

Racial Disparities in Juvenile Justice Call for Holistic Approach

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In 2011, according to data collected by the Office of Juvenile Justice and Delinquency Prevention, black youth in America were 4.6 times more likely than white youth to be detained or confined to facilities for the same offenses. Latino youth were 1.8 times more likely to be detained. These statistics have prompted juvenile justice experts and organizations, such as the Oakland, CA-based Burns Institute, to conclude, “We do not have a [youth] crime problem in this country; we have an incarceration problem.”

Multi-System Approach

Many factors drive the disproportionate detention of minority youth, said The Honorable Judge J. Wesley Aint Clair, who presides over the King County Juvenile Court in Seattle, WA. “There are so many moving pieces, from the child welfare system, to our school system, to the formal juvenile justice system.” In addition, Saint Clair said, behavioral and physical health agencies tend to operate in a “siloe d” fashion, which means “that we’re not taking a very holistic examination of the process.”

For the past 20 years, several initiatives at the federal, state, and local levels have been aimed at lowering juvenile detention rates and addressing disproportionate minority representation. In 2008, updates to the Juvenile Justice and Delinquency Prevention Act of 1974 began requiring states to reduce racial and ethnic disparities and to focus more on prevention. The Juvenile Detention Alternatives Initiative, a project of the Annie E. Casey Foundation since 1992, has sponsored initiatives in 200 jurisdictions in 39 states. These and other initiatives emphasize a multi-system, collaborative, and data-driven approach to change and prevention.

The Trauma Component

Disproportionate rates of minority youth detention have been attributed to the War on Drugs, which mandated stiffer sentences for nonviolent crimes of drug possession; zero tolerance policies initiated in schools; poverty; and family trauma. Even when all involved agencies are “at the table,” the trauma component of these

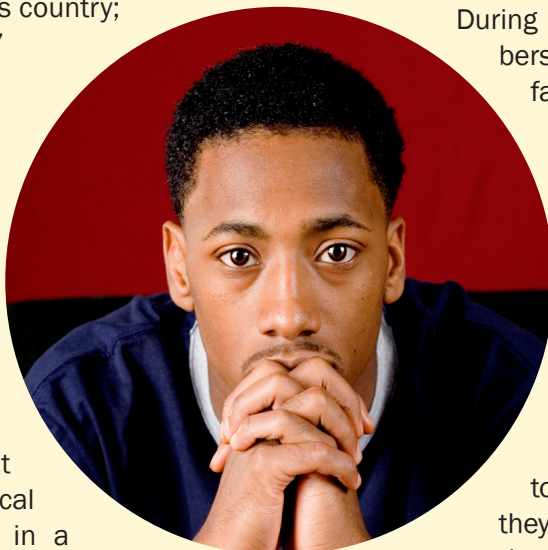
experiences can often be missed, said Clinton Lacey, Deputy Commissioner of Adult Operations for the New York City Department of Probation.

Lacey recalled a recent department-wide case conference concerning a 19-year-old African American youth who had missed appointments with his probation officer. He had also stopped attending his drug treatment diversion program, and was continuing to smoke marijuana.

During the discussion, department members learned that the young man had no father at home, an older brother in prison, and a troubled relationship with his mother. Lacey asked, “Has a mental health screening been done?” He suspected that the young man had been impacted by trauma, that he was possibly depressed, and that his continuing drug use was an attempt to self-medicate his depression. “The probation officers were not trying to be punitive,” Lacey explained, “but they were clearly frustrated. They had not been properly equipped to understand

trauma. Without a trauma lens, I think that the systems are missing a key part of what’s driving the problems. Understanding of trauma should point us in the direction of what should become healing therapeutic interventions, spaces, and opportunities.” He added that mental health and child-serving professionals, especially those with expertise in assessing and treating trauma, can be valuable contributors to the cross-system collaborations necessary to effect change. “Without that lens, we must ask ourselves, how may we at probation be contributing to the racial disparity we now see in our criminal and juvenile justice systems?”

Saint Clair concurred, saying, “We have to fix the fundamental premises that we operate under.” To that end, Saint Clair, who started a book club, has handed out copies of *The New Jim Crow* (by Michelle Alexander) to 80 of his colleagues on the bench in order to increase their awareness of the historical trauma still affecting today’s African American families. The book club meets monthly and has now drafted an action plan to address what Saint Clair calls the “hyper-incarceration of black youth.”



Avoid the Blame Game

Lacey collaborates with various agencies in New York City to help minority youth avoid the detention spiral. He and Saint Clair advise against assigning blame for minority disproportionate detention rates. One way to do this is to engage stakeholders in looking at the data and the decision points (that is, the junctures at which youth come into contact with law enforcement or the justice system: arrest, referral to court, diversion, secure detention, delinquency findings, probation, and confinement in secure correctional facilities). “We know at specific decision points that kids of color and their white counterparts are getting different treatment with different outcomes,” Lacey said. “And that’s the definition of disparity.” Tracking the data can lead to a different conversation and specific problem-solving around the issue.

Other major decision points occur outside the justice system. Saint Clair noted that the zero tolerance movement has also been inequitably applied to youth of color, and that changing that equation can be tricky. In the Seattle-King County area, with 2.2 million people, there are 19 school districts run by independently-elected school boards that set their own priorities. When it comes to the disparate impact of zero tolerance on black males, “You have to pick and choose who you’re going to have that discussion with,” Saint Clair said. “And again, you don’t want to get them into the defensive mode because then they’re not listening to what’s being said.

“We need to look for collaborative models where we bring stakeholders together,” he continued. “Instead of pointing fingers [at the schools, parents, the court, etc.], we need to focus on our commonalities. When we have built relationships on trust and respect, then we can use that as a foundation for reaching solutions.”

Where to Intercede?

In 2003, Seattle-King County was one of 10 communities funded by the Robert Wood Johnson Foundation Reclaiming Futures initiative. Reclaiming Futures: Communities Helping Teens Overcome Drugs, Alcohol and Crime was designed to build community solutions to substance abuse and delinquency by developing the infrastructure necessary to deliver comprehensive care within the juvenile justice system. The purpose of the project was to design and implement an effective continuum of assessment, treatment, and supports for substance-abusing youth coming through the court system; and to provide supports beyond the court and treatment systems for substance-abusing youth and youth with cooccurring disorders.

Among other accomplishments, the Seattle initiative produced a resource that annotates guidelines from different agencies (social work, juvenile probation, schools, dependency courts, etc.) relevant to the releases necessary for sharing information among agencies. A new juvenile detention center, which will house social services offices as well as detention facilities, is set to break ground in Seattle in early 2015. Another document, *A Vision for King County 2024*, is the outgrowth of meetings held with 200 members of the Seattle community. It will provide the foundation for concrete steps to effect change, Saint Clair said. “The community speaks to issues of restorative justice,” he noted, “and so now we’re looking at those restorative justice principles and seeing how we can implement them within our various institutions – with, Source: Burns Institute, Oakland, CA. For more data and interactive map, see: data.burnsinstitute.org you know, lots of struggle with that, because that’s not how we usually do business.”

Lacey and Saint Clair admitted these efforts can be frustrating at times, especially when leaders struggle with budgetary challenges and insufficient social services. It is important, they emphasized, to attend to secondary trauma training to sustain their own momentum for change.

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