

National Council of La Raza 2010 National Conference

Batting with Two Strikes: Brown and Young in the Juvenile Justice System

San Antonio, Texas
July 11, 2010

Mark Soler, Executive Director
Center for Children's Law and Policy

What is the problem?

Every year the FBI collects the most extensive data on youth **arrests** and publishes it as a report entitled *Crime in the United States*.

Amount of data the FBI
collects every year on
arrests of
Latino youth

0

Report from Office of Juvenile Justice and Delinquency Prevention, U.S. Department of Justice

Most juveniles tried as adults in criminal court were black male person offenders

Offender characteristics	Percent of juvenile transfer felony defendants in criminal court
Age	100%
14 or younger	8
15	24
16	27
17	40
Sex	100%
Male	92
Female	8
Race	100%
White	31
Black	67
Other race	2
Offenses	100%
Person	66
Murder	11
Rape	3
Robbery	34
Assault	15
Property	17
Burglary	6
Theft	8
Drug	14
Public order	3

- About two-thirds of juveniles prosecuted in criminal courts in the Nation's 75 largest counties were charged with a felony person offense.

Note: General offense categories include offenses other than those displayed. Detail may not total 100% because of rounding.

Source: Authors' adaptation of Strom, Smith, and Snyder's State Court Processing Statistics, 1990-94: Juvenile felony defendants in criminal courts.

Where
are
Latino
youth?

**Most juveniles tried as adults
in criminal court were black
male person offenders**

Offender characteristics	Percent of juvenile transfer felony defendants in criminal court
Age	100%
14 or younger	8
15	24
16	27
17	40
Sex	100%
Male	92
Female	8
Race	100%
White	31
Black	67
Other race	2
Offenses	100%
Person	66
Murder	11
Rape	3
Robbery	34
Assault	15
Property	17
Burglary	6
Theft	8
Drug	14
Public order	3

- About two-thirds of juveniles prosecuted in criminal courts in the Nation's 75 largest counties were charged with a felony person offense.

Note: General offense categories include offenses other than those displayed. Detail may not total 100% because of rounding.

Source: Authors' adaptation of Strom, Smith, and Snyder's State Court Processing Statistics, 1990-94: Juvenile felony defendants in criminal courts.

Report from Office of Juvenile Justice and Delinquency Prevention June, 2010

Race

In 2007, white youth accounted for 78% of the U.S. juvenile population, black youth 16%, Asian youth (including Native Hawaiian and other Pacific Islander) 5%, and American Indian youth (including Alaska Native) 1%. Sixty-four percent of delinquency cases handled in 2007 involved white youth, 33% black youth, 1% Asian youth, and 1% American Indian youth.

Race profile of delinquency cases, 2007

<u>Most serious offense</u>	<u>Total</u>	<u>White</u>	<u>Black</u>	<u>American</u>	
				<u>Indian</u>	<u>Asian</u>
Total delinquency	100%	64%	33%	1%	1%
Person	100	56	41	1	1
Property	100	66	30	2	2
Drugs	100	72	25	1	1
Public order	100	63	34	1	1

Note: Detail may not add to totals because of rounding.

Where are Latino youth?

Race

In 2007, white youth accounted for 78% of the U.S. juvenile population, black youth 16%, Asian youth (including Native Hawaiian and other Pacific Islander) 5%, and American Indian youth (including Alaska Native) 1%. Sixty-four percent of delinquency cases handled in 2007 involved white youth, 33% black youth, 1% Asian youth, and 1% American Indian youth.

Race profile of delinquency cases, 2007

<u>Most serious offense</u>	<u>Total</u>	<u>American</u>			
		<u>White</u>	<u>Black</u>	<u>Indian</u>	<u>Asian</u>
Total delinquency	100%	64%	33%	1%	1%
Person	100	56	41	1	1
Property	100	66	30	2	2
Drugs	100	72	25	1	1
Public order	100	63	34	1	1

Note: Detail may not add to totals because of rounding.

Latino youth in the juvenile justice system are **invisible** in data collection, planning, and policy making.

Why does it matter?

Table 3			
WHITE OVER-COUNT OF PRISONERS (1997)			
	<i>Percentage White prisoners reported</i>	<i>Actual percentage White prisoners</i>	<i>Percentage White over- count</i>
Federal	58.0	31.3	26.7
Arizona	79.6	48.8	30.8
California	30.1	30.1	0.0
Colorado	71.0	45.0	26.0
Florida	42.5	36.0	6.5
Idaho	80.9	68.8	12.1
New Jersey	25.8	17.7	8.1
New Mexico	83.0	28.9	54.1
New York	42.9	18.3	24.6
Texas	27.6	27.6	0.0
Utah	86.2	68.2	18.0

Source: Holman, B. (2001). *Masking the divide: How officially reported prison statistics distort the racial and ethnic realities of prison growth*. Alexandria, VA: National Center on Institutions and Alternatives. Figure 4: Percent of prison population that is White, 1985 & 1997.

Why It's Important to Collect Data on Race and Ethnicity

Who the system is serving

What services or resources are needed

Cultural competency training for staff

Culturally appropriate programs/services

Translators and interpreters

Spanish-language documents and materials

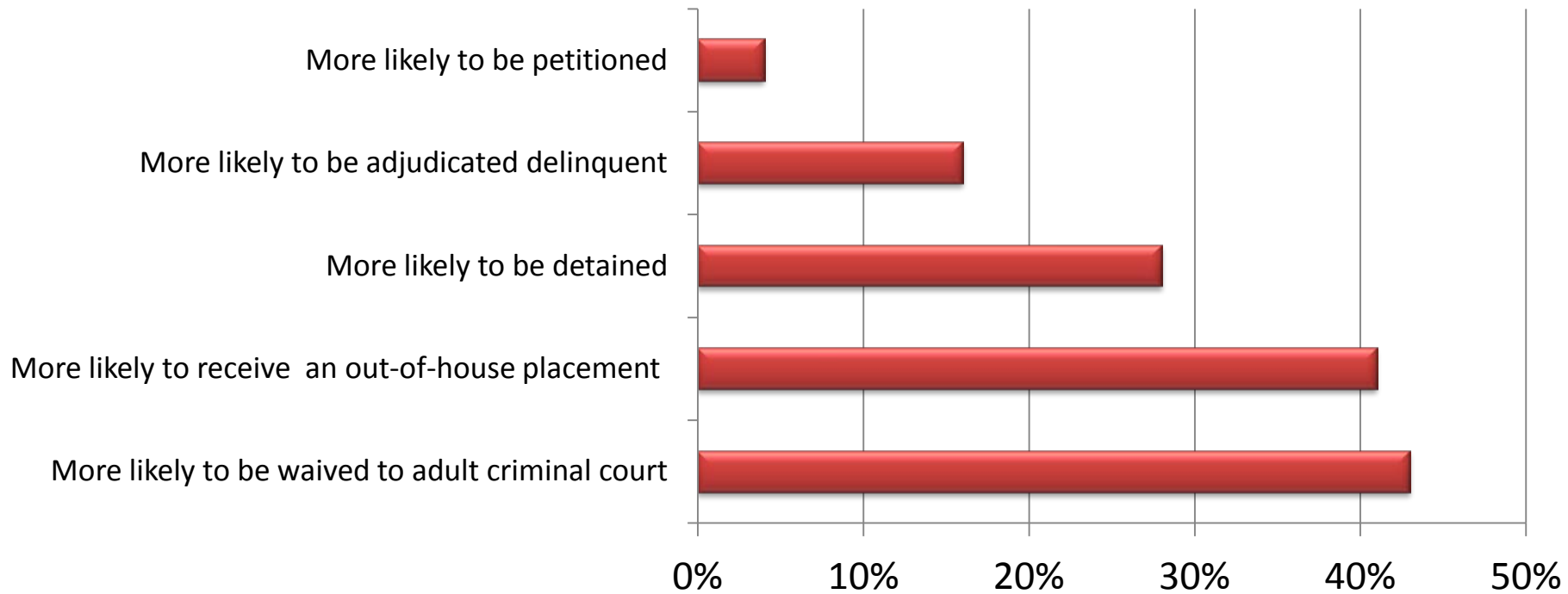
Bi-lingual bi-cultural staff

How the system responds to youth of color

Available data show that Latino youth in the juvenile justice system are treated **more harshly** than white youth, even for the **same type of offense.**

