

RED
PRACTICE
MANUAL

Introduction and Chapter 1: Beginning or Restarting Work to Reduce Racial and Ethnic Disparities

CENTER FOR
Children's
Law and Policy

Table of Contents

I. Overview	8
A. History of Bias Against Youth of Color in the Juvenile Justice System	8
B. Efforts to Reduce Racial and Ethnic Disparities in the Juvenile Justice System	10
II. Core Values of Effective Work to Reduce Racial and Ethnic Disparities	12
A. All Youth Should be Treated Fairly and as Individuals	12
B. Adolescents Do Not Have the Maturity and Judgment of Adults	12
C. Incarceration Should be Reserved for Youth who Represent a Significant Danger to the Community	13
D. Reform Efforts Should Include Families and Communities	13
E. Reform Efforts Should be Culturally Responsive and Linguistically Competent.	14
III. Understanding the Issues.....	16
A. Definitions and Basic Terminology	16
B. Goals of Reducing Racial and Ethnic Disparities	17
C. Research on Racial and Ethnic Bias in the Juvenile Justice System	21
D. Why Reform Efforts Fail	24
E. How to Talk About Race.....	27
IV. Effective Strategies to Reduce Racial and Ethnic Disparities.....	29
A. Leadership by Collaboratives that Include All Stakeholders	29
B. Regular Collection, Analysis, and Monitoring of Key Data.....	30
C. Local Focus.....	30
D. Objective Criteria and Decision Making Tools at All Key Decision Points	30
E. Continuum of Diversion and Alternative-to-Detention Programs.....	31
F. Cultural Responsiveness and Linguistic Competence.....	32
G. Family and Community Engagement.....	32
H. Cross-System Collaboration, Especially with Child Welfare and Education Systems	33
I. Intentional Focus, Careful Planning, and Regular Monitoring.....	34
V. Structuring the Work	35
A. Identifying Champions and Developing Leadership for Reform	35

B. Building a Diverse Stakeholder Collaborative 36
C. Coordinating a Racial and Ethnic Disparity Reduction Initiative 39

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Foreword

Promoting racial and ethnic fairness in the juvenile justice system has been a central goal of the Models for Change initiative. In 2007, Models for Change launched the DMC Action Network to create a community of public officials and advocates focused specifically on creating more equitable juvenile justice systems. Through the DMC Action Network, sites improved data collection and reporting, restructured decision making to reduce the opportunity for bias, and enhanced the cultural responsiveness of services for youth and families. More importantly, the Network helped proponents shift from a conversation about racial and ethnic fairness into a movement of concrete actions.

The work of the DMC Action Network, led by the Center for Children’s Law and Policy, demonstrated that communities can implement reforms that have a measurable and positive impact on youth of color. However, in many jurisdictions, racial and ethnic disparities persist. Officials may not know how to translate data into action. Agency leaders may struggle to bring stakeholders to the table to discuss disproportionality and disparate treatment. Juvenile justice professionals may lack the latest information about policies, practices, and programs can help eliminate racial and ethnic disparities.

This resource is designed to fill those gaps. The Racial and Ethnic Disparities Reduction Practice Manual provides practitioners with concrete guidance and strategies, downloadable tools and resources, and examples of successful reform work in jurisdictions throughout the country. By compiling lessons from Models for Change and other successful reform initiatives, the Practice Manual captures the most current and comprehensive information on reducing racial and ethnic disparities across the entire juvenile justice system, from arrest through re-entry.

The Models for Change initiative envisioned the development of more fair and effective juvenile justice systems. This practical new tool will help the field move closer to that goal for youth and families of color.

Laurie Garduque
Director, Justice Reform
The John D. and Catherine T. MacArthur Foundation

Introduction

Over the past two years, the deaths of a number of African-Americans during arrests by white police officers or in police custody have raised new levels of public concern about racial bias and the system of justice in this country. Several events were recorded on video, either on police car dashboard cameras or by witnesses with smartphones, and the videos have been seen on the internet by millions of people all over the world. The list includes Michael Brown in Ferguson, Missouri; Tamir Rice in Cleveland, Ohio; Eric Harris in Tulsa, Oklahoma; Eric Garner in Staten Island, New York City; Walter Scott in North Charleston, South Carolina; Freddie Gray in Baltimore, Maryland; Sandra Bland in Waller County, Texas; Samuel DuBose in Cincinnati, Ohio; and Laquan McDonald in Chicago, Illinois.

Each situation has been different in important ways, including the circumstances of the initial police contacts, the behavior of the individuals involved during the incidents, and the responses to the deaths by police authorities, prosecutors, and grand juries. However, the deaths have had a cumulative impact, and distrust between communities of color and law enforcement agencies has grown accordingly.

In the juvenile justice field, these events have heightened awareness about the impact of racial bias in the system. They have also spurred public officials, policymakers, parents, and community leaders to look with greater determination for effective strategies and programs to reduce the impact of racial and ethnic bias at key decision points in the juvenile justice system and in the structures of our society.

Racial disparities have long been a feature of the juvenile justice system. Researchers and policymakers have focused on the problem for many years, particularly since the Coalition for Juvenile Justice brought the issue to the attention of Congress in 1988.¹ Studies have repeatedly shown that youth of color are over-represented at key decision points in the juvenile justice system, particularly at arrest, detention, commitment to a state facility, and transfer to adult criminal court. Researchers have found that youth of color are treated more harshly than white youth even when charged with the same offenses. Yet solutions have remained elusive. In its recent comprehensive report on the juvenile justice system, the National Research Council concluded:

Despite a research and policy focus on this matter for more than two decades, remarkably little progress has been made on reducing the disparities themselves or in reaching scholarly consensus on the root source of these disparities.²

This Practice Manual is an effort to provide practical, concrete strategies for jurisdictions to use to reduce racial and ethnic disparities in their juvenile justice systems. The Practice Manual covers the key decision points in the juvenile justice system, from arrest to re-entry into the community after state commitment. For each decision point, the Practice Manual provides an overview of the key issues, discusses the data that should be collected and analyzed in order to understand the issues more clearly, and recommends strategies, interventions, programs, and practices that have proven effective in addressing the issues.

Many of the racial and ethnic disparities in the juvenile justice system are the result of implicit (i.e., unconscious) bias by key decision makers in the system. In many jurisdictions, inequity is also structural and systemic: it is built into the system in the form of long-established procedures that, intentionally or not, treat youth of color differently and more harshly than white youth. This Practice Manual provides effective strategies for bringing reform to both types of problems.

The Practice Manual is intended for a wide variety of audiences: juvenile justice professionals, agency administrators, legislators, governors, mayors, law enforcement officials, community leaders, parents, civil rights organizations, and other advocates for children. These audiences have different interests and needs, and the Manual provides useful information on policies and practices that have proven effective in reducing racial disparities.

Although the research literature on the *existence* of racial and ethnic disparities is very extensive, there is relatively little available on what jurisdictions actually need to do to achieve equity for youth of color in the juvenile justice system. Much of the pragmatic work in this area (as distinguished from scholarly research) has been supported by two foundations: the [John D. and Catherine T. MacArthur Foundation](#) and the [Annie E. Casey Foundation](#).

The MacArthur Foundation's [Models for Change](#) juvenile justice reform initiative identified reduction of racial and ethnic disparities as a primary "targeted area of improvement" in multiple jurisdictions in its four core states of Pennsylvania, Illinois, Louisiana, and Washington State. Models for Change also supported a [Disproportionate Minority Contact \(DMC\) Action Network](#) that included counties and parishes in the four core states as well as counties in "partner" states of Kansas, Maryland, North Carolina, and Wisconsin. The Models for Change effort to reduce racial disparities, which covered 17 counties or parishes in 8 states, was coordinated by the [Center for Children's Law and Policy \(CCLP\)](#).³

The Annie E. Casey Foundation’s [Juvenile Detention Alternatives Initiative \(JDAI\)](#) began in 1992 as an effort to reduce unnecessary and inappropriate secure detention of young people without jeopardizing public safety. In the ensuing years, JDAI has grown from five initial sites to more than 250 sites in 39 states and the District of Columbia. From the beginning of the initiative, reducing racial and ethnic disparities has been one of JDAI’s guiding principles and “core strategies.” CCLP staff who wrote this manual work as technical assistance team leaders in a number of JDAI sites.⁴ Staff of the [W. Haywood Burns Institute for Juvenile Justice Fairness and Equity](#) also serve as team leaders to JDAI sites, in addition to providing specialized assistance on racial and ethnic disparities reduction strategies.

The analyses and recommendations in this Practice Manual are based to a large degree on the efforts funded by the MacArthur and Casey foundations, and subsequent work in Connecticut, funded by the [Tow Foundation](#), and in Colorado and Florida, funded by the MacArthur Foundation and the federal [Office of Juvenile Justice and Delinquency Prevention](#).

Beginning or Restarting Work to Reduce Racial and Ethnic Disparities

To lay a firm foundation for reform, the Practice Manual begins with a discussion of underlying issues: the history of bias against youth of color in the juvenile justice system; recent efforts to address racial disparities; the definitions of key terms; the research on implicit bias against people of color, including young people, in the criminal and juvenile justice systems; and why many attempts to address racial and ethnic disparities have ended in failure. The Practice Manual then describes effective strategies that have been used around the country to reduce disparities, and how the strategies can be coordinated and managed.

I. Overview

A. History of Bias Against Youth of Color in the Juvenile Justice System

Bias against youth of color has been a feature of the juvenile justice system since its earliest days. In 1834 the first juvenile detention facility in the United States, the [New York House of Refuge](#), excluded youth of color from rehabilitative services and consigned them to a “colored” section, on the rationale that providing services to such youth was a “waste of resources.”⁵ Similar attitudes were present at the Philadelphia House of Refuge. In Mississippi, legislation to develop a reform school for black children was rejected on the grounds that “it was no use trying to reform a Negro.”⁶

Native American youth experienced similar bias. In 1885 Congress passed the Major Crimes Act, which ended tribal sovereignty and replaced restorative justice approaches to delinquency with lengthy periods of incarceration. The prevailing attitude was summarized in the guiding principle in Indian boarding schools, “[Kill the Indian, Save the Man.](#)”⁷

Latino youth also faced enormous bias. In 1940, Latino youth were an estimated 8% of the population of Los Angeles, but 32% of the youth arrested. Youth who spoke only Spanish were given tests in English at the California State Reform School in Whittier. Based on the test results, officials labeled more than 60% of Latino youth as “feeble-

minded” or “unable to develop beyond the intellectual level of an average 12-year-old.”⁸

In the modern era, the “Central Park Jogger” case cemented the racial stereotype in the public’s mind of dark-skinned youth running amok, preying on white women. On April 19, 1989, a 28-year-old female investment banker was brutally attacked and raped while jogging in Central Park. Police soon focused on five teenagers from East Harlem - four black, one Latino. After hours of police questioning, the boys confessed. Although the teenagers claimed their confessions were coerced, they were all convicted and served prison terms of five to thirteen years. Television and tabloid news coverage of the case was sensationalistic and unrelenting.

But they didn’t commit the crime. The police ignored contradictions in the confessions, as well as the fact that DNA evidence did not match any of the defendants, and didn’t follow other leads. Eventually a serial rapist confessed to attacking the Central Park jogger and DNA evidence tied him to the crime. The five individuals were exonerated, but the image was fixed. In the years that followed, commentators reinforced the connection between youth of color and violence. In 1995, John Dilulio, a Princeton professor, coined the term “super-predators,” which was widely recognized as a code-word for young black males.⁹

Twenty years later, on October 26, 2015, white school resource officer Ben Fields was on duty at Spring Valley High School in Columbia, South Carolina. He confronted a 16-year-old African-American girl who refused to give up her cell phone and leave class when told to do so by her math teacher. Fields flipped the girl’s desk back, grabbed her and threw her to the floor, then dragged her several feet across the classroom. She was arrested on the charge of “disturbing school.” Other students recorded the incident on their cell phones because Fields was known as “Officer Slam.” One video went viral, and people throughout the country were horrified at the brutal use of force by the officer.

