Reclaiming Futures Webinar

James Bell
W. Haywood Burns Institute
Structural Barriers & RED

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

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

1985

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

1995

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

2007

- Youth of Color: 72.0%

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

2/3 of Detainees are Kids of Color
Disproportionality in Decision Points

[Bar chart showing disparities in decision points for different racial and ethnic groups.]

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Disparities vs. Disproportionality

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

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

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

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

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

San Francisco:
Percentage of Admissions that are African-American

<table>
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<th>Year</th>
<th>2001</th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
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<tbody>
<tr>
<td>Admissions</td>
<td>55%</td>
<td>57%</td>
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San Francisco:
African-American Admissions to Detention

<table>
<thead>
<tr>
<th>Year</th>
<th>2001</th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
</tr>
</thead>
<tbody>
<tr>
<td>Admissions</td>
<td>127</td>
<td>121</td>
<td>114</td>
<td>105</td>
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</table>

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Data/Disparities Lens

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

Disaggregate By

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

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

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

• Length of Stay
  – Case Processing

• Special Detention
  – PV’s
  – Warrants
Risk Assessment Instrument

Should Objectively Separate Youth into Three Categories:

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

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

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

70% in Detention Have Mental Health Diagnosis

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Digging Deeper: Disparities by Offense

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

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

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

High Scoring: 200 youth
Low and Medium: 300 youth

Policy Holds: 200 youth
Discretionary Holds: 100 youth

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

Placement Failure: 25 youth
Warrant: 50 youth
VOP: 50 youth

Offense Driven: 40 youth
Parent Refusal: 30 youth
Parent Unavailable: 30 youth

Digging Deeper: Structural System Based Decisions
Discretionary vs. Non-discretionary Holds
Establishing an Institutional Response

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

Now What?

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

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

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

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

Police: 26
Ag. Battery General: 41
School: (49%) 64

78% A/A Boys

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

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SOLUTION

Alternative Discipline Options for Schools

BARJ
Significant Reduction

- AA: 56
- C: 6

89% (2004/05)
78% (2005/06)
10% (2004/05)
22% (2005/06)
11% (2004/05)
0 (2005/06)

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Digging Deeper: “Easy Wins”
Baltimore County Court Notice

Category of Charge Associated with Baltimore County Secure Detention

- No New Charge: 63%
- New Charge: 37%

And 45% of the "No New Charges" were Writs for Failures to Appear in Court.
After Burns Institute helped institute a Court Notification Program, detentions for Failing to Appear (FTA) decreased by 49%.
W. Haywood
Burns Institute

CONTACT INFORMATION
Phone: 415.321-4100 x 111
Website:
www.burnsinstitute.org