

## **Report to the Legislature**

# **Reducing Disproportionate Minority Contact In the Juvenile Justice System**

RCW 13.06.050(3)  
RCW 2.56.031

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## TABLE OF CONTENTS

<b>EXECUTIVE SUMMARY .....</b>	<b>4</b>
<b>INTRODUCTION.....</b>	<b>5</b>
<b>DISPROPORTIONATE MINORITY CONTACT IN WASHINGTON STATE’S JUVENILE JUSTICE SYSTEM TODAY.....</b>	<b>10</b>
<b>Explanations of DMC Across the Juvenile Justice Continuum .....</b>	<b>12</b>
<b>CURRENT EFFORTS TO REDUCE DMC IN WASHINGTON STATE’S JUVENILE JUSTICE SYSTEM.....</b>	<b>14</b>
<b>Washington State Supreme Court .....</b>	<b>14</b>
<b>Washington State Legislature .....</b>	<b>15</b>
<b>The Washington State Partnership Council on Juvenile Justice .....</b>	<b>15</b>
<b>Washington State Office of Juvenile Justice.....</b>	<b>16</b>
<b>The Administrative Office of the Courts .....</b>	<b>18</b>
<b>The Juvenile Rehabilitation Administration .....</b>	<b>18</b>
<b>The County Juvenile Courts.....</b>	<b>19</b>
<b>JUVENILE JUSTICE PUBLIC-PRIVATE PARTNERSHIPS .....</b>	<b>20</b>
<b>The Juvenile Detention Alternatives Initiative.....</b>	<b>20</b>
<b>Juvenile Rehabilitation Administration-Models for Change Partnership .....</b>	<b>21</b>
<b>Technical Assistance, Training and Research (System Improvement).....</b>	<b>21</b>
<b>Prevention Partnerships to Reduce DMC.....</b>	<b>21</b>
<b>ACCESS TO EVIDENCE AND RESEARCH-BASED PROGRAMS IN WASHINGTON STATE’S JUVENILE JUSTICE SYSTEM.....</b>	<b>22</b>
<b>PROGRESS IN REDUCING DISPROPORTIONATE MINORITY CONTACT ...</b>	<b>24</b>
<b>Assessment .....</b>	<b>24</b>
<b>Planning .....</b>	<b>26</b>
<b>Training/Development/Capacity-Building.....</b>	<b>28</b>

**Qualitative and Quantitative Analyses, Policies and Practices.....28**

**NEXT STEPS: SPECIFIC STRATEGIES TO REDUCE RACIAL  
DISPROPORTIONALITY AND DISPARITY .....29**

**CONCLUSION .....31**

## **EXECUTIVE SUMMARY**

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

- An explanation of DMC in Washington State's Juvenile Justice System
- Current assessments, planning efforts, development and capacity-building, operating and implementation efforts and evaluations completed or in progress related to DMC
- A review of progress reducing DMC in Washington State's Juvenile Justice System.

Our collaborative efforts across systems, partnerships with private funders, stakeholders, communities and our own clients has positioned our juvenile justice system to better able understand systemic inequities in terms of:

- Increasing access to social resources, opportunities for a better quality of life, and hope in youth that successful outcomes are attainable
- Promoting effective programs and improving services that benefit youth and families
- Prioritizing innovation and results-oriented performance into how we go forward

This report represents the practical work being done recently to support the shared and deeply embedded values we have for all our youth. In the face of a twenty year failure to eliminate disproportionality and resulting disparities in our juvenile justice system, it is clear that we need to be innovative in our use of resources and rethink how we connect with youth, families, communities, and decision makers. There are tangible steps that are being taken and need to be increased in order to create and use data effectively to share truth, to be accountable, and to create systems less oriented toward self-perpetuation and more on creating hope and opportunity for all our youth.

There is currently no systemic, embedded, or comprehensive approach in the state to effectively address DMC. The steps being taken to change organizational cultures, structures, missions, values, and policies will need the inspired leadership of advocates and influencers to show the way and take bold action. Together with our youth, our parents, our communities, our judges, our prosecutors, our law enforcement, court, rehabilitation, school, other youth-serving professionals, unions, private partners and community stakeholders, Washington State will continue to lead reform in juvenile justice.

## INTRODUCTION

This report is provided pursuant to RCW 13.06.050 (3) and RCW 2.56.031 which require an annual report on progress made toward reducing Disproportionate Minority Contact (DMC) in the juvenile justice system in the State of Washington. We have made progress in our awareness, understanding and willingness to confront the issue of disproportionality and disparity of outcomes head on. We have more work to do to create significant reductions and eliminate DMC in the future. This report presents ways in which Washington State is answering the challenge of DMC that results in accumulated disadvantage and enduring negative impacts on juvenile justice involved youth of color.

The report addresses four central questions:

*1.a. Does the data collected and analyzed for the 2011-2012 reporting year, support a conclusion that DMC is present within the Washington Juvenile Justice System?*

*b. What would have to happen in the number cases at each decision point for youth of color who are severely impacted DMC in Washington State to receive parity with white youth?*

*2. During the 2011-2012 reporting year, what efforts have been made in Washington State to address DMC?*

*3. How has the reduction in parole and aftercare services budget impacted the State's efforts in reducing DMC?*

*4. Are youth of color in Washington State getting access to effective juvenile justice evidence-based programs?*

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*1. a. Does the data collected and analyzed for the 2011-2012 reporting year, support a conclusion that DMC is present within the Washington Juvenile Justice System?*

Yes there is evidence that there is overrepresentation of youth of color at every phase of the juvenile justice system in Washington State and that this overrepresentation has persisted without significant progress. The juvenile crime rate has decreased overall while youth of color continue to be disproportionately arrested, referred to court, prosecuted, detained and sentenced to secure confinement for longer periods with higher security classifications.