Following arrest, Latino youth receive **harsher** treatment than white youth

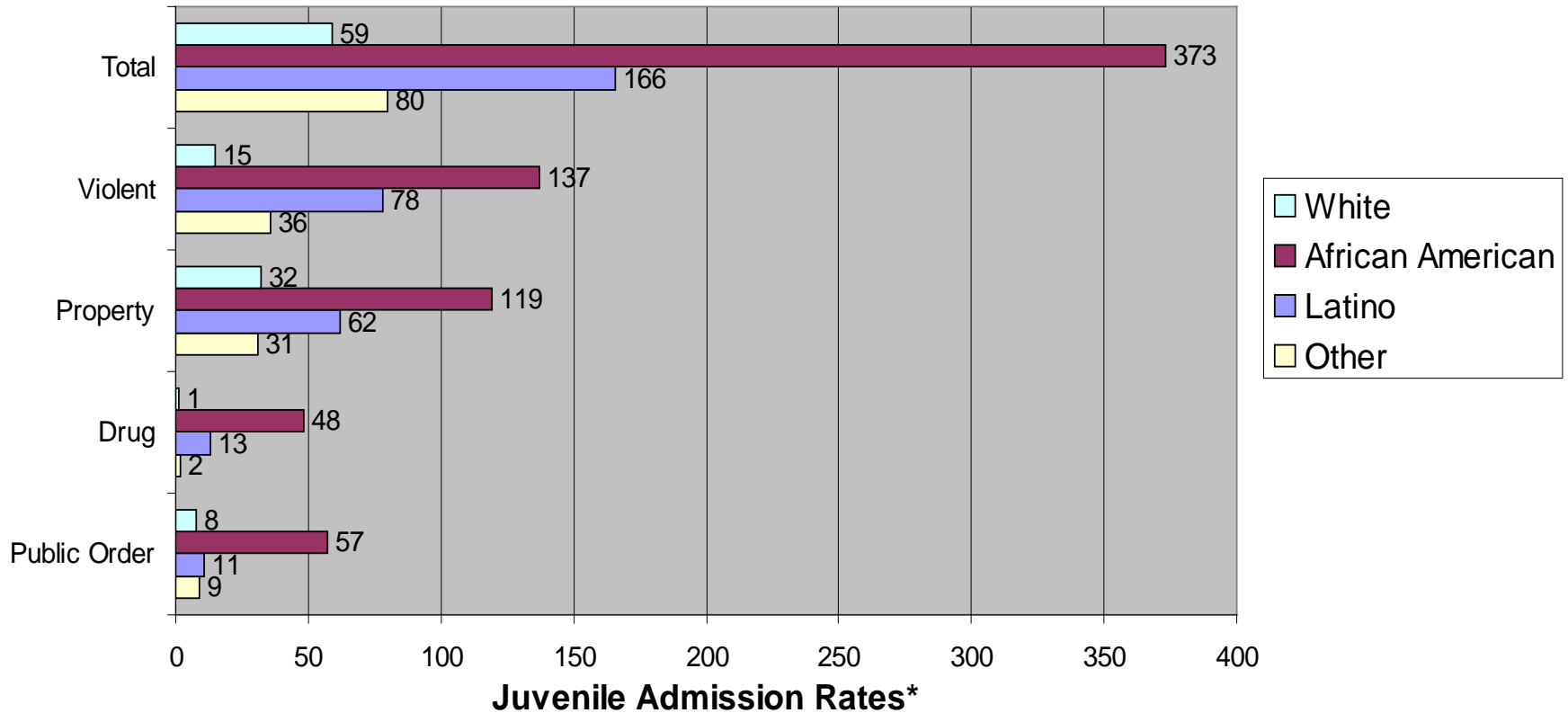
Compared to white youth, Latino Youth are:



Source: Neelum Arya., America's Invisible Children: Latino Youth and The Failure of Justice 32 (Campaign for Youth Justice and National Council of La Raza 2009)

1993 Admissions Rates* of Juveniles to State Public Facilities

Youth With No Prior Admissions**



*Rates are calculated per 100,000 youth age 10 to the upper age of juvenile court jurisdiction in each state.

** States includes AK, AZ, AR, CA, DE, GA, ID, IL, IN, IA, KY, LA, ME, MD, MA, MN, MS, MO, NE, NH, NJ, NY, ND, OH, OK, OR, SC, SD, TN, TX, UT, VT, VA, WV, WI.

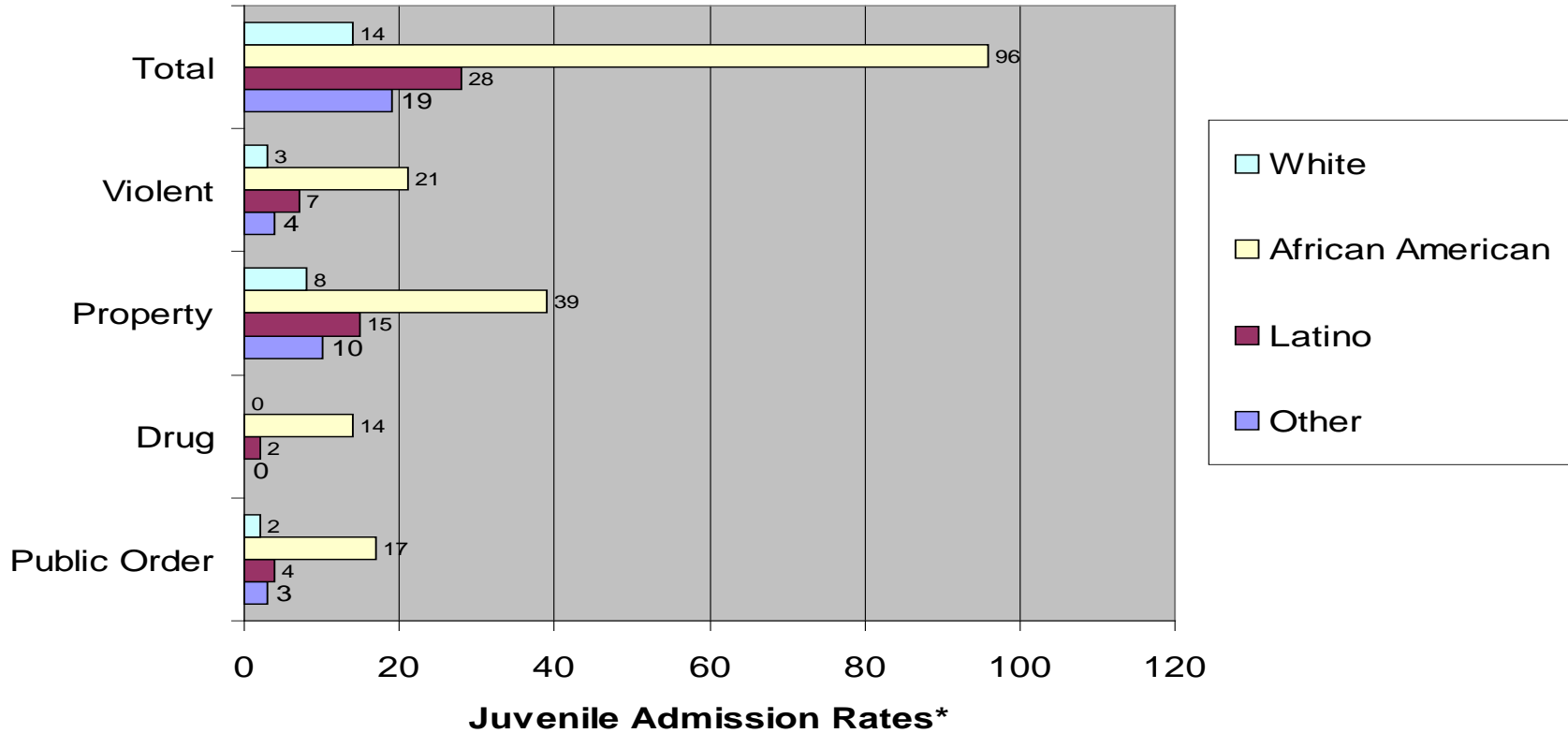
Note: Persons of Hispanic origin may be of any race. White and African American categories do not include youth of Hispanic origin.

Total contains offenses not shown.

Source: *The Juveniles Taken Into Custody Research Program: Estimating the Prevalence of Juvenile Custody Rates by Race and Gender*. National Council on Crime and Delinquency (1993).

1993 Admissions Rates* of Juveniles to State Public Facilities

Youth With One-to-Two Prior Admissions**



*Rates are calculated per 100,000 youth age 10 to the upper age of juvenile court jurisdiction in each state.

** States includes AK, AZ, AR, CA, DE, GA, ID, IL, IN, IA, KY, LA, ME, MD, MA, MN, MS, MO, NE, NH, NJ, NY, ND, OH, OK, OR, SC, SD, TN, TX, UT, VT, VA, WV, WI.