Fields was quickly fired, but the incident highlighted frequently-asked questions about the juvenile justice system in this country, and specifically about the treatment of young people of color in the system. Do law enforcement authorities use too much force, too quickly, when dealing with young people they suspect of breaking the law? Are they more likely to use force against youth of color? Is the rule against “disturbing school” too broad and vague? Does it criminalize normal adolescent behavior? Is the law used by school or law enforcement authorities to remove students who are disrespectful or annoying, but don’t pose an actual threat to themselves or others? Was implicit or explicit racial bias a factor in the incident? Would the officer have acted the same way if the girl had been white?

B. Efforts to Reduce Racial and Ethnic Disparities in the Juvenile Justice System

There have been numerous efforts to reduce racial and ethnic disparities in the juvenile justice system. In 1988, the [Coalition for Juvenile Justice](#) brought the issue of racial disparities to the attention of the President and Congress in a report entitled [A Delicate Balance](#).¹⁰ Later that year, Congress amended the federal [Juvenile Justice and Delinquency Prevention Act](#) to require states receiving federal juvenile justice funds to address “Disproportionate Minority Confinement” (DMC), *i.e.*, incarceration, in their juvenile justice systems.¹¹ In 1992, Congress made the DMC requirement a “core requirement” of the Act, meaning that failure to meet the requirement would result in withholding of 25% of federal funds.¹² In 2002, Congress expanded the DMC requirement to cover “Disproportionate Minority Contact” with the system at other decision points, not just at the point of confinement.¹³ However, the basic requirement - that states “address” the problem¹⁴ - has remained vague. With a weak federal requirement, many states have had little incentive to adopt real reforms and achieve measurable outcomes.

Outside of the federal government, there has been more progress. As noted above, the Annie E. Casey Foundation began its Juvenile Detention Alternatives Initiative (JDAI) in 1992, with reduction of racial and ethnic disparities as one of its core strategies and an emphasis on data-driven planning and implementation. Among the original and early JDAI sites, Multnomah County (Portland), Oregon, and Santa Cruz County, California, achieved notable (and measurable) success in reducing disparities. Reports of the progress in Multnomah and Santa Cruz inspired other JDAI sites to set similar goals.¹⁵

In 1995, the Youth Law Center began a multi-disciplinary, multi-site effort that became known as [Building Blocks for Youth](#). The effort eventually included the [Justice Policy Institute](#), [W. Haywood Burns Institute](#), [Juvenile Law Center](#), [Pretrial Services Resource Center](#), [National Council on Crime and Delinquency](#), American Bar Association Juvenile Justice Center (and its successor, the [National Juvenile Defender Center](#)), and Minorities in Law Enforcement. In 2000, Building Blocks for Youth¹⁶ published [And Justice for Some](#),¹⁷ the first comprehensive report to frame the issue primarily in terms of disparate treatment of youth of color compared to white youth similarly situated, *i.e.*, the impact of actual discrimination against youth of color. The report contributed significantly to public education on the issue and received unprecedented news coverage on the front page of The New York Times, National Public Radio, major television networks, and local radio and television stations throughout the country.

In 2001, James Bell founded the [W. Haywood Burns Institute for Juvenile Justice Fairness and Equity](#), which has become a national leader on this issue. The Burns Institute is a national organization established to protect and improve the lives of youth of color, poor children and their communities by ensuring fairness and equity throughout all public and private youth serving systems. It provides technical assistance and training to sites on reducing racial and ethnic disparities and has worked with more than 100 jurisdictions around the country.

As noted above, in 2004, the John D. and Catherine T. MacArthur Foundation launched [Models for Change](#), with reduction of racial and ethnic disparities as one of its targeted areas of improvement in sites in its four core states and the four partner states of the DMC Action Network. The DMC Action Network focused on “strategic innovations” in four areas of the juvenile justice process: (1) data collection and analysis, (2) culture and community, (3) arrest and pre-adjudication, and (4) post-disposition.

In 2006, the [Center for Children’s Law and Policy](#) (CCLP) was established in Washington, DC. CCLP has also become one of the national leaders in addressing racial disparities, and has worked with more than 30 jurisdictions around the country on the issue.¹⁸

More recently, in 2013 the National Research Council published [a comprehensive overview of the juvenile justice system](#) and concluded that only limited progress had been made on eliminating racial and ethnic disparities. As a follow-up to that report, in 2014 the National Research Council published a prioritized [plan to implement a developmental approach in juvenile justice reform](#) through the Office of Juvenile Justice and Delinquency Prevention, with specific recommendations for a new approach to reducing racial and ethnic disparities.¹⁹ The Office of Juvenile Justice and Delinquency Prevention is now implementing that plan.

II. Core Values of Effective Work to Reduce Racial and Ethnic Disparities

Effective efforts to reduce racial and ethnic disparities in the juvenile justice system share a set of core values. These values reflect common goals for juvenile justice reform, recent research on adolescents and the juvenile justice system, and the lived experience of those who have worked on the ground to reduce racial disparities.

A. All Youth Should be Treated Fairly and as Individuals

Treating youth fairly means avoiding bias and stereotypes and looking at the individual strengths and weaknesses of each youth in the system. Research discussed below demonstrates the pervasive impact of bias and stereotypes in the system: in many jurisdictions and at many decision points, youth of color consistently receive harsher treatment than white youth, even when charged with the same type of offenses. Implicit (i.e., unconscious) bias can affect key decision makers in the system, including police, probation officers, prosecutors, public defenders, and judges. Deeply-held stereotypes about youth based on their race or ethnicity can make juvenile justice system personnel more likely to arrest youth, securely detain them before adjudication, commit them to state custody at disposition, and transfer them to adult criminal court.

The juvenile justice system should treat youth as individuals rather than as members of a group or category. This is important for both accountability and rehabilitation. When young people are accused of crimes, they should be held accountable for their own behavior, but they should not be saddled with negative attributions based on extrinsic, immutable, or imagined characteristics. At the same time, rehabilitation efforts should focus on the needs of individual youth and their families, rather than providing cookie-cutter programs and requiring youth to fit in.

B. Adolescents Do Not Have the Maturity and Judgment of Adults

Research on adolescent brain development over the past fifteen years has shown that the area of the brain that controls executive functions such as reasoning, judgment, and regulating behavior does not fully mature until the mid-twenties. The U.S. Supreme Court recognized the differences between adolescents and adults in its landmark decision in *Roper v. Simmons*,²⁰ holding that the imposition of the death penalty on individuals who were under the age of 18 when they committed their crimes violates the Eighth and Fourteenth Amendment to the U.S. Constitution. The Court cited three major differences between adolescents and adults: that youths' "lack of maturity and an underdeveloped sense of responsibility" often results in "ill-

***Roper v. Simmons*, 543 US 551 (2005)**

There are three major differences between adolescents and adults:

- 1) Youth “lack of maturity and an underdeveloped sense of responsibility” often results in “ill-considered” behavior
- 2) Youth are “more vulnerable or susceptible to negative influences and outside pressures”
- 3) Youths’ personalities are still forming

considered” behavior; that youth “are more vulnerable or susceptible to negative influences and outside pressures, including peer pressures”; and that juveniles’ personalities are still forming.²¹

Accordingly, juvenile justice policy should reflect developmental realities, e.g., by keeping adolescents in the juvenile justice system rather than prosecuting them in adult criminal courts. This developmental approach has been the basis of the MacArthur Foundation’s Models for Change juvenile justice reform initiative and the National Research Council’s analysis of the juvenile justice system and prescriptions for reform.

C. Incarceration Should be Reserved for Youth Who Represent a Significant Danger to the Community

Young people who commit violent offenses may need to be incarcerated for their own safety as well as the safety of the community. However, only a small percentage of youth arrested each year are charged with violent crimes. Nevertheless, the extensive use of unnecessary and inappropriate incarceration of young people in the United States, and the dangers of such incarceration, have been well-documented.²²

For more than twenty years, the Annie E. Casey Foundation’s Juvenile Detention Alternatives Initiative (JDAI) has worked throughout the country to reduce unnecessary and inappropriate secure detention without jeopardizing public safety. JDAI has demonstrated significant effectiveness in achieving these goals in a wide variety of jurisdictions throughout the country.²³

D. Reform Efforts Should Include Families and Communities

Until recently, most reform efforts were developed and implemented exclusively by professionals who work in the juvenile justice system: judges, probation officers, agency directors, prosecutors, law enforcement officials, and defense attorneys.

However, since 2001, when the parents of incarcerated youth and their supporters helped lead the successful effort to close the infamous Tallulah Correctional Center for Youth in Louisiana,²⁴ families and community representatives have taken a larger role in planning and monitoring juvenile justice reforms.

Families and community representatives bring credibility, lived experience with the juvenile justice system, and a sense of urgency to reform efforts. Several local and national organizations provide support for family members and a voice for families in policy policymaking discussion.²⁵

E. Reform Efforts Should Be Culturally Responsive and Linguistically Competent

“Culture” refers to shared values, attitudes, beliefs, customs, history, traditions, norms, and language among a group of people. Culture is manifested through communication, the arts, religion, and other group activities. There are many cultures (or “ethnicities”) throughout the United States.

In the juvenile justice system, “culture” often refers to Hispanic or Latino culture. That is because Latino youth and families constitute a significant portion of the juvenile justice system and because the federal government is only interested in distinguishing one “ethnic” group. Latino youth face special challenges in the system, including over-representation in the juvenile justice system, harsher treatment than white youth for similar offenses, and unnecessary entry and movement deeper into the system; inadequate data collection resulting in under-reporting of Latino youth in the system; inadequate separation of race from ethnicity; inadequate bilingual

Key Terms

Culture: Shared values, attitudes, beliefs, customs, history, traditions, norms, and language among a group of people. In the juvenile justice system, culture often refers to Hispanic or Latino culture.

Culturally Responsive: Policies, practices, and programs in the juvenile justice system are responsive to the particular challenges of Hispanic or Latino youth.

Linguistic Competency: Translating all relevant court-, probation-, and incarceration-related documents into Spanish; providing interpreters for all court hearings; and having bilingual staff or translation services available at all times.

services to youth and families; failure to provide bilingual and bicultural staff; inappropriate consideration of immigration status, resulting in incarceration, deportation, and permanent separation of youth from families; and over-broad implementation of anti-gang laws.²⁶

In this context, “culturally responsive” means that the policies, practices, and programs in the juvenile justice system seek to address these particular challenges. Responsiveness may involve training program staff on the challenges facing Latino youth and families; hiring bilingual and bicultural staff in agencies and programs; looking for resources within the Latino community; and including Latino families and community representatives in policy making committees.

Language can be a particular challenge for Latino youth and families. For those with limited English proficiency (LEP), navigating the juvenile justice system can be a nightmare. Accordingly, in jurisdictions with Latino youth in their juvenile justice system, key stakeholders should ensure language access to LEP youth and their parents or guardians. “Linguistic competency” involves translating relevant court-, probation-, and incarceration-related documents into Spanish; providing interpreters at all court hearings; and having bilingual staff or translation services available at all times.

Moreover, under Title VI of the Civil Rights Act of 1964 and U.S. Department of Justice guidelines, recipients of federal funding, including state courts, must take reasonable steps to ensure that individuals with limited English proficiency have meaningful access to programs and activities. The Supreme Court has held that the failure to provide reasonable language accommodations for LEP individuals violates the prohibition on discrimination based on national origin that is contained in Title VI.²⁷ The Department of Justice has issued general [LEP guidelines](#) for recipients of federal financial assistance, based on the mandate in Title VI. The guidelines apply to a broad range of governmental entities including courts, police, sheriff’s departments, departments of corrections, and other agencies with public safety and emergency service missions.²⁸ CCLP has also prepared [summaries of the guidance](#) issued by the Justice Department to courts regarding their obligations to LEP youth and families under federal law.²⁹

III. Understanding the Issues

State and local law enforcement officials, juvenile justice agencies, and other stakeholders often use the concepts of race and ethnicity interchangeably. However, they are different.

