

Locking Up Racial Bias

States continue to look for ways to reduce disparities in the juvenile justice system.

BY SARAH BROWN

Minorities have disproportionately outnumbered whites in the nation's juvenile justice system for a long time. In 2010, all minorities combined comprised about 40 percent of the nation's youth, yet they accounted for nearly 70 percent of the population in secure juvenile facilities, according to the Department of Justice's Office of Juvenile Justice and Delinquency Prevention.

Nationally, custody rates for minority juveniles were 2.8 times higher than for whites, and in 18 states, the minority-to-white placement rate was more than 4 to 1. African-Americans are the most over-represented minority. In 42 states, in 2010, the placement rate for black juvenile offenders into residential correctional facilities exceeded that of all other racial and ethnic groups, according to the juvenile justice office.

Reducing this imbalance is a goal of the federal Juvenile Justice and Delinquency Prevention Act, which requires states to try to eliminate disparities or face losing federal juvenile justice funding. Most states have made that effort, but the reasons these disparities exist are not always easily identified or even acknowledged, and solutions can be elusive. But numerous studies across the country document the problem persists.

Several states and cities are working to narrow the gap by requiring more racial impact analyses and race-neutral assessments, switching to more effective community-based programs, and training correctional and educational staff on cultural differences that may affect juvenile behavior.

Unintended Biases

Oregon lawmakers passed a bill this year requiring that all legislation be screened for language that might result in unequal targeting or treatment of minority youth. It's called a "racial impact statement" and it's a way to look, upfront, for procedures that could have unintended impacts on minorities.

Sarah Brown covers juvenile justice issues for NCSL.

THE IMBALANCE

African-American youth make up:

- ◆ 17 percent of their age group
- ◆ 46 percent of juvenile arrests
- ◆ 41 percent of waivers to adult court
- ◆ 31 percent of referrals to juvenile court

THE FUTURE

For boys born in 2001:

- ◆ African-Americans have a 32 percent chance of spending time in prison during their lives
- ◆ Hispanics have a 17 percent chance
- ◆ Whites have a 6 percent chance

Source: The Sentencing Project, 2008 data.

Iowa and Connecticut also have laws that require racial impact statements, while Minnesota conducts comparable analyses, but without legislation.

"Racial impact statements represent a constructive way to address disparities in the justice system," says Marc Mauer, executive director of The Sentencing Project in Washington, D.C. "These policies give legislators the opportunity to address any unintended result of a given law instead of having to amend it later."

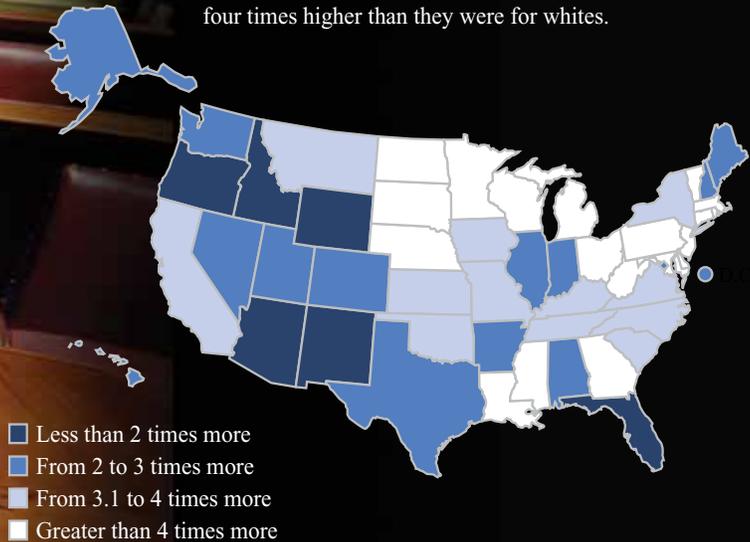
When making detention decisions, officers' assessments of how likely a youth will offend often are subjective and have resulted in inequities. Georgia now requires juvenile justice staff and probation officers to use "race-neutral risk assessment instruments" in an effort to eliminate racial and ethnic bias and better indicate when detention is necessary. They evaluate a youth's probation status, history of appearing in court, prior record, and the seriousness of the current charge without unduly weighing social factors that increase the likelihood of being placed in detention.

For example, instead of asking if a young person lives with both his parents, a situation common to only 36 percent of African-Americans, a race-neutral assessment might ask if he lives with two adults capable of supervising him at home. Similarly, asking if a youth is involved in a "productive activity" when not in school can guide decisions about the most appropriate level of supervision.

Juvenile justice officials in Berks County, Penn., use a race-neutral assessment instrument to distinguish young offenders who pose a danger or flight risk from those who can stay

Juvenile Custody Rate Comparisons

The map illustrates how much the juvenile minority custody rate exceeded the white rate in 2010. For example, in 18 states, custody rates for minorities were more than four times higher than they were for whites.



Note: Custody rates are the number of juvenile offenders in residential placement per 100,000.
 Source: *The Department of Justice's Office of Juvenile Justice and Delinquency Prevention*.

safely within the community with supervision. Many youth who stay in their homes must check in at a “reporting center” on weekday evenings, where they receive help with schoolwork and career-college exploration and participate in group counseling, recreation, enrichment activities and community service projects.

Allowing kids to remain in their own schools and neighborhoods helps them and the Pennsylvania county, authorities say. In 2009, minorities made up 90 percent of the population at the evening reporting center, and 96 percent completed supervision without re-offending that year. Because of the reporting center, Berks County reduced its out-of-home placement costs by \$2.4 million in 2009, with a further drop in 2010. And, in 2012, Berks County closed its juvenile detention center. The initiative also helped the county land nearly \$1 million in federal funding for a YouthBuild program to teach job skills.

Memphis, Tenn., starting using the SHAPE program in 2007 to reduce the number of minority students sent to juvenile detention. It diverts juveniles who commit minor offenses from the court system into a 14-week community program that teaches them skills to be drug free, make good decisions and change negative behaviors. It also requires some students to participate in community service projects, write letters of apology or pay for their misdeeds. A study by the University of Memphis showed a 60 percent decrease in the number of students sent to juvenile court over three years.

In 2007, Connecticut started sending all 16- and 17-year-olds directly to juvenile court rather than to the adult system, where a disproportionate number of minority kids had been sent in the past. The “Raise the Age” law, sponsored by Representative

Toni Walker (D) and Senator Toni Harp (D), “transformed a previously wasteful, punitive, ineffective and often abusive juvenile justice system into a national model—at no additional cost to taxpayers,” Harp says on her website. It has steered thousands of 16-year-olds, a large percentage of them minorities, away from the adult criminal system, from which, according to Harp, they return worse off, not better.



Senator
 Toni Harp (D)
 Connecticut

Connecticut didn’t stop there. The state also requires a judge’s order for any admission to a juvenile detention facility, which has sharply reduced all admissions, especially those of minorities. State and judicial offices in Connecticut also must collect data on the number of minority youth in confinement and report their findings regularly to the General Assembly and governor. Currently, Connecticut lawmakers are considering a bill that would require public schools and police to establish clear guidelines for when police should be called to campuses. Such efforts have lowered police visits and reduced arrests of minorities for petty offenses.

Other initiatives include Maryland’s requirement that police assigned to public schools receive cultural competency training, and a newly created council in Texas is charged with identifying racial disparities in the state’s juvenile justice, child welfare and mental health systems.

Closing the racial gap in juvenile justice is a complex, challenging task, but with these and similar measures, lawmakers and criminal justice workers say they’re beginning to see results.