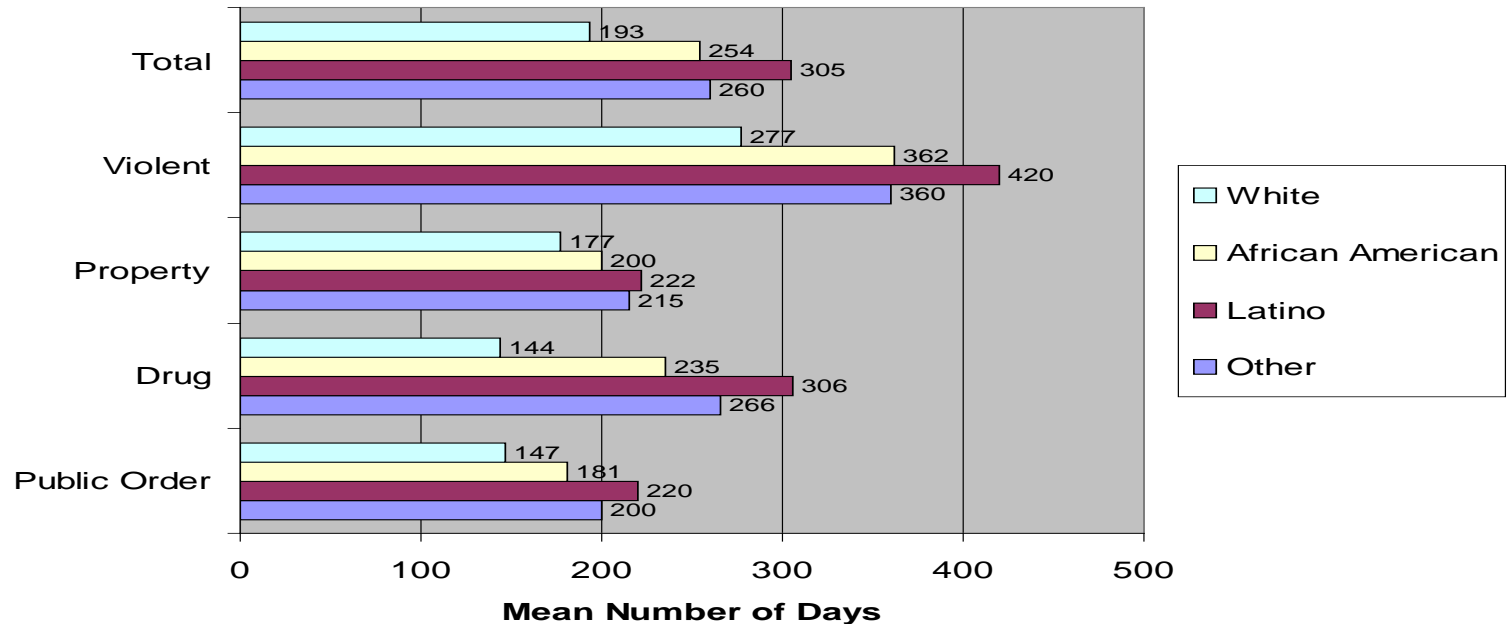
Note: Persons of Hispanic origin may be of any race. White and African American categories do not include youth of Hispanic origin.

Total contains offenses not shown.

Source: *The Juveniles Taken Into Custody Research Program: Estimating the Prevalence of Juvenile Custody Rates by Race and Gender*. National Council on Crime and Delinquency (1993).



1993 Youth Mean Lengths of Stay in State Public Facilities



*Rates are calculated per 100,000 youth age 10 to the upper age of juvenile court jurisdiction in each state.

** States include AK, AZ, AR, CA, DE, GA, ID, IL, IN, IA, KY, LA, ME, MD, MA, MN, MS, MO, NE, NH, NJ, NY, ND, OH, OK, OR, SC, SD, TN, TX, UT, VT, VA, WV, WI.

Note: Persons of Hispanic origin may be of any race. White and African American categories do not include youth of Hispanic origin.

Total contains offenses not shown.

Source: *The Juveniles Taken Into Custody Research Program: Estimating the Prevalence of Juvenile Custody Rates by Race and Gender*. National Council on Crime and Delinquency (1993).

What is DMC reduction?

- DMC = **Disproportionate Minority Contact** with the juvenile justice system
- Goals are to:
 - (1) reduce over-representation of youth of color;
 - (2) reduce racial and ethnic disparities;
 - (3) prevent youth of color from unnecessarily and inappropriately entering and moving deeper into the juvenile justice system.

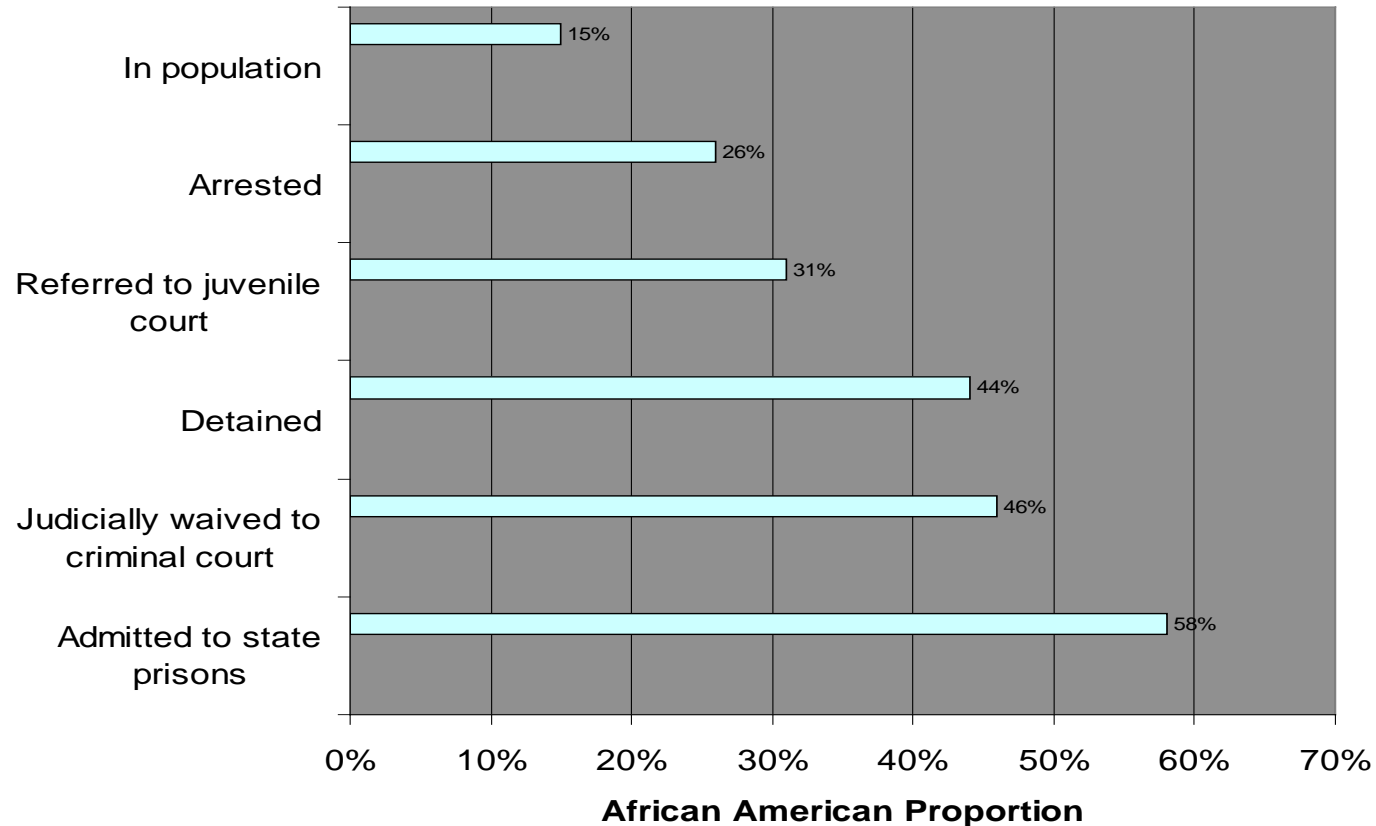
DMC reduction is **not**:

- A research project
- **Solving** the problems of racism or poverty
- The Blame Game - kids, parents, the community, music videos, television, the media, “the system”
- **Gotcha!** Finger pointing at public officials
- The Abuse Excuse - poor, broken home, bad neighborhood, etc.
- Easier treatment for African-American and Latino youth

What is DMC reduction?

- DMC = Disproportionate Minority Contact with the juvenile justice system
- Goals are to:
 - (1) reduce over-representation of youth of color;
 - (2) reduce racial and ethnic disparities;
 - (3) prevent youth of color from unnecessarily and inappropriately entering and moving deeper into the juvenile justice system.

Over-Representation of African American Youth in the Juvenile Justice System



Note: Reflects 1998 population, 1998 arrests, 1997 information on referrals, detentions, petitions, adjudication's, waivers; 1997 residential placements; 1997 state prison admissions.

Sources: U.S. Bureau of the Census' *Population Estimates for States by Age, Sex, Race, and Hispanic Origin: 1980-1998*; OJJDP's *Juvenile Arrests, 1998*; OJJDP's *Easy Access to Juvenile Court Statistics: 1988-1997*; OJJDP's *Juvenile Offenders and Victims: 1999 National Report* and BJS's *Profile of State Prisoners Under age 18, 1985-97*.

**Over-Representation of Latino Youth in the Juvenile
Justice System**



The “relative rate index” is the way that states report data on racial and ethnic disparities.

Allegheny County, 2000-2002

Summary of Black to White Relative Rate Ratios

The "relative rate index" (RRI) is a way to compare processing rates of youth of color to white youth. If the rate for youth of color is identical to that of white youth, the relative rate index is "1."

