

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 2009 estimates, Washington State's juvenile (age 10-17) racial composition was 66.6 percent White and 33.3 percent minority youth (5.8 percent Black, 1.9 percent American Indian, 8 percent Asian, and 17.6 percent Hispanic of any race). In three eastern Washington counties (Adams, Franklin, and Yakima) the percentage of non-white youth is more than 65 percent 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 2009, non-white youth accounted for: 16.9 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 39 percent of all juvenile court offense referrals; 42.2 percent of juveniles held in county detention facilities; and 54.7 percent of juveniles held in JRA facilities.

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 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.

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.

The following **statewide** observations were made from Relative Rate Indexes for 2007-2009:

- 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, ranging from an RRI of .28 to .36.
- African-American youth arrest RRI is consistently higher than any other ethnic/racial category, ranging from 1.72 to 1.94.
- Native American arrest RRI is also been consistently higher than White youth, ranging from 1.30 to 1.36.
- Minority youth RRI (including Asian youth) for referred to juvenile court is much higher than White youth.
- Minority youth RRI for diversion is significantly lower than for White youth.
- Hispanic youth RRI for transferred to adult court is significantly higher than 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 August of 2012.

Past GJJAC 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 GJJAC.
- "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 re-

quired 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 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. In 2011 there are eight JDAI replication sites in the state located in Adams, Benton-Franklin, King, Mason, Pierce, Skagit, 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.

Almost 60 percent of the state's minority youth reside within these nine counties. While these eight juvenile courts processed approximately 50 percent of all offense referrals statewide to county juvenile courts in Washington State in 2009, county detention admissions for these county sites were approximately 42 percent of the total statewide detention admissions during 2009.

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 it 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 32 percent (from 6,875 annually to 4,677). Additionally, the average daily population of youth of color has been reduced by 42.65 percent (from 238 annually to 137.)

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 58%).

The WA-PCJJ continues to work closely with JDAI sites to address DMC and reduce the identified disproportionality.

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 external. 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 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 remained relatively constant 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 2009 was one of the lowest in five years (8,742), the percentage of arrests represented by girls was one of the highest in the past five years (30%)

The percentage of total juvenile arrests by females has remained constant at approximately 29-30% (of total arrests) over the past eight years. From 2000 to 2009, the percentage of total arrests increased by approximately 9.1 percent for girls, while in comparison the percentage of arrests for males decreased by 3.4 percent from 2000 to 2009.

During 2009 females accounted for approximately:

- 30 percent of all juvenile arrests.
- 29 percent of all juvenile arrests for drug and alcohol offenses
- 32 percent of all juvenile arrests for property offenses
- 16 percent of all juvenile arrests for violent offenses
- 30 percent of all juvenile arrests for "all other" offenses

Girls accounted for 32 percent of the juvenile arrests for property offenses in 2009, little change from 31.8 percent of the juvenile arrests for property offenses in 2008. Girls represented approximately 43 percent of all juvenile arrests for larceny (theft) in 2009.

Girls accounted for 28.9 percent of the total juvenile arrests for drug and alcohol offenses, a slight (1.7 percent) decrease from 2008. The percentage of total arrests for "all other offenses" for females increased by three percent from 2008 to 2009 (from 29.5 to 30.4 percent of total juvenile arrests). The percentage of total juvenile arrests for Violent crimes by girls decreased by five percent from 2008 to 2009 (from 17.3 to 16.4 percent of total juvenile violent crimes).

In 2009, girls represented approximately: 37 percent of the arrests for "other assaults"; 43 percent of the juvenile arrests for larceny-theft; 38 percent of the total juvenile arrests for forgery and counterfeiting; 90 percent of the total juvenile arrests for prostitution and commercial vice; and 36 percent of juvenile arrests for liquor law violations.

Thus, while the total number of juvenile arrests for committing crimes has decreased substantially over the past ten years (from 47,763 in 2000 to 29,187 arrests in 2009—a 38.9 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 41 percent from 2000 to 2009, compared to a 33.5 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 2009 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 (2005-2009). 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 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 2009 data, girls represent 50.3 percent of the filings for At Risk Youth Petitions (down

slightly from 51% in 2008); 60 percent of the filings for Child in Need of Services (unchanged from 2008); and 47 percent of the Truancy filings (unchanged from 2008). There were a total of 2,351 ARY filings in 2009. The total number of ARY contempt hearings has remained relatively constant for the past five years (2005-2009), with 2,088 in 2009. There were 12,856 truancy filings in 2009 and 2,278 truancy contempt hearings.

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. Members of the coalition are currently analyzing adverse childhood experiences (ACES) data collected from the juvenile risk assessment tool; collecting information and evaluating information about best practices for girls; and developing training opportunities to improve outcomes for girls in Washington's juvenile justice system.
