

Report to the Legislature

**Racial Disproportionality
in the Juvenile Justice System**

**Chapter 415, Laws of 1993
RCW 13.06.050(3)**

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Executive Summary

The Juvenile Rehabilitation Administration is charged with the annual responsibility of reporting to the Legislature (Chapter 415, Laws of 1993) 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;
2. An initiative introduced in Department of Social and Health Services, Juvenile Rehabilitation Administration (JRA) to reduce disproportionate minority contact through Community Mobilization; and
3. A new grant secured 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 (Chapter 415, Laws of 1993) 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 (December 2005) reports that 13,127 young people were sentenced in Washington Juvenile Courts between June 30, 2004, and July 1, 2005. The percentage of African American youth sentenced was 3.38 times the percentage of African American youth in the state; Native American youth were sentenced at 2.5 times their percentage in the state; Hispanic youth at 1.28 times their percentage in the state.

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 7 times the proportion of African American youth in the state; Native American youth are in JRA at almost 5 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. JDAI is a grant initiative intended to reduce over-crowding in juvenile detention systems, improve conditions of confinement, and reduce the disproportionate representation of youth of color in these systems.

Washington established formal partnerships with the Casey Foundation in 2003. Since then, the Governor's Juvenile Justice Advisory Committee (GJACC), 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, and Whatcom County Juvenile Court. During the last fiscal year, Yakima County Juvenile Court opted out of participating as a JDAI site. Each county continues to utilize the 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. Each site reported the following results for fiscal year 2008:

Benton Franklin Juvenile Court

- Launched JDAI Executive Committee

- Implemented DRAI, Data & Probation Violation Work Groups
- Modified current information system to produce JDAI Quarterly Detention Population Report
- Developed Detention Risk Assessment Instrument and implemented on August 1 2008
- Developed a Probation Violation Sentencing Grid that will allow for different types of sanctions other than secure detention. Sanctions will not require a formal court hearing that will decrease the response time between violation and sanction.
- Held Executive Committee meeting and numerous subcommittee meeting
- Attended Washington State JDAI Conference
- Attended Numerous Washington State JDAI Quarterly meetings
- Provided JDAI Core Strategies Training for Detention Staff

King County Juvenile Court

- Collaborated with Law Enforcement to determine Field Screening Criteria for Detention Admissions & new two-tier warrant process
- Used data to specifically define racial disparities (racial & gender disparities and felony drug referral studies) VOP and Warrant practices have been modified to reduce disparities
- Updated RAI criteria and modified the RAI to hold fewer Domestic Violence cases for youth under age 16
- Developed and Implemented new 2-tier warrant process to reduce detaining low risk warrant cases
- Conducted several meetings with minority community partners to engage them in developing new resources for court-involved minority youth.
- Completed Detention Self-Inspection and Plan for Improvement
- Conducted monthly King County DMC Work Group
- Completed a Multnomah County Model Site Visit
- Attended the JDAI National Conference – Dallas

- Visited with Pierce County Juvenile Court to develop Weekend Reporting Program
- Developed Juvenile & Gangs Training

Spokane County Juvenile Court

- Signed a MOU with a School District to provide Evidenced-based programs to probationers in school
- Implemented a new local data collection and reporting system that will better produce outcome information for local and state stakeholders, as well as, for JDAI purposes
- Increased referrals to Alternative Programs by 30% for probation violations by changing expectations and following up with close tracking
- Completed detailed analysis of case processing and instituted new practices resulting in a 79% reduction in pending cases
- Created an Expeditor Position
- Implemented a Probation Violation Sanctioning Grid
- Administrative directive to reduce use of Detention for Probation Violations
- Developed racial and gender specific programs for Detention Alternatives
- Completed a Detention Self-Inspection in 2006 and 2008, but not 2007
- Changed practice of local law enforcement that previously did not report juvenile arrest rates, but will do so now
- Newspaper article: Renewing state grant to provide alternatives to secure detention
- Attended the JDAI National Conference Dallas, TX
- Attended Reducing DMC Conference
- RRI Training conducted by the State Advisory Group
- Attended Truancy Conference – Reducing Truants in Detention
- Developed Gender Specific Training

- Attended Wearing Shoes That Fit – DMC training done by state

Whatcom County Juvenile Court

- DRAI Screening Report implemented to track risk level of youth admitted to Detention
- Implemented new Warrant Report to monitor number of warrants issued, for what reasons, etc
- Judicial approval required to request a warrant
- Completed annual Detention Self-Inspection & Findings Report
- Attended JDAI Steering Committee Meetings
- Attended Washington State JDAI Conference
- JDAI National Conference

Continued collaborative efforts between GJACC, WAJCA, JRA, WSIPP, the Casey Foundation, and the MacArthur foundation will continue to address the needs of detention reform and strengthen the outcomes of JDAI. 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 Community Mobilization

Historically, JRA has provided leadership nationwide in provision of innovative strategies within the Juvenile Justice system. Disproportionate Minority Contact (DMC) plagues the nation and also affects Washington State's Juvenile Justice System. The fact that racial or ethnic proportions of youth who have contact with the juvenile justice system exceed their proportions in the general population is a disturbing fact. To address this plight JRA has planned and implemented initiatives to reduce Disproportional Minority Contact (DMC).

JRA recognizes the importance of multidisciplinary approaches that provide collaborations with families, grass roots community organizations and faith-based entities. Involvement of families and community members in a comprehensive Community Mobilization Prevention Planning process allows the community the opportunities to identify strategies that will work best in their communities, thereby community ownership is achieved.

