

STATUS OFFENDERS AND RACE

The “Disproportionate Impact” blog series examines the ways in which multiple populations of youth are disproportionately represented and differentially treated in the status offense system, including youth of color, girls, and youth who identify as lesbian, gay, bisexual, transgendered, and queer (LGBTQ). Through this series, we hope readers gain a better understanding of the challenges the system must overcome in order to ensure equitable and fair treatment for all of the youth and families it serves.

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The Juvenile Justice and Delinquency Prevention Act requires that states address racial and ethnic disparities, also known as disproportionate minority contact (DMC), in their juvenile justice systems. This applies to youth charged with status offenses as well as delinquent youth. Data included in Juvenile Court Statistics, 2010, a recent report from the National Center for Juvenile Justice (NCJJ) suggests disparate treatment of youth of color charged with status offenses. The report’s findings include:

- Between 1995 and 2010, the petitioned status offense case rate decreased by 6 percent for white youth, but increased by 7 percent for blacks, 8 percent for American Indians, and 26 percent for Asians.
- In 2010, the petitioned status offense case rate for American Indian youth was 3.5 times the rate for Asian youth and twice the rate for white youth.
- Between 1995 and 2006, the runaway case rate for black youth increased by 55 percent while the same rate for white youth fell 30 percent.

The stakes for court processing of status offenses are high. The report found that “for every 1,000 status offense cases formally processed by juvenile courts, 295 resulted in formal probation and 45 were placed out of the home.” Austin, Johnson, and Weitzer, authors of a report on the use of secure detention and confinement of juvenile offenders, estimate that approximately “one-third of all youth in secure detention facilities were in confinement for minor technical probation violations or status offenses.”

To address this problem, public officials, policymakers, and practitioners are exploring ways to keep youth of color out of their juvenile justice systems. In some jurisdictions, the focus has been on examining key subgroups within the juvenile justice population that are overrepresented by youth of color, such as crossover youth—who are also involved in the child welfare system—and youth who are referred to juvenile court by school authorities. Some common strategies that are beginning to show promise include diverting youth from court instead of referring them for status offenses and minor delinquent offenses, developing culturally- and linguistically-responsive prevention and intervention services, addressing underlying individual and family needs that led to involvement in the child welfare system, and creating in-school programs to address truancy and other minor misbehaviors.

As more states and localities consider ways to limit the disproportionate impact of the system on youth of color, the regular collection and analysis of data should be at the forefront of that effort.

As a starting point, jurisdictions should begin by tracking data on the number of youth referred for status offenses, the specific offenses for which the youth are referred, the source of the referral (e.g., parent, probation officer, school administrator), what happened to the youth (e.g., diversion or formal processing), what programs they went to, and how successful those programs were in keeping youth out of further problems. All of this data should be disaggregated by race, ethnicity, and gender. Data on location (e.g., residence of the youth) should also be collected because it is very helpful in deciding where to establish new programs that are accessible to youth and families. Only by having a clear understanding of how current practice may be leading to an overrepresentation of youth of color in the status offense system can jurisdictions begin to make real progress in reducing racial and ethnic disparities.