A. Definitions and Basic Terminology

The word “race” is used in many ways in the juvenile justice system and other areas of society, often with political or sociological overtones. A full discussion of the complexities of defining race is beyond the scope of this Practice Manual. As a practical matter, the federal government has identified five races for the purposes of collecting information for the decennial census and reporting information to government agencies. Those are (1) American Indian or Alaska Native, (2) Asian, (3) Black or African American, (4) Native Hawaiian or Other Pacific Islander, and (5) White.³⁰

The federal government has identified Hispanic or Latino “ethnicity” as meaning a person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.³¹

Many state and local law enforcement and juvenile justice agencies do not collect accurate information on Latino youth because they either don’t ask the youth any questions about ethnicity, or they rely on a law enforcement officer’s or probation staff’s visual assessment of a youth’s ethnicity. In some jurisdictions, officials have lumped race and ethnicity into a single question: “What race are you—White, Black, Latino, Asian, or Native American?” This question mixes race and ethnicity together and forces Latino individuals to choose between identifying their race or identifying their ethnicity. These methods result in an undercount of Latino youth in the system, which may be very significant, and an overcount of white youth at key decision points in the system.³²

To remedy this problem, the White House Office of Management and Budget issued guidelines to federal agencies to collect information on ethnicity and race separately

Race vs. Ethnicity: Two Questions to Ask of All Youth

- 1) Are you Latino or Hispanic?
- 2) What is your race?

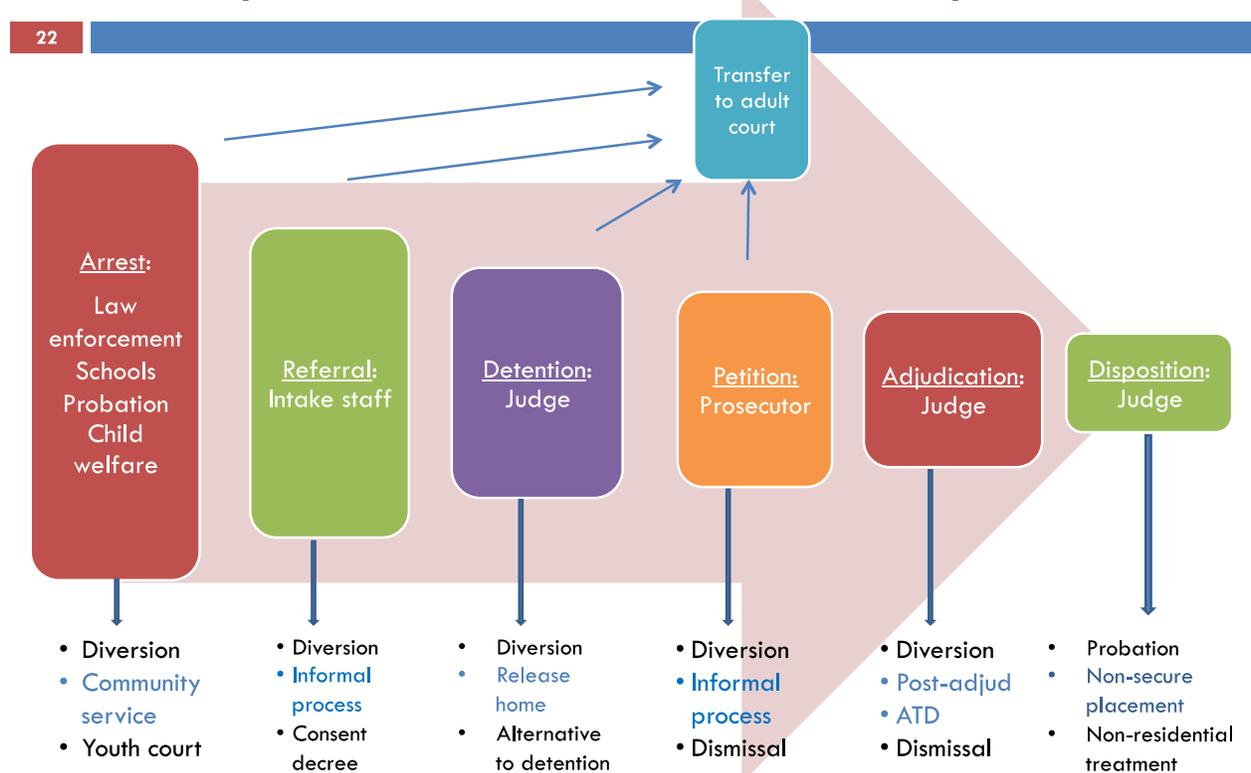
through two questions.³³ The Census Bureau follows those guidelines. Thus, the preferred method for collecting ethnicity and race information is to ask an initial question, “Are you Hispanic or Latino?” The second question is “What is your race?” Several states, such as Pennsylvania, have adopted this procedure in collecting juvenile justice data.³⁴

B. Goals of Reducing Racial and Ethnic Disparities

1. Key Decision Points

To understand the goals and basic approach to reducing racial and ethnic disparities, it is helpful to view the juvenile justice system as a series of decision points. The figure below represents those decision points.

The Juvenile Justice Process: Key Decision Points and Pathways Out



At each decision point, there is a key person or key people who determine what happens to a youth at that point in the system. Thus, at the arrest decision point,

police officers, school administrators, probation officers, and child welfare case managers (e.g., if a youth has run away from a court-ordered placement) determine whether the youth will be arrested. At the detention decision point, a judge or magistrate determines whether the youth will be released to a parent or guardian, released with supervision by a community-based program or other alternative to detention, or held in secure detention.

The decision points have two important characteristics. First, at each point the key decision makers have considerable discretion. For example, a police officer coming into contact with a youth alleged to have committed an offense has several options. The officer can talk to the youth and release him (“counsel and release”); take the youth home to the youth’s parent or guardian; issue a citation or summons to the youth, which specifies the charge and directs the youth to appear in court at a later date; take the youth to a “juvenile assessment center,” where probation staff assess the youth’s need for services; or take the youth to intake, where probation or other staff make an initial determination, pending the youth’s first appearance in court, whether the youth should be released to parent or guardian, released to an alternative program, or held in secure detention. The key decision maker also has discretion to send the youth deeper into the system.

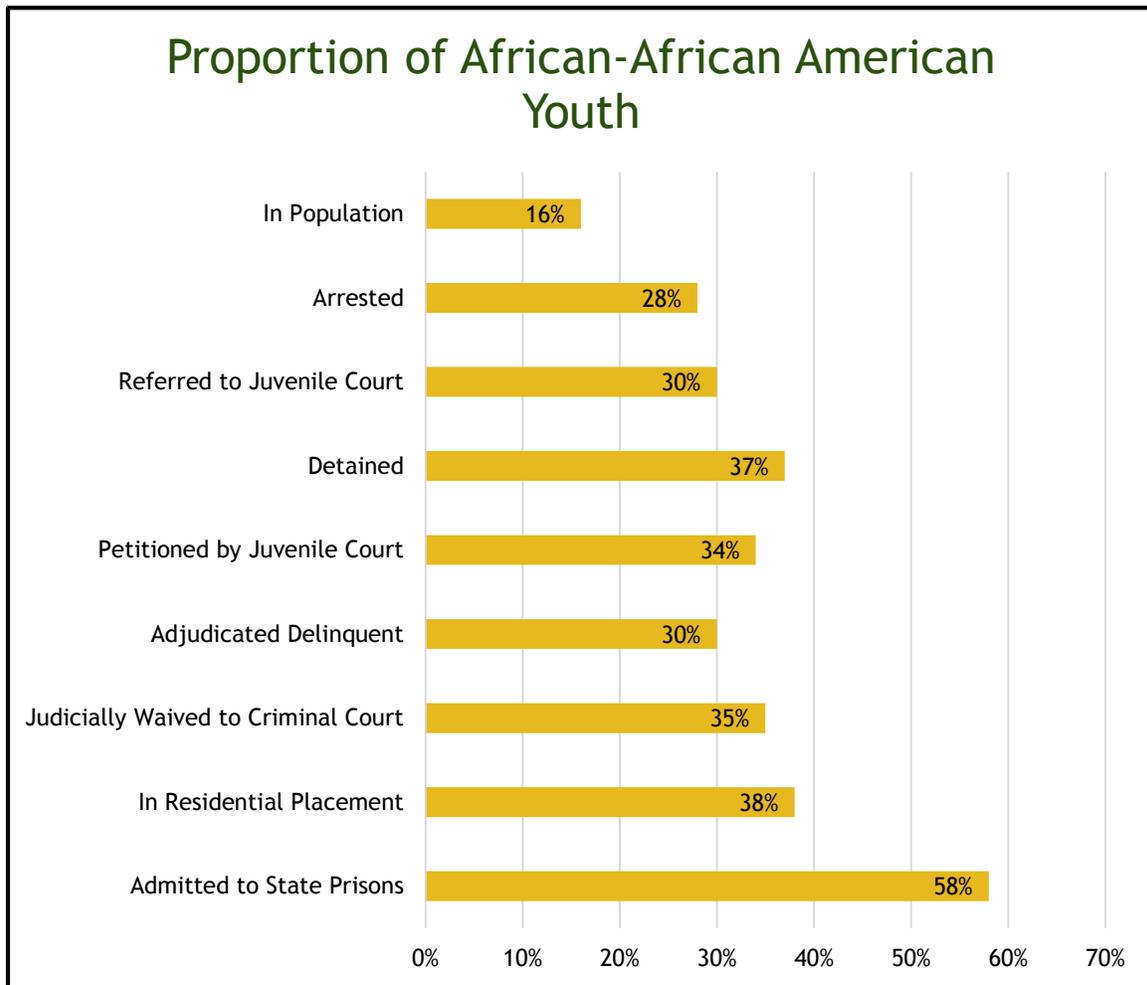
Second, at every key decision point, there are pathways for the youth to exit or move to the “shallow end” of the system. As noted, at the point of arrest a youth can be released, released to parent or guardian, issued a citation, taken to a juvenile assessment center, or supervised in a community-based program. At the referral stage, intake staff can send the youth to a diversion program, resolve the matter by “informal process” (e.g., continue the matter to a later date at which time the matter may be dismissed), enter into a “consent decree” (which may be similar to “informal process” but is done under authority of a court order), or refer the case for formal prosecution.

The goals and basic approach to reducing racial and ethnic disparities are focused on the key decision points in the system, and the goals are defined in the context of those decision points. Thus, in this Practice Manual, there are three separate but related goals to reduce racial and ethnic disparities: reducing over-representation, reducing disparate treatment, and reducing unnecessary entry and moving deeper into the system.

2. Reducing Over-representation of Youth of Color

Over-representation occurs when the percentage of a group at one decision point in the juvenile justice system is higher than the percentage of that group in the general population or at the previous decision point. Thus, in 2003, African-American youth

aged 10 to 17 years old constituted 16% of the adolescent population of the United States, but 28% of the youth arrested, 37% of the youth detained prior to adjudication, and 35% of the youth judicially waived to adult criminal court.³⁵ Thus, we say that African-American youth are over-represented at the points of arrest, detention, and judicial waiver in the juvenile justice system.



Source: *And Justice for Some*.