	Arrest	Referral	Informal	Detention	Petitioned	Adjudicate	Probation	Placement	Waiver
Both Genders									
For all offenses	2.8	5.5	0.8	1.8	1.1	0.9	1.2	1.7	--

"--" indicates that there were too few cases to calculate reliable rates.

The data analysis presented here was prepared by the National Center for Juvenile Justice.

**“Relative rate index” of
Latino youth to
non-Latino youth**

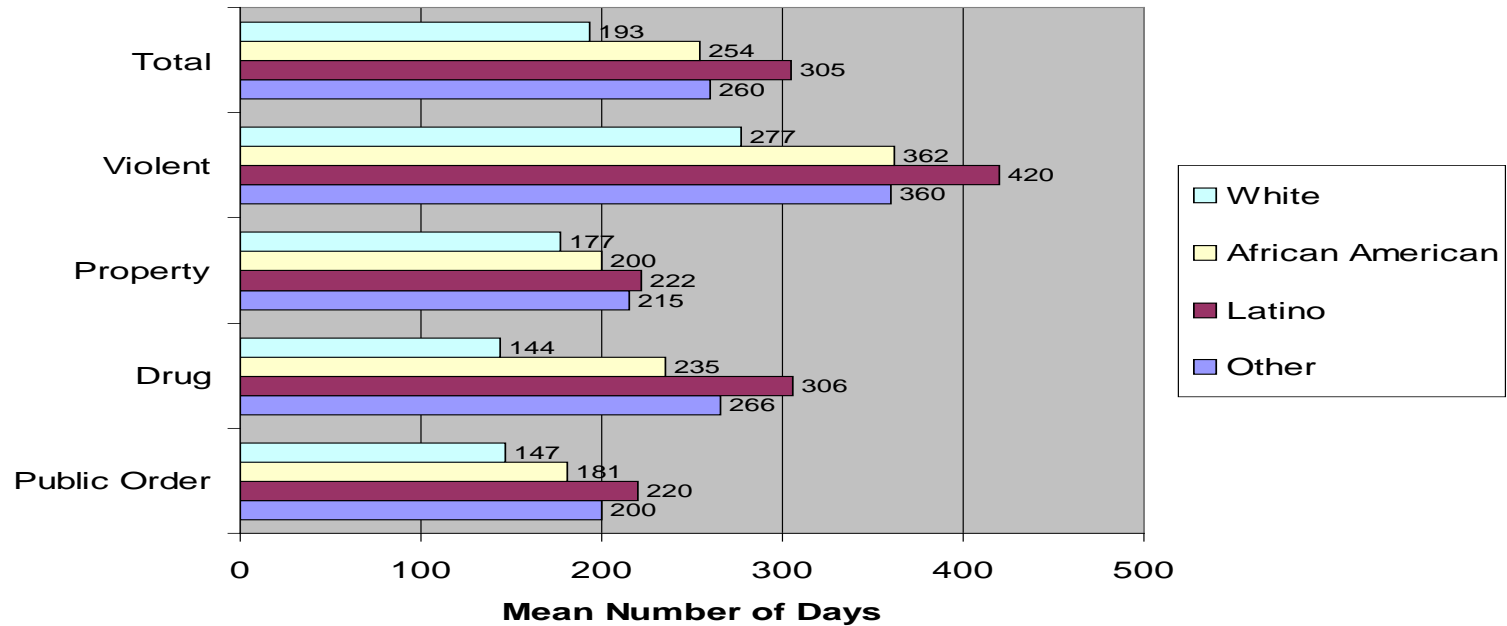


What is DMC reduction?

- DMC = Disproportionate Minority Contact with the juvenile justice system
- Goals are to:
 - (1) reduce over-representation of youth of color;
 - (2) reduce racial and ethnic disparities;
 - (3) prevent youth of color from unnecessarily and inappropriately entering and moving deeper into the juvenile justice system.



1993 Youth Mean Lengths of Stay in State Public Facilities



*Rates are calculated per 100,000 youth age 10 to the upper age of juvenile court jurisdiction in each state.

** States include AK, AZ, AR, CA, DE, GA, ID, IL, IN, IA, KY, LA, ME, MD, MA, MN, MS, MO, NE, NH, NJ, NY, ND, OH, OK, OR, SC, SD, TN, TX, UT, VT, VA, WV, WI.

Note: Persons of Hispanic origin may be of any race. White and African American categories do not include youth of Hispanic origin.

Total contains offenses not shown.

Source: *The Juveniles Taken Into Custody Research Program: Estimating the Prevalence of Juvenile Custody Rates by Race and Gender*. National Council on Crime and Delinquency (1993).

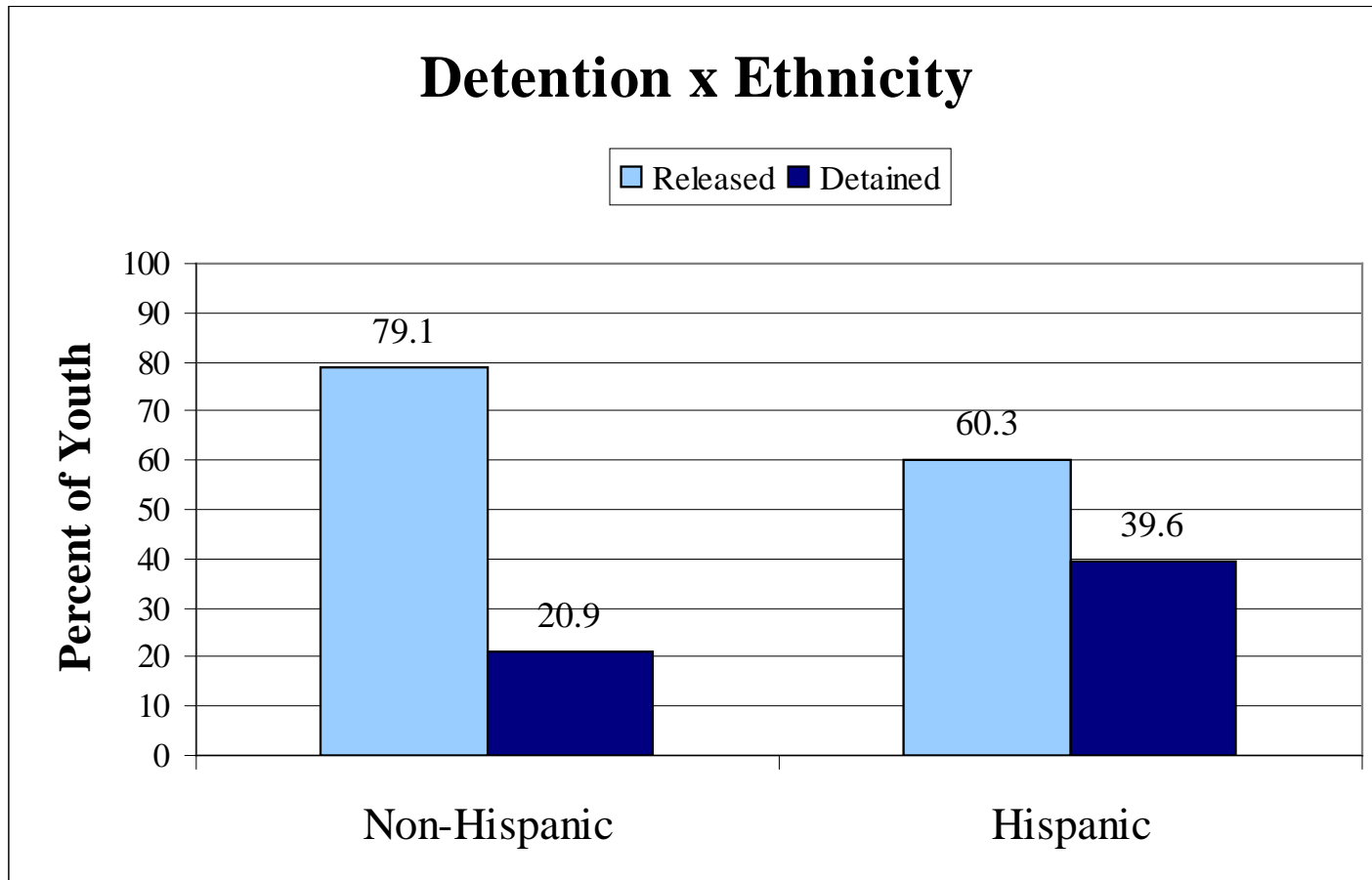
What is DMC reduction?

- DMC = Disproportionate Minority Contact with the juvenile justice system
- Goals are to:
 - (1) reduce over-representation of youth of color;
 - (2) reduce racial and ethnic disparities;
 - (3) prevent youth of color from unnecessarily and inappropriately entering and moving deeper into the juvenile justice system.

