

Report to the Legislature

**Racial Disproportionality
in the Juvenile Justice System**

**RCW 13.06.050(3)
RCW 2.56.031**

December 2010

Juvenile Rehabilitation Administration
Division of Treatment and Intergovernmental Programs
P.O. Box 45720
Olympia, Washington 98504-5720
(360) 902-8499
Fax: (360) 902-8108

Table of Contents

	<u>Page</u>
Executive Summary.....	3
Introduction.....	4
Progress Made to Reduce Disproportionate Minority Confinement.....	5
Juvenile Detention Alternative Initiative.....	5-8
Reducing Disproportionate Minority Contact through the MacArthur Foundation Models for Change Grant.....	9-11

Executive Summary

The Juvenile Rehabilitation Administration is charged with the annual responsibility of reporting to the Legislature (RCW 13.06.050(3), RCW 2.56.031) progress made toward reducing disproportionate minority confinement in the juvenile justice system.

The focus of this year's report is upon efforts in Washington State to reduce disproportionality through:

1. The implementation of evidence-based alternative detention programs and other promising practices outlined in the Juvenile Detention Alternative Initiative (JDAI) funded and administered by the Annie E. Casey Foundation, along with matching State dollars;
2. A new grant secured by JRA through the MacArthur Foundation known as the Models for Change, Systems Reform in Juvenile Justice.

Introduction

The Juvenile Rehabilitation Administration is charged with the annual responsibility of reporting to the Legislature (RCW 13.06.050(3), RCW 2.56.031) progress made toward reducing disproportionate minority confinement in the juvenile justice system.

RCW 13.06.050(3) defines elements required from this report to include identification of efforts to reduce disproportionality, evaluating any progress made toward achieving that goal, and recognizing cost-effective programs that reduce disproportionality.

Disproportional Minority Contact is defined as the degree to which minority juveniles coming into contact with the law enforcement and juvenile justice systems differs from that of the general at risk juvenile population (youths 10-years-old and older). Disproportional Minority Contact in Washington State is a reality faced daily by minority youth. African American, Native American, and Hispanic youth are most affected.

The most recent study on Disproportionality and Disparity in Juvenile Sentencing published by the Washington Sentencing Guidelines Commission (May 2008) reports that 11,573 young people were sentenced in Washington Juvenile Courts between June 30, 2006, and July 1, 2007. Approximately 79% of the offenders were male and 31% of the dispositions were for minorities. Girls accounted for approximately 49% of the juvenile population but only 21% of dispositions. African Americans comprise 4.34% of the juvenile population in Washington but received 15.65% of all juvenile dispositions, and were the most over-represented racial group. Native Americans made up 2.24% of the population and were 1.99 times overrepresented in juvenile sentencing (4.46%). Asian/Pacific Islanders account for over 7% of the juvenile population but only 2.89% of the dispositions. Caucasians, the largest segment of the population, 81.25%, accounted for about 70% of all juvenile dispositions.

The level of disproportionality is even greater among these young people sentenced to commitment in the Department of Social and Health Services, Juvenile Rehabilitation Administration (JRA). African American youth in JRA residential care are approximately seven times the proportion of African American youth in the state; Native American youth are in JRA at almost five times and Hispanic youth at 2.25 times their proportion in the community (JRA, October 2007).

Progress Made to Reduce Disproportionality

Juvenile Detention Alternatives Initiative

Disproportional Minority Contact is a social problem that is being tackled nationally and locally. Of particular note is the Juvenile Detention Alternatives Initiative (JDAI) sponsored and funded by The Annie E. Casey Foundation with matching State funds added during the 2007-2009 biennium. The Juvenile Detention Alternatives Initiative (JDAI), launched in 1992, promotes safe, effective alternatives to holding non-violent youth in locked facilities. JDAI relies on systematic use of data to drive decision-making, collaboration and planning to create and improve programs that help troubled youth and their families, and strategic improvement of local juvenile justice systems.

