

Annual Report to the Washington State Legislature

Reducing Disproportionate Minority Contact in the Juvenile Justice System

Provided pursuant to:

RCW 13.06.050(3)
RCW 2.56.031

January 2012

Department of Social and Health Services
Juvenile Rehabilitation Administration
P.O. Box 45720
Olympia, Washington 98504-5720

(360) 902-7805
Fax: (360) 902-8108

Contents

	Page
Executive Summary	3
Introduction	4
Progress Made to Reduce Disproportionate Minority Contact/Confinement	10
The Washington State Partnership Council on Juvenile Justice	10
The Washington State Office of Juvenile Justice	11
The Juvenile Detentions Alternatives Initiative	12
The John D. and Catherine T. MacArthur Foundation – <i>Models for Change Grant</i>	15
The Administrative Office of the Courts	17
The County Juvenile Courts	18
The Juvenile Rehabilitation Administration	19
DSHS Juvenile Rehabilitation and Children’s Administrations Collaboration	25
Cost-effective Strategies to Intervene in DMC	26
Conclusion	26

Executive Summary

This report is provided pursuant to [RCW 13.06.050\(3\)](#) and [RCW 2.56.031](#) which require an annual report on progress made toward reducing Disproportionate Minority Contact (DMC) in the juvenile justice system in the state of Washington.

The report addresses three central questions:

1) *Does available data support a conclusion that DMC is present within the Washington State juvenile justice system?*

A review of the most recent statewide data on Washington State's youth ages ten through seventeen shows that minority youth remain incarcerated at a higher rate than white youth. Moreover, this persistent DMC is most pronounced for minority youth who are confined in either the County Detention Centers or Washington State's juvenile institutions.

2) *Are there efforts in Washington State to address DMC?*

There are efforts to address DMC in local communities, the Juvenile Courts and through the efforts of state entities throughout Washington. This report highlights some of the DMC efforts in Washington State to include: the Juvenile courts through the Juvenile Detention Alternatives Initiative (JDAI)¹, the Washington State Partnership Council on Juvenile Justice (WA-PCJJ), the Office of Juvenile Justice (OJJ)², and the Models for change Initiative (MfC)³.

3) *Are those efforts leading to positive outcomes for Washington State's minority youth and their families?*

Since 2004, the overall number of youth in secure confinement in County Detention and in the Juvenile Rehabilitation Administration has steadily decreased. Unfortunately, although the actual numbers of minority youth has decreased, the overall percentage of minority youth has continued to increase. Furthermore, minority youth are underrepresented among the youth who are diverted from county detention and state institutions and are overrepresented in county detention and state institutions. The data shows an increased concentration of minority youth relative to the representation of white youth as youth penetrate further into the deep-end of the juvenile justice system.

¹ This initiative is jointly funded by the Annie E. Casey Foundation, the Washington State Legislature, and the Washington State Partnership Council on Juvenile Justice (with federal JJDP funds.)

² The Office of Juvenile Justice is staff to the Washington State Partnership Council on Juvenile Justice.

³ The Models for Change initiative is funded by the John D. and Catherine T. MacArthur Foundation with assistance by their lead entity in Washington, the Center for Children & Youth Justice (CCYJ).

Introduction

The Department of Social and Health Services (DSHS) - Juvenile Rehabilitation Administration (JRA), is required to report annually to the Washington State Legislature, analyzing the current state of Disproportionate Minority Contact (DMC) within Washington State's juvenile justice system. This report is provided pursuant to RCW 13.06.050(3) which says, in part,

“...The analysis shall indicate which programs are cost-effective in reducing disproportionality in such areas as alternatives to detention, intake and risk assessment standards pursuant to [RCW 13.40.038](#), alternatives to incarceration, and in the prosecution and adjudication of juveniles...”

This report contains:

- An overview of DMC in Washington;
- Current ability to assess cost-effectiveness of programs to impact DMC; and
- A review of progress toward reducing DMC in Washington State.

DMC in Washington State's Juvenile Justice System Today

Disproportionate Minority Contact (DMC), for this report, is defined as the degree to which the proportion of minority juveniles, between the ages of ten and seventeen, who come into contact with the juvenile justice system in Washington State differs from that of their numbers in the general state juvenile population, particularly as compared to the proportion of white youth.

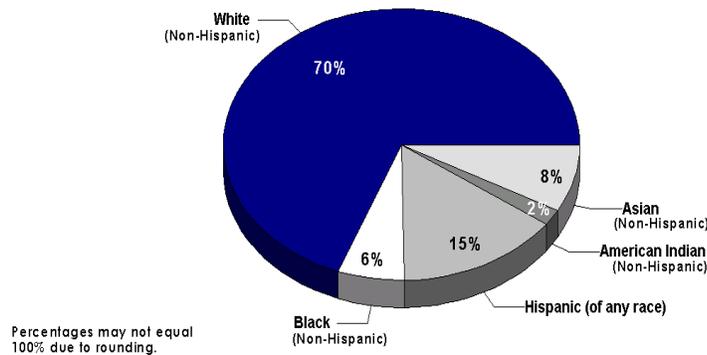
Relative Rate Index (RRI) information looks at the rate of contact with the juvenile justice system at identified decision points among juveniles of a specific minority group that is significantly different from the rate of contact for whites or other minority groups. We must caution, though, that all that can be inferred from the RRI is that disparity exists and that additional exploration is needed to determine the source of that disparity.

The overrepresentation of minority youth from their first contact with the juvenile justice system is evident across the nation and this disproportionality increases at each point along the juvenile justice continuum. Disproportionality in Washington State's juvenile justice system is documented in the most recent 2010 Annual Report from WA State Partnership Council on Juvenile Justice (WA-PCJJ). The WA-PCJJ, just this year replaced the Governor's Juvenile Justice Advisory Council or GJJAC. The current 2010 Report indicates that, though much progress had been made overall, DMC clearly remains.

The WA-PCJJ Annual Report 2010 provides baseline data and information on DMC. The following bullets are summarized from the text of that report:

- DMC exists at all levels of the juvenile justice system in Washington State.
- Asian arrest rates have been consistently lower than the white population.
- African-American arrest rates have been consistently higher than any other ethnic/racial category.
- Native American arrest rates have been consistently higher than white youth.
- Minority youth are referred to juvenile court at a much higher rate than white youth.
- Minority youth rates for diversion is significantly less than those for white youth.
- Native-American youth are disproportionately placed in secure detention.
- Minority youth are transferred to adult court more frequently than they are white youth.

