

## Minority Youth in the Juvenile Justice System

Minority youth are disproportionately represented as they progress through the juvenile justice system.

**Disproportionate minority contact (DMC) is the number two priority of the Governor's Juvenile Justice Advisory Committee. Washington State data collected on youth in the juvenile justice system reveals that minority youth are disproportionately represented as they progress through the juvenile justice system.**

In 1992, the GJJAC responded to a new core requirement of the federal JJDP Act, and sought to assess the representation of minority youth in the juvenile justice system and, where disparity existed, develop policies and strategies that would address the problem. Since 1992, the GJJAC projects, along with research sponsored by the GJJAC and the other state and local entities, have examined the nature and extensiveness of disproportionality.

The projects have prompted state legislators and agency officials to implement laws and other measures designed to reduce minority overrepresentation in the state's juvenile courts. Overall, the laws and measures, along with initiatives launched by county juvenile justice officials, have yielded significant changes in how courts administer juvenile justice and in how the state has responded to the challenges faced by minority youth.

According to 2004 estimates, Washington State's juvenile (age 0-17) racial composition was 73 percent White and 27 percent minority youth (5 percent Black, 2 percent American Indian, 7 percent Asian, and 13 percent Hispanic of any race). In three eastern Washington counties (Adams, Franklin, and Yakima) the percentage of non-white youth is more than 60 percent of the total youth population.

Research data collected by the GJJAC examined race and ethnicity as factors influencing decisions at various points within the juvenile justice system. In 2004, non-white youth accounted for 16.1 percent of all juvenile arrests 28 percent of all juvenile court offense referrals, 33 percent of juveniles held in county detention facilities, and 45 percent of juveniles held in JRA facilities.

Studies conducted in Washington State have confirmed that minority youth are disproportionately represented as a youth progresses through the juvenile justice system. The differences between minority and non-minority juveniles' representation becomes amplified with each successive decision point. Although minorities are 27 percent of the juvenile population, they are 45 percent of the JRA population.

In 2004 the GJJAC completed the Disproportionate Minority Contact (DMC) Identification Spreadsheets as required by OJJDP for submittal in the state's annual juvenile justice plan for federal Title II Formula Grant funds. **The spreadsheets provide data to obtain the Relative Rate Indexes (RRI) for various racial/ethnic groups at different juvenile justice system contact points.** The Relative Rate Index (RRI) is a way to measure

## Minority Youth in the Juvenile Justice System (continued)

differences in respect to populations regarding the specific occurrence of an event. In the Juvenile Justice system, RRI's are useful to investigate the occurrence of Disproportionate Minority Contact (DMC). The RRI is an unbiased estimator, meaning that it allows for fair and accurate comparisons across time and racial groups.

In order for a racial group to be included in the RRI analysis, they must account for at least one percent of the juvenile population within the base population. It is possible for a racial group to pass the one percent threshold for a specific county, thus being included in the analysis, but not be included for another county or the state. The baseline for every RRI is the occurrence of this event by a White person. For example, if the RRI of Blacks or African American is 4.5 for Juvenile Arrests, this means that a juvenile who is Black or African American is 4.5 times or 450 percent more likely to be arrested than a juvenile who is White in that population. Identification spreadsheets were completed for statewide, Pierce, Yakima, King and Whatcom Counties. These four counties currently have DMC reduction activities ongoing. The RRI spreadsheets have since been completed for 2002, 2003, and 2004. It is anticipated that the RRI spreadsheets for 2005, 2006 and 2007 will be completed in Fall of 2008

The DMC Identification Spreadsheets have proven helpful in determining areas of weakness in data collection. Census information is provided in different racial category breakdowns than the Uniform Crime Reporting (UCR) system or juvenile court information. The categories of Native Hawaiian or other Pacific Islanders and Other/Mixed are not available through UCR or juvenile court data.