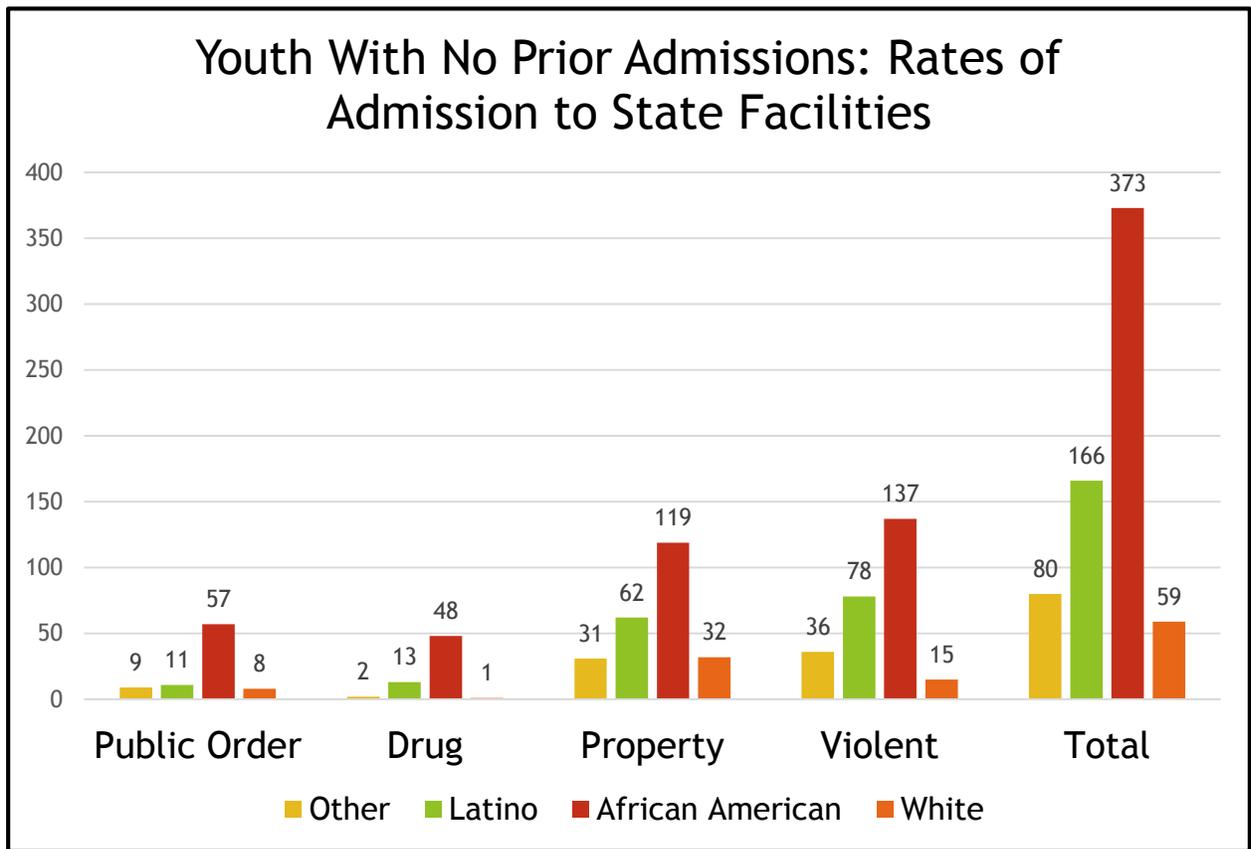
3. Reducing Disparate Treatment

Reform efforts also seek to reduce disparate and harsher treatment of youth of color compared to white youth who are similarly situated. In the most comprehensive assessment of this issue, researchers found that African-American youth with no prior admissions to state juvenile facilities who were charged with offenses against persons were nine times as likely to be committed to state facilities as white youth with no

prior admissions who were charged with the same category of offenses. Latino youth were five times as likely as white youth to be committed to state facilities.³⁶

This disparate treatment of youth of color also occurred in all other offense categories. African-American youth with no prior admissions who were charged with property offenses were almost four times as likely to be committed to state facilities as white youth with no priors who were charged with property offenses. Latino youth were almost twice as likely to be committed as white youth.

For public order offenses, African-American youth were seven times as likely to be committed as white youth. For drug offenses, African-American youth with no priors were forty-eight times as likely to be committed as white youth charged with the same category of offense. Latino youth were thirteen times as likely to be committed as white youth.³⁷



Source: *And Justice for Some*. Rates are calculated per 100,000 youth age 10 to the upper age of juvenile court jurisdiction in each state.

4. Reducing Unnecessary Entry and Moving Deeper into the Juvenile Justice System

The third goal is to reduce unnecessary entry and penetration into the juvenile justice system by youth of color. This does not involve a comparison of white youth to youth of color, but, rather, an analysis of the reasons that youth of color are put into the juvenile justice system and why they move deeper into it, particularly with respect to secure detention. For example, zero-tolerance policies in schools often result in referrals of youth to police or juvenile court for typical adolescent behaviors such as horseplay and questioning authority figures: the “school to prison pipeline.” Outside of the school context, many youth are taken into custody and locked up - sometimes for long periods - for minor misbehaviors such as “disorderly conduct,” “criminal mischief,” and technical violations of probation (e.g., missing appointments with a probation officer).

These behaviors, in and of themselves, do not pose significant threats to the community that would justify incarceration. So one goal is to reduce the incidence of detention for these minor misbehaviors and prevent youth from moving deeper into the system. Reducing unnecessary detention is a worthwhile goal because once youth are detained, they are more likely to penetrate deeper into the system: more likely to have their cases referred to court for adjudication, have a formal disposition, and receive a more restrictive disposition.

The goal of efforts to reduce racial and ethnic disparities is to reduce *all three* types of disparities. However, measurable reduction of *any one* type of disparity is a significant achievement.

C. Research on Racial and Ethnic Bias in the Juvenile Justice System

1. Public Attitudes Toward Crime and Race

There has been a great deal of research on the *existence* of racial and ethnic disparities in the criminal and juvenile justice systems,³⁸ but the reasons why such bias exists remains unclear. In one important study on the underlying reasons for bias about race and crime, researchers showed subjects one of three versions of a local television newscast. One of the stories in the newscast involved a robbery at an ATM. In one version, there was no indication of the race of the suspect. In a second version, there was a close-up picture of the suspect, who was white. In the third version, the same picture was shown but the suspect’s skin was darkened electronically so that he appeared to be African-American.

After giving the subjects other tasks to do, the researchers asked the subjects what they remembered about the newscast and the suspect. Among subjects who were shown the picture of the African-American suspect, 70 percent recalled seeing a picture of an African-American. Among subjects who were *not* shown a picture of the suspect, 60 percent recalled seeing a picture of the suspect, and 70 percent of those recalled seeing a picture of an African-American suspect. Even among test subjects who were shown a *white* suspect, 10 percent recalled seeing a picture of a black suspect.³⁹

The researchers explained the results in terms of the way people “frame” experiences as a result of frequent exposure. For example, before we ever go into a restaurant, we know that we will be greeted by a person who will show us to a table and give us a menu, that a waiter will soon be around to ask if we want water, and that the waiter will come back to take our order. We have a “frame” for the dining situation in light of our prior experiences.

Similarly, the researchers explained that, as a result of regular local television news coverage and other media, we have a “frame” for stories about crime. Key components of that frame are that crime is often violent and usually involves an African-American perpetrator.⁴⁰ We see those stories time and again on the news. Accordingly, when the information we receive in a newscast confirms that frame, a high percentage of people remember the information, e.g., the suspect’s race. When the information provided leaves a gap in the story, the “frame” for stories about crime fills in the missing information. Even when people are given explicit information that contradicts the frame (i.e., a white suspect), the frame is so deeply embedded that some people remember the stereotype rather than the actual suspect.

2. Implicit Bias and White Preference

The gold standard for assessing implicit bias is the [Implicit Association Test \(IAT\)](#). The test is administered by computer and asks subjects to make associations between words (“white,” “black,” “good,” “bad”), pictures of faces, and other images, and measures the amount of time subjects take to make the associations. More than four and a half million people have taken the test, and hundreds of studies using the test have been published.

Researchers have consistently found implicit (i.e., unconscious) bias and a strong “white preference” among white subjects.⁴¹ Thus, white subjects more quickly associate white faces with positive words and more slowly associate white faces with negative words. Conversely, white subjects are slower to associate African-American faces with positive words and quicker to associate those faces with negative words. African-American test subjects show mixed results: some show a “black preference”

and some show a “white preference.” The “white preference” has been demonstrated in people from all walks of life, including attorneys who regularly represent black defendants in death penalty cases.⁴²

3. Research on Key Decision Makers

Some research has focused directly on implicit bias among key decision makers in the juvenile justice system.

Police. Several studies have found that race impacts how law enforcement officers perceive young people.⁴³ In [one recent study](#), participants were asked to estimate the age of young people charged with crimes. The study found that members of the general public perceived young African-American felony suspects as 4.53 years older than they actually were (white and Latino youth were perceived as 2-3 years older). They also perceived African-American youth as more culpable for their behavior (i.e., more blameworthy) than Latino youth, and perceived Latino youth as more culpable than white youth. The study also found that law enforcement officers rated African-American felony suspects as 4.59 years older than they actually were. Thus, a boy who was thirteen and a half would be perceived by police - incorrectly - as an adult.⁴⁴

Probation Officers. In an early and influential study,⁴⁵ researchers analyzed the content of pre-disposition reports from probation officers and compared reports about white youth with reports about African-American youth who were charged with similar crimes and had similar offense histories. They found that reports on African-American youth were significantly more likely to contain negative internal attributions (i.e., the youth had negative personal values or personality characteristics) than reports on white youth. Reports on white youth were significantly more likely to contain negative *external* attributions (i.e., the youth was influenced by peers or a bad environment) than reports on African-American youth. The probation reports had important consequences. White youth were considered less likely to reoffend if they were removed from bad settings or delinquent peers. African-American youth were considered more likely to re-offend because of their personal traits, and moving them to a different environment would not change that. Consequently, African-American youth were given longer or more restrictive dispositions than white youth charged with similar offenses and with similar prior histories.

Judges. There has been little rigorous research on implicit bias by judges, but one study is instructive.⁴⁶ Researchers worked with 133 trial court judges from three jurisdictions in different parts of the country. They gave the judges several tasks and didn't tell them the purpose of the study. Among other tests, they gave them the Implicit Association Test. They also gave the judges a series of evidence summaries from hypothetical trials and asked how they would decide the cases. The

hypotheticals contained facts to support a verdict for or against the defendants. In some hypotheticals the race of the defendant was explicit, in others it was not. The researchers reported three findings. First, the IAT results showed that the judges carry implicit biases similar to the general population: white judges generally showed a “white preference” and African-American judges showed a mixed picture. Second, the implicit biases affected the judges’ decisions: there was a significant correlation between the defendant’s race and their decisions. Third, when judges were aware of the need to monitor their biases and were motivated to do so, they were able to overcome those biases. This happened when some of the judges figured out the purpose of the study and became more careful about their responses. After that point, they stopped showing racial bias in their decisions.

4. Decisions and Decision Makers

The research suggests that many decision makers in the juvenile justice system, perhaps most, carry implicit racial and ethnic biases. This has important implications for how decisions are made in the system. First, each decision maker - from police officer to defense counsel to district attorney to probation officer to judge - should be aware that they may carry unconscious biases. They should guard against stereotypes in their perceptions of young people of color and in their decisions about those young people.

Second, each decision maker should be aware that *many of the other* decision makers in the system, perhaps most, also may carry implicit biases. Thus, when intake staff receive information about youth from arresting officers, when prosecutors receive information from investigators, when judges receive information from probation officers, they should be aware that those providing the information may have their own unconscious biases.

Racial and ethnic biases are prevalent in the juvenile justice system because so many people have them. The research on judges, however, suggests that when decision makers make efforts to identify and monitor biases, they can overcome them and ensure fairness.

D. Why Reform Efforts Fail

Efforts to reduce racial and ethnic disparities in the juvenile justice system fail for many reasons. Three are most prominent. The first is that, on a system level, stakeholders don’t address the issues. They either cannot or will not deal with the existence of bias in their jurisdiction. The second reason is that race is a particularly difficult thing for people to talk about. This section offers some strategies for talking

about race. The third reason is stakeholders don't understand what they need to do, in practical and concrete terms, to reduce disparities. The later sections of this Practice Manual will provide practical, concrete strategies to analyze what needs to be done and to implement effective reforms.

Avoidance. Some stakeholders avoid the issue by redirecting the discussion to big social issues and seeking to put off the discussion of race until the other problems are solved. For example, some people say, "This is not about race, it's about poverty. If we can address poverty, racial differences will diminish or disappear." Programs to alleviate poverty are certainly worthwhile, but the problem is that poverty is not going to be solved in the foreseeable future. Efforts to reduce racial and ethnic disparities should focus on making measurable improvements in policies and practices in planned amounts of time. Making the discussion about poverty and the distant future is a way of avoiding discussion of race and ethnicity in the present.

