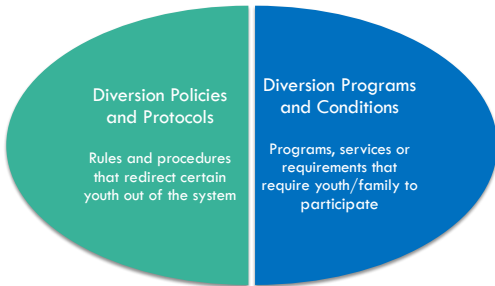
139

- Socio-economic factors
 - High need/low risk
 - Access to services
 - Effectiveness of services
- Status offense enforcement
 - Truancy
 - Curfew
- Bias and attribution
 - Criminalization of adolescent behavior



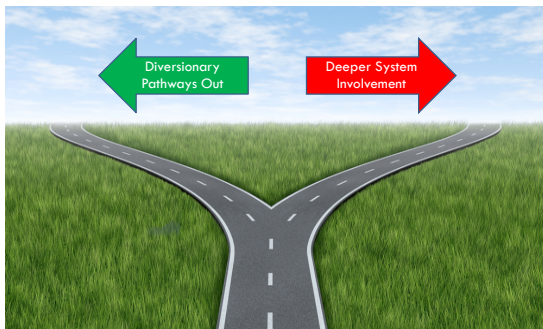
RED reform: The role of diversion

140



Mapping diversion decision-making

141



Effective diversion?

Deeper Justice System Involvement

142

Equity lens: Assessing your diversion decision pathway

143

RED

Objective criteria for eligibility: For whom is diversion available?

Clear supervisory review procedures: How do supervisors hold staff accountable for diversion decisions?

Which services are available for youth and families?

Equal access to effective and culturally appropriate services: How do supervisors hold staff accountable for diversion decisions?

Training on cultural competence, adolescent development: How are staff trained?

Developmentally and culturally appropriate incentives: How are youth and families engaged and motivated in the diversion program?

Equitable requirements for youth participation: What are the rules for youth in the diversion program?

Equally-applied sanctions: What sanctions are employed when program rules are not followed?

Objective program completion and exit criteria: When has a youth successfully completed the program?

Arrest diversion efforts:

144

- New Jersey Stationhouse Adjustments
 - NJ Office of the Attorney General Executive Order
 - Mandatory availability of Stationhouse Adjustments
 - Established eligibility criteria for diversion
 - Established a uniform protocol for diverting eligible juveniles
 - Attorney General Guidelines for Stationhouse Adjustment of Juvenile Offenses
<http://www.nj.gov/lps/newsreleases05/pr20051207a.html>

Arrest diversion efforts:

145

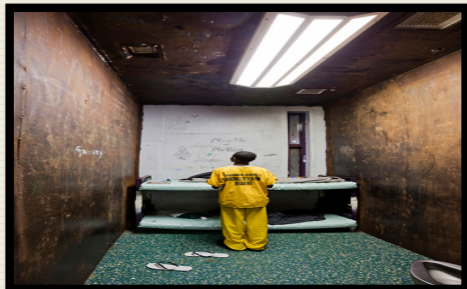
- Philadelphia School-Based Diversion Initiative
 - Diversion Program for youth who commit a first-time low-level summary or misdemeanor act on or near school property.
 - Reduced school arrests by over 60%, primarily youth of color
 - Post-diversion re-arrest rate less than 5%

Exercise: Evaluating the Johnsonville County Arrest Diversion Protocol

- Apply diversion decision framework
- Use data to identify possible disparities
- Identify subjective decision-making criteria
- Propose reforms



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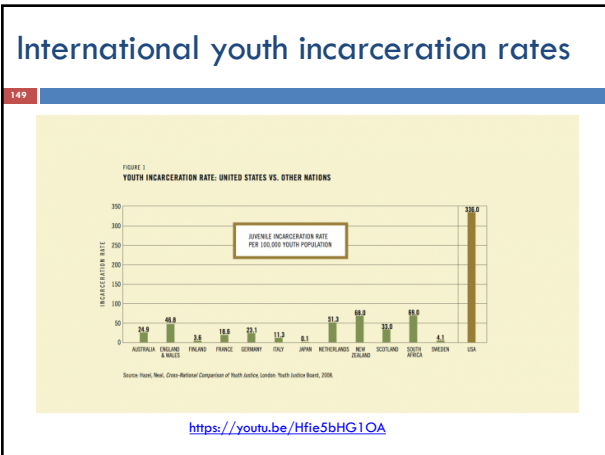
Data- Driven Reforms to Address Disparities at Secure Detention