Juveniles (Age 10-17) by Race/Ethnicity 2009 Estimate



Source: Puzanhera, C., Sladky, A., And Kang, W. (2010), "Easy Access to Juvenile Populations: 1990-2009," Online; available at <http://www.ojdp.ncjrs.org/ojstatbb/ezapop/>.

Concentration of Disproportionality at the Deep-End

Washington State's juvenile (age 10-17) racial composition in 2009 was 70.4 percent White and 29.6 percent minority youth (5.6 percent Black, 1.9 percent American Indian, 7.5 percent Asian, and 14.6 percent Hispanic of any race).⁴ Similar population figures were generated for JRA by Clegg and Associates. 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. The differences between minority and non-minority youths' representation becomes amplified with each successive decision point, from the youth's initial contact to their eventual incarceration in Washington county detention centers and state juvenile institutions⁵

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 DMC with respect to populations regarding a specific occurrence of an event. According to staff, researchers, and administrators across the juvenile justice system in WA State, RRI's are useful to investigate the occurrence of DMC. While the RRI is perceived to be an unbiased estimator, meaning that it allows for fair and accurate comparisons across time and racial groups, it is important to remember that the RRI is not sufficient as an independent indicator of racial bias. All the RRI can say is that disparity exists and additional exploration is needed to determine the source of the disparity. The DMC Identification Spreadsheets have proven helpful in determining areas of weakness in data collection, including the fact that data is not uniform within and across the whole of the national, state, county, and local juvenile justice data reporting systems. The following statewide observations were made using the Relative Rate Indexes for 2007-2009:

⁴ Washington State Partnership Council on Juvenile Justice Report 2010, pg. 50.

⁵ It should be noted that data on Hispanic youth is generally misrepresented in that in some statistics and demographics Hispanic youth are coded as Caucasian. (This is especially problematic in some federal demographics and statistics describing social and health services utilization.) It should be noted further that arrest information in Washington State does not capture Hispanic. Uniform Crime Reporting does not have a way to capture that information and the newer FBI National Incident Based Reporting System (NIBRS) system used by law enforcement has the ability to capture but it is not required, and therefore not consistently utilized.

- 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 it is for White youth. (Bullets are summarized from the 2010 Annual WA-PCJJ Report.)

DMC Assessments

The WA-PCJJ has contracted with the University of Washington to conduct Phase I and II of a three phase 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 December 2012.

Analysis from the most recent available data shows that in 2009⁶, 689,812 youth age ten through seventeen lived in Washington State⁷. Of those, 70.4% were identified as White; 29.6% non-White. This fact of disproportionality still holds. In 2011, DMC has become more pronounced as minority youth penetrate further along the continuum in WA State's juvenile justice system.

DMC in JRA

Black/African American and Hispanic youth are overrepresented in JRA. Black youth were overrepresented (14% within the juvenile justice system vs. their 5% of the general population). Hispanic youth were also overrepresented (17% in the juvenile justice system vs. 14% of the general population). American Indian youth appear also to be overrepresented (5% within the juvenile justice system vs. 2% of the general population). Asian youth and white youth are notably underrepresented in comparison.

⁶ Data from 2008 provides the most recent, comprehensive statistical information about Washington State's youth.

⁷ Governor's Juvenile Justice Advisory Committee Annual Report, 2009, Table 1, p.61.

In summary, available data support the conclusion that DMC does exist in Washington State’s juvenile justice system. With the notable exception of Asian youth, minority youth – particularly Black youth – are significantly overrepresented along the juvenile justice continuum.

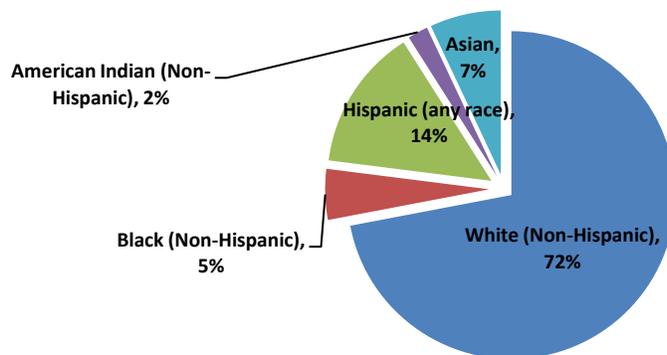
The Deep-end of the Juvenile Justice Continuum

DMC is especially noticeable at the deeper end of the juvenile justice continuum; minority youth are overrepresented in there are more commitments, and underrepresented with respect to disposition alternatives. Data by racial/ethnic group for County Detention (mid-level system involvement) and in JRA show that:

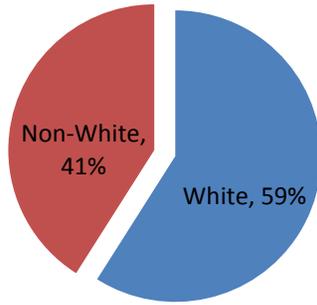
- Black youth have the highest level of disproportionality in both County Detention and in placements in JRA.
- Hispanic youth and American Indian youth are overrepresented at both levels, but their greatest level of overrepresentation is in County Detention.

The proportions of white youth and Asian youth are both greater in the general population than are represented in either county detention or committed to JRA.

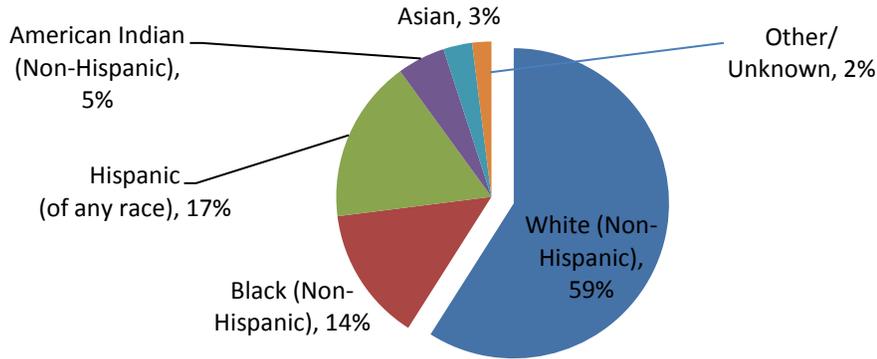
Population of Washington State Juveniles Age 10-17 by Race/Ethnicity (2008 Estimate)



