

Minority Youth in the Juvenile Justice System

Disproportionate minority contact (DMC) is a priority of the Washington State Partnership Council on Juvenile Justice (WA-PCJJ). 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.

Background: DMC became a JJDP Act core requirement in 1992. The state advisory group (SAG) responded to the requirement, 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 SAG projects, along with research sponsored by the SAG 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 over-representation 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.

Data: According to 2010 estimates, Washington State's juvenile (age 10-17) racial composition was approximately 67 percent White and 33 percent minority youth (5.6 percent Black, 2 percent American Indian, 8.3 percent Asian, and 16.8 percent Hispanic of any race). In four eastern Washington counties (Adams 70.6%, Franklin 68.5%, Grant 53.4%, and Yakima 65.8%) the percentage is more than 65% of the total youth population.

Research data collected by the WA-PCJJ examined race and ethnicity as factors influencing decisions at various points within the juvenile justice system. Data confirms that minority youth are disproportionately represented as they progress through the juvenile justice system. The differences between minority and non-minority youths'

representation becomes amplified with each successive decision point.

In 2010, non-white youth accounted for: 16.1 percent of all juvenile arrests (*does not include Hispanic which are not captured on Uniform Crime Reports (UCR)*); Hispanic youth are typically categorized as White at arrest); approximately 40.6 percent of all juvenile court offense referrals; 43 percent of juveniles held in county detention facilities; and 56.8 percent of juveniles held in JRA facilities, and 66.6% of all juveniles transferred to adult criminal jurisdiction. **(See graph on following page)**

The Relative Rate Index (RRI) spreadsheets provide data to obtain the Relative Rate Indexes (RRI) for various racial/ethnic groups at different juvenile justice system contact points.

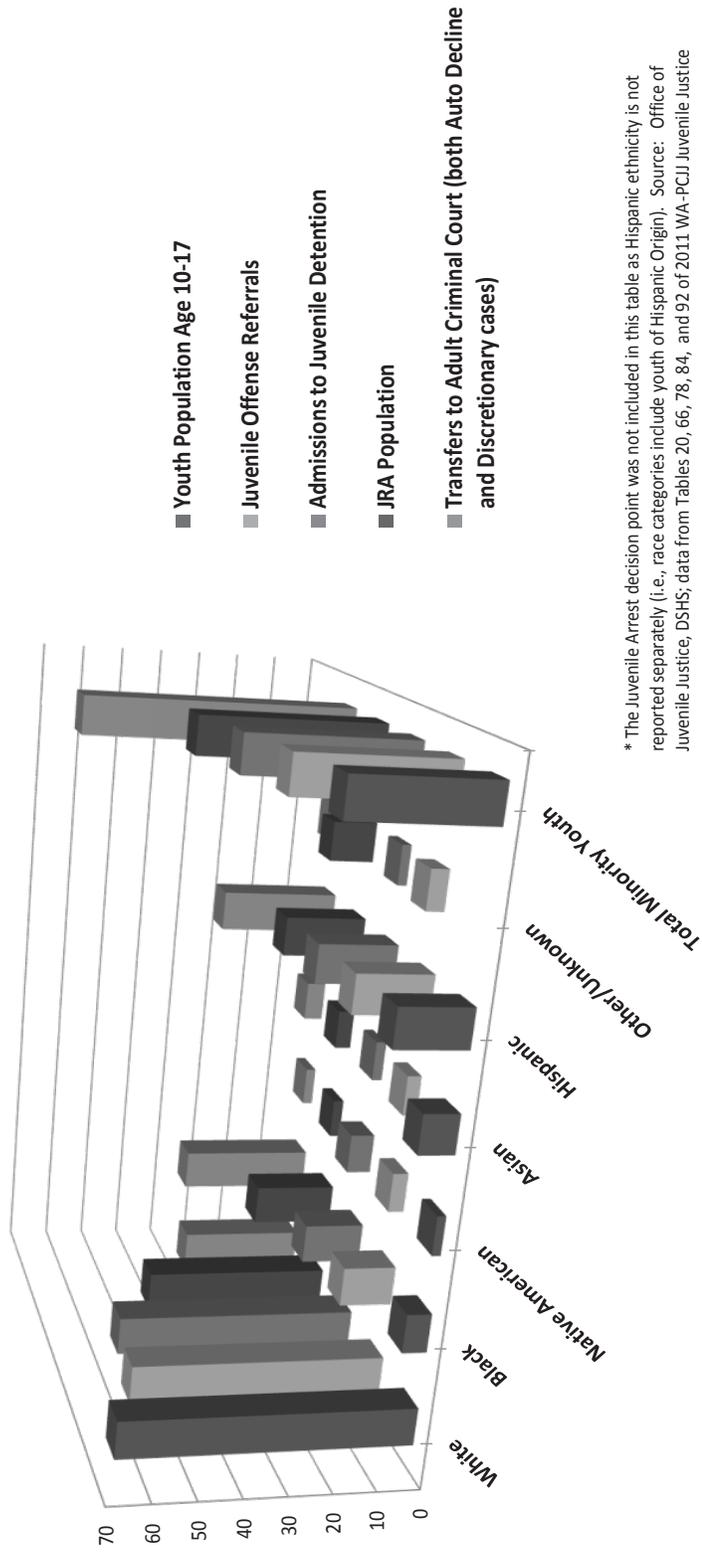
The Relative Rate Index (RRI) is a way to measure differences in respect to populations regarding the specific occurrence of an event. In the Juvenile Justice system, RRI's are useful to investigate the occurrence of Disproportionate Minority Contact (DMC). The RRI is an unbiased estimator, meaning that 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 Americans is 4.5 for Juvenile Arrests, this means that a juvenile who is Black or African American is 4.5 times more likely to be arrested than a juvenile who is White in that population. Identification spreadsheets were completed for statewide, Pierce, King, and Spokane Counties.