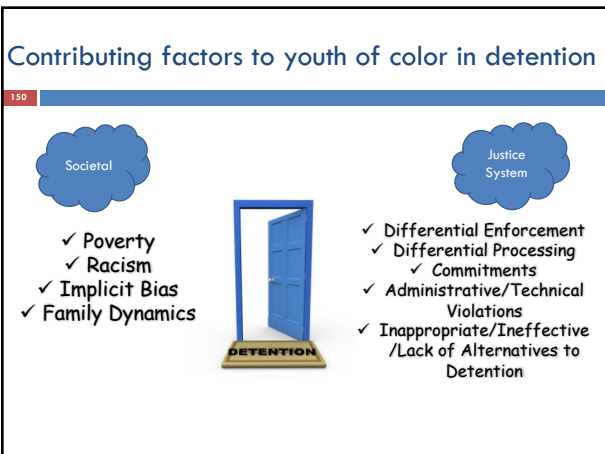
Photo: Richard Ross

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“It is said that no one truly knows a nation until one has been inside its jail. A nation should not be judged by how it treats its highest citizens, but its lowest ones.”

- Nelson Mandela

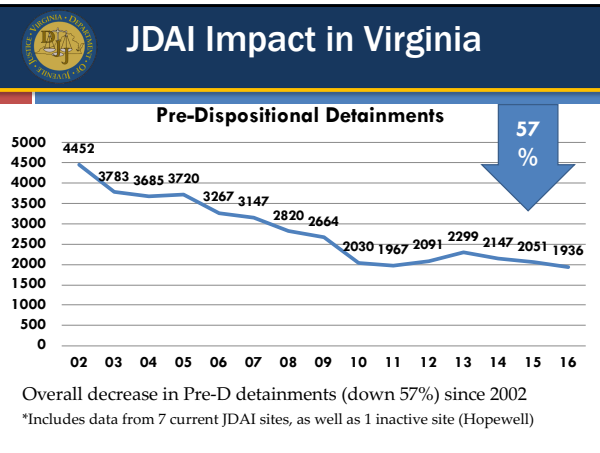


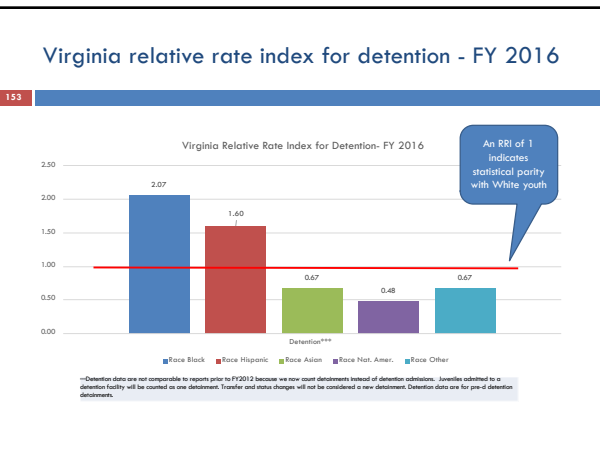


History: The development of juvenile detention centers

151

- > Dangers of detention
 - > Increases recidivism
 - > Pulls youth deeper into the system
 - > Slows or interrupts the natural process of "aging out of delinquency"
 - > Long-term consequences on youth's education, employment, and healthy relationship development





Data collection

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- Examine baseline data disaggregated by:
 - Race
 - Ethnicity
 - Age
 - Referral source
 - Gender
 - Geography
 - Offense
 - Reason for referral
 - Include immigrant populations and special populations

Detention data elements

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- Who are the referral sources?
- Average daily population
- Average length of stay
- Most recent detention admission
- Current offense
- Court history
- Placement history
- Release/outcome information
- Total time on detention status

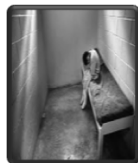


Source: National Council on Crime and Delinquency, Planning for a Detention Utilization Study: A Data Collection Handbook. Annie E. Casey Foundation(2003) @ www.jdohelpdesk.org

