Reclaiming Futures
Webinar

James Bell
W. Haywood Burns Institute

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Ja'eisha Akins Age 5
Handcuffed Temper Tantrum Pre-School
Structural Barriers & RED

• JJ Systems Are Not Accountable for Life Outcomes
• Disparities in the Guise of Race Neutrality
• Addicted To Incarceration as Primary Instrument of Social Control
• No Incentive for Excellence
• Confuse High Needs for High Risk
• Families in Neighborhoods of Concentrated Poverty Beyond Repair

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Overrepresentation of Minority Youth in Public Detention Centers: 1985 - 2007

1985
- White Youth: 56.6%
- Youth of Color: 43.4%

1995
- White Youth: 43.6%
- Youth of Color: 56.4%

2007
- Youth of Color: 72.0%
- White Youth: 28.0%

Source: Census of Public and Private Juvenile Detention, Correctional and Shelter Facilities

2/3 of Detainees are Kids of Color

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Disproportionality in Decision Points

- Population:
  - White: 34%
  - Black: 8%
  - Latino: 28%
  - Other: 19%

- Arrest:
  - White: 29%
  - Black: 17%
  - Latino: 19%
  - Other: 25%

- Referral to Court:
  - White: 23%
  - Black: 20%
  - Latino: 18%
  - Other: 33%

- Secure Detention:
  - White: 20%
  - Black: 9%
  - Latino: 33%
  - Other: 28%

- Corrections:
  - White: 18%
  - Black: 23%
  - Latino: 17%
  - Other: 34%

- Transferred to Adult Court:
  - White: 9%
  - Black: 33%
  - Latino: 18%
  - Other: 62%

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Disparities vs. Disproportionality

- **Disparate Treatment**: Different treatment of individuals who are similarly situated or who have common characteristics

- **Disproportionate Minority Confinement (DMC)**: A racial/ethnic group’s representation in confinement exceeds their representation in the general population
Collaborative Composition

Community Groups/Youth
Judges
Politicians
Police/Sheriff
Prosecutor/Defense
Detention and Probation
Has The Jurisdiction Reached Consensus on Purpose for Detention?

- Statutory
- Risk of Flight/Reoffense
  - Policy v. Discretionary Holds
- Stabilization/No Other Alternative
- Provision of Services
- Punishment
How Has Your Jurisdiction Defined Success?

- Reducing Numbers of Youth of Color in Detention?
- Reducing Percentage of Youth of Color in Detention?
- Reducing the Inappropriate Detention of Youth of Color?
  – “Majority/Minority” Jurisdictions
Data Informed Conversation

San Francisco:
Percentage of Admissions that are African-American

Percentage

San Francisco:
African-American Admissions to Detention

Actual Numbers

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Data/Disparities Lens

Detention Eligible Youth Population
Arrest
Referrals
Admissions
Risk Score
Length of Stay

– Disaggregate By
  • Race
  • Ethnicity
  • Gender
  • Geography
  • Offense
Are Fundamentals for Success Present re: Disparities

• Is There Numerical Disparity?  Yes

• What Accounts for the Disparity?
  – Offense Driven
    • DV, Robbery, Assaults
  – Structural Administrative Decisions
    • Warrants, FTA’s & Placement Failures
    • Policy or Discretionary Holds
  – Economic, Social & Educational
African American youth represent 3% of the general youth population, but 11% of youth in detention. Latino youth represent 24% of the general youth population but 59% of youth in detention.
Detention Analysis

- “Front Door” Issues
  - Youth Appropriate
  - Alternatives with Adequate Supervision/Service

- Length of Stay
  - Case Processing

- Special Detention
  - PV’s
  - Warrants
Risk Assessment Instrument

Should Objectively Separate Youth into Three Categories:

Low Risk—0-7 Pts.
  • Eligible for immediate full release.

• Medium Risk—8-10 Pts.
  • Eligible for placement in non-secure alternative.

• High Risk—11 Pts.
  • Eligible for placement in secure detention.
Detention of Low Risk Youth

70% in Detention Have Mental Health Diagnosis

<table>
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<th>Low Risk</th>
<th>Latinos</th>
<th>Af/Am</th>
<th>Native</th>
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<td>81%</td>
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Digging Deeper: Disparities by Offense

Admissions to Detention by Top 10 Offenses & Race-Ethnicity
2nd Quarter 2007

- Other/Unknown
- Native American
- Latino
- Caucasian
- Asian
- African American

Offenses identified to dig deeper into and to track.
Detention Intake: RAI Administration

- Detain: 500 youth
- Release with Conditions: 150 youth
- Release Outright: 350 youth

High Scoring: 200 youth
Low and Medium: 300 youth

- Policy Holds: 200 youth
- Discretionary Holds: 100 youth

Federal Law: 25 youth
State Law: 50 youth
Local Policy: 125 youth

Placement Failure: 25 youth
Warrant: 50 youth
VOP: 50 youth
Offense Driven: 40 youth
Parent Refusal: 30 youth
Parent Unavailable: 30 youth

Digging Deeper: Structural System Based Decisions
Discretionary vs. Non-discretionary Holds

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Establishing an Institutional Response

You’ve got data…
You know where disparities exist…
You know where policy/practice change could impact the numbers…

Now What?
Does Your Jurisdiction Have What It Takes To Change Policies/Practices

• Political Will
  – Champion with Authority/Courage
  – Skills to Manage Unnatural Change

• Talented Staff
  – De-centralize Decision Making
  – Transparency and Accountability

• Intentionality
  – Marathon Not Sprint
  – Not a “Project” but a Way of Doing Business
Youth Released Within 40 Hours Aggravated Battery Charge

78% A/A Boys

*Source – 2004 Peoria County JDC YTD Report 11/04

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SOLUTION

Alternative Discipline Options for Schools

BARJ
Significant Reduction

- AA: 56 (89%) in 2004/05, 32 (78%) in 2005/06
- C: 6 (10%), 9 (22%) in 2005/06

11% in 2005/06
Digging Deeper: “Easy Wins”
Baltimore County Court Notification

Category of Charge Associated with Baltimore County Secure Detention

And 45% of the "No New Charges" were Writs for Failures to Appear in Court.

- No New Charge
- New Charge

37% 63%
After Burns Institute helped institute a Court Notification Program, detentions for Failing to Appear (FTA) decreased by 49%.