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 Hawai-

Percentages by Race/Ethnicity at System Decision Points - 2010*



* The Juvenile Arrest decision point was not included in this table as Hispanic ethnicity is not reported separately (i.e., race categories include youth of Hispanic Origin). Source: Office of Juvenile Justice, DSHS; data from Tables 20, 66, 78, 84, and 92 of 2011 WA-PCJ Juvenile Justice

ian or other Pacific Islanders and Other/Mixed are not available through UCR or juvenile court data. The category of Hispanic is not available through UCR.

The following **statewide** observations were made from Relative Rate Indexes for 2007-2010:

- Generally, DMC does exist at all levels of the juvenile justice system in Washington State.
- Asian arrest RRI is consistently lower than the White population. The rates range from an RRI of .36 in 2008 (on a steady decline) to .26 in 2010.
- African-American youth arrest RRI is consistently higher than any other ethnic/racial category. The statewide rates have steadily declined, ranging from 1.94 in 2007 to 1.5 in 2010.
- Native American/Hawaiian/Pacific Islander arrest RRI has been consistently higher than White youth, ranging from 1.30 to 1.36. In 2010 the statewide rate was 1.13.
- Minority youth RRI (including Asian youth) for “referred to juvenile court” is much higher than White youth.
- Minority youth RRI for diversion (with the exception of Asian youth) is significantly lower than for White youth.
- Asian youth have a very low arrest rate but a high referral and high diversion rates.
- Minority youth RRI for transferred to adult court is significantly higher than the RRI for White youth.

DMC Assessments: The WA-PCJJ has contracted with the University of Washington to conduct Phase I and II of a three part DMC assessment, as required by OJJDP. **This assessment will include information on DMC efforts that have been undertaken and the results of those efforts, as well as identify areas of DMC and possible reasons for the disproportionality.** A final report from the assessment contract is anticipated by November 2012.

Preliminary findings of the assessment include:

- The most extreme statewide DMC is in the decision point of arrest and referral, and the racial/

ethnic groups most severely impacted by disproportionality are African-Americans and Native American youth. This is true for nearly all of the twelve focus counties.

- From 2007 - 2009 there is clear evidence of disproportionality for African Americans, American Indians, and Hispanics at nearly every major decision point. These groups are consistently more likely to be arrested and referred to the court, less likely to enter a diversionary program, more likely to be securely detained, and more likely to have a formal petition filed.

The preliminary report noted limitations and recommendations for improving data quality, reporting that “Statewide data quality needs improvement. Effectively addressing DMC, like effectively treating a disease, is based on appropriate diagnosis and assessment. The state needs valid, reliable, and salient data in order to address DMC.”