Key practices to examine

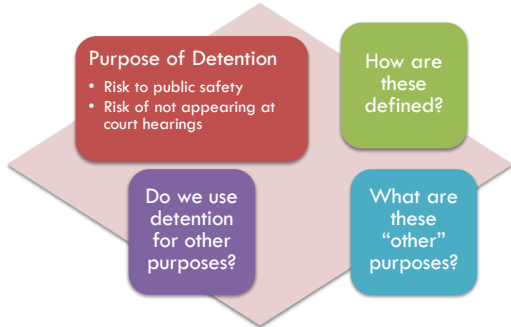
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- Purpose of detention
- Detention risk assessment
- Overrides from detention risk assessment
- Unnecessary detention stays
- Length of stay is longer than needed



Statutory purpose of secure detention

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Disparity driver #1: Detention risk assessment instrument (RAI)

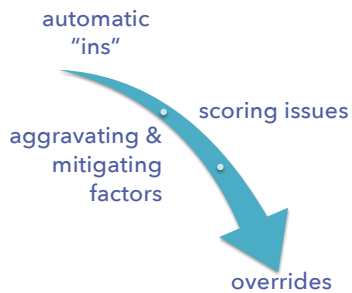
158

- Purpose
 - ▣ Sorts high, medium and low risk youth
 - ▣ Guides decision-makers in ensuring that detention is used for statutory purpose
 - ▣ Promotes consistency, equity, and transparency in decision-making
 - ▣ Reduces justice by geography (statewide use)



Common disparity drivers on RAIs

159



Disparity driver #2: Alternatives to detention

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- Risk assessments only work when when alternatives are available to decision makers
- Assess your alternatives
- Not all alternatives are actual places
- Alternatives include practices, policies, and procedures
- Strive for having a continuum of culturally appropriate alternatives to detention
- Let data be your guide

Disparity driver #3: Violations of probation

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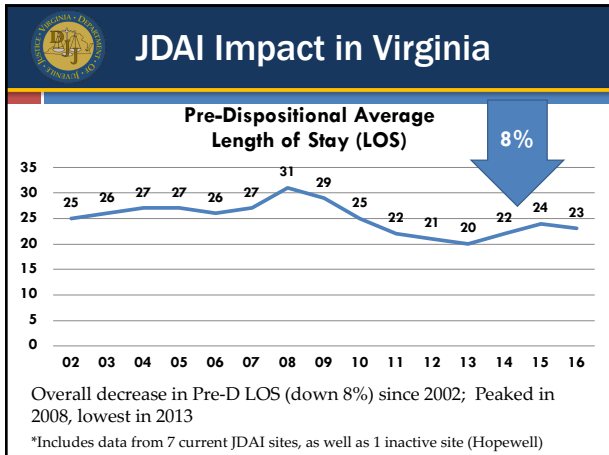
- VOPs
 - ▣ Technical violation
 - ▣ With referral
 - ▣ Without referral
 - ▣ Legal case processing rules
 - ▣ Map decision making
 - ▣ Be creative

Disparity driver #4: Case processing

162

- Delaying cases unnecessarily is simply inconsistent with what we know about teaching "lessons" to teenagers or getting them rehabilitative services


 - Length of stay data:
 - ▣ Dig deep into data through case processing analysis
 - Common drivers for disparities in LOS
 - ▣ Warrants
 - ▣ Technical violations
 - ▣ Mental health
 - ▣ Awaiting placement



Case study: Berks County, PA

164

- First county in Pennsylvania to develop and implement an RAI.
- Established a new Evening Reporting Center (ERC).
- Created non-secure shelter beds for youth in the child welfare and juvenile justice systems who could not return home due to safety.




Source: Center for Children's Law and Policy, Reducing the Incarceration of Youth of Color in Berks County through Structured Decision-making and Community-based Alternatives. The John D. and Catherine T. MacArthur Foundation: Models for Change.

Case study: Berks County, PA

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Worked closely with community leaders to ensure that contracts for detention alternative programs went to providers from kids' home communities.



Source: Center for Children's Law and Policy, Reducing the Incarceration of Youth of Color in Berks County through Structured Decision-making and Community-based Alternatives. The John D. and Catherine T. MacArthur Foundation: Models for Change.

Berks County: Outcomes

166

- Since late 2007, the County has reduced its annual detention population by more than 60% without compromising public safety.
- In 2014, on any given day there were 17 fewer Latino youth and 7 fewer African American youth in secure detention than in 2007.