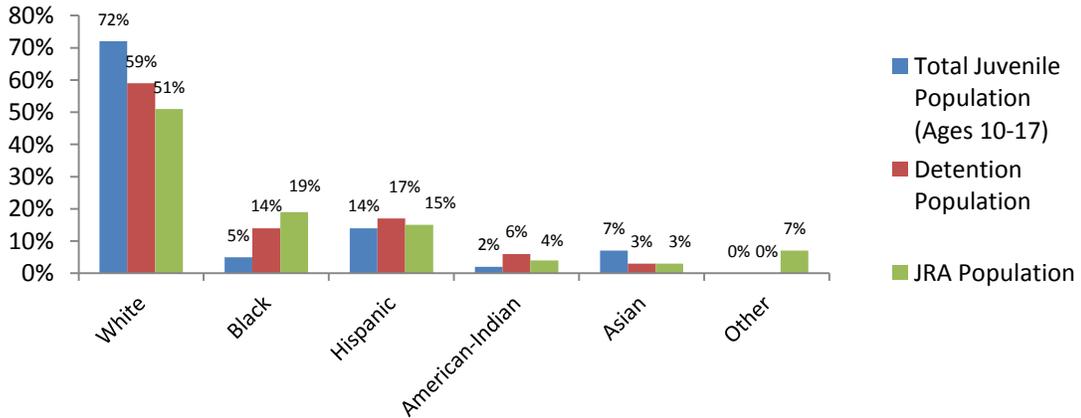
Youth Ages 10 - 17 involved in the Juvenile Justice System
(2008 Estimate)



Juvenile Justice System Involved Youth Age 10-17 by Race/Ethnicity
(2008 Estimate)



Racial/Ethnic Demographics of Mid to Deep-End Juvenile Justice System Involved Youth 2008 (Estimates)



Progress Made to Reduce Disproportionate Minority Confinement

Over the past six years, communities, law enforcement, and juvenile justice professionals across Washington State have been engaging in concerted efforts to reduce DMC and/or mitigate the impacts of DMC for system-involved youth.

It is generally accepted that DMC reduction efforts are most effective when they work at the community level and are supported by a broad base of interested stakeholders. This report gives a summary description of representative state-wide initiatives highlighting those with expressed goals to reduce DMC led by:

- *The Washington State Partnership Council on Juvenile Justice (WA-PCJJ);*
- *The Washington State, DSHS, Office of Juvenile Justice(OJJ);*
- *The Juvenile Detention Alternatives Initiative⁸;*
- *The John D. and Catherine T. MacArthur Foundation – Models for Change Initiative⁹; and*
- *The Juvenile Rehabilitation Administration and Local Courts.*

There are clearly other efforts and initiatives addressing DMC in counties and cities across the State of Washington. The work summarized below is by no means definitive or exhaustive, but provides examples of what is ongoing to reduce DMC across the State of Washington.

The Washington State Partnership Council on Juvenile Justice (WA-PCJJ)

Responding to the Governor's reform initiative of 2010 for more efficient and effective government, the Washington State Department of Social and Health Services (DSHS) has convened a repositioned State Advisory Group to be known as the Washington State Partnership Council on Juvenile Justice (WA-PCJJ). Building on the Governor's Juvenile Justice Advisory Committee's (GJJAC) twenty-eight year legacy, the WA-PCJJ has an expressed commitment to take a pro-active role in juvenile justice system reform.

Through shared responsibility and leadership, the WA-PCJJ is to partner with key decision-makers from state, local and tribal governments and non-profit organizations to:

- Support its members in influencing implementation of innovative reforms and best practices within their communities and organizations;
- Support and enhance multi-system collaboration and coordination among juvenile justice, child welfare, education, mental health and related systems in which Washington's children, youth and families are involved;

⁸ JDAI is implemented by WA-PCJJ.

⁹ The Center for Children & Youth Justice (CCYJ) is the lead entity on the Models for Change initiative.

- Ensure, across Washington State, that evidence-based and promising practices are replicated and administered in a culturally competent manner, and with program fidelity;
- Recommend and influence the adoption of system reforms and best practices to improve Washington’s compliance with the core requirements of the Office of Juvenile Justice Delinquency Prevention Act (JJDP);
- Support use of developmentally appropriate services for youth at risk of system involvement to help prevent youth crime;
- Support implementation of a continuum of programs, including delinquency prevention, intervention, and mental health and substance abuse treatment and aftercare to address the needs of youth at risk of system involvement and system-involved youth; and,
- Recommend innovative juvenile justice reforms, best practices, quality improvement, and accountability, with strategies for their implementation in the systems and communities from which the WA-PCJJ members come.

The WA-PCJJ has established DMC as a priority area and created a standing DMC committee. This committee will convene and coordinate DMC efforts in Washington State. The committee will promote statewide collaboration on DMC and will work to address DMC using research, identifying occurrence of DMC within communities and promoting use of evidence-based programs to reduce DMC in Washington State’s juvenile justice system.

The Washington State Office of Juvenile Justice (OJJ)

The Washington State Office of Juvenile Justice within the Department of Social and Health Services provides staff to the WA-PCJJ and assists the State of Washington to achieve and maintain compliance with the Juvenile Justice Delinquency Prevention (JJDP) Act of 2002 by:

Addressing juvenile delinquency prevention and system improvement efforts designed to reduce the disproportionate number of juvenile members of minority groups who come into contact with the juvenile justice system¹⁰.

Since 2010, states have been required to conduct a DMC assessment every five to seven years. The last assessment in Washington State was conducted in 1993 by Dr. George Bridges, PhD. The WA-PCJJ has contracted with the University of Washington for the current assessment which began earlier in 2011.

Each assessment phase will begin with review of existing data for the participating county and identify the points where disproportionality is evident. The assessment will then scrutinize those local decision points to determine how

¹⁰ State of Washington Partnership Council on Juvenile Justice Annual Report, 2010.

DMC is created or amplified, specifying the mechanisms at work. Assessments are expected to result in more accurate understanding of where and how deeply DMC is an issue in Washington State’s juvenile justice system. This will provide valuable information for citizens of Washington, juvenile justice professionals and policy makers to develop and implement cost-effective strategies for reducing DMC.

The Juvenile Detention Alternatives Initiative (JDAI)

The Annie E. Casey Foundation awards grants nationally to implement Juvenile Detention Alternatives Initiatives (JDAI). Washington State was selected to receive funding and technical assistance to replicate JDAI. The JDAI is a recognized system improvement model by which juvenile courts use eight core strategies to divert youth from secure detention. The youth to whom this model applies have not committed a serious crime and pose no risk to public safety. These youth have been charged with minor offenses.

