



Report to the Legislature

**Racial Disproportionality
in the Juvenile Justice System**

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

December 1, 2003

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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.

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.

As described in JRA's 2002 report to the Legislature, a series of studies begun in 1993 studied the issue of racial disproportionality in the Washington State juvenile justice system. George Bridges, Ph.D. of the University of Washington, conducted this research. Dr. Bridges' final report was submitted to JRA and provided to the Legislature in 2000.

The studies revealed evidence of disproportionate minority confinement in Washington State and recognized the complexity of the issues and reasons behind these findings. The studies also documented an overall reduction in crime in Washington and an increase in youth of color in the general state population. Along with these statistics, the 2000 report identified a diminishing disparity between white and minority youth at every stage of the juvenile justice system due, at least in part, to the activities of various county juvenile courts to implement programs designed to address unwarranted disproportionate minority confinement. The 2000 study also identified that the only exception to a reduction in disproportionate minority confinement was in the increased percentage of minority youth committed to JRA.

In submitting the 2002 report, JRA reviewed current literature relating to national and regional intervention programs, data collection, stakeholder input, and organizational contacts and conferences to determine what the next steps should be to further reduce disproportionate minority confinement in Washington State.

The 2002 report recommended:

- Holding a statewide conference to review national best practices in achieving proportionality;
- A community teaming approach in which participants could examine processes and data to identify strategies and plans for successfully addressing disproportionality; and
- Objective assessment tools at each decision point in the juvenile justice process.

This report will review the progress made in reducing disproportionate minority confinement as recommended last year and the next steps necessary to continue to reduce disproportionality in our state's juvenile justice system.

Background

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.

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This year's report will review the progress the state and JRA has made in reducing disproportionate minority confinement as recommended last year and the next steps necessary to continue to reduce disproportionality in our state's juvenile justice system.

Progress Made to Reduce Disproportionality

Legislation

Since 1993, the Washington State Legislature has taken numerous steps to reduce racial disproportionality in the juvenile justice system. A summary of the legislation that has been enacted to date is identified below.

- In 1993, the State Legislature passed legislation requiring juvenile justice agencies to:
 - Evaluate the effectiveness of programs to reduce racial disproportionality;
 - Investigate whether implementation of such programs has reduced disproportionality in counties with initially high levels of disproportionality;
 - Analyze which programs are cost effective in reducing disproportionality in such areas as alternatives to detention, intake and risk assessment standards, alternatives to incarceration, and in the prosecution and adjudication of juveniles;
 - Using state funds, counties are required to address minority over-representation in detention and other juvenile facilities, develop standards for prosecution of juvenile offenders, review disproportionality in diversion and review the use of detention in an effort to reduce disproportionality.
 - Report annually to the Legislature regarding the effectiveness of county programs on reducing racial disproportionality in the administration of juvenile justice.
- Legislation passed in 1994 (HB 2319) mandated annual reporting requirements on minority representation by state agencies supervising youth convicted of crimes. It also established local juvenile justice advisory committees to monitor and report annually on proportionality,

effectiveness and cultural relevance of local and state rehabilitative services for juveniles and to review and report on citizen complaints regarding bias or disproportionality within local juvenile justice systems. These requirements are submitted annually to the Sentencing Guidelines Commission (SGC) which then reports the information biannually to the Legislature.

- In 1996, the Legislature passed HB 2392 which established prosecutorial standards to reduce racial inequality in the prosecution of juveniles in two counties.
- E3SHB 3900, passed in 1997, required development and implementation of a statewide Risk Assessment Instrument (standardized assessment and diagnostic procedures, which may impact DMC).