JDAI is currently being replicated in over 110 sites nationwide, in 27 states and the District of Columbia, and continues to expand as evidence of its effectiveness mounts. Although the explicit goal of JDAI is to reduce reliance on secure detention, its implicit goal is overall improvement in juvenile justice systems, so that more children and youth get the help they need, when they need it, to change the trajectory of their lives. The Initiative relies on eight core strategies:

- Collaboration and leadership,
- Data-driven decision-making,
- Clear detention admission policies,
- Alternatives to detention,
- Expedited case processing,
- New practices for warrants and probation violations,
- Reduction of racial disparities, and
- Improved conditions of confinement.

Washington State established formal partnerships with the Casey Foundation in 2003. Since then, the Governor's Juvenile Justice Advisory Committee (GJACC) now known as the Washington State Partnership Council on Juvenile Justice (WA-PCJJ), JRA, the Washington Association of Juvenile Court Administrators (WAJCA), and the Washington State Institute for Public Policy (WSIPP) have worked in conjunction with the Casey Foundation to launch five JDAI sites in Washington State. These sites were initially operational in Pierce County Juvenile Court, King County Juvenile Court, Yakima County Juvenile Court, Spokane County Juvenile Court, Whatcom County Juvenile Court, and new locations added this year being Skagit and Mason County Juvenile Courts.

During early implementation, 2004, the Annie E. Casey Foundation awarded Washington state \$200,000 a year for three years, to be administered by the Governor's Juvenile Justice Advisory Committee (GJJAC), to implement JDAI strategies in selected Washington communities. In 2007, the Foundation extended its funding for an additional two years. In the 2007-09 biennium, the legislature allocated state funding to expand JDAI to new sites, to support a data project to document the effectiveness of JDAI in lowering costs and protecting the public, and to provide resources for the state to participate in national conferences. In Washington State each county utilizes a three-tiered model for reducing disproportionate minority confinement and detention overcrowding:

1. Utilization of a risked-based detention screening tool to ensure only youth who meet certain criteria are admitted to detention;
2. Youth who qualify for detention alternative programs continue to participate in evidence based programs funded through JRA, such as Aggression Replacement Training (ART), Functional Family Therapy (FFT), Multisystemic Therapy (MST), Consolidated Juvenile Services (CJS) At-Risk interventions for youth with minimal criminal history, and recent training on Dialectical Behavioral Treatment (DBT).
3. Expansion of the warrant reduction program to include at specific sites, reminder phone calls, mail reminders, eligible youth with warrants having their hearing rescheduled instead of being detained.

Outside of the three-tiered model, each site continues to address disproportionate minority confinement in a way that is unique to their location and community demographics without moving away from the basic goals of the JDAI program. All sites continue to meet at the JDAI statewide meetings, conduct ongoing JDAI site visits here in Washington as well as other JDAI sites across the nation. The Governor's Juvenile Justice Advisory Council reported the following JDAI successes for 2009:

- **King County** officials estimate JDAI strategies will save taxpayers \$3.9 - \$5.4 million per year over a 20-year period by avoiding new construction and operation of a larger detention facility. The detention population peaked at 180 in 1998; today the population averages 90 youth per day.
- By participating in JDAI, **Pierce County's** detention population has been reduced by 50%, and funding has been re-directed to develop new community-based alternative programs such as community monitoring and day, evening, and weekend programs that engage youth in pro-social and academic improvement activities.
- In **Spokane County**, the detention population has been safely and responsibly lowered from more than 60 youth per day to fewer than 40, and the County was able to eliminate the practice of housing two youth in one room, which is unsafe for youth, and a significant liability for the County.
- Although it did not join the Initiative until mid-2007, the **Benton-Franklin Counties** juvenile court system has already reduced its detention population from 50 to 35 youth per day, and juvenile court leaders report that JDAI has encouraged stronger connections with juvenile justice partnering agencies, schools, and community-based service organizations.
- **Whatcom County** became a JDAI site in 2004; the average daily population in detention is now under 20. Because there has been no increase in juvenile detentions, the county has avoided the need for a larger and more expensive facility.
- **Mason County** became a JDAI site in December, 2008. This expansion into a new site was made possible by a legislative appropriation of state funding to support JDAI.
- **Skagit County** became a JDAI site in July, 2009

The following slides, provided by the State's JDAI Coordinator, demonstrate the success in reducing the detention population (Exhibit A.) and corresponding impact on minority youth confinement since the beginning of JDAI to 2009 (Exhibit B.)