Denial. Some stakeholders deny that there is any bias in the system. A typical comment is, "I look at each case individually, so there can't be any bias." It may well be true that stakeholders look at each case individually, but unconscious bias may nevertheless affect the decisions that they make. When data analysis shows a pattern of overrepresentation of youth of color at a key decision point, for example, an effective strategy is to dig deeper into the data and learn more about what criteria are used and how

Why Reform Efforts Fail on the System Level

Avoidance: "This isn't about race, it's about poverty."

Denial: "I look at each case individually, so there can't be any bias."

Defensiveness: "You just want to collect data to use it against me."

Distraction: "The Committee for ..."

The Blame Game: "Adolescent offending happens because of parents, video games, the media, gangsta rap, etc."

The Culture of Politeness: Everyone steers clear of difficult problems and solutions because no one wants to say anything that may offend someone else.

Motion without Movement: Genuine concern for racial disparities and determined, but unfocused efforts "to do something."

Data without Direction: Collecting data at key decision points, but lack of knowledge on how to use data strategically.

decisions are made at that decision point.

Defensiveness. Some stakeholders perceive any effort to reduce racial and ethnic disparities as a potential attack on them. They are concerned that data showing over-representation at a specific decision point will lead to charges of racism against them. A typical comment is, “You just want to collect data to use it against me.” To address this concern, efforts to reduce racial and ethnic disparities should avoid judgments about past decisions by key stakeholders, focus on the future, and use data collection and analysis to improve the effectiveness and efficiency of the system. Sometimes this problem is exacerbated when champions of reform are themselves not sure how to talk about race effectively. Some suggestions are included in the section below, “How to Talk About Race.”

Distraction. Some reform efforts get sidetracked on peripheral issues. One group of stakeholders who came together to address disparities spent months deciding on the *name* for the group: “The Committee for ...” Some members thought the name should not include the word “race” because that might offend someone. Others thought that civil rights laws might prohibit the use of certain words.

The Blame Game. A particular form of distraction is blaming some person or entity for adolescent offending - parents, video games, the media, gangsta rap - and bemoaning that influence on young people. While there may well be legitimate grounds for complaint, playing the Blame Game does not get a jurisdiction closer to reform. Instead, it diverts efforts into activities and denunciations that may feel good for some but don’t lead to planned strategies for measurable change.

The Culture of Politeness. The W. Haywood Burns Institute has long noted the “culture of politeness” that governs many discussions about racial and ethnic disparities.⁴⁷ Since race is such a sensitive issue in American society, no one wants to say anything that may offend someone else at the meeting. As a result, everyone steers clear of difficult problems and nothing gets accomplished.

Motion without Movement. The Burns Institute also warns of “motion without movement,” i.e., genuine concern for racial disparities and determined but unfocused efforts “to do something.” Reform efforts must be strategic. A sense of outrage at racial disparities can be a good motivator for stakeholders, but the energy coming out of that outrage should be channeled into effective strategies that will lead to measurable change.

Data without Direction. Many jurisdictions have received the message that it is necessary to collect data at key decision points in order to move forward with reforms (e.g., referring agency, charged offense, other reason for incarceration, race,

ethnicity, gender, residence, and location of offense). However, once the data collection is accomplished, many stakeholders don't know how to use the data strategically to analyze where key decisions are made that create disparities and to plan remedial efforts.

E. How to Talk About Race

Talking about race is difficult, especially when speaking about racial inequity. There are several strategies that can make the process more productive.⁴⁸

Recognize the dominant model of thinking about race in the United States. The dominant model of thinking about race in the U.S. has several elements: (1) "the United States has made a lot of progress on the issue of race," (2) "if anyone is favored, it is African-Americans (and people of color generally)," (3) "individuals are entirely in control of their accomplishments," and (4) "if there is any racial inequality, it is the result of the failure of individuals to follow American values such as hard work and personal responsibility."⁴⁹ Research in juvenile justice and other areas disproves these assumptions, but that is beside the point. This model guides the thinking of the majority of people in this country.

Don't try to change individuals' values or beliefs (even if they are rooted in the "dominant model"). Values and beliefs are deeply-held and usually developed early in life. Efforts to change them are unlikely to be successful.

Direct frustrations toward the shortcomings of policies and practices, not individuals. The reform effort should be directed toward changing policies and practices that allow or encourage bias. Policies and practices *can* be changed, which can lead to

Strategies for Talking About Race on a Personal Level

- 1) Recognize the dominant model of thinking about race in the United States.
- 2) Don't try to change individual's values or beliefs (even if they are rooted in the "dominant model").
- 3) Direct frustrations toward the shortcomings of policies and practices, not individuals.
- 4) Emphasize values that unite rather than stressing differences.
- 5) Avoid blaming.
- 6) Use data and narratives to support the discussion.
- 7) Use scenarios that could happen to anyone.
- 8) Clarify terms to avoid misunderstanding.
- 9) Address people's emotional response to the issue.

changes in the behavior of stakeholders in the system. It's important to attack the problem, not the person.

Emphasize values that unite rather than stressing differences. Root the discussion in goals of the reform effort that everyone can agree with: *accountability* of all youth for their misbehavior, *fairness* for all youth in the juvenile justice process, and *equal opportunity* for all youth to become productive members of the community.

Think about your own comfort or discomfort in talking about race. Individuals responsible for leading discussions about race among juvenile justice stakeholders should first think about their own level of comfort or discomfort in such discussions.

Avoid blaming. Finger-pointing at specific individuals, accusations, and lecturing quickly polarize a discussion. No one wants to participate in a meeting if they are going to be called a racist. Instead, it is better to focus on the future, toward efforts such as collection of new data to dig deeper into a problem, addition of new community-based programs as alternatives to detention, or modification of existing agency policies or court orders. At the same time, when an agency or key stakeholder has a consistent pattern of abusing discretion to the detriment of youth of color, they need to be held accountable. The guidelines in this section suggest a variety of ways to move toward accountability without blowing up the discussion.

Use data and narratives to support the discussion. Data anchor the discussion in the real world, but statistics by themselves can leave people glassy-eyed. Research shows that “narrative trumps numbers.”⁵⁰ Combine data with narratives for persuasive presentations, either by telling individual stories of youth of color impacted by bias in the juvenile justice system or by describing what the data mean in practical terms for specific groups of young people (e.g., youth of color who misbehave in school and are arrested, or youth charged with low-risk offenses who are held in detention).

Use scenarios that could happen to anyone. For example, talk about a son or daughter getting caught smoking marijuana, or a child getting into a fight at school and getting referred to the police. These examples can promote empathy and engagement. Stakeholders are more likely to think through a problem if they see that it can affect a member of their own family.

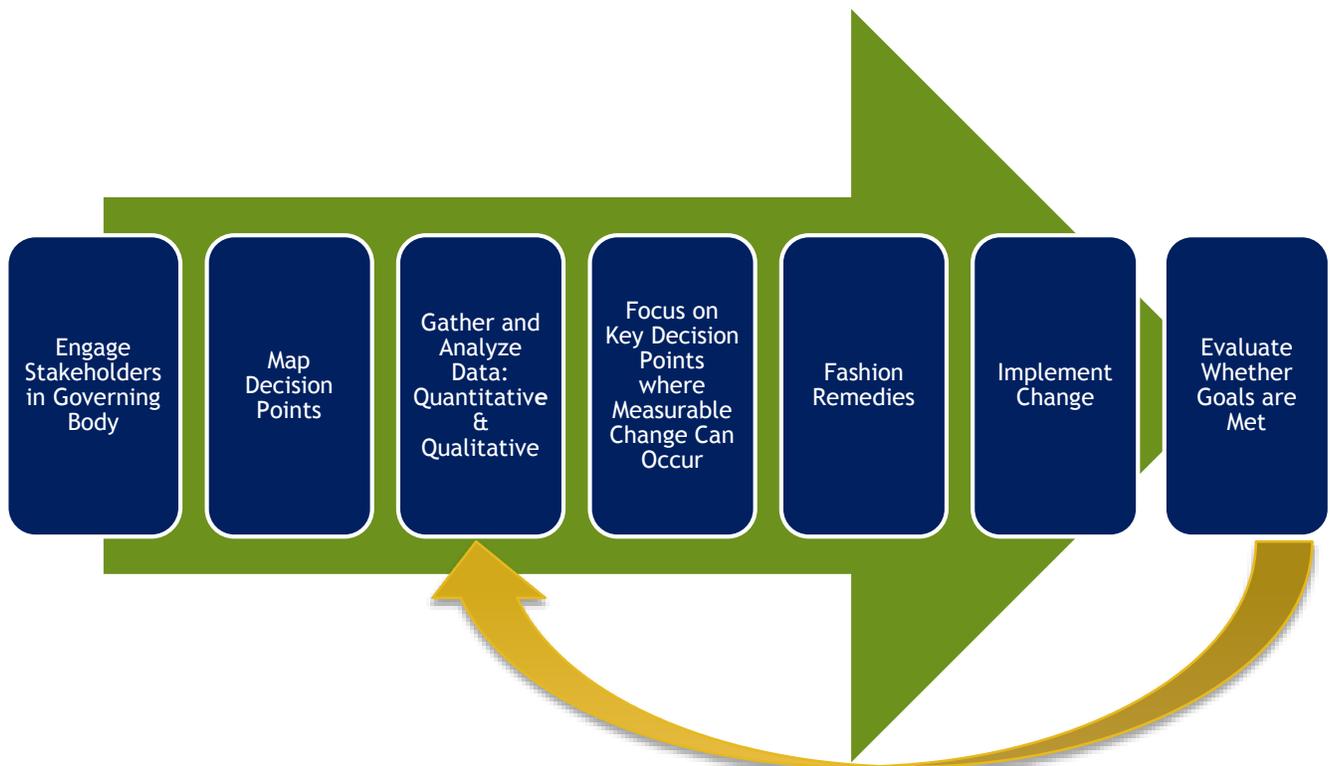
Clarify terms to avoid misunderstanding. Words like “race,” “ethnic,” “bias,” and “discrimination” are potent in discussions, but may mean different things to different people. Defining terms early can reduce confusion and keep the discussion focused.

Address people's emotional responses to the issue. Recognize that this is an issue that brings up strong emotions for many people. Allow enough time to talk about and work through the issues. Ensure that facilitators have appropriate skills and training to handle the emotions that are likely to arise.

IV. Effective Strategies to Reduce Racial and Ethnic Disparities

This section introduces key strategies for reform. Each strategy will be discussed in more detail in later parts of this chapter or in later chapters.

Model for Reducing Racial and Ethnic Disparities



A. Leadership by Collaboratives that Include All Stakeholders

Because racial and ethnic disparities are so firmly entrenched in our psyches and our society, and because there is so much resistance to addressing the issues directly,

strong leadership is required for effective reform. In jurisdictions that have successfully reduced disparities, that leadership is provided by a governing committee or collaborative that oversees the reform effort. The membership of the collaborative usually includes the juvenile court judge, chief probation officer, chief prosecutor in juvenile court, chief juvenile court public defender, law enforcement, school officials, and child welfare officials, as well as parents whose children have been through the system, leaders of community organizations, and other representatives of the community. The governing collaborative provides guidance, monitoring, accountability, and evaluation.

B. Regular Collection, Analysis, and Monitoring of Key Data

Reform efforts must be data-driven. As noted above, many attempts to address this issue get derailed by avoidance, denial, defensiveness, and other distractions, including anecdotal accounts of one person or another's bad experience with a youth in the system. Relying on data about which youth enter the system and why, and what happens to them while they are in the system, provides a solid anchor for reform efforts. It enables the governing collaborative to talk about what *actually* happens in the system, rather than the subjective impressions of people inside or outside the system. With a clear picture of what happens in the system, the collaborative can then identify appropriate interventions and reforms.