Over the three year period (2002-2004) that the Relative Rate Index information has been collected, the following statewide observations can be made:

- Generally, DMC does exist at all levels of the juvenile justice system in Washington State.
- Asian arrest RRI has been consistently lower than the White population, ranging from an RRI of .33 to .35.
- African-American youth arrest RRI has been consistently higher than any other ethnic/racial category, ranging from 1.34 to 1.51.
- Native American arrest RRI has increased over these three years; from 1.04 in 2002 to 1.27 in 2004.
- Minority youth are referred to juvenile court at a much higher rate than White youth.
- Non-White youth are diverted less often than White youth.
- African-American and Hispanic youth are securely detained at approximately the same rate as White youth. Native American youth are disproportionately placed in secure detention (RRI rate has been 1.57 or 1.58 over these three years.)
- Minority youth are transferred to adult court more frequently than White youth.

## Minority Youth in the Juvenile Justice System (continued)

### DMC Assessments

#### **DMC Assessments:**

The GJJAC has conducted research and written reports assessing racial Disproportionality in Washington. These include:

- “Juvenile Justice Report” prepared annually from 1988 to present assessing DMC. Data is collected and analyzed by staff of the GJJAC.
- “Disproportionality in Juvenile Justice: Patterns of Minority Overrepresentation in Washington’s Juvenile Justice System,” December 1997. (Biennial report on disproportionality in juvenile sentencing as required by state law, RCW 9.94A.040.)
- “Report to the Washington State Legislature,” December 1994, prepared by the Juvenile Justice Racial Disproportionality Workgroup.
- “Study of Racial Disproportionality in Washington State” by Dr. George Bridges, completed in January 1993, and updated and expanded each year thereafter.

Specific Activities and Programs Undertaken by Washington

#### **Legislation:**

- E3SHB 3900 (1997)—Developed and implemented a statewide Risk Assessment instrument (standardized assessment and diagnostic procedures which may impact DMC).
- HB 2392 (1996)—Established experimental program implementing prosecutor guidelines to reduce racial inequality in the prosecution of juveniles in two counties.
- HB 2319 submitted to the Sentencing Guidelines Commission (SGC). The SGC reports biennially to the legislature.
- ESHB 1966 (1993)—Counties using state funds are required to address minority over-representation in detention and other juvenile facilities; establish work groups to develop standards for prosecution of juvenile offenders, review disproportionality in diversion, and review the use of detention in an effort to reduce disproportionality. (Prosecutorial Standards adopted in 1995.)

#### **Juvenile Detention Alternatives Initiative:**

The GJJAC receives funding from the Annie E. Casey Foundation to fund Juvenile Detention Alternatives Initiative (JDAI) sites around the state. JDAI is a proven detention and system reform model of eight core strategies that enable juvenile courts to safely remove certain youth populations from secure detention. There are currently five JDAI replication sites in the state located in Benton-Franklin, King, Pierce, Spokane, and Whatcom counties; the courts in these five counties process over one-half of all youth ages 10-17 referred to Juvenile Courts in Washington State.

**Minority Youth in  
the Juvenile Justice  
System**  
(continued)

Juvenile  
Detention  
Alternatives  
Initiative

Minority  
Community  
Outreach

Evaluation and  
Performance  
Measurement

In Washington, JDAI can provide a template to eliminate the inappropriate or unnecessary use of secure detention, particularly for status offenders. Youth who do not pose a threat to community safety are referred to other community resources, outside of a detention facility, while their charge is processed. The purpose of the initiative is to review court procedures and to use a data-driven process to see if certain juveniles might be better served by the use of alternatives, rather than detention. The goal of JDAI is to provide the right service to the right juvenile at the right time, and to hold (in detention) only those juveniles that must be held in locked detention to protect the community. The GJJAC supports JDAI replication because it has been proven to reduce disproportionate minority contact (DMC) and is successful in reducing the number of non-offenders and status offenders held in secure detention.

**Minority Community Outreach:**

The GJJAC has recently committed to reaching out to communities throughout the state in a variety of ways. One specific strategy is for the GJJAC to intentionally meet in communities throughout the state, rather than largely in the Seattle metropolitan area. One of the reasons behind this strategy is to specifically reach out to minority communities. During this past year, GJJAC has met in several communities to learn about the issues minority youth face in those communities.