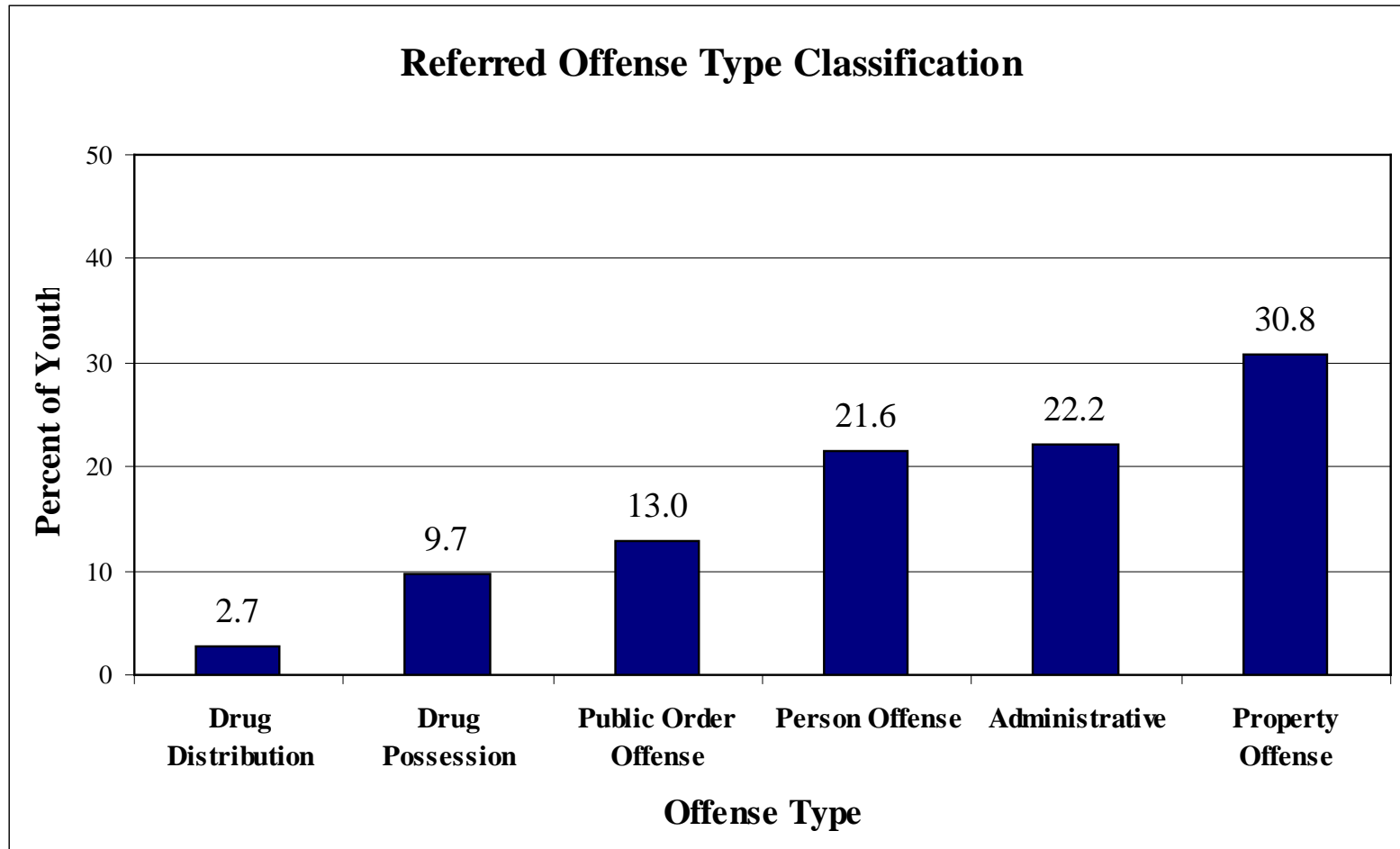
Berks County (Reading), Pennsylvania

MacArthur Foundation Models for Change
DMC Action Network

Berks County, PA: Youth Detained by Ethnicity



Berks County, PA: Referred Offense Classification



Locations: Home Zip Codes

44 Home ZIP Codes were represented (183 youth)

The top 5 ZIP Codes accounted for 57.38% of the data

1. 19601 (45 cases, 24.59%)
2. 19604 (26 cases, 14.21%)
3. 19602 (21 cases, 11.48%)
4. 19606 (7 cases, 3.83%)
5. 19518 (6 cases, 3.28%)

Locations: Arrest Zip Codes

26 Arrest ZIP Codes were represented (145 youth)

The top 5 ZIP Codes accounted for 64.8% of the data

1. 19601 (47 cases, 32.41%)
2. 19610 (17 cases, 11.72%)
3. 19604 (15 cases, 10.35%)
4. 19605 (9 cases, 6.21%)
5. 19606 (6 cases, 4.14%)

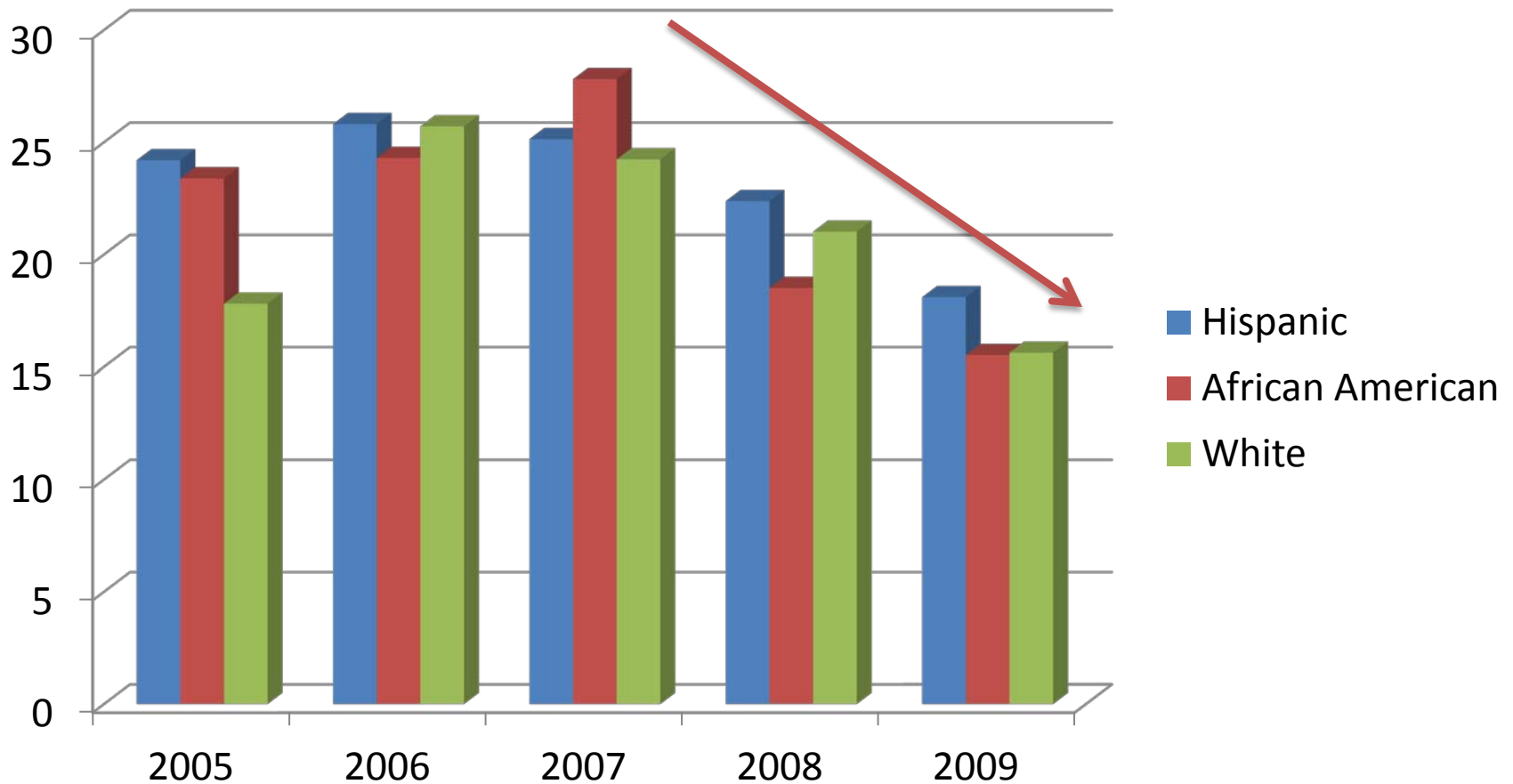
Language Capability

- 11.7% (22 youth) needed a translator (either for themselves or for their parent)
- 13.3% (25 youth) had a parent who preferred Spanish
- 0.5% (1 youth) had Spanish Forms on File