C. Local Focus

The overwhelming majority of successful efforts to reduce racial and ethnic disparities in the juvenile justice system have occurred at the local level.⁵¹ The reason is that most of the key decision makers are local officials: police, prosecutors, judges, probation officers.

Even in states where there are “state-centered” juvenile justice systems, such as Maryland, many of the key decision makers are local. In Maryland probation officers work for the state Department of Juvenile Services, but the police, prosecutors, and judges are all local. Reform efforts need to collect data and other information on the policies and practices of these local officials and tailor recommendations accordingly.⁵²

D. Objective Criteria and Decision Making Tools at All Key Decision Points

Racial and ethnic disparities occur, in part, because decision makers have sufficient discretion that stereotypes and subjective perceptions are able to affect their decisions. One way to counter that is to establish objective criteria and decision

making guidelines. The most common example of objective criteria is the use of “risk assessment instruments” (or “detention screening instruments”) at detention intake. These tools utilize a number of race-neutral objective measures to determine which youth are unlikely to appear at court hearings and which youth are likely to re-offend before their disposition hearing. The instruments score youth on factors such as seriousness of the current offense, prior delinquencies, and escapes from custody. Youth with high-range scores are detained, those with medium-range scores are sent to community-based alternative-to-detention programs or otherwise supervised in the community, and youth with low scores are released to parents or guardians. Detention screening instruments are discussed in more detail in Chapter 4.

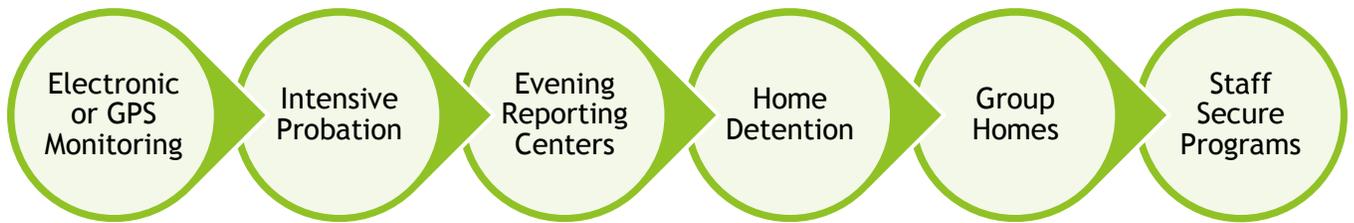
Objective criteria and guidelines are also used in many jurisdictions to determine which youth are eligible for diversion; which youth are kept in school rather than being suspended, expelled, or referred to juvenile court; and which responses should be used when a youth violates the terms of probation. Diversion and other school-based efforts are discussed in Chapter 3. Responses to violations of probation are discussed in Chapter 5.

E. Continuum of Diversion and Alternative-to-Detention Programs

One goal of racial and ethnic reform efforts is to reduce unnecessary incarceration of youth of color. Youth in the juvenile justice system have a wide variety of needs. This includes needs for varying levels of supervision that can keep them under watchful eyes while allowing them to remain in the community. Jurisdictions with effective reform efforts have a continuum of programs and services to meet the different levels of supervision required by different youth. The goal is to provide the least restrictive level of supervision that will ensure that the youth is no longer a danger to the community.

As a result of JDAI and Models for Change, there is a lot of information available on various types of alternative-to-detention (ATD) programs and services.⁵³ At the front end of the system, for example, a good continuum usually includes - in ascending order of restrictiveness - electronic or GPS monitoring (ankle bracelet), intensive probation (regular contacts with probation officer), evening reporting centers (usually during after-school hours until early evening), home detention (often with electronic monitoring), group homes, and staff secure programs. Alternatives to secure detention are discussed in more detail in Chapter 4.

Alternative to Detention Programs



F. Cultural Responsiveness and Linguistic Competence

As noted above, “cultural responsiveness” means that the policies, practices, and programs in the juvenile justice system are aware of the particular challenges faced by Latino youth and families and those of other cultures, and seek to address them. Responsiveness may involve training program staff on the particular challenges facing the racial or ethnic group; hiring bilingual and bicultural staff in agencies and programs; looking for resources within the Latino or other ethnic community; and including families and community representatives of the cultural group in policy making committees. It also involves recognizing the strengths of Latino and other youth and families, such as close family structure, commitment to hard work, and strong religious affiliations.

For members of Latino families with limited English proficiency (LEP), the juvenile justice system presents many challenges. “Linguistic competency” includes translating all relevant court-, probation-, and incarceration-related documents into Spanish; providing interpreters at all court hearings; and having bilingual staff or translation services available at all times.

G. Family and Community Engagement

Family members and community representatives have an important role to play in collaboratives that govern racial justice reform efforts. They often have very different experiences with the juvenile justice system than the judges, probation officers, police, and others who work in the system. For parents and guardians of youth involved in the system, that experience frequently involves bewilderment and frustration. They often feel overwhelmed and incapable of navigating the complexities of the system. Many also feel that the system is unfair and stacked against them. Community leaders can readily identify with the needs of families, and

are concerned with the impact of reforms on broader needs of the community that are beyond an individual's family door. Family members and community representatives bring an important sense of urgency to reform efforts. They bring a different perspective from juvenile justice professionals on the impact of the system on their youth and where the system breaks down or is ineffective. In addition, families and community members are often aware of community resources such as church and neighborhood programs that are not used by the system but could be beneficial.

Equally important, family members have a key role to play in supporting their children while they are in the system and afterwards. Family engagement is a meaningful partnership between families and agencies at every level of the juvenile justice system.⁵⁴ Several organizations of families of incarcerated youth have conducted research on the experiences of families with children in the system and made extensive recommendations to improve family engagement.⁵⁵

Family engagement helps to reduce racial and ethnic disparities for youth in the juvenile justice system by improving outcomes for youth. Family engagement is a key component of the most effective evidence-based practices for youth in the juvenile justice system.⁵⁶ Family engagement also provides an opportunity to build on family expertise and strengths. Moreover, family and social supports are critical to youths' success inside the juvenile justice system and after they leave the system.

H. Cross-System Collaboration, Especially with Child Welfare and Education Systems

The education and child welfare systems are often feeders for the juvenile justice system. Many young people who misbehave in school are referred directly to the juvenile justice system and enter the school-to-prison pipeline. Many youth in the child welfare system commit delinquent acts. Research shows that youth in foster care are more likely to be held in secure detention than youth not in foster care, either because of child welfare agency action (or inaction) or because foster parents cannot or will not continue to provide care.⁵⁷ In addition, youth who abscond from court-ordered child welfare placements, such as in group homes, are often charged with violating court orders. They may also be arrested in those placements for engaging in fights or other disruptive behavior. As with other parts of the system, youth of color are disproportionately likely to go deeper into the system as a result of problems in school or in child welfare settings. Concerted efforts across systems are required to utilize alternatives to juvenile justice referrals and to plan for effective supervision and care of these youth.⁵⁸ These issues are discussed in more detail in Chapter 3.

I. Intentional Focus, Careful Planning, and Regular Monitoring

Reduction of racial and ethnic disparities requires intentional efforts, i.e., deliberate implementation of the reform strategies described above. Some jurisdictions say that they will “incorporate” racial justice into other ongoing reforms, but that usually means that the focus and energy goes elsewhere, and the effort is usually unsuccessful at reducing disparities. Instead, reform efforts should include specific actions to reduce disparities such as achieving stakeholder participation that includes families and community representatives, using objective screening tools for key decisions, creating or enhancing alternatives to incarceration, and collecting data disaggregated by race, ethnicity, gender, geography, and offense or reason for incarceration.

Careful planning goes along with intentional focus. Reducing racial disparities is difficult to accomplish, for many reasons, and effective efforts require coordination among stakeholders inside and outside of the system as well as several agencies. Careful planning is a good investment in the success of the endeavor. Planning should include consideration of how the effective strategies for reform efforts, discussed above, will be carried out. Thus, planning should include identifying resources to support the effort (staff, funds for travel), determining who will collect and report data, deciding how the governing collaborative will be recruited and maintained, and how those involved in the reform effort will learn about best practices in the field.

Regular monitoring of data is a central aspect of data-driven strategies. A basic purpose of collecting and analyzing data is to make it possible to determine whether reform efforts are working, and if not, where improvement is needed. Many public officials and agency directors invest taxpayer dollars in programs without any effort to learn whether the programs actually deliver what they promise. Regular monitoring of data is a way of ensuring accountability for the reform effort and key parts of the juvenile justice system.

V. Structuring the Work

A. Identifying Champions and Developing Leadership for Reform

Reforms need champions.⁵⁹ Within the collaborative governing the reform effort, it is critical to have several individuals who are deeply and personally committed to the success of the effort. These are the people who bring passion and energy to the effort, who regularly push the effort forward, who look for outcomes rather than processes, who translate their impatience into action.

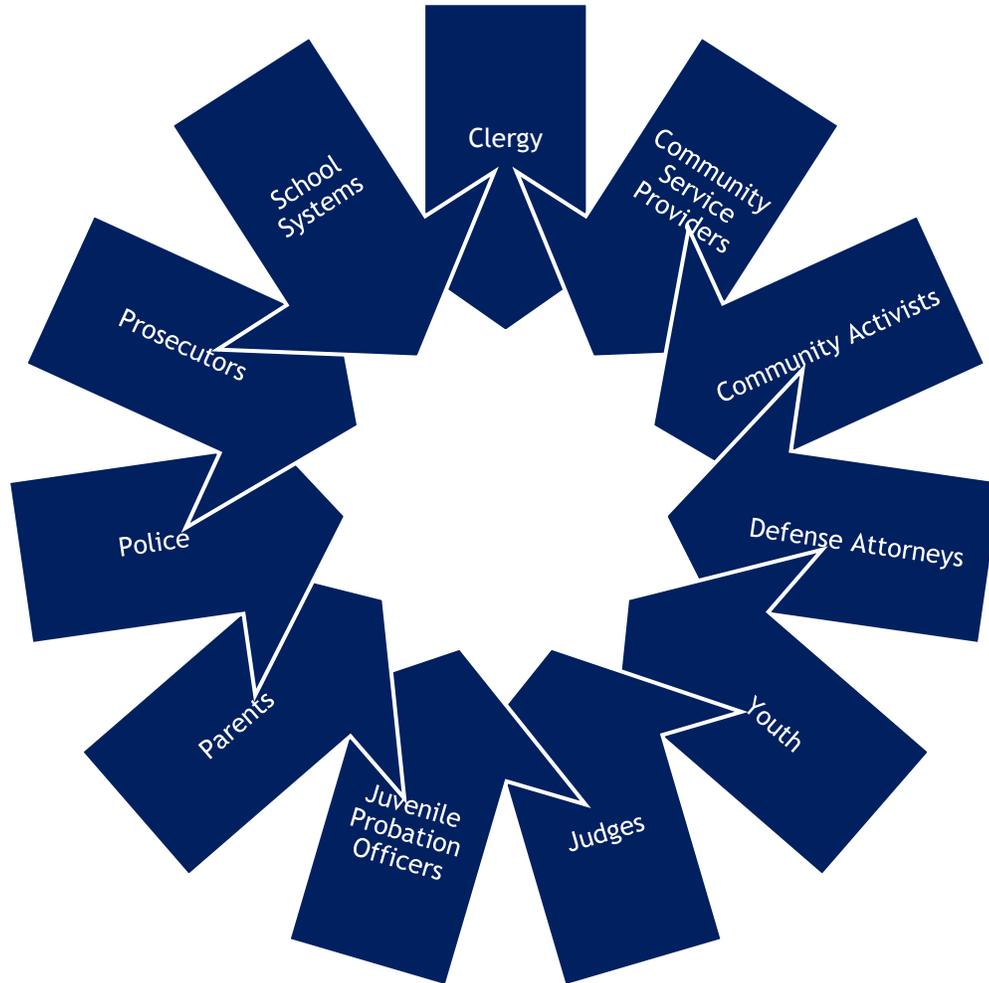
Who should be the champions? In many jurisdictions, the champions are leaders of color. Indeed, in many racial reform efforts there is an expectation that the champions will be people of color, on the grounds they have the most direct interest in the effort succeeding. But white people can and should be leaders in efforts to reduce racial and ethnic disparities as well. They may be equally effective or even more effective messengers for some audiences. They may also serve as models for white colleagues to move from passivity to activism.⁶⁰

To be effective, champions must have respect, responsibility, and power, i.e., authority, or “juice.”⁶¹ Not surprisingly, in many juvenile justice reforms, the leaders have been judges, at least in the early stages.⁶² Chief probation officers have also been leaders in many jurisdictions. Leadership authority may come from other sources. It may come from high position in the system (e.g., judges, chief probation officers, police chiefs), or from constituents (elected officials), or from the moral authority of peoples’ efforts (civil rights leaders).