**Evaluation and Performance Measurement**

Studies conducted in Washington State found the following:

- Youth securely detained prior to adjudication are more likely to be subsequently incarcerated. Pre-adjudication detention is one of the best predictors of subsequent secure confinement.
- Race differences accumulate in case outcomes across all stages of the juvenile justice process.
- Laws and policies that increase juvenile justice professionals' discretionary authority over youth – without objective assessments - may exacerbate disparity. (Prosecutorial standards were adopted by the legislature in 1995.)
- Perceptions of youths' problems affect the likelihood of detention. A 1998 study, conducted by Dr. George Bridges, University of Washington, found that juvenile court officials' subjective assessments of youth shaped case outcomes. Probation officers assessed minority and white youth using different causal factors – internal versus exterior. For example, if minority youth are perceived as more responsible for their criminal acts, and not seen as influenced by external factors (poverty, family dysfunction, substance abuse, etc.), they are more likely to receive harsher sentences. To address this problem, juvenile justice staff training must ensure that prejudicial beliefs about minority

## Minority Youth in the Juvenile Justice System (continued)

youth do not influence sentencing recommendations. Washington State juvenile courts have developed and implemented a statewide Risk Assessment Instrument that may impact the role that such perceptions have on sentencing decisions.

- A 1999 study conducted by Dr. Bridges determined that between one-fourth and one-half of racial disparity is due to racial differences in crime and arrest.
- Minority youth are diverted from criminal prosecution at lower rates than White youth. A work group established by the legislature found that minority youth were less likely to appear at diversion hearings, less likely to comply with diversion requirements, and less likely to be diverted for subsequent offenses than similarly situated White youth.

### Monitoring and DMC Data Updates

The GJJAC funded 15 Community Juvenile Justice Coordination (CJJs) grants (representing 17 counties) in 2006-07. CJJs are required to address the issue of racial disproportionality in their county or region. Beginning in 2005, CJJs were required to complete the Relative Rate Index (RRI) for their county. The CJJs coordinate and collaborate efforts to reduce disproportionality, which may include: prevention services, plans for intervention services, development of community-based alternatives to secure detention and confinement, after-care services, the implementation of "best practice," and staff training.

During the 2006-07 contract year, the GJJAC funded two projects using formula grant funds which address DMC. The projects include an Expediter position in King County (to systematically review length of stay), and an alternatives to detention project in Spokane.

Additionally, the Chehalis Tribe received Title V funds to provide case management services to coordinate the attendance and academic performance of tribal and community middle school and high school youth.

## Girls in the Juvenile Justice System

In 2007, girls represented 10,349 arrests or 28.9 percent of the total juvenile arrests in Washington.

In Washington, during the past five years the percentage of total juvenile arrests represented by girls has remained relatively constant, although juvenile arrests for 2007 showed a slight increase in both the number of girls arrested and the percentage of total arrests girls represent. In fact, in all juvenile arrest categories reported in 2007, the number for girls arrested increased. This is contrary to the trend of the past five years when the number of girls arrested in each category decreased.

In 2007, girls represented 10,349 arrests or 28.9 percent of the total juvenile arrests in Washington. This is an increase over 2006 in both the number of girls arrested (9,889) and the percent of total arrests represented by girls (28.7).

## Girls in the Juvenile Justice System (continued)

Not only has the percentage of girls arrested for committing crimes increased in the past 15 years, so has their representation as a percentage of the juvenile detention population.

1998 data on juvenile arrests reveal that 14,362 girls were arrested representing 25.8 percent of total arrests (51,940). While during the past ten years the total number of juveniles arrested for criminal-type behavior has decreased substantially (53,827 in 1998 to 35,865 in 2007), the number of boys arrested has decreased significantly more than the number of girls. Hence girls continue to represent a higher percentage of the total arrests although the number of girls arrested has decreased.

An analysis of the types of crimes for which girls are arrested provides some interesting insights.