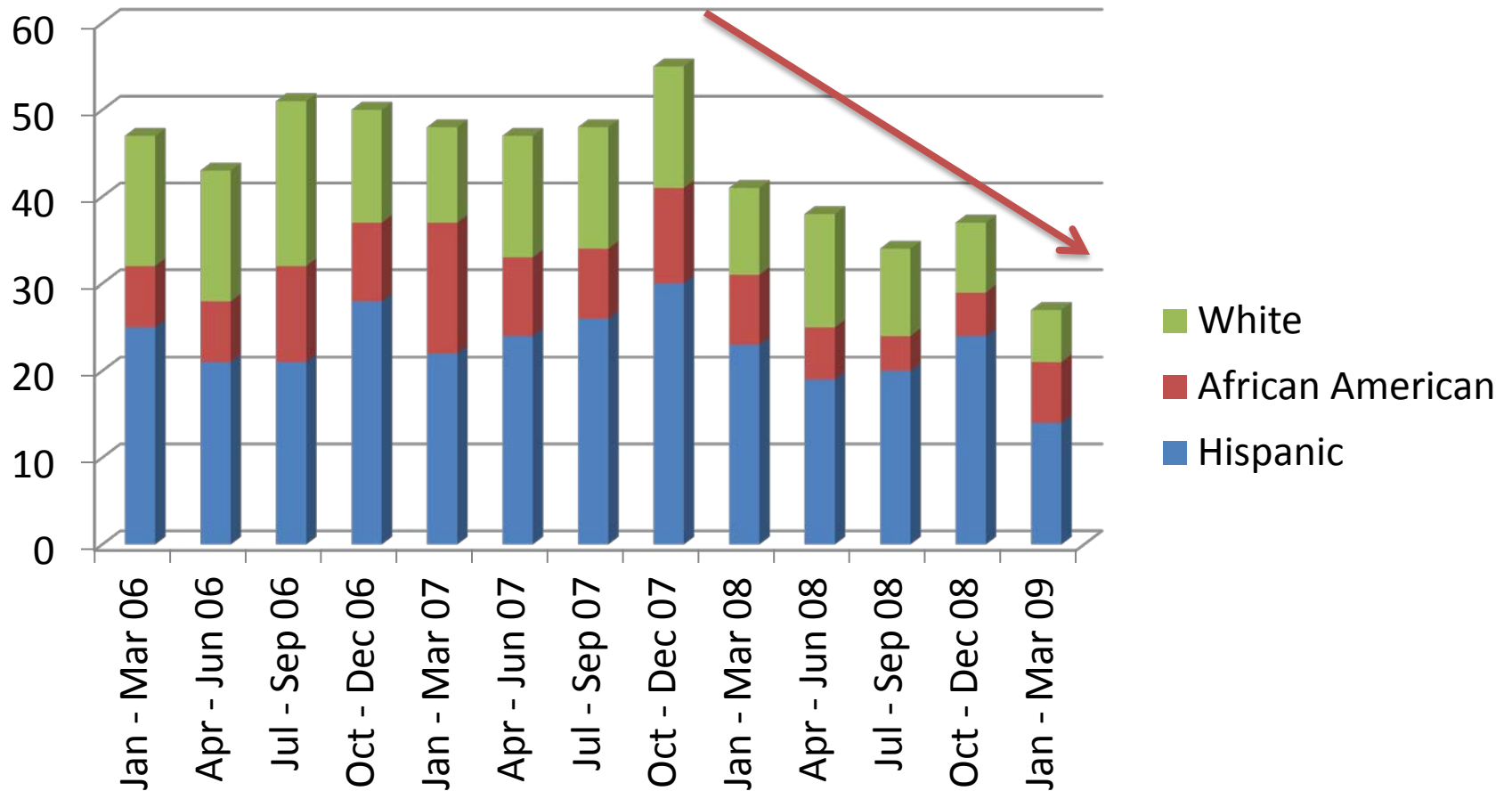
Berks County, PA, has:

- Translated all court documents into Spanish
- Insured that translators are available in court
- Instituted a Detention Screening Instrument
- Opened a new Evening Reporting Center
- **Reduced** detention population by 45%
- Permanently **removed** 24 beds from secure detention
- Introduced Multi-Systemic Therapy (MST) for post-disposition youth
- **Reduced** post-adjudication out-of-home placement population by 42%
- **Prevented Latino youth from moving deeper into the juvenile justice system**

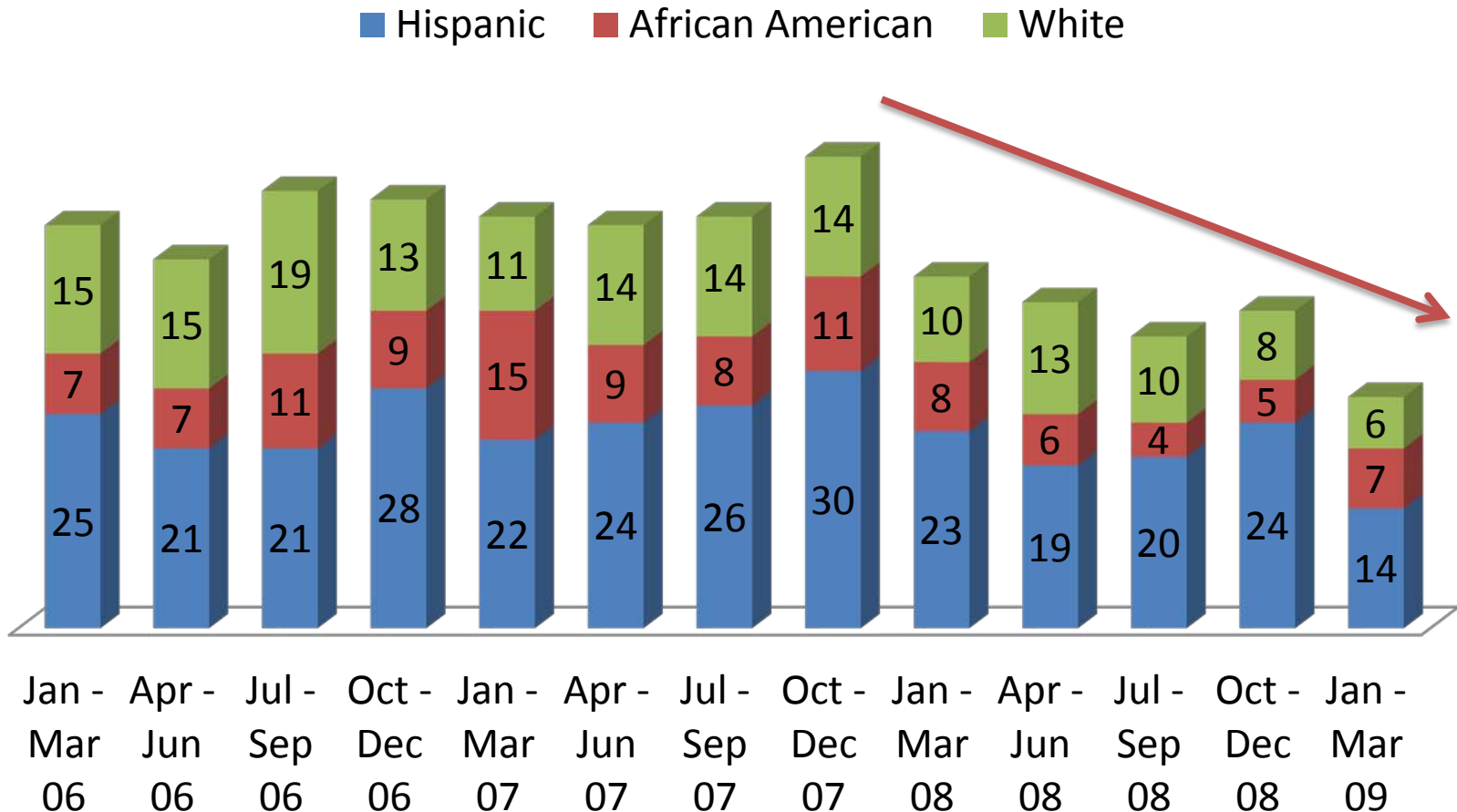
Average Length of Stay in Detention – Berks County, PA