Exhibit A.

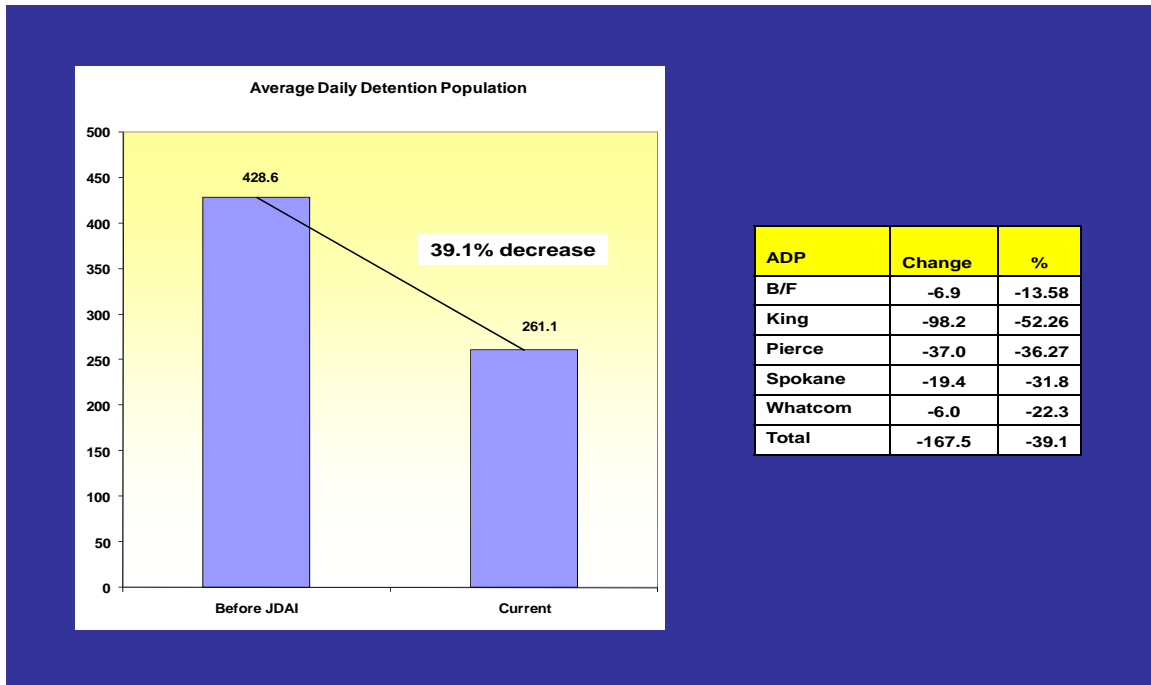
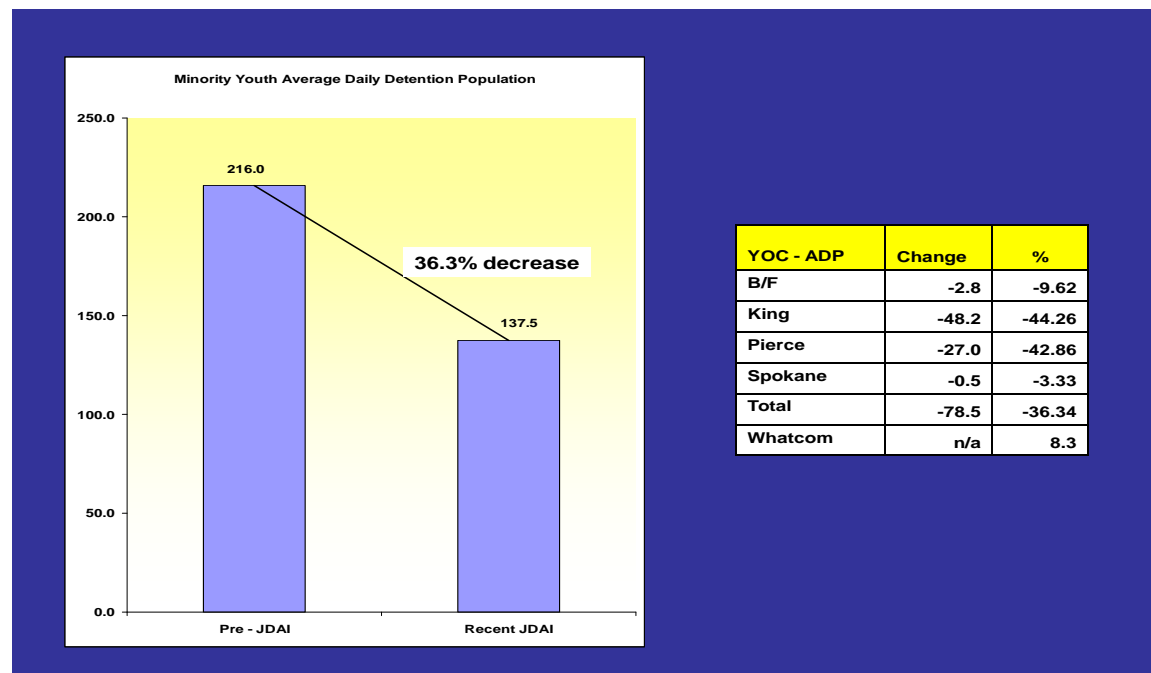