The goal of JDAI is to provide the right service to the right juvenile at the right time, and to hold (in the juvenile detention facilities) only those juveniles that must be held in locked detention so as is necessary to protect the community. The Washington State legislature, recognizing the value and benefits of the JDAI model, currently provides funding to support JDAI statewide. The funds are administered by the Washington State Partnership Council on Juvenile Justice/Office of Juvenile Justice.

JDAI Strategy	Goal
Collaboration and Leadership	Joint planning & policy development between juvenile justice partners
Data Driven Decision Making	Use data analysis to continually improve juvenile justice system outcomes
Detention Admission Policy	Develop a risk assessment instrument to detain public safety risk youth
Alternatives to Detention	Hold youth accountable & appear/remain crime-free pending court
Expedite Case Processing	Reduce unnecessary delays to maximize accountability & services for youth
Warrants & Probation Violations	Reduce need for warrants & use of detention for probation violations
Reduce Racial Disparities	Objective, equal, and fair processing of all youth in the juvenile justice system
Conditions of Confinement	Regular inspections of Detention Facilities to maintain professional standards

Across the board judges, staff and others agree that the JDAI model has been successful in reducing the number of non-offenders and status offenders held in secure detention. JDAI sites examine racial disparities at each decision point: arrest, diversion, detention, adjudication, sentencing, state juvenile institution commitment, and transfer to adult court by encouraging intentional objectivity and fairness. The JDAI model has been effective in reducing the actual number of youth overall from penetrating further into the juvenile justice system. But, of those youth who penetrate further into the juvenile justice system, there is an overconcentration of minority youth when compared to white youth.

As of August 2010, Adams, Benton-Franklin, King, Mason, Pierce, Spokane, Skagit and Whatcom County Juvenile Courts are the selected JDAI replication sites. These eight courts process over half of all youth aged ten through seventeen who are referred to juvenile courts in Washington State. Most minority youth who are referred to, and detained by, juvenile courts in Washington State come from these counties.

JDAI Sites County Courts	2009 Age 10-17 <i>County Proportion of Youth in State</i>	
	All State's Youth	Minority Youth
King	25.1%	31.5%
Pierce ¹¹	12.9%	12.8%
Spokane	6.9%	3.3%
Whatcom	2.7%	1.9%
Benton-Franklin ¹²	4.4%	6.4%
Mason	0.8%	0.6%
Skagit	1.8%	1.9%
Adams	0.4%	0.9%
Total	55.0%	59.3%

These JDAI sites employ a three-tiered model to reduce both DMC and detention overcrowding:

- I. Risk-based detention screening to ensure only youth who meet criteria are admitted to detention;
- II. Evidence-based programs, funded through JRA, for youth who qualify for detention alternative programs. These programs – recognized by the Washington State Institute on Public Policy -- include Aggression Replacement Training, Functional Family Therapy, Multi-systemic Therapy, and Coordination of Services; and,
- III. An expanded warrant reduction program to include, at specific sites and for eligible youth, reminder phone calls, mail reminders and rescheduling, rather than detention.

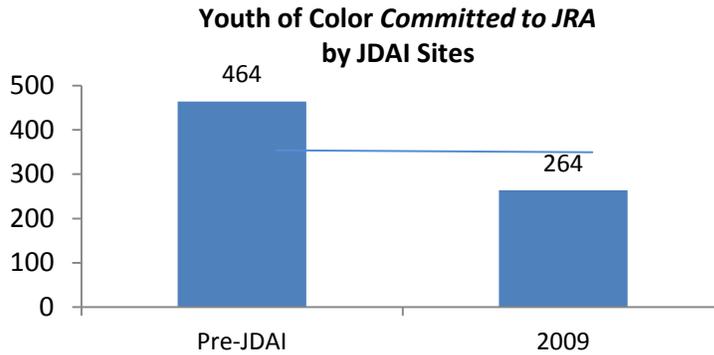
¹¹ Pierce County was a former MfC DMC reduction site who continues to work on these important issues.

¹² Benton-Franklin Counties are an MfC DMC reduction site.

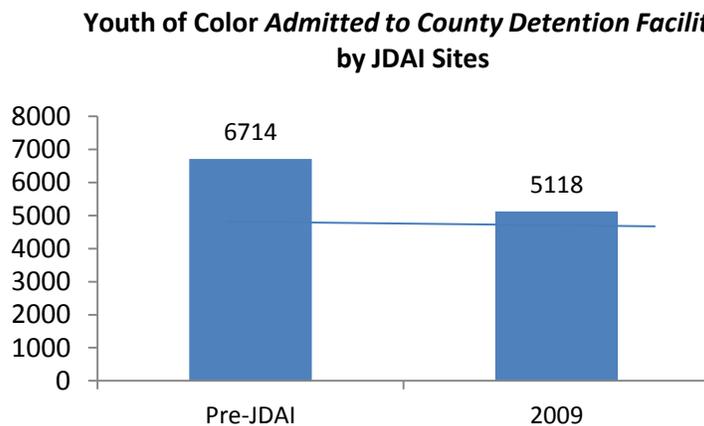
Tiers I and II are in implementation. Additionally, each site has latitude to address DMC in ways unique to their location and community demographics to support the basic goals of the JDAI program.

Demonstrated Results through JDAI

Washington State JDAI sites have significantly reduced admissions to secure detention, average daily populations and average length of stay for non-violent offenders and have maintained excellent public safety as measured by decreased juvenile arrest rates. Since implementation of JDAI at the identified sites, the actual number of minority youth admitted to county detention facilities and to JRA residential programs have significantly decreased. Consequently, there is a corollary increase in the actual number of minority youth who do not reach the deep-end. That decrease notwithstanding, the overall systemic DMC challenges remain; there is an overrepresentation of minority youth who are sent to county detention and on to state juvenile institutions under JRA.



Information provided by the State JDAI Coordinator.
Note the scale; detention accounts for far more youth than does JRA commitment.



Cost savings from JDAI¹³

- Comparing detention populations before becoming JDAI sites and today, these counties incarcerate 261 fewer youth per day. Though exact figures are not available at this reporting, such reductions in the number of youth detained must result in some cost savings.
- Counties have reduced the cost of operating detention centers and avoided the need to build larger facilities.
- Both Pierce and King Counties have substantially reduced the number of beds within their respective detention facilities – 99 in King County, and 90 in Pierce County.