- Violent Crimes: In 2007, the number of girls arrested for violent crimes increased and was the highest seen in five years. Prior to 2007, there had been a steady decrease in violent crime arrests of females. 244 girls were arrested for violent crimes in 2006 representing 16.6 percent of the total arrests in this arrest category. *In 2007, 299 girls were arrested for violent crimes; this represents 18.1 percent of the total juvenile arrests for violent crimes.*
- Property Offenses: The number of girls arrested for property offenses has decreased from 4,685 in 2003 to 4,312 in 2007, while their representation as the percentage of total arrests for property offenses has remained relatively constant (29.8 in 2003 to 30.1 in 2007). The number of girls arrested for property crimes actually increased from 2006 (4,114) to 2007.
- Drug and Alcohol Offenses: The number of girls arrested for drug and alcohol offenses increased from 2,131 in 2006 to 2,336 in 2007, and the percentage of total arrests for the same years increased from 27.3 to 28.4.
- All Other Offenses: This category includes simple assault, minor assault, assault and battery, injury by culpable negligence, resisting or obstructing an officer, intimidation, coercion, hazing, weapons possession, prostitution, sex offenses (except forcible rape), offenses against family and children, disorderly conduct, vagrancy, suspicion and arrests on warrants. The number of girls arrested for all other offenses changed slightly, from 3,400 in 2006 to 3,402 in 2007. The percentage of total arrests girls represent in this category remained the same both years (29.1).

Not only has the percentage of girls arrested for committing crimes increased in the past 15 years, so has their representation as a percentage of the juvenile detention population. This increase is dramatic when looking at the 15 year period from 1993-2007. In 1993, the percentage of the overall detention population represented by girls was 18 percent. In 2007, that percentage had increased to 27.6 percent.

Information from Washington's Administrative Office of the Courts indicates the top five reasons for girls' detention in 2007 were:

## Girls in the Juvenile Justice System (continued)

Since 2000, the percentage of the total JRA population represented by girls has increased from 8.2 percent (2000) to 11 percent in 2007.

- Assault 4
- Truancy (Violation of a Court order)
- At-Risk Youth (Violation of a Court order)
- Theft 3
- Probation Violation

These reasons for girls' detention appear to be consistent over the past three years (2005-2007). In 2005 the fifth reason was "Taking a Motor Vehicle without Permission 2 instead of Probation Violation.

The county juvenile courts commit the most serious offenders to the Juvenile Rehabilitation Administration (JRA). Most of the youth committed to JRA have been adjudicated for at least one violent offense, or a large number of various offenses. Since 2000, the percentage of the total JRA population represented by girls has increased from 8.2 percent (2000) to 11 percent in 2007.

In 1995, Washington enacted the At-Risk/Runaway Youth Act, also known as the "Becca Law". This act authorized the creation and use of Secure Crisis Residential Centers (S-CRCs) to hold runaway youth brought to these facilities by law enforcement. Runaway youth may be held in these facilities for up to five days, so they can be assessed, stabilized, and reunified with their caregivers. There are nine S-CRCs in Washington, with 60 beds available. Four of the S-CRCs are located within juvenile detention facilities.

Girls comprise the majority of youth confined in our state's Secure Crisis Residential Centers. Based on information provided for 2007 by the four detention based S-CRCs (Clallam, Chelan, Kitsap and Snohomish Counties), 64 percent of the youth admitted to the S-CRCs for runaway were girls. This percentage has remained constant since the implementation of the S-CRCs.

Based on 2007 data, girls represent 51 percent of the filings for At Risk Youth Petitions (down from 53 percent in 2006); 58 percent of the filings for Child in Need of Services (down from 63 percent in 2006); and 48 percent of the Truancy filings (up from 47 percent in 2006).

The total number of ARY contempt hearings has remained relatively constant for the past five years (2003-2007), averaging about 2,416 (2,397 in 2007); while the number of truancy contempt hearings has increased, averaging 5,098 during the past five years (2003-2007). In 2007 there were 5,393 truancy contempt hearings. This is commensurate with an increase in the number of Truancy filings from 12,573 in 2003 to 16,236 in 2007.

The GJJAC has been concerned about the increased percentage of girls in the juvenile justice system for quite some time. To better understand which girls are entering the juvenile justice system, for what reasons, and the needs of at-risk and juvenile justice system involved girls, a "Girls

Group" has been meeting for the past 18 months. The "Girls Group" includes experts from social services, Juvenile Rehabilitation Administration, juvenile probation, and researchers. This group has just completed distributing a "stakeholders survey" to determine what gender specific services for girls are available in areas throughout the State, and the training needs of juvenile justice system professions. In addition, the "Girls Group" has initiated a research project to examine the correlation between adverse childhood experiences and girls' involvement in the juvenile justice system.

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