Statewide Conference on Strategies to Reduce Disproportionate Minority Confinement

In August 2002, leadership from the state Juvenile Rehabilitation Administration (JRA), the Governor's Juvenile Justice Advisory Committee (GJJAC), and the Sentencing Guidelines Commission met to discuss a collaborative approach to reducing DMC. The group agreed to co-sponsor and host a conference/training entitled "*Promising Practices for Reducing Disproportionate Minority Confinement of Juveniles.*" Each juvenile court jurisdiction in Washington State was invited to participate and attend as a team that included the presiding judge, representatives from the probation department, prosecutor's office, public defender's office, law enforcement, school district and any other agency the jurisdiction thought appropriate.

In April 2003, teams from 15 of the 33 juvenile court jurisdictions attended the conference. The conference identified promising practices using an approach that included judiciary, prosecutors, defense associations, law enforcement, education, lead service organizations, and other key stakeholders involved in juvenile justice.

GJJAC concluded the conference by distributing a Request For Proposal (RFP) that offers federal funding to counties that are willing to replicate one of the two promising models currently being used: the Multnomah Model and the Burns Institute/Building Blocks Model.

- **Multnomah Model^{1&2}**

Based in Multnomah County, Oregon, this model is a collaboration of representatives from law enforcement, attorneys, public schools, county commissioners, juvenile justice, and Portland State University. The objective was to develop core detention reform strategies by examining each system's decision point to ensure that disparity was addressed. The county

¹ Reference Article: Reducing Disproportionate Minority Confinement: The Multnomah County, Oregon Success Story and its Implications – Center on Juvenile and Criminal Justice Press Release. January 23, 2002.

² Taking a Hard Look at Juvenile Justice – Cindy Hatcher, Seattle Post Intelligencer, January 25, 2002.

also established a series of detention alternatives that were accessible to youth of color. These included shelter care, foster homes, home detention, and a day reporting center. These programs were contracted to local providers located in communities of color where the majority of detained youth lived. They were established both as alternatives to admission to detention and to divert youth from being returned to custody for violating terms of their release.

The probation department also sought to diversify its staff team. The objective was to make the department's racial makeup mirror that of the community. Like most other agencies serving youth, Caucasians had largely staffed the probation department.

The outcomes from the Multnomah Model are significant. The core detention strategies and an overall focus on reducing disparities had the intended impact of reducing disproportionate minority confinement in Multnomah County.

- In 1993, the average daily detention population in Multnomah County was 92. In 2000, the average daily population was reduced to 33.
- In 1994, the percentage of arrested youth that were detained was 24 percent of African Americans and 13 percent of Caucasians. By 2000, the numbers had dropped to 12 percent of African Americans and 9 percent of Caucasians.
- Between 1994 and 2000, the number of youth admitted to detention dropped by half for all youth (from 1,107 in 1994 to 478 in 2000) and by half for both African American and Hispanic youth.

Several factors contributing to Multnomah County's success included:

- The development of alternatives to detention,
 - Training sessions addressing DMC and raising awareness to employees and to the public who serve youth,
 - The design and implementation of a risk assessment instrument,
 - Improvements in case processing,
 - Enhanced defender services,
 - Diversity training,
 - Data collection and research, and
 - Staff diversification.
- **Burns Institute/Building Blocks Model³**

The Burns Institute is named after W. Haywood Burns, a New York attorney with a lifelong commitment to the defense of minority inmates. Today, the Burns Institute model is being implemented in Seattle, Phoenix, San Francisco, Kansas City, and four jurisdictions in Illinois.

³ Scales of Justice Unbalanced – Dara Mayers, Ford Foundation Report, Spring 2003.

The three-phase program traces patterns of arrest, detention before trial and final disposition in juvenile cases. The Burns model focuses on offenders in custody before they come to trial. Such detention is in itself a major risk factor for future secure institutional placement, and reducing it for minority youth is considered a crucial step toward reducing disparity in both the juvenile and the adult prison populations. Only five percent of such detainees are charged with the serious violent crimes that all agree justify detention. In the other 95 percent of cases, a significant degree of subjectivity enters into decisions to hold or release.

A major finding of the program is that minority youth are often held in detention because judges believe that no caring adults are available to supervise them if released.