The John D. and Catherine T. MacArthur Foundation Models for Change Initiative

The John D. and Catherine T. MacArthur Foundation Models for Change (MfC) Initiative is a nation-wide commitment to juvenile justice system reform based on the principles of:

- Fundamental fairness;
- Recognition of juvenile-adult differences;
- Recognition of individual differences;
- Recognition of potential;
- Assurance of safety;
- Acceptance of personal responsibility;
- Acceptance of community responsibility; and
- System responsibility.

Starting in 2006, the MacArthur Foundation has invested over \$10M in Washington State, supporting strategies for reforming the state's juvenile justice system. A primary focus of the initiative is DMC, to ensure that minority youth and their families will find the juvenile justice system to be fair, just and unbiased. Regardless of race, ethnicity, culture or proficiency at speaking/understanding the English language, youth and families will feel valued and engaged in the system. The Center for Children & Youth Justice is the Washington Models for Change *Lead Entity*, and a key partner in coordinating statewide DMC-reduction efforts.

¹³ This information and data come from DSHS Office of Juvenile Justice.

The Juvenile Rehabilitation Administration

The Juvenile Rehabilitation Administration has engaged in community mobilization/awareness programs to reduce DMC, to include “The Violence, prevention & Intervention Summit” in 2010 and “Wearing the Shoe that Fits” Scholarly Symposiums in 2009.

The Local Courts

Many of the Local Courts continue to participate in DMC reduction efforts, to include MfC, JDAI, and other creative ways to reduce DMC.

DMC-GOAL

Improve DMC data collection where needed; develop the capacity to collect and analyze detailed DMC data regularly at the state and county levels; and reduce disparate treatment and limit the unnecessary penetration of youth of color in the juvenile justice system by using DMC data analysis and other research to identify, implement and monitor appropriate interventions.

REFORM STRATEGIES

Progress Made	In Progress
<ul style="list-style-type: none"> ✓ Engaged Minority Communities on DMC ✓ Mapped System Decision-Points to Identify Those Impacting DMC ✓ Implemented Detention Alternatives ✓ Implemented DMC Reduction-Driven Policy/Practice ✓ Developed Plan to Reduce DMC of Native American Youth ✓ Expanded/Enhanced Data Collection Analysis ✓ Sustained DMC Reform Efforts ✓ Adoption of Juvenile Justice DMC Resolution by Minority & Justice Commission 	<ul style="list-style-type: none"> ✓ Coordinate Efforts to Promote Increase Use of Enhanced Disposition Alternatives ✓ Engage WA-PCJJ on Strategic DMC Reduction Plan ✓ Engage & Educate Law Enforcement, Prosecutors, & Judiciary on Juvenile Justice & DMC ✓ Garner Support for Strategic DMC Reduction Plan ✓ Engage & Educate School Administrators on DMC & School Discipline Policies ✓ Coordinate with Stakeholders to Expand Knowledge of DMC

MfC will partner with the WA-PCJJ to assist with coordinating efforts with key stakeholders across the state of Washington to assist with reducing DMC. Two other state entities include the Task Force on Race and Criminal Justice and the

Washington State Minority and Justice Commission. The Task Force will be providing a workshop for the Washington State Supreme Court in March, 2012, and the Minority and Justice Commission adopted a DMC resolution in November, 2011.

Currently, three MfC partners are engaging to reduce racial and ethnic disparities in Washington State's juvenile justice system:

- *The Administrative Office of the Courts;*
- *County Juvenile Courts; and*
- *The Washington State Juvenile Rehabilitation Administration.*

The Administrative Office of the Courts (AOC)

The Administrative Office of the Courts (AOC) is coordinating a comprehensive, statewide system of data collection and reporting to assist MfC sites sustain local project work and ease the way for additional counties to join the reform effort. The data coordination project has five phases:

- I. Development of a statewide data coordination plan;
- II. Identification of intermediate and long-term outcomes for state and local achievements;
- III. Development of standardized statewide reports and a regular reporting plan;
- IV. Identification and implementation of local data development plans; and,
- V. Development and implementation of an instrument to measure collaboration.

Accurate reporting, collection and analysis of data are fundamental to DMC intervention and reduction strategies to target decision points in a jurisdiction. Once critical points are identified, stakeholders can collaboratively design intervention strategies for their unique communities.

The AOC project is expected to enhance abilities of State and local jurisdictions to:

- Assess the quality of data collection by racial and ethnic identifiers;
- Improve DMC-related data collection through training and technical assistance;
- Develop capacity to collect and analyze detailed DMC data regularly at the State and county levels;

- Conduct DMC data analyses and other research to identify, implement and monitor appropriate interventions to reduce DMC and to limit the unnecessary penetration of minority youth in the juvenile justice system; and,
- Design, field, and refine a system to completely account for the use of detention associated with distinct situations, such as: contempt proceedings in status offender cases, predisposition holding of delinquency offenders, and post-disposition sanctions imposed on youths adjudicated delinquent.

The County Juvenile Courts

Benton-Franklin Counties Juvenile Court

The Juvenile Court in Benton/Franklin Counties involves implementing alternatives to formal processing and secure confinement, reducing DMC and addressing youth with mental health needs in its MfC work. The court began with a needs assessment administered by the University of Washington’s School of Social Work. The assessment engaged the community and led to identification of key strategies to reduce DMC locally, including:

- Data collection and analysis;
- Identification of key decision-making points influencing DMC;
- Training for court-involved personnel, with a priority on defense attorney training;
- Community engagement; and,
- Establishing a youth council to provide policy recommendations.

Pierce County Juvenile Court

Pierce County is employing a unique and comprehensive strategy that relies on clearly defined goals, baseline data and measurable outcomes to reduce the disparity in treatment between African Americans and whites in its juvenile justice system. The Pierce County’s “DMC Reduction Agenda” focuses on reducing failure-to-appear rates, probation violations and the number of risk assessment overrides based on parents’ refusal to accept custody as three of six strategies¹⁴.

The county also set goals to increase the number of African American youth completing the county’s functional family therapy and aggression replacement training programs, and the number of African American youth placed in detention alternative programs. From 2007 to 2009, Pierce County decreased the number of detention admissions by 30.5 percent and bed nights by 33.3 percent for African American youth.

¹⁴ http://www.jdaihelpdesk.org/Docs/Documents/Pierce_County_DMC_Reduction_Agenda.pdf

The county began using phone and in-person court hearing notifications, and a two-tier warrant process, to reduce the number of detentions for failure to appear. Admissions of African American youth detained for failure to appear dropped from 130 in 2007 to 74 in 2009. To reduce the number of African American youth detained for probation violations the county decided to standardize sanctions, use detention alternatives instead of detention and create new procedures for failure-to-appear violations. Those changes have reduced African American detention admissions from 95 in 2007 to 60 in 2009.