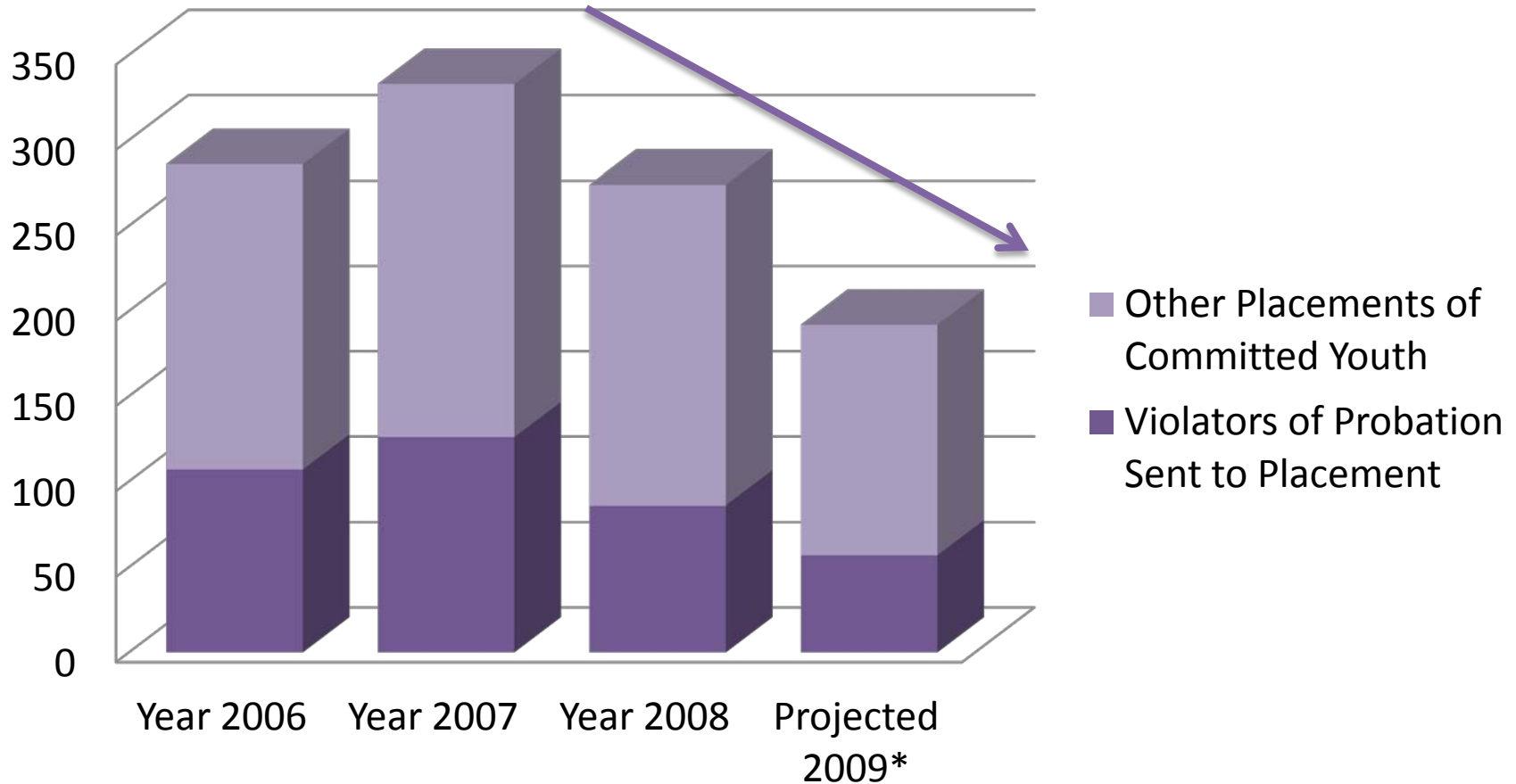
Average Daily Population in Detention – Berks County, PA



Average Daily Population in Detention – Berks County, PA



Berks County Out of Home Placements of Committed Youth



*2009 projections based on data available through April 27, 2009.

Good news!

We know how to collect accurate information on ethnicity.

1. **Ethnicity:** Hispanic/Latino?
2. **Race:** American Indian/Alaska Native
Asian
Black or African-American
Native Hawaiian or Other Pacific Islander
White

Two-question format used by the US Census Bureau and all other federal agencies.

There are reports on Latino youth in the juvenile justice system.

Latino youth are significantly overrepresented in the justice system

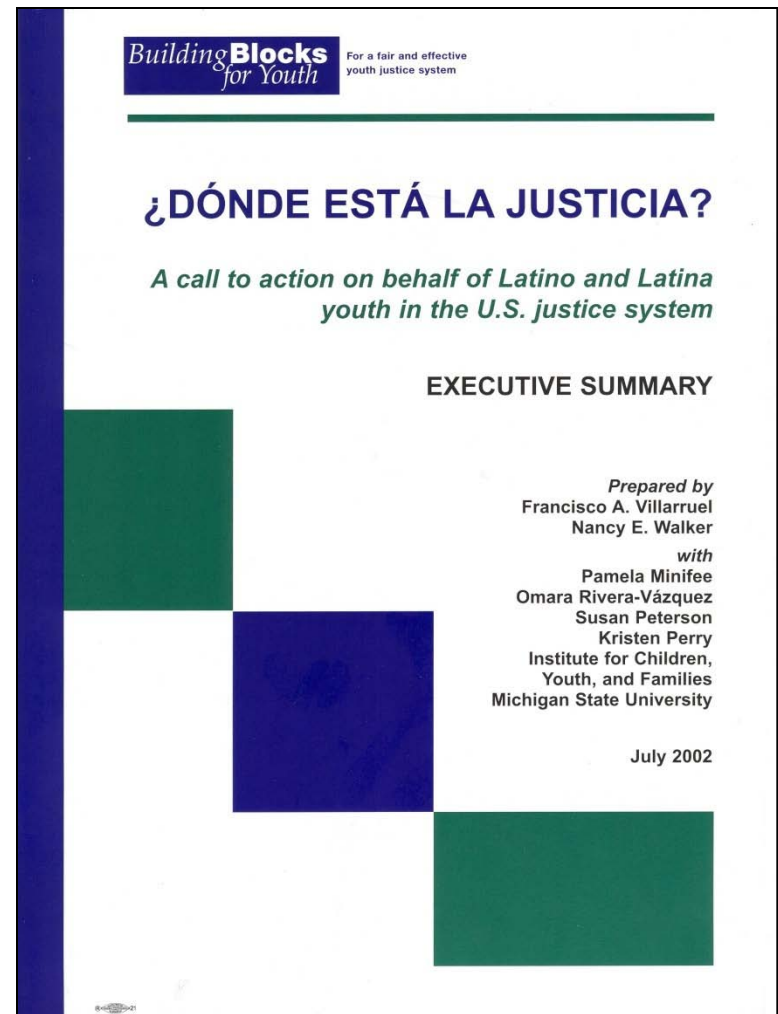
Data collection mechanisms are inadequate