Specific recommendations include: “**Law enforcement should consistently collect arrest data on Hispanic ethnicity.** Most police and Sheriff’s offices do not include Hispanic/Latino as a category. Hispanics are usually categorized as white. Since disproportionality is conceptualized as comparative and incremental rates, including arrest data with Hispanics coded as white would distort all other statistics. **Therefore, for our analysis we made the suboptimal decision to exclude arrest data, which compounds arrest and referral into one decision point.**”

The final report, Due in November 2012, will go beyond the data and begin to look at specific possible causes/reasons in each county for the identified DMC.

Past SAG research and written reports assessing racial disproportionality in Washington include:

- “Juvenile Justice Report” prepared annually from 1988 to present assessing DMC. Data is collected and analyzed by staff of the state advisory group.
- “Disproportionality in Juvenile Justice: Patterns of Minority Over-representation 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.)

Additionally, in March 2012 recommendations were presented from the **Juvenile Justice Subcommittee of the Task Force on Race and the Criminal Justice System** to address the disproportionality in WA’s juvenile justice system (recommendations for the WA Supreme Court, WA State Bar Assoc., local governments/courts, State Legislature, law enforcement, prosecutors, public defenders and attorneys representing youth in juvenile court, law schools and schools). (http://www.law.washington.edu/about/racetaskforce/Juvenile_Justice_and_Racial_Disproportionality_Report_WEB.pdf.)

Juvenile Detention Alternatives Initiative:

The WA-PCJJ receives funding from the Annie E. Casey Foundation and dedicated state funds for Juvenile Detention Alternatives Initiative (JDAI). 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. As of July 2012, Washington has eight JDAI replication sites, representing nine counties: these participating counties collectively represent approximately 61 percent of Washington’s juvenile population and approximately 62 percent of Washington’s minority youth age 0-17. The eight sites are located in Adams, Benton-Franklin, Clark, King, Mason, Pierce, Spokane, and Whatcom counties; the courts in these eight counties process over one-half of all youth ages 10-17 referred to Juvenile Courts in Washington State. County detention admissions for these county sites were approximately 48 percent of the total statewide detention admissions during 2010.

In Washington, JDAI provides 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 WA-PCJJ supports JDAI replication because can reduce disproportionate minority contact (DMC) and has been successful in reducing the number of non-offenders and status offenders held in secure detention.

Since its inception, the detention admissions for youth of color have been reduced by over 38 percent (from 6,875 annually to 4,238). Additionally, the average daily population of youth of color has been reduced by 52.2 percent (from 239 annually to 114.2.)

While this is good news, the overall proportion of detention admissions for youth of color, compared to white youth, has increased (from 42% to 51%). The average daily population proportion of youth of color has also increased (from 48% to 55%).

The WA-PCJJ continues to work closely with JDAI sites to address DMC and reduce the identified disproportionality. Each JDAI site has been involved in the first stage of the DMC Assessment Study. Additional information regarding JDAI can be found in the Programs & Projects sections of this report.

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 such as 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 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.

Girls in the Juvenile Justice System

In Washington during the past five years, the percentage of total juvenile arrests represented by girls has steadily increased even though the number of girls arrested has shown a steady decrease (with the exception of 2007 which showed a slight increase in both the number of girls arrested and the percentage of total arrests girls represent). Although the number of girls arrested in 2010 was one of the lowest in over five years (7,849), the percentage of arrests represented by girls was one of the highest in the past five years (30.5%)

During 2010 females accounted for approximately:

- *30.5 percent of all juvenile arrests.*
- *28.4 percent of all juvenile arrests for drug and alcohol offenses*
- *33 percent of all juvenile arrests for property offenses*
- *18 percent of all juvenile arrests for violent offenses*
- *30.6 percent of all juvenile arrests for "all other" offenses*

While the total number of juvenile arrests for committing crimes has decreased substantially over the past ten years (from 43,714 in 2001 to 25,722 arrests in 2010—a 41 percent decrease in the number of arrests), the female juvenile arrest trend differs from the male trend (the number

of juvenile arrests for boys decreased by 42.8 percent from 2001 to 2010, compared to a 36.7 percent decrease for girls).