Leadership development is particularly important because, at some point, leaders move on. Judges get moved out of juvenile court, elected officials do not get re-elected, and others, after many productive years, retire. A juvenile justice reform effort should plan for such foreseeable transitions by identifying emerging leaders, engaging them in juvenile justice reform early in the initiative, and nurturing their careers. The Annie E. Casey Foundation’s [Applied Leadership Network](#)⁶³ and the [National Juvenile Justice Network’s Youth Justice Leadership Institute](#)⁶⁴ are good examples of programs that identify and support emerging leaders in juvenile justice reform.

Champions with authority build collaboratives with authority. The collaborative must have authority if it is to plan and implement changes effectively.⁶⁵

B. Building a Diverse Stakeholder Collaborative



1. Key Partners

The collaborative should include those who hold high positions in the juvenile justice system: the chief judge of the juvenile court, chief juvenile probation officer, senior prosecutor in juvenile court, senior public defender in juvenile court, and police captain or lieutenant in charge of juvenile cases.⁶⁶ It should also include nontraditional stakeholders (i.e., individuals with an interest in racial equity from a perspective of their own lived experience and their role in the community). These should be identified from community-level leadership, such as directors of community organizations and civil rights groups, child advocates, and parent advocates. The collaborative should also include parents and young people who have had direct

experience with the juvenile justice system.⁶⁷ The diversity of interests and viewpoints may make the meetings contentious at the outset, but will provide strength and integrity to the process in the long run. Members of the collaborative who don't work in the juvenile justice system will need information and coaching (including a glossary of all technical terms and abbreviated names of agencies) in order to provide meaningful input.

2. Approaching the Topic of Race in the Collaborative

The above sections on “Why Reform Efforts Fail” and “How to Talk about Race” provide examples of pitfalls to avoid and positive steps to take in approaching the topic of race in the collaborative. Data can be particularly helpful in framing the issue for members of the collaborative because they provide an objective and understandable way of articulating the problems and describing them to others. The statement, “Data show that African-American students at Garfield High School are three times as likely as white students to be suspended for talking back to a teacher,” accompanied by a bar graph showing the differences in suspensions, is likely to be more effective in promoting change than the statement, “African-American youth in this county are subject to discrimination in the schools.” Such data-based statements also point directly to actions to be taken (e.g., further data research, or review of school policies, or discussions with school administrators), and provide convenient and understandable measures of improvement (such as reduced suspension rates).

3. Managing Defensiveness

Steps can be taken to reduce potential defensiveness among members of the governing collaborative. First, the group should explicitly adopt a rule of no finger-pointing. If stakeholders such as police or prosecutors feel that data will be used to second-guess decisions they made in the past, they are not likely to engage in the reform effort. Instead, the focus should be on policies and practices to be implemented in the future that will reduce bias in the system. An environment of respect for each person in the collaborative will support this process.

Second, the emphasis should be on common goals among the stakeholders. By the nature of the juvenile justice system, different stakeholders represent varying interests in an adversarial setting. However, all stakeholders want the system to be fair, the community to be safe, and for all youth to have equal opportunities to become productive members of society.

4. Opportunities to Connect to Other Officials

An effective way to help key stakeholders buy in to the reform agenda is to introduce them to peers who have already gone through a similar effort. Judges are most aware of, and most concerned with, the challenges that judges face in implementing reforms. The same can be said of probation officers, law enforcement officials, prosecutors, and defense attorneys. Each group can benefit from talking to those in similar positions who have experienced frustrations and successes in reducing racial and ethnic disparities. Indeed, many *prefer* to talk with their peers, who best know the problems they face.

One effective way to connect stakeholders is by visits to jurisdictions that have achieved reforms. In JDAI, there are “model sites” that have embedded detention reforms in their policies and infrastructure. In these sites, changes in individual leaders, such as rotation of judges, does not set the reforms back. JDAI has long promoted visits by delegations from new sites to the “model sites” as an effective use of high-level officials’ time to achieve buy-in to the reforms and understanding of the issues and solutions. Site visits are especially useful to facilitate peer-to-peer connections, especially for judges. In some model site visits, for example, it is common for the judges of the host site and of the visiting site to eat lunch together. Models for Change also utilized visits to sites that had successfully implemented specific strategies. Thus, several Models for Change site delegations in the DMC Action Network visited the excellent Evening Reporting Centers in Berks County, Pennsylvania, and Baltimore, Maryland.

There are other ways to arrange such connections. Models for Change and JDAI maintain extensive websites with information and links to publications on their successful work in states and counties, including public officials and agency administrators who were instrumental to their success. The W. Haywood Burns Institute and the Center for Children’s Law and Policy have similar information on their websites. In addition, the MacArthur Foundation partners with several organizations for specific stakeholders that have launched their own initiatives to reduce disparities, including the National League of Cities, National Center for State Courts, National Association of Counties, and National Conference of State Legislatures.⁶⁸

C. Coordinating a Racial and Ethnic Disparity Reduction Initiative

1. Identifying and Training a Site Coordinator

In many jurisdictions, the site coordinator staffs the governing collaborative, notifies members of meetings, sends out agendas and other documents, collects data for review at the meetings, and ensures that committee members and others carry out tasks between meetings. The best site coordinators do much more. They negotiate the complex relationships among the stakeholders, facilitate action-oriented discussions about reform issues, and provide leadership toward solving problems as they occur. The position is critical: a strong site coordinator can help drive the entire reform, while a weak coordinator can doom the effort. Site coordinators manage the integrity of the reform. Site coordinators need to have ready access to key stakeholders in the system, and sufficient time (e.g., .5 FTE at the outset) to accomplish their many tasks. Good site coordinators are able to commit the time to tasks and dialogues that a lead judge or probation chief does not have sufficient time to do themselves.

In juvenile justice reform efforts, people in a wide variety of positions serve as site coordinators: chief and deputy chief juvenile probation officers, probation supervisors, state and county juvenile justice agency staff, and people new to the system who are hired for the job. Thus, across the country, some site coordinators have lengthy experience in the field and some have none at all. Therefore, it is important for the leaders of the racial reform effort to ensure that the site coordinator is aware of all of his or her responsibilities and receives appropriate training to carry out those responsibilities. In JDAI, for example, site coordinators take part in the initial site training on the basics of JDAI and detention reform, and accompany site teams when they visit “model sites.”

2. Organizing and Scheduling Effective Meetings

The collaborative should meet frequently enough to provide continuing oversight for reform efforts, usually every month or every other month. If the collaborative meets less frequently than that, then members often forget about the issues between meetings and only “gear up” the day before the next meeting. Since a key to success is ongoing and informed oversight, collaborative members should be involved between meetings, when, for example, the work of key subcommittees gets done.

For family members and community representatives to be effective members of the governing collaborative, they may need coaching. They may not be familiar with all of the processes in the system, or with the myriad agencies, programs, and acronyms

that are a common part of discussions among juvenile justice professionals. Accordingly, the site coordinator or another person should be responsible for ensuring that family and community members are fully prepared for the discussions that will take place in collaborative meetings. Additionally, officials should be careful to schedule meetings at a time that allows those family members and community members who have full-time jobs to attend. This may mean having meetings in the late afternoon or in the evening.

3. Developing an Effective Work Plan

The work plan is a statement of the priorities for reform in the site and a road map to how the site will address those priorities over the coming year. The work plan provides accountability as the effort moves forward. The work plan also enables the collaborative to keep its focus on the goals of the initiative when side issues offer distractions.

The work plan should identify key goals and, for each goal, the challenges or barriers to reaching the goal, the next steps or tasks to be carried out to overcome the challenges, the person responsible for each task, a completion date for each task, and objective measures to show when the task is done.

There are several things to keep in mind in developing work plans. The work plan will be more effective if it is data-based, i.e., if the goals are based on analysis of site data about racial and ethnic disparities in the system and if there are measurable indicators when tasks have been completed and goals have been reached. Tasks should be assigned to individuals whenever possible, not simply to “the committee” so that committee members can hold people accountable for their promised actions. Also, the timeframe for completing each task should involve an actual date. “Ongoing” is not a timeframe. If “ongoing” is listed as the completion date, it becomes very difficult to hold anyone accountable, and the tendency by everyone is to lose focus on the task because “someone” will take care of it in the future. If an activity will occur regularly during the period of the work plan, such as meetings of the Data Subcommittee, the work plan should reflect goals of the activity (e.g., development of a monthly data report for the governing collaborative) and a completion date. In general, work plans should include an ambitious but realistic number of goals, usually three or four. An encyclopedic work plan with fifteen goals, which no one will have time to achieve, will leave stakeholders overwhelmed and frustrated.

4. Subcommittees and Using “Out of Meeting” Time Effectively

Collaborative meetings should be used for reviewing data and actions taken since the last meeting, discussing priority issues, and making decisions that require the full collaborative. The work necessary to support the collaborative takes place between the meetings. Most jurisdictions have subcommittees to do this work. There are usually subcommittees on issues such as data, diversion, the detention screening instrument, alternatives to detention or incarceration, and graduated responses to violations of probation or other court orders.

5. Visiting Other Jurisdictions that have Effectively Reduced Racial and Ethnic Disparities

Just as individual stakeholders may benefit from connecting to their counterparts in other jurisdictions, members of a governing collaborative may find it useful to visit other jurisdictions that have achieved success in racial reforms. In the MacArthur Foundation’s Models for Change initiative, several teams from sites visited other sites, often with a particular goal. For example, a team from Berks County visited Baltimore to see the city’s exemplary [PACT \(Pre-Adjudication Coordination and Training\) evening reporting center \(ERC\)](#). Berks County then developed its own evening reporting center, which became a central component in its effort to reduce unnecessary detention of youth of color. The Berks ERC was so successful that the county reduced the detention population to single digits and eventually closed its juvenile detention center completely. The Pennsylvania legislature was so impressed with the results that it provided state money for other counties to develop their own evening reporting centers.⁶⁹

¹National Coalition of State Juvenile Justice Advisory Groups. (1989). *A report on the delicate balance*. Washington, DC: Author.

²Bonnie, R. J., Johnson, R. L., Chemers, B. M., & Schuck, J. A. (Eds.). (2013). *Reforming juvenile justice: A developmental approach* (Contract/Grant No. 2009-JF-FX-0102), 212. Washington, DC: Division of Behavioral Health and Social Sciences and Education, National Academy of Sciences [hereinafter, *Reforming juvenile justice*].

³Models for Change. (n.d.). *Racial-ethnic fairness/DMC: Data-driven strategies to reduce racial and ethnic disparities and promote a more fair juvenile justice system*.

⁴JDAI Helpdesk. (n.d.). *Reducing racial & ethnic disparities*.

⁵Bell, J., Ridolfi, J., & Rahimi, S. (Eds.). (2008). *Adoration of the question: Reflections on the failure to reduce racial & ethnic disparities in the juvenile justice system*. Oakland, CA: W. Haywood Burns Institute.

⁶Id.

⁷Id.

⁸Id.