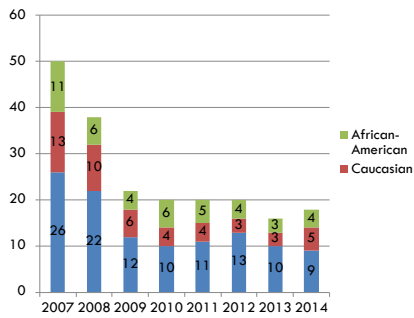


© Tu Multimedia

Source: Berks County

Berks County: Average daily population detention reductions

167



Berks County: Outcomes

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- Detention population reduction led County to permanently remove 24 beds from secure detention, altering the space to expand to non-secure treatment programming.
- In 2012, the Board of Commissioners closed the detention contracted with a local provider for a limited number of beds.



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Berks County: Cultural responsiveness

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- Case review for data analysis
- Document translation
- Community feedback on translations
- Recruiting and hiring diverse staff
- Rosetta Stone
- Ensuring availability of court translators
- Found new MST provider when first wasn't culturally and linguistically competent enough

Exercise

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How to Talk About Race

Common reactions to talking about race

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Dos and Don'ts: How to talk about race

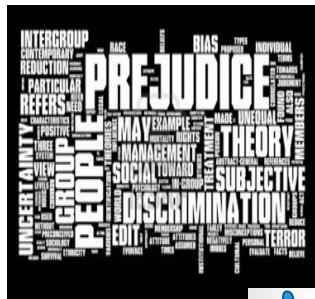
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Conversation starters: Changing the conversation

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- Videos
- News reports
- Case studies (system/agency specific)
- Others?



Set ground rules

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Ground Rules

- Be honest
- Be open to new ideas
- Listen to others
- Respect confidentiality
- Be up front
- Don't judge
- See the opportunities ahead
- Speak your mind

Adapted from CJJR Georgetown RED Certificate Program 2016, Kristen Henning



Understand the language

176

- ❖ Race v. Ethnicity
- ❖ Disparity
- ❖ Overrepresentation
- ❖ Discrimination (or disparate treatment)
- ❖ Equity v. equality

Adapted from CJJR Georgetown RED Certificate Program 2016, Kristen Henning



Identify shared goals

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Adapted from CJJR Georgetown RED Certificate Program 2016, Kristen Henning



Use self-report data

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National Youth Risk Behavior Surveillance System

Monitoring the Future



CENTERS FOR DISEASE CONTROL AND PREVENTION
<http://www.cdc.gov/healthyyouth/data/yrbs/index.htm>



a continuing study of American youth
<http://www.monitoringthefuture.org>



Adapted from CJJR Georgetown RED Certificate Program 2016, Kristen Henning

Discuss material inequities

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DISPROPORTIONATE ALLOCATION OF SOCIAL GOODS

- Schools
 - Least Public Dollars
- Housing
- Employment

DISPROPORTIONATE SHARE OF NEGATIVE RESULTS

- Most Public Dollars
 - Prison
 - Foster Care
- Lack of Healthcare
- Foreclosure/Eviction
- Family Destruction



Adapted from CJJR Georgetown RED Certificate Program 2016, Kristen Henning

Use data

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Caveats

- Data without action??
- People afraid of data because they were afraid of blame

Add Narrative When Possible



Adapted from CJJR Georgetown RED Certificate Program 2016, Kristen Henning

Don't play the blame game

184



Adapted from CJJR Georgetown RED Certificate Program 2016, Kristen Henning

Avoid loaded language

185

- "Thug"
- "Gang"
- Overgeneralized use of pronoun "they"
- "You people"
- Others?



Adapted from CJJR Georgetown RED Certificate Program 2016, Kristen Henning

What has worked in other jurisdictions?

186

- Bring in peers who are already doing the work
- Connect individuals in like roles
- Access training and technical assistance
- Access online resources



Adapted from CJJR Georgetown RED Certificate Program 2016, Kristen Henning

Summary: Key points

187

- Help key decision-makers see their own biases
- Partner with other systems (education, child welfare, mental health)
- Don't try to solve all problems at once – focus on target populations and specific policies/practices
- Work toward realistic goals and measurable change
- Monitor, monitor, monitor

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CCLP Resources to Support RED Reform

Photo: Richard Ross

Center for Children's Law and Policy

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Resources to support RED work

- System Assessments
- Technical Assistance
- Training
- Online Resources