This is consistent with the national trend in the rise in the proportion of females entering the juvenile justice system—“According to data from the Federal Bureau of Investigation, from 1991 to 2000, arrests of girls increased more (or decreased less) than arrests of boys for most types of offenses. By 2004, girls accounted for 30 percent of all juvenile arrests. However, questions remain about whether these trends reflect an actual increase in girls’ delinquency or changes in societal responses to girls’ behavior. To find answers to these questions, the Office of Juvenile Justice and Delinquency Prevention convened the Girls Study Group to establish a theoretical and empirical foundation to guide the development, testing, and dissemination of strategies to reduce or prevent girls’ involvement in delinquency and violence.”

Not only has the percentage of girls arrested for committing crimes increased in the past ten to fifteen 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 1995-2009. In 1995, the percentage of the overall detention population represented by girls was 19.6 percent. In 2009, that percentage had increased to 27 percent.

Information from Washington’s Administrative Office of the Courts indicates the top five reasons for girls’ detention in 2010 were:

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

These reasons for girls’ detention appear to be consistent over the past five years (2006-2010). Assault 4 has remained the number one reason for girls’ detention over the past five years.

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. During the last five years, the percentage of girls in the JRA population has ranged from a high of 10.3 percent in 2007 and 2008 to a low of 7.2 percent in 2009. In 2010 the percent of female in JRA client population was up to 7.9 and in 2011 it was 8.6.

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. In the past two years the total number of S-CRCs was reduced from nine facilities and 66 beds to six S-CRCs in Washington, with 40 beds available. Until recently four of the S-CRCs were located within juvenile detention facilities. In 2009 that number was reduced to two S-CRCs located within juvenile detention facilities.

Based on 2010 data, girls represent 48 percent of the filings for At Risk Youth Petitions (down from 50.3% in 2009); 61.8 percent of the filings for Child in Need of Services (down from 63.6 from 2009); and 46.2 percent of the Truancy filings (down from 48 percent in 2009).

Research point to significant differences in the male and female population that call for a gender-specific approach:

- Girls commit far fewer violent offenses - about one-quarter the rate of boys. Girls are more likely to be arrested for property crimes and status offenses (running away, liquor law and curfew/loitering violations).¹ When girls are violent, it is more likely to be against a family member than for boys.
- Girls, more than boys, enter the juvenile justice system with a disturbing history of emotional, physical, and sexual abuse - with estimates as high as 78% or higher of incarcerate girls. Instead of receiving counseling and mental health services, girls are often

1 Snyder, Howard N., and Sickmund, Melissa. (2006). *Juvenile Offenders and Victims: 2006 National Report*. Washington, DC: U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention.

- Girls are disproportionately arrested for running away, accounting for 59% of run-aways.¹ Girls often run away to flee violence or other abuse in the home, and are known to “self-medicate” through alcohol and other illegal substances. Under current law, runaways who violate parole (e.g., run away again) can be - and frequently are - incarcerated.
- Adolescent girls have different health needs than boys, including health education, gynecological exams, and in some cases, pregnancy-related healthcare. Girls in the juvenile justice system face a substantially higher risk for reproductive health problems compared to girls outside of the system.²

According to a study done by the Girls Justice Initiative, 89% of the 118 attorneys and 61% of the 97 judges interviewed across the county agree that girls in the juvenile justice system do not receive adequate services. This report offers best practices starting from how to communicate with girls when first enter into the juvenile justice system, to how to best serve them after they leave in order to reduce recidivism rates and address the circumstances that led to their incarceration.

In 2008 a group of juvenile justice practitioners and service providers began discussing pathways for girls into the juvenile justice system and evidence based treatment options for gender responsive services in Washington State. Since its initial meeting, the **Justice for Girls Coalition of Washington** has surveyed professionals throughout the juvenile justice system to determine what training practitioners and administrators would like in order to improve gender responsive services for girls.

They are currently working with the Office of Juvenile Justice and Delinquency Prevention to bring in

training for gender responsive core processes.

The Coalition also published a booklet - ***Working with Girls in the Juvenile Justice System, A guidebook for Practitioners***, that has been widely distributed around the state.

1 Federal Bureau of Investigation. (2005). *Uniform Crime Reports for the United States:2005*.

2 Women’s Health Issues. (July/August 2007). *A National Overview of Reproductive Health Care Services for Girls in Juvenile Justice Residential Facilities*. Washington, D.C.; Official Publication of the Jacobs Institute of Women’s Health.