Seattle began using the Burns Model in 1999, and one result has been that the number of youth in detention on an average night has dropped from 220 to 130.

Education and Training

Addressing disproportionality requires education and training. Information provided in this report is shared and disseminated to staff throughout JRA. A brief summation of this information includes:

- **Current statistics on Disproportionate Minority Confinement.**
 - 24 percent of Washington State's youth population are minority youth (December 2002).
 - 45 percent of youth committed to JRA are minority youth (December 2002).
 - 74 percent of Washington State's youth population are Caucasian (December 2002).
 - 52 percent of youth committed to JRA are Caucasian (December 2002).
- **Current status of staff diversity in JRA.** JRA has a minority staff population of 18.2 percent. While JRA's minority staff population is significantly less than the number and percentage of minority youth served by JRA, it does compare favorably to the overall population of minorities in the state (18 percent).

The value of a diverse workforce intends for everyone to live, learn, and work free from discrimination, harassment, and prejudice. It is a key part of JRA's responsibility to ensure that its employees and clients are treated fairly in terms of opportunities and high standards of service. To properly serve our diverse community, JRA's workforce should itself reflect the diversity of those we serve. With employees who understand the needs of the people they work with, JRA will be the organization best placed to delivery essential services to youth and families in Washington State.

In 2002, JRA established a hiring goal that 25 percent of its new employees would be persons of color. As of June 2003, JRA exceeded this goal when 28.7 percent of all new hires were candidates of color, helping us move closer to our goal of meeting the needs of our diverse residential population.

- **Discussion of how to consistently measure treatment program completion rates (i.e., Mental Health, Drug and Alcohol, Sex Offender, Community Facilities, Basic Training Camp, and Parole).** As JRA implements research-based rehabilitative treatment programs through its new Integrated Treatment Model, the response minority youth have to these programs will become available.
- **Opportunity to ask questions in the area of disproportionality.** The program administrator of the Disproportionality Project presented data to administrators, program managers and treatment coordinators in JRA's Division of Community Programs and Division of Institutions.
- **Employee access to diversity training.** All JRA employees are expected to attend diversity education and training. The training, provided by the DSHS Human Resources Division, provides staff the opportunity to explore how our perspective influences the quality of service provided to our internal and external customers
- **Diversity oversight and cultural specific activities.** Given that almost half of JRA's population are youth of color, it is critical that JRA deliver programs that are relevant to the cultural backgrounds and perspectives of these youth. A summary of the current cultural programs that are available include:

Residential Programs

- Culture specific education and development groups for minority youth focusing on issues relevant to the following cultures:
 - African American
 - Hispanic
 - Native American
 - Asian/Pacific Islander
- Culture specific activities such as:
 - Native American powwows, sweats, spiritual practices, dance and drum making
 - Kwanzaa celebrations
 - Culture awareness fairs
 - Connections with minority community volunteers and mentors
 - Religious/Spiritual services and gatherings
 - Family days with traditional and cultural activities and foods

Community Programs:

- Connections with minority community volunteers and mentors
- Restorative justice activities within home communities
- Family days with traditional activities and foods
- Participation of parole youth in cultural fairs and events
- Referral of parole youth to culture specific treatment and counseling services.

JRA is committed to educating others on the importance of reducing DMC. As we continue to work to address disproportionate minority confinement issues, an important aspect of this effort will be access to reliable and research-based data so that results from our efforts can be accurately measured and disseminated.

Measuring Access and Monitoring Completion of Rehabilitative Programs

In 2001, the Juvenile Rehabilitation developed a research-based treatment model that utilized cognitive behavioral and family focused principles. This new focus, the Integrated Treatment Model (ITM), is tailored for use in both residential and community settings in the juvenile justice continuum of care.