Pierce County has also sharply increased the number of African American youth participating in Functional Family Therapy, from 54 to 94, by creating a specialized caseload for African Americans and enhancing culturally competent instruction. Efforts to increase African American youth participation in Aggression Replacement Training also proved successful. Pierce County addressed barriers to participation, such as transportation, and increased referral and retention rates. African American participation rose from 36 in 2007 to 76 in 2009¹⁵.

The Juvenile Rehabilitation Administration (JRA)

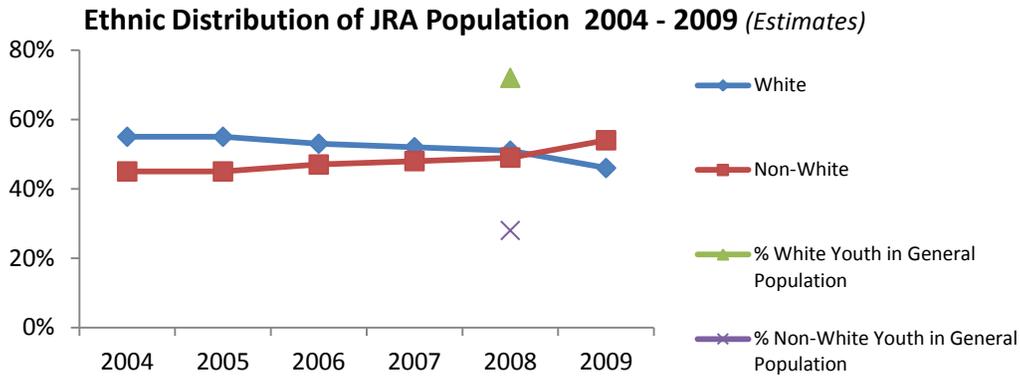
The Juvenile Rehabilitation Administration (JRA) serves youth who are at the “deep end” of the juvenile justice system. Youth court-committed to JRA typically have exhausted community-based behavior management and treatment resources. In March 2010, of the youth in JRA’s residential care, 60% had mental health issues, 59% were chemically dependent, 43% were cognitively impaired, and 19% had sexual misconduct issues¹⁶.

In 2009, data showed that despite an overall decrease in the JRA population, minority youth were significantly overrepresented in JRA’s residential programs.

The trend from 2004 through 2009 reveals an increase in DMC among youth committed to JRA.

¹⁵ See also Probation Annual Report, Pierce County Juvenile Court, 2010.

¹⁶ Data extracted from the JRA ACT data management system.



In 2008, minority youth represented a larger percentage of the youth involved in the deep-end of the juvenile justice system, while white youth represented a larger percentage of those youth receiving a suspended disposition alternative sentence in lieu of JRA commitment.

**Disposition Alternatives vs. Court Commitments to JRA
Estimates Fiscal Year 2008**

Race/Ethnicity	JRA Residential Population	Population with Suspended Dispositions
White	51%	72%
African-American	19%	11%
Hispanic	15%	8%
Other	7%	4%
American Indian	4%	2%
Asian	3%	2%

JRA receives youth committed by the juvenile courts. Mitigating the impact of DMC once youth are within JRA is important. In early 2010, JRA launched its Models for Change (MfC) Initiative to evaluate service delivery and to ensure that minority youth receive the same benefit of JRA's programs and services as non-minority youth. This is expected to be accomplished through:

- Increasing staff and management awareness of DMC and intervention strategies;
- Reviewing JRA's policies, procedures, and treatment model for disproportionate impact;
- Establishing baseline data to measure DMC in JRA and the effectiveness of DMC intervention strategies;

- Engaging JRA minority youth, families, and community stakeholders in the care and rehabilitation of JRA youth;
- Incorporating culturally responsive practices into JRA's Integrated Treatment Model;
- Further examining disposition alternatives as an alternative to JRA commitment; and
- More sophisticated and DMC-sensitive data collection and in-depth analysis of data across the continuum of care in JRA.

JRA is in the process of collecting data and has done some preliminary data analysis across decision-points while youth are under the supervision of JRA. This 2011 preliminary analysis showed that¹⁷ :

- Youth of color (minority youth) are more likely to receive treatment focused on aggression than Caucasian youth.
- Of those who receive treatment focused on aggression upon entering JRA, youth of color are more likely to exit JRA with the same treatment focus than their Caucasian counterparts.
- Black/African American, Mixed background, and Caucasian youth are more likely to screen positive for mental health than other youth.
- Placement in designated mental health and drug and alcohol admitting institutions is low across race/ethnicity¹⁸.
- Native American, Mixed and Hispanic youth are more likely to screen positive of chemical dependency needs than other youth.
- Asian/Pacific Islander and Hispanic youth in need of mental health treatment are less likely to be placed in an appropriate admitting institution than Caucasian youth and other youth of color.
- African American youth in need of chemical dependency treatment are less likely to be placed in an appropriate drug and alcohol admitting institution than Caucasian and other youth of color.
- Placement into JRA community facilities is roughly the same for all race/ethnic groups except Asian/Pacific Islander and Native American youth¹⁹. Black/African American youth are less likely to be released at the minimum date than Caucasian youth or other youth of color.

¹⁷ Clegg and Associates 2011.

¹⁸ It was noted that because of their small numbers the percentages for these groups are hard to interpret.

¹⁹ It was noted that because of their small numbers the percentages for these groups are hard to interpret.

- Asian/Pacific Islander and Hispanic youth are more likely to be released without parole services than are Caucasian youth.

Though this interim data is seemingly insightful, JRA recognizes that this data collection and data analysis effort is but a start and clearly gives JRA reason to be critically introspective.

Information management, data collection and data analysis are integral parts of assessing what JRA services to provide and understanding the population JRA serves. In FY 10, 836 youth were released to parole aftercare. The risk and needs of JRA youth on parole are evident. An internal data snapshot taken on November 30, 2010, profiled 430 youth on parole. Of those youth:

- 388 (90%) have a felony (class C or above) as their most serious current offense;
- 165 (38%) have a felony (Class C or above) as their most serious prior offense;
- 38 (9%) have a prior violent offense;
- 108 (25%) have at least one prior commitment to JRA;
- 242 (56%) were released at medium or maximum security;
- 126 (29%) reported gang affiliation; and
- 180 (42%) meet the diagnosis for Special Education.