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- ⁹[Soler, M., Shoenberg, D., & Schindler, M. \(2009\). Juvenile justice: Lessons for a new era. *Georgetown Journal on Poverty Law & Policy*, 16, 483-541.](#)
- ¹⁰[National Coalition of State Juvenile Justice Advisory Groups. \(1989\). *A report on the delicate balance*. Washington, DC: Author.](#)
- ¹¹ Juvenile Justice and Delinquency Prevention Act, 42 USC §5601 et seq (1988).
- ¹² Juvenile Justice and Delinquency Prevention Act, 42 USC §5601 et seq (1992).
- ¹³ Juvenile Justice and Delinquency Prevention Act, 42 USC §5601 et seq (2002).
- ¹⁴ Juvenile Justice and Delinquency Prevention Act, 42 U.S.C. § 5633(a)(22) (2002).
- ¹⁵[Lotke, E., & Schiraldi, V. \(2005\). The juvenile detention alternatives initiative: The Santa Cruz and Portland models. In Soler, M. \(Ed.\), *No turning back: Promising approaches to reducing racial and ethnic disparities affecting youth of color in the justice system* \(pp. 8 - 15\). Washington, DC: Building Blocks for Youth.](#)
- ¹⁶Building Blocks for Youth focused on five inter-related strategies: *new research* on the disparate impact of the juvenile justice system on youth of color; *site-based work*, including close analysis of decision-making at the points of arrest, detention, and disposition, and focused projects in particular cities, counties, and states; *direct advocacy* on behalf of youth of color, especially regarding conditions of confinement in juvenile and adult facilities; *constituency-building* among civil rights and other organizations, policymakers, and leaders, particularly those who have not previously worked in the juvenile justice area; and *development of effective communications strategies* to provide accurate, up-to-date information to constituent organizations and individuals, as well as to the media, and through the media to the general public. Building Blocks for Youth was coordinated by the Youth Law Center and supported by the [Annie E. Casey](#), [Ford](#), [William T. Grant](#), [Walter Johnson](#), JEHT, [John D. and Catherine T. MacArthur](#), [Charles Stewart Mott](#), and [Rockefeller](#) foundations, the [Criminal Justice Initiative of the Open Society Institute](#), and the [Office of Juvenile Justice and Delinquency Prevention](#) and the [Bureau of Justice Assistance](#), both of which are components of the [Office of Justice Programs](#) of the U.S. Department of Justice. For more information, go to: www.buildingblocksforyouth.org.
- ¹⁷[Poe-Yamagata, E., & Jones, M.A. \(2000\). *And justice for some: Differential treatment of minority youth in the justice system*. Washington, DC: Building Blocks for Youth \[hereinafter, *And justice for some*\].](#)
- ¹⁸[Center for Children’s Law and Policy. \(n.d.\). *About us: Promoting Racial Justice*.](#)
- ¹⁹[National Research Council. \(2014\). *Implementing juvenile justice reform: The federal role*. \(Contract No. 2013-JF-FX-K004\). Washington, DC: National Academies Press.](#)
- ²⁰[Roper v. Simmons, 543 U.S. 551 \(2005\).](#)
- ²¹[Id. at 568-70.](#)
- ²²[Holman, B., & Ziedenberg, J. \(2007\). *The dangers of detention: The impact of incarcerating youth in detention and other secure facilities*. Washington, DC: Justice Policy Institute.](#) [Mendel, R.A. \(2011\). *No place for kids: The case for reducing juvenile incarceration*. Baltimore, MD: The Annie E. Casey Foundation.](#)
- ²³[Mendel, R.A. \(2009\). *Two decades of JDAI: From demonstration project to national standard*. Baltimore, MD: The Annie E. Casey Foundation.](#)
- ²⁴[Celeste, G., Bauer, G., Bervera, X., & Utter, D. \(2005\). *Just shut it down: Bringing down a prison while building a movement*. Washington, DC: Building Blocks for Youth.](#)
- ²⁵[Our work \(n.d.\). *Family engagement* \(n.d.\).](#)
- ²⁶[Villarruel, F., & Walker, N. \(2002\). *Donde esta la justicia? A call to action on behalf of Latino and Latina youth in the U.S. justice system*. Washington, DC: Building Blocks for Youth.](#)
- ²⁷[Lau v. Nichols, 414 U.S. 563 \(1974\).](#)
- ²⁸[Shoenberg, D. \(2011\). *Guidelines for state courts serving limited English proficient \(LEP\) youth and family members*. Washington, DC: Center for Children’s Law and Policy.](#) [Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 67 Fed.Reg. 117, 455 \(June 18, 2002\).](#) [Perez, T.E. \(2010\). *Letter from Thomas E. Perez, U.S. Assistant Attorney Gen. to State Chief Justices and State Court Administrators*.](#)

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- ²⁹[Center for Children’s Law and Policy \(2010\), Guidelines for State Courts Serving Limited English Proficient \(LEP\) Youth and Family Members.](#)
- ³⁰[Revisions to the Standards for Classification of Federal Data on Race and Ethnicity, 62 Fed.Reg. No. 210 \(Oct. 30, 1997\).](#)
- ³¹[Id.](#)
- ³²[Holman, B. \(2001\). *Masking the divide: How officially reported prison statistics distort the racial and ethnic realities of prison growth.* Alexandria, VA: National Center on Institutions and Alternatives.](#)
- ³³[Office of Management and Budget. \(1997\). *Revisions to the standards for the classification of federal data on race and ethnicity.*](#)
- ³⁴[Torbet, P., & Soler, M. \(2006\). *Guidelines for collecting and recording the race and ethnicity of juveniles in conjunction with juvenile delinquency disposition reporting to the Juvenile Court Judges’ Commission.* Pittsburgh, PA: National Center for Juvenile Justice.](#)
- ³⁵[And justice for some at 37.](#)
- ³⁶[Id.](#)
- ³⁷[Id.](#)
- ³⁸[Reforming juvenile justice.](#)
- ³⁹[Gilliam, F., Jr., and Iyengar, S. \(2000\). Prime suspects: The influence of television news on the viewing public. *American Journal of Political Science*, 44, 560-573.](#)
- ⁴⁰[Dorfman, L., & Schiraldi, V. \(2001\). *Off balance: Youth, race, & crime in the news.* Washington, DC: Building Blocks for Youth.](#)
- ⁴¹[Rachlinski, J.J., Johnson, S., Wistrich, A.J., & Guthrie, C. \(2009\). Does unconscious racial bias affect trial judges? *Notre Dame Law Review*, 84, 1195-1246 \[hereinafter, Does unconscious racial bias\].](#)
- ⁴²[Id.](#)
- ⁴³[E.g., Graham, S., and Lowery, B.S. \(2004\). Priming unconscious racial stereotypes about adolescent offenders. *Law and Human Behavior*, 28, 483-504.](#)
- ⁴⁴[Goff, P.A., et al. \(2014\). The essence of innocence: Consequences of dehumanizing black children. *Journal of Personality and Social Psychology*, 106, 526-545.](#)
- ⁴⁵[Bridges, G., & Steen, S. \(1998\). Racial disparities in official assessments of juvenile offenders: Attributional stereotypes as mediating mechanisms. *American Sociological Review*, 63, 554-570.](#)
- ⁴⁶[Does unconscious racial bias at 1195-1246.](#)
- ⁴⁷[See, e.g., Burns Institute strategies for reducing racial and ethnic disparities. \(2009\) \(powerpoint presentation\).](#)
- ⁴⁸[Annie E. Casey Foundation. \(2006\). *How to talk about race.*](#)
- ⁴⁹[Id.](#)
- ⁵⁰[Id.](#)
- ⁵¹[Center for Children’s Law and Policy, DMC eNewsletter #15 \(Baltimore, MD\), #18 \(Berks County, PA\), #19 \(Rock County, WI\), #22 \(Sedgwick County, KS\), #28 \(Rapides Parish, LA\), #32 \(Hartford and Bridgeport, CT\), and #34 and #36 \(Outagamie County, WI\).](#)
- ⁵²[One notable exception to this rule is in Illinois, where there has been reform of the state “automatic transfer” statute passed in the mid-1990s, which provided that any youth age 15-16 arrested within 1,000 feet of a school or public housing project for a drug offense would automatically be charged in adult criminal court. In Illinois, the great majority of public housing is in Cook County, where 74% of the state’s African-American juvenile population lives. The close proximity of schools and public housing created a “tight web” of places outside the 1,000-foot “safe zones.” Research found that in 1999-2000, virtually all prosecutions under the statute took place in Cook County, and of 393 youth automatically transferred to adult court under the statute during that period, 99% were African-American or Latino. Indeed, while surveys indicate that white youth are as likely as or even more likely to possess illegal drugs than youth of color, during that time period 99% of the youth imprisoned in Illinois for drug crimes were youth of color. After extensive efforts by advocates, the legislature amended the statute to provide that some youth covered by the statute would be charged initially in juvenile court rather than adult court. The number of juvenile transfers, who were all youth of color, then dropped substantially. Ziedenberg, J. \(2001\). *Drugs and disparity: The racial impact of Illinois’*](#)

practice of transferring young drug offenders to adult court. Washington, DC: Building Blocks for Youth.

⁵³DeMuro, P. (2005). *Consider the alternatives: Planning and implementing detention alternatives.* Baltimore, MD: Annie E. Casey Foundation.

⁵⁴ Pennell, J., Shapiro, C., & Spigner, C. (2001). Safety, fairness, stability: Repositioning juvenile justice and child welfare to engage families and communities. Washington, DC: Center for Juvenile Justice Reform.

⁵⁵Arya, N. (2013). *Families come first: A workbook to transform the juvenile justice system by partnering with families.* Washington, DC: Campaign for Youth Justice. Justice for Families. (2012). *Families unlocking futures: Solutions to the crisis in juvenile justice.* Sulpher, LA: Author. Family Involvement Subcommittee of the Mental Health/Juvenile Justice Workgroup for Models for Change-Pennsylvania & Family Involvement Workgroup of the Pennsylvania Council of Chief Juvenile Probation Officer's Balanced & Restorative Justice Committee. (2009). *Family involvement in Pennsylvania's juvenile justice system.* Harrisburg, PA: Author. FFLIC: Families and Friends of Louisiana's Incarcerated Children. (n.d.) *Mission & vision.*National Federation of Families for Children's Mental Health. (n.d.). *About the National Federation of Families.*Center for Parent Information and Resources. (n.d.). *About CPIR.*(n.d.).National Alliance on Mental Illness. (n.d.). *About NAMI.*

⁵⁶ For example, see Blueprints for Healthy Youth Development for Multi-Systemic Therapy (MST) and Functional Family Therapy (FFT).

⁵⁷Conger, D., & Ross, T. (2001). *Reducing the foster care bias in juvenile detention decisions: The impact of project confirm.* New York: The Vera Institute of Justice.

⁵⁸Wigg, J. K., Tuell, J. A., & Heldman, J. K. (2013). *Guidebook for juvenile justice & child welfare system coordination and integration: A framework for improved outcomes.* Boston, MA: Robert F. Kennedy Children's Action Corps.

⁵⁹Feely, K. (1999). *Collaboration and leadership in juvenile detention reform.* (Pathways to Juvenile Detention Reform #2). Baltimore, MD: The Annie E. Casey Foundation, 27-28. Gilmore, T. N. (1988). *Making a leadership change: How organizations and leaders can handle leadership transitions successfully.* London: Jossey-Bass Publishers.

⁶⁰Warren, M. R. (2010). *Fire in the heart: How white activists embrace racial justice.* New York, NY: Oxford University Press.

⁶¹Feely, K. (1999). *Collaboration and leadership in juvenile detention reform.* (Pathways to Juvenile Detention Reform #2). Baltimore, MD: The Annie E. Casey Foundation, 16-28 [Hereinafter, *Collaboration and leadership*].

⁶²Id.

⁶³JDAI Helpdesk. (n.d.). *ALN.*

⁶⁴National Juvenile Justice Network. (n.d.) *Youth justice leadership institute: Building a movement.*

⁶⁵*Collaboration and Leadership* at 18.

⁶⁶Soler, M., & Garry, L. (2009). *Reducing disproportionate minority contact: Preparation at the local level, 4.* (OJJDP Bulletin NCJ 218861). Washington, DC: Office of Juvenile Justice and Delinquency Prevention.

⁶⁷Id.

⁶⁸Id.

⁶⁹Id.