The need to define and specify the appropriate interventions with both individual youth in residential care and subsequently in families as the youth return to their home communities is paramount to measuring the results of our services to youth and families. The Integrated Treatment Model is based on:

- Research-based effectiveness,
- Motivation and engagement of both youth and families,
- A commonly understood language to be utilized throughout the juvenile justice continuum,
- A uniform set of cognitive-behavioral skills and family focused principles,
- The ability to generalize and maintain positive changes, and
- Ongoing clinical consultation to ensure the continuity of the interventions and adherence to the model.

The ITM views all behaviors, including a youth's criminal behavior as occurring in a larger social and historical context, serving a specific function. As such, a youth's behavior is a product of learning history, cultural and ethnic influences, family and community dynamics, specific circumstances, and thoughts and feelings. This view encourages treatment providers to take a holistic, non-judgmental approach to the youth and his/her family.

As JRA completes initial training and implementation of the ITM, focus will shift to analyzing outcomes and adherence data in 2004. Tailoring these interventions and assessing outcomes with all youth, including minority youth, will add to our understanding of the effectiveness of these programs.

Maintaining a Diverse Workforce

In December 2002, JRA had a minority youth population of 43.8 percent and a minority staff population of 18.2 percent. To enhance the diversity of staff, JRA developed a recruitment reference guide for managers. This guide is accessible to all JRA managers and includes resources from cultural publications, Internet sites, and recruiting organizations. JRA's effort to

increase the number of minority new hires has resulted in closing the gap in the ratio of minority clients to staff of color.

Building Partnerships

As part of its efforts to reduce disproportionate minority confinement, JRA has enhanced its partnerships with community organizations and local counties. Contacts established as part of this process include:

- **Building Blocks Committee.** Seattle was the first pilot site for the Building Blocks model to reduce Disproportionate Minority Confinement. This is an alliance of child advocates, researchers, law enforcement professionals, and community organizers that seek to promote rational and effective justice policies for youth of color.
- **Juvenile Detention Oversight Committee.** This committee focuses on alternate placement to secure detention in addition to alternative placements earlier in the court process.
- **Dapper Group.** This committee was established to develop a risk assessment instrument for youth entering detention to help decrease DMC in detention.
- **Central Puget Sound and Eastside Diversity Task Force and Recruiting Exchange.** Corporations and organizations meet monthly to provide information on jobs available to increase diversity in their workforce.
- **South King County Diversity Task Force.** This task force provides information, training, and education in diversity issues and employment opportunities. The goal is to build relationships with human resource professionals to increase the recruiting efforts for diverse candidates.
- **City Of Bellevue Cultural Diversity Program.** This program provides various cultural programs, events, and resources for the City of Bellevue and the greater eastside community.

Next Steps

As ongoing national and local research sheds light on the causes and offers solutions to DMC, JRA looks to strengthen its emphasis in the following areas:

- **Research and Analysis,** which includes monitoring and reviewing national, regional, and local intervention programs. Specifically, JRA's implementation of research-based treatment programming will look at outcomes for all youth committed to our care.
- **Data Collection,** which identifies trends and provides opportunities for causal and quantitative analysis. Data and post-release outcomes from implementation of the Integrated Treatment Model will tell us specifically how minority youth respond to JRA programs.

- **Stakeholder Input** that allows for participation and provides one mechanism to help gauge community attitudes and assist in qualitative analysis. JRA will continue to enhance its relationships with key stakeholder groups.
- **Organizational Partnerships** that provide preliminary information regarding “what works,” at least in certain locales. Partnerships will help JRA maximize fiscal resources and promote sharing of information, ideas, and workload during times of diminished fiscal resources.

Conclusion

The task of impacting Disproportionate Minority Confinement seems daunting when looked at in its entirety. For that reason, JRA is targeting discrete steps toward improving the cultural relevance of its programs. The ultimate goal is advancing the success of youth of color in JRA.

Disproportionate Minority Confinement has been studied and analyzed for many years. With the direction and success described in this report, JRA has begun to examine its own programs and seek better solutions for youth committed to our care and custody.

We are confident that incremental improvements can be made and will continue to influence the juvenile justice community in ways that reduce disproportionality.

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