From a more recent JRA data snapshot (October 18, 2011), we see a similar picture: 67% of the resident population (n=626) have previous criminal history; 52% have three or more prior criminal adjudications; 56% are violent offenders; and 19% are sex offenders. For the same population when looking at offense type and those who meet the JRA criteria for the mental health target population.

- 36% (230) were on Sex offenses include Rape, Rape of a Child, Child Molestation, and Indecent Liberties with Forcible Compulsion;
- 44% (275) were on Violent offenses include Murder, Arson, Robbery, and Assault;
- 10% (64) were on Manifest Injustice Up is the result of a judge finding an exceptional reason for a youth to come to JRA or stay longer; and

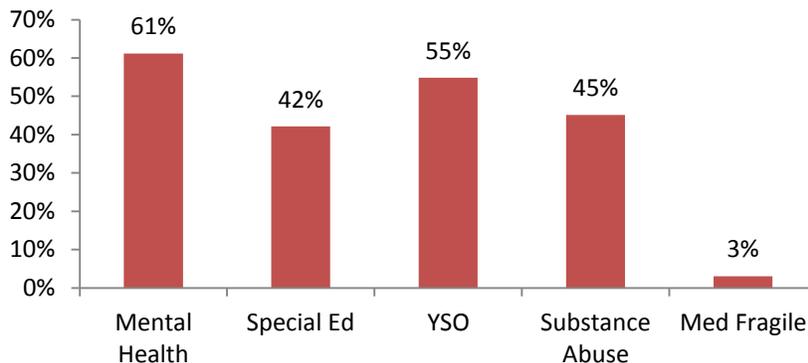
- 37% (223) were assessed to be in the Mental Health Target Population; these figures include JRA youth with a DSM-IV diagnosis; and, many of these same youth have multiple other treatment needs²⁰.

Having committed violent and egregious crimes, multiple criminal offenses and having multiple treatment needs are the defining characteristics for the definition the ‘high risk’ youth in JRA services. It is then no surprise that JRA is working increasingly with the highest risk juvenile population in Washington State.

What is critical to JRA’s continuum of care is careful assessment of the complex treatment needs of the youth for JRA to better manage their individualized treatment and rehabilitation. Not attending to these individualized needs could lead to further DMC and negative outcomes overall. The table below, Parole Youth Treatment Needs, highlights the typical complex needs profiles of parole youth²¹.

Parole Youth Treatment Needs

N=425, Snapshot October 12, 2010



Looking at 425 youth on parole on 10/12/10, 61% had mental health needs, 42% were classified as in need of special educational programming, 55% were sex offenders, 45% were assessed to have histories of substance abuse, and 3% were clinically assessed to be medically fragile. The report goes on to describe that the multiple complex needs of youth on parole. Only 6% did not have additional needs; 94% have treatment needs beyond general education and rehabilitation needs; 22% have at least one treatment need; 36% have two treatment needs, 31% have three; and 5% have four needs. This is truly the “deep-end”, where criminality and clinical needs intersect.

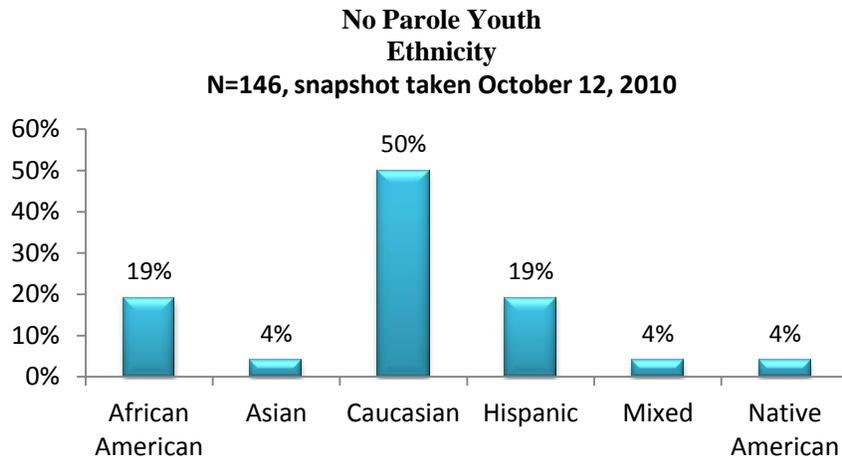
²⁰ Intensive Parole Model for High-Risk Juvenile Offenders, 2010 Report to the Legislature, pages. 6-7.

²¹ Intensive Parole Model for High-Risk Juvenile Offenders, 2010 Report to the Legislature, p8.

As the number of JRA youth on parole decrease, there is an increase in the percentage of youth with serious and multiple needs that must be addressed. Moreover, it should be noted that it is critical to examine the demographics of the youth and families served to best understand what community resources and services will match the identified needs of parole youth and families. It should be noted that 47% of the youth on parole are minority youth and 97% of these minority youth have families directly involved while the youth is on parole²².

It is also essential to take into account that parole services budget has been cut by some 62% since 2009. As a direct result of these budget cuts, an increasing number of youth who would benefit from receiving parole services are not receiving them. What follows is a brief picture demonstrating what this impact looked like on October 12, 2010.

Half of the youth not receiving JRA parole services are negatively impacted by DMC; for them, these critical services are missing at the “deep-end” of the continuum. Though minority youth represent nearly 55% of the residential JRA population, minority youth represent only 46% of the youth receiving parole services. Again, there is evidence of DMC; this is a 16% overrepresentation of minority youth who have been assessed to have high-risk treatment needs, but who are released to the “streets” without JRA parole services.



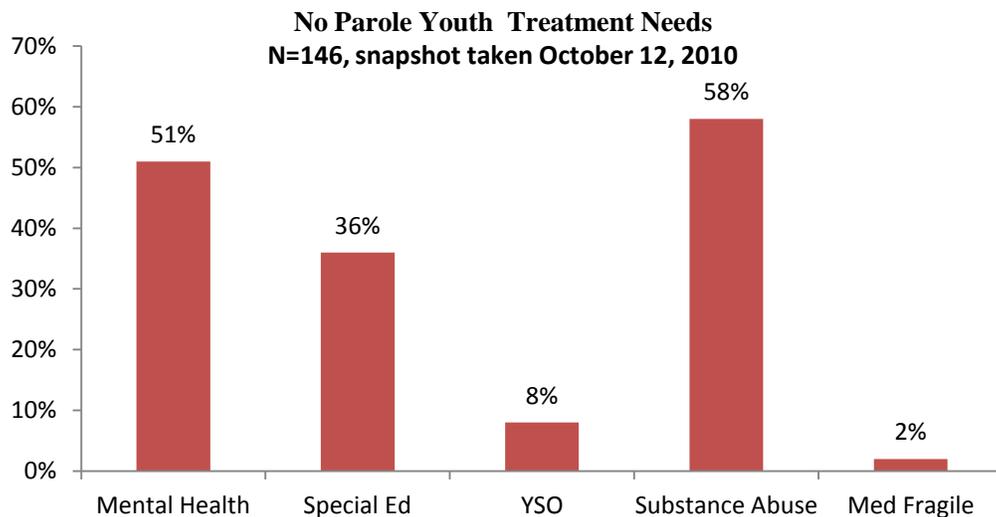
An internal snapshot of JRA demographics, taken on November 18, 2011, show that youth released without JRA parole services also have multiple complex needs: 86% have at least one treatment need which could be a barrier to community reentry success; 37% have one treatment need; 37% have two