Exhibit B.



Ongoing efforts between WA-PCJJ, WAJCA, JRA, WSIPP, and the Casey Foundation will continue to address the needs of detention reform and strengthen the outcomes of JDAI.

The WA-PCJJ has made the following recommendations to effect ongoing movement forward with the JDAI:

1. Continue to collect and analyze data from JDAI sites to assess cost effectiveness, effectiveness of detention alternatives, opportunities for improvement, and the impact of JDAI on reductions in disproportionate minority contact.
2. Promote JDAI as a model for Washington's juvenile courts.
3. Continue to provide training and technical assistance to JDAI sites, as well as skill-building and technical assistance opportunities to non-JDAI sites.
4. Continue to seek support and funding for JDAI from public and private sources.

The combination of these efforts with additional evidence based practices and quality assurance will continue to benefit minority communities/youth and provide future savings to Washington with tax dollars being invested in interventions that work to reduce minority confinement and reduce recidivism.

Reducing Disproportional Minority Contact through the Models for Change Grant

In September of 2008, JRA received a one-year planning grant from the MacArthur Foundation's Models for Change (MfC) Initiative to develop a two-year work plan for implementing strategies addressing Disproportional Minority Contact reduction in JRA. That planning grant listed five outcomes that were to be completed at the conclusion of the one-year planning period. The grant provided JRA with the opportunity to examine potential areas of Disproportional Minority Contact with JRA and identify strategies to address those potential disparities.

The planning process that JRA engaged in to develop the two-year work plan was thoughtful, collaborative, and comprehensive. JRA worked in consultation with the Center for Children & Youth Justice – the lead MfC entity for Washington State – and members of the MacArthur Foundation's National Resource Bank (NRB). Those NRB members included: The W. Haywood Burns Institute, The Center for Children's Law and Policy, and The Council of Juvenile Correctional Administrators as the planning process was developed and implemented.

JRA assembled two teams of stakeholder groups to assist in the planning process and development of Disproportional Minority Contact intervention strategies. One team was the External Disproportional Minority Contact Initiative Advisory Group. The membership of that group included male and female representatives and was diversified in the following areas: age, race, and ethnicity.¹ This diverse group represented the following organizations/interests:

- Columbia Legal Services
- TeamChild
- Mental Health Transformation Project
- Seattle Urban League
- Kitsap County Juvenile Court
- Kitsap County Gang Task Force
- Center for Children and Youth Justice
- Northwest Leadership Foundation
- AHB Network
- Seattle Pacific University

The External Advisory Group began meeting in June of 2009 and developed an outline of six areas in which JRA has the greatest ability to influence and impact Disproportional Minority Contact in the juvenile justice and rehabilitation system. Those six areas served as the foundation for internal discussions within JRA about Disproportional Minority Contact and the identification of areas to assess Disproportional Minority Contact and develop strategies to address overrepresentation of youth of color at various decision points in JRA's continuum of care. The six focus areas were:

¹ Information related to ability level of the members was not ascertained.