Significant undercounting

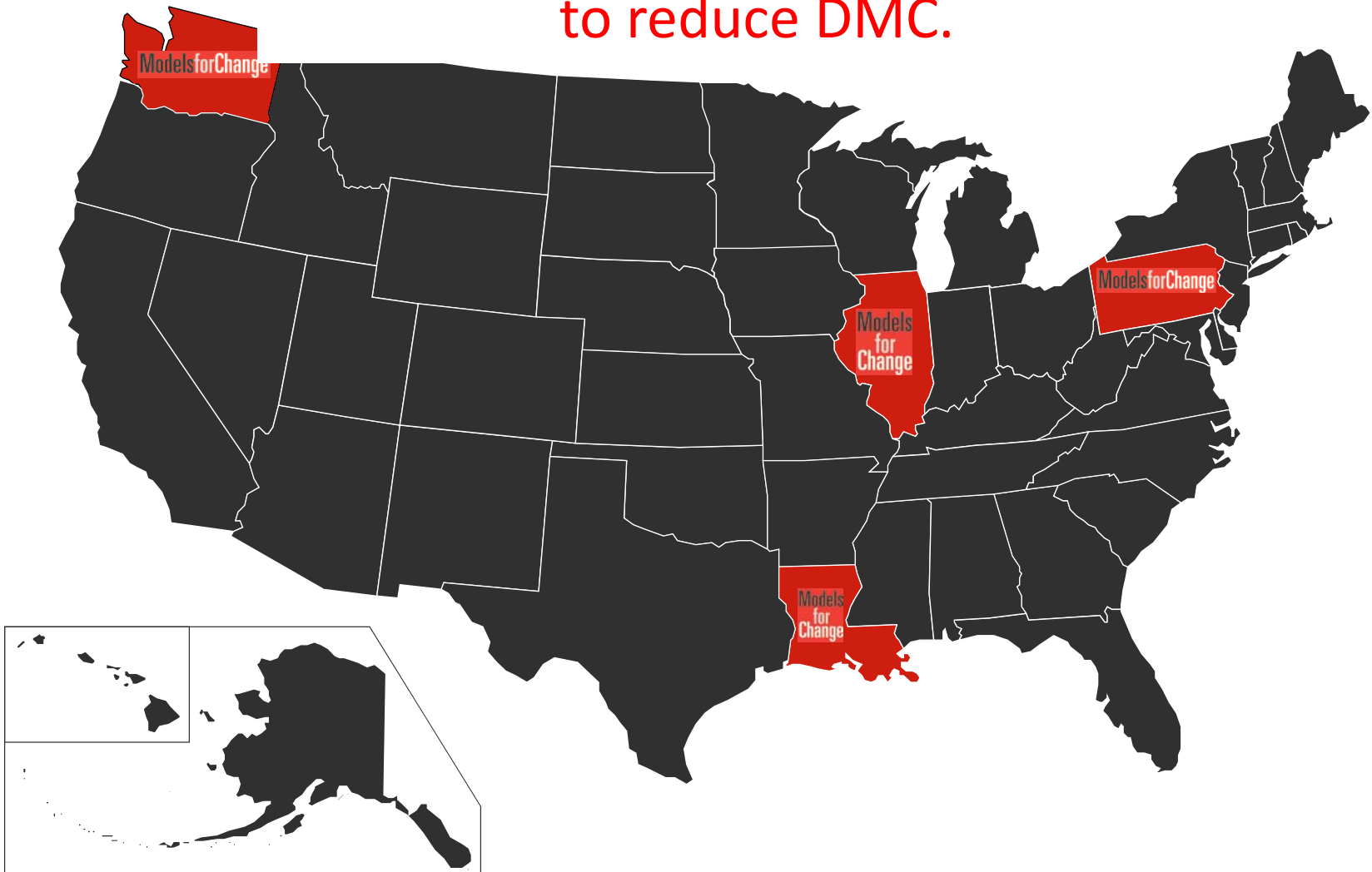
Failure to separate race from ethnicity

Lack of adequate bilingual services

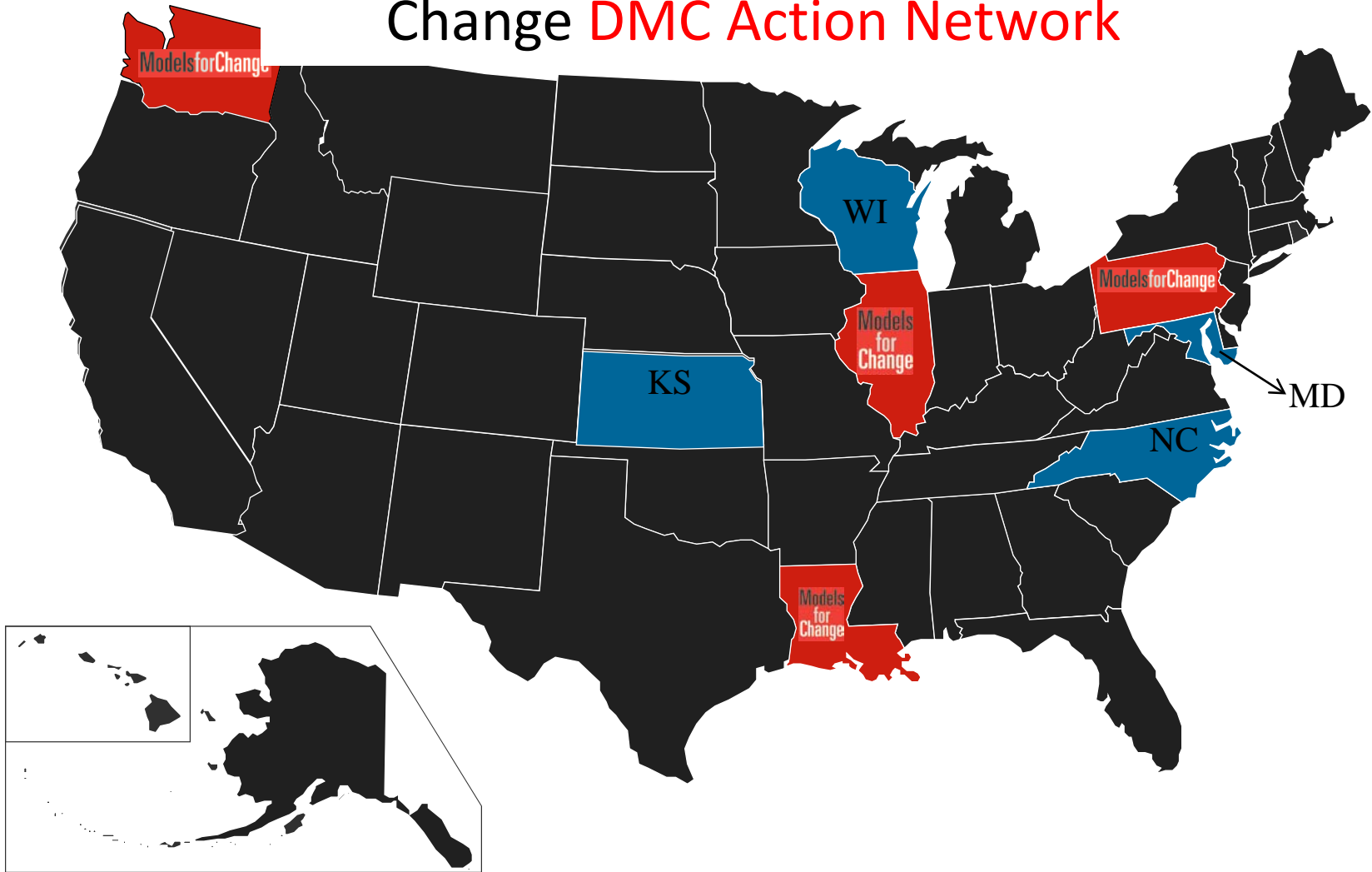
Lack of culturally competent staff



There is a network of places working
to reduce DMC.



MacArthur Foundation Models for Change **DMC Action Network**

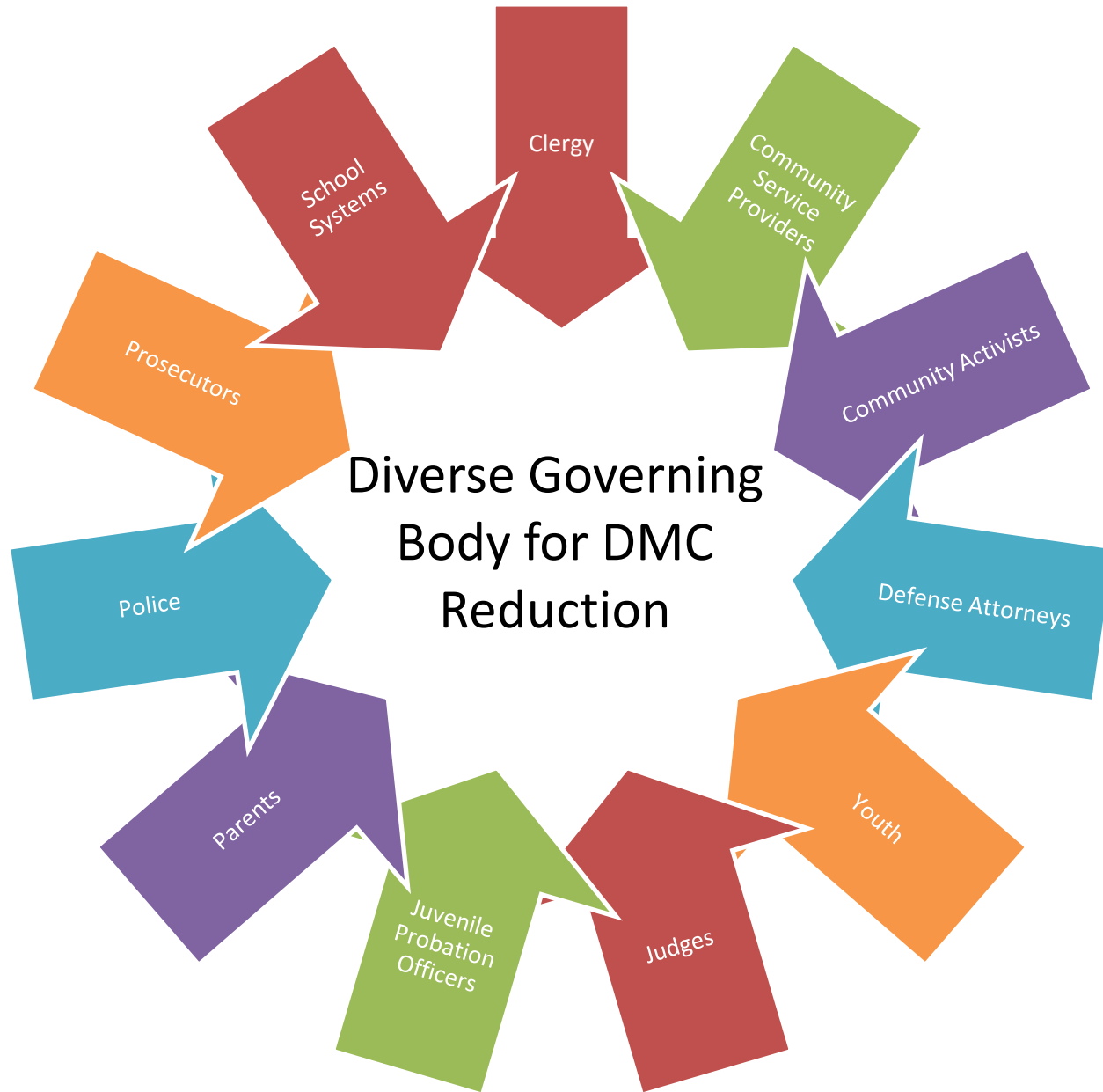


In fact, there are several
networks.

Annie E. Casey Foundation's Juvenile
Detention Alternatives Initiative (JDAI)

W. Haywood Burns Institute

The community is now at the table.



For more information:

Mark Soler, Executive Director
Center for Children's Law and Policy

1701 K St., NW, Suite 1100

Washington, DC

(202) 637-0377 ext. 104

msoler@cclp.org

www.cclp.org