²² Intensive Parole Report, page 8.

treatment needs; 14% have three treatment needs; and, 2% have four treatment needs.

JRA Demographics, Snapshot, November 18, 2011						
	Males	Females	Ethnic Minorities	Violent Offenders	Sex Offenders	Drug Offenders
Residential n=556	509 (91.5%)	47 (8.5%)	305 (54.8%)	311 (56%)	104 (19%)	14(2.5%)
Parole n=355	369 (94.6%)	19 (5.4%)	165 (46.4%)	223 (63%)	190 (54%)	9 (2.5%)

Overall, 51% have mental health treatment needs; 37% have special education intervention needs; 8% have youth sex offender treatment needs; 58% have substance abuse treatment needs; and, a small percent are medically fragile. Again, half of these are minority youth who are receiving no parole services.



According to a recent DSHS Research and Data Analysis Report 2-24 (October 2011), there are negative impacts on the quality-of-life and life-chances for youth released from JRA to the community without parole services. Particularly notable are the findings that youth receiving Functional Family Parole services were:

- Less likely to be arrested and had less total arrests during the 9 months following release than those released later without parole services.
- More likely to be employed and earned more on the average during the year following release than those released without parole services²³.

²³ Barbara A. Lucenko, PhD, Lijian He, PhD, David Mancuso, PhD, and Barbara Felver, MES, MPA, *In collaboration with Bob Salsbury, Juvenile Rehabilitation Administration, "Executive Summary, Effects of Functional Family Parole on Re-Arrest and Employment for Youth in Washington State"*

The disparate impact of DMC follows minority youth from point of initial contact in the juvenile justice system to their release back to release from JRA back into the community. This is less the case for white youth.

DSHS Juvenile Rehabilitation and Children's Administrations Collaboration

In addition to the Models for Change work, JRA is partnering with the DSHS Children's Administration (CA) on a collaborative project to examine disproportionality in both systems of care.

As is the case with respect to the juvenile justice system, minority youth are overrepresented in the child welfare system. The JRA/CA collaborative, in furtherance of DSHS' *One Department Framework*, involves gathering client, staff and stakeholder perception data related to the cultural relevance of JRA and CA's programs and services, analyzing data at decision-points within JRA and CA's control, conducting focus groups of JRA and CA employees, clients and stakeholders, along with an independent assessment of program and practice strengths, weaknesses, threats and opportunities impacting disproportionality within JRA and CA. This creative collaboration, JRA and CA anticipate, will bring about sustainable and replicable system reform for the advancement of all youth and families coming into contact with the juvenile justice and the child protection and welfare systems.

Cost-effective Strategies to Intervene in DMC

While efforts to reduce detention and confinement have shown significant outcomes and may be more cost-effective, they may only have an indirect affect in reducing disproportionality. Many of the programs now under way in Washington State reflect best practices identified by the OJJDP and are anticipated to have the best likelihood of achieving DMC reduction in a cost-effective manner.

A cost-benefit analysis of DMC intervention strategies across Washington State has yet to be conducted. Only after these strategies have been implemented and given an opportunity to work can their outcomes and cost-effectiveness be ascertained.

Conclusion

In Washington and across the country, people are recognizing that DMC cannot be solved by a single program, organization or administrative entity. The State of Washington has been and remains a leader in the nation regarding Juvenile Justice and in developing and implementing strategies to reduce DMC. Several promising, systemic efforts to impact Disproportionate Minority Contact exist in Washington State's juvenile justice system. These initiatives involve a broad base

of stakeholders: juvenile justice professionals, State and local commissions, communities, private foundations, non-profit organizations and other interested parties. Yet, this effort has proven to be not enough.

It has been observed over the last several years that there are concentrated numbers of minority youth in detention and in state institutions. White youth represent the majority of youth in the general state population, with the exception of a few counties across the state. If the trend toward the concentration of minority or youth in state institutions continues at the rate it is going, minority youth or youth will not only be overrepresented in detention and state institutions, youth who are in the numerical minority in the general population will reach majority status in the state institutions, out numbering white youth.

Undoing Disproportionate Minority Contact (DMC) in the juvenile justice system will require commitment, courage, collaboration, partnership and the coordination of efforts to reduce DMC across the whole of the juvenile justice system continuum from the youth's first contacts to their release back into their respective communities from the deep-end of the juvenile justice system. There are several recommendations:

- *Commitment* to implementing DMC intervention strategies.
- *Courage* to scrutinize data, programs and policies in a new way.
- *Collaborating and partnering* with all stakeholders in the process.
- *Coordination* of effective programs and services that yield lasting results for Washington's youth, families and communities.
- *Legislating into law* a systemic approach to eliminating DMC across the juvenile justice system in the State of Washington. This can be done in a manner as was taken in implementing SHB1472.

”To address the understanding that children of color enter and remain in the child welfare system at rates greater than their proportions in the population, the 2007 Legislature passed SHB 1472. This bill created the Washington State Racial Disproportionality Advisory Committee (WSRDAC) to find out if disparity exists in Washington State and if so, develop recommendations and submit a remediation plan to end racial disproportionality²⁴.”

²⁴ Washington State Racial Disproportionality Advisory Committee, **Racial Disproportionality in Washington State Report to the Legislature**, Chapter 465, Laws of 2007 (SHB 1472), January 1, 2010.

The State of Washington has realized a decrease in the overall number of youth, and the number of minority youth, involved in the juvenile justice system. Now, it is time to continue the hard work of reducing racial disproportionality; it is time to eliminate DMC. The above recommendations cannot be achieved without the concerted help, partnership with, and the leadership of our law makers.