- Identification of system barriers that impact Disproportional Minority Contact statewide,
- Assessment of the impact of JRA's treatment and services for youth of color,
- Actively engage youth, families, caring adults and community stakeholders in JRA's continuum of services,
- Assessment of JRA youth eligibility for community-based programs and services,
- Creation of a community-based re-entry model that provides communities with assistance and support to work with JRA youth, and
- Serve as a leading conduit for DMC information and intervention strategies within the state of Washington.

A second team consisting of JRA subject matter experts was assembled to identify strategies to address each of the six areas of focus listed by the External Advisory Group. That group was comprised of JRA personnel representing each of the Institutions, Regional (Parole) Offices, and Administrative Divisions. Like the External Advisory Group, this team of JRA personnel (JRA's Internal DMC Planning Team) included male and female representatives and was diversified based on age, race, and ethnicity.² Additionally, the team included individuals that were employed with JRA for 27 years as well as individuals who were new to the organization within the past two years. Sample demographics of the group which demonstrates the diversity of that group include:

- There was a total of sixteen (16) members;
- Ten (10) of the members were men;
- Six (6) of the members were women;
- Ten (10) of the members were non-white;
- Six (6) of the members were Caucasian; and,
- The combined average tenure of the group was 10 years.

In November, 2009, JRA submitted a proposal to the MacArthur Foundation in the amount of \$360,000 that would fund the implementation of the two-year work plan that was developed by JRA under the previous grant. In that work plan, JRA proposes to impact systems change related to Disproportional Minority Contact in the juvenile justice system by implementing strategies to address the following six goals:

- Goal #1: Public awareness of Disproportional Minority Contact, causes of Disproportional Minority Contact, and possible intervention strategies will be heightened through engaging in a concerted Disproportional Minority Contact branding and marketing campaign.
- Goal #2: Policies, procedures, & treatment model will not exacerbate Disproportional Minority Contact in JRA.
- Goal #3: Establish baseline data to measure DMC in JRA and effectiveness of Disproportional Minority Contact intervention strategies.

² Information related to ability level of the members was not ascertained.

- Goal #4: JRA youth, families, and community stakeholders will be engaged in the care and rehabilitation of JRA youth.
- Goal #5: JRA personnel will incorporate culturally responsive practices into their treatment protocol and interactions with JRA youth and families.
- Goal #6: More youth of color will receive disposition alternatives at the juvenile court level rather than being committed to JRA.

The goals listed in JRA's proposal are designed to augment and support the juvenile justice reform efforts related to Disproportional Minority Contact that have been engaged in by other state and local partners in Washington. Disproportionality in the juvenile justice system is currently being addressed by the work of the Washington State Partnership Council on Juvenile Justice through JDAI, local Models for Change sites, County Juvenile Courts, and the Annie E. Casey Foundation. While JRA cannot directly control the number of youth being committed to JRA, it can impact Disproportional Minority Contact by: (1) delivering the most effective and culturally relevant evidence-based programs to JRA youth; (2) becoming vested in the successful treatment, rehabilitation, and community reintegration of youth of color; and, (3) ensuring that youth of color and families are engaged in and a part of the juvenile justice and rehabilitation system.

Summary

The JDAI in the county juvenile courts and the Models for Change Grant in JRA both represent significant efforts at impacting the issue of Disproportional Minority Contact and appear to be moving in a positive direction. The Washington State Partnership Council on Juvenile Justice will be working with leaders across the state to sustain the efforts and the momentum of the good work that has been done to reduce disproportionality in Washington. It is evident that Disproportional Minority Contact continues to exist. These current efforts constitute new ways of doing business, and a new philosophy about the awareness of and effective strategies for impacting Disproportional Minority Contact. It will take the creation and use of intelligent data systems, the development of new skills and new collaborative relationships, and the establishment of effective methods for dealing with this critical criminal justice issue to continue to move forward.