Since October 2006 JRA has convened 3 Community Mobilization symposiums titled: *"Wearing the Shoes that Fit"*. The goals of the Symposiums were:

- Add to prevention activities related to JRA's Mission by working directly with communities to engage and support members in stemming the feeder system of minority youth in the justice system.
- Inspire, mobilize, and support grass roots efforts to reduce Disproportional Minority Contact.
- Examine and discuss Community Mobilization efforts to address Disproportional Minority Contact currently underway in other stated for replication in Washington and apply wisdom of the community to the problem.
- Elicit feedback to develop the content of a Request for Proposals (RFP) and identify considerations for awarding JRA grants to communities for development of plans for reducing Disproportional Minority Contact.

The symposiums were successful in reaching various stakeholders including youth, families, educators, juvenile justice professionals, and court officials, representatives from youth serving agencies, law enforcement professionals and legislators. The results of those symposiums prompted an RFP to address the identified needs of those communities. JRA awarded \$50,000 grants to the following 3 Community Mobilization organizations:

Opportunities Industrialization Center of Washington

South East Yakima Community Center
815 Fruitvale Blvd.
Yakima, WA 98902
(509) 248-6751

NATIVE PROJECT

1803 W. Maxwell
Spokane, WA 99201
(509) 325-5502

Safe Street Campaign

1501 Pacific Avenue, Suite #305
Tacoma, Washington 98402
(253) 272-6824

The three Community Mobilization Planning Groups have begun planning processes that involve inclusions of the greatest strategies for reducing the over-representation of youth of color in the justice system. Collecting and analyzing of data that reflects DMC within the respective areas is occurring and Effective Intervention and Prevention strategies will be proposed to address DMC as well as Resource development to ensure effective prevention and intervention strategies are funded.

Reducing Disproportional Minority Contact through the Models for Change Planning Grant

Project Goal

The goal of this project is to develop a Models for Change (MfC) work plan to reduce Disproportionate Minority Contact (DMC) in Juvenile Rehabilitation Administration (JRA).

The planning will be comprehensive and strategic. The plan will include an analysis of disproportionate minority contact (DMC) in Juvenile Rehabilitation Administration (JRA), identify DMC-reduction focused system reforms starting with the use of suspended [JRA commitment] disposition alternatives through parole discharge, and propose strategies for implementing these reforms. Recommended strategies will be measurable, observable and reflect the guiding principles of MfC:

- Fundamental fairness;
- Recognition of juvenile-adult differences;
- Recognition of individual differences;
- Recognition of potential;
- Assurance of safety;
- Acceptance of personal responsibility;
- Acceptance of community responsibility; and
- System responsibility.

Vision

A model system would provide fair treatment for all alleged juvenile offenders at each point of contact with the system, regardless of their race or ethnicity. All hearings, decisions and services would be handled in an unbiased manner, and the system would have mechanisms in place which would be used to monitor compliance with this ideal. When a racial or ethnic group is found to be overrepresented¹ in the system, resources would be available to examine whether those youth have been treated differently or have unequal access to services. With this information, decision-makers would better be able to identify problems and address disparities. The system would engage in strategies for addressing over-representation by advocating for equal access to community-based services for youth of color and seek to prevent youth of color from entering or more deeply penetrating the formal juvenile justice process. Strategies would particularly focus on reducing incarceration of youth of color, both in detention and post-disposition.

Project Strategy and Logic

Project Strategy

In consultation with the Center for Children & Youth Justice and applicable MfC National Resource Bank partners, JRA will conduct a one-year planning process,

¹ Typically, minority “over-representation,” or disproportionate minority contact refers to findings that youth of a certain ethnicity or race appear in the juvenile justice system in numbers that are substantially higher than their proportion in the general youth population.

resulting in a comprehensive plan targeting DMC reduction in JRA. The plan will include:

- A comprehensive analysis of JRA policy, procedure, practice and programs, identifying system decision points impacting DMC as well as policy, procedure, practice and programs which may be affecting DMC;
- A comprehensive analysis of juvenile court sentencing practices as they relate to use of the suspended disposition options and manifest injustice dispositions resulting in JRA commitment or increasing JRA commitment terms;
- Strategies targeting DMC reduction, focusing on three key areas: suspended commitment alternatives; parole and post-supervision community reintegration;
- Work plans for each identified strategy, providing a detailed list of project tasks; anticipated outcomes; strategies for bringing these projects to scale and providing for their sustainability; and
- Identification of opportunities and partners for collaboration.

Outcomes

- At the conclusion of the one-year planning period, there will be:
- An MfC Juvenile Justice Reform position included on JRA's Executive Management team.
- An established, collaborative working relationship with the Center for Children & Youth Justice (CCYJ-the MfC-WA Lead Entity) and members of the MfC National Resource Bank,
- A broad-based, diverse, and culturally competent planning team prepared to function as the implementation team.
- An Infrastructure to support implementation of the JRA MfC DMC Initiative.
- A comprehensive analysis of JRA policy, procedure, practice and programs, providing a tool for targeting resources to reduce DMC within JRA.
- A two-year work plan for implementing strategies addressing DMC reduction in three areas of the JRA system: suspended commitments, parole and post-supervision aftercare.

Improvement of the "Current State of Affairs"

The one-year planning process will result in a work plan, targeting DMC reduction in JRA. The planning process allows time for a comprehensive DMC focused analysis, which not only will identify those areas warranting system reform, but also where investments will have the greatest impact. Actual improvement in the current state of affairs will be tied to the implementation of strategies proposed in the two-year work plan resulting from the one-year planning process.