The Washington State Center for Court Research (WSCCR) analyzed statewide court data from 2009 and found evidence for overrepresentation at early stages of contact with the juvenile justice system:

- African-American youth are almost twice as likely as white youth to be arrested.
- African-American and Native American/Alaskan youth are more than twice as likely to be referred to court as a white youth.
- Youth of color (except for Asians) are less likely to receive a “diversion” from formal processing and deeper penetration into the juvenile justice system.

- All youth of color, Latino/a, Asian/Pacific Islander, Native, multi-racial, and African-American, are overrepresented in transfers to the adult criminal system.
- African-American youth make up 31% of all the transfers to adult court, while representing about 6% of the juvenile (10-17 years old) population in the state.

***b. What would have to happen in the number cases at each decision point for youth of color who are severely impacted DMC in Washington State to receive parity with white youth?***

For example, the table below from the Washington State Office of Juvenile Justice Annual Report 2012 to the Office of Juvenile Justice Delinquency Prevention shows, based on 2009 data, that for African-American youth to gain parity with white youth in the juvenile justice system, 3,149 less cases would have to be referred to juvenile court, 797 more cases would have to be diverted, 784 less cases petitioned and 103 less resulting in secure confinement.

	<b>Juvenile Justice DMC Decision Points</b>	<b>African-American</b>	<b>Latino</b>	<b>Native Alaskan Indian</b>
1	<b>Pre-Arrest (Accurate data not available)</b>			
2	<b>Arrest Only (Accurate data not available)</b>			
3	<b>Arrest and Referral to Juvenile Court</b>	<b>-3149</b>	<b>-1756</b>	<b>-834</b>
4	<b>Cases Diverted</b>	<b>797</b>	<b>669</b>	<b>189</b>
5	<b>Cases Involving Secure Detention</b>	<b>-452</b>	<b>-497</b>	<b>-486</b>
6	<b>Cases Petitioned</b>	<b>-784</b>	<b>-581</b>	<b>-133</b>
7	<b>Cases Resulting in Delinquent Findings</b>	<b>140</b>	<b>-163</b>	<b>11</b>
8	<b>Cases Resulting in Probation Placement</b>	<b>*</b>	<b>*</b>	<b>*</b>
9	<b>Cases Resulting in Secure Confinement</b>	<b>-103</b>	<b>-83</b>	<b>-30</b>
10	<b>Cases Transferred to Adult Court</b>	<b>0</b>	<b>-18</b>	<b>-2</b>

\*According to UW Report, AOC does not currently collect the total number of cases resulting in Probation Placement and their current totals show that less than 1% of each of these racial/ethnic groups currently receive probation placement.

***2. During the 2011-2012 reporting year, what efforts have been made in Washington State to address DMC?***

**Benton/Franklin Counties**

\*Information dissemination (translated court docs, court process videos, youth council)

\* DSHS Research Division report reveals how cuts to Parole and Aftercare services disproportionately impacted youth of color

- Hearing reminder call system
- Standardized data reports
- Fast Accountability Skills Training (FAST) detention alternative
- Training forums for court staff
- Refined data collection
- Court process videos
- Graduated sanctions for probation violations
- Latino and African American Leadership Advisory Committees
- Youth Council
- Cultural Competence/DMC Reduction Strategies training (99.2% employees completed)
- Automation of Performance Based Standards (PbS) reporting
- Revised DMC section on JRA web page
- DMC “brand”(see report cover)
- Youth Voice representatives from JRA, Detention, and alternative schools participate in statewide juvenile justice conference

#### **DSHS/JRA**

- Requires disaggregation of all data by race/ethnicity and gender
- Planned and sponsored with OSPI the 2012 School-to-Prison Pipeline Symposium
- Established specialist positions to focus on education and re-entry
- Established the JRA Leadership Academy for managers
- JRA established mandatory DMC Awareness for new employees and annual refresher training
- DMC Assessment/ SWOT Analysis
- DMC Reduction work plan based on SWOT results and recommendations
- Diversity and Inclusion Resource Group formed to inform policy, practice, training and performance management

#### **UW/School of Law, Native-American Law Center**

- Model tribal juvenile code
- Tribal Survey on JJ Reform
- Tribal Gathering Updated

#### **Pierce County**

- FFT Specialized Caseload
- “Drilling Down” data analysis

#### **TeamChild**

- Special Council position created
- Expanded juvenile-related CLEs
- JID technical assistance
- Framework for comprehensive training curriculum
- Regional trainings on juvenile defender issues
- Leadership roundtables
- Juvenile court judicial colloquies
- Model juvenile indigent defense contracts
- Juvenile court waiver of counsel implementation pilot

### ***3. How has the reduction in parole and aftercare services budget impacted the State’s efforts in reducing DMC?***

The parole services budget has been cut by approximately 62% since 2009. A direct result of these budget cuts is an increasing number of youth not receiving parole. A

powerful study by the DSHS Research and Data Analysis Division<sup>1</sup> compared youth on parole released in 2008 with a matched group of youth released from JRA residential programs without parole services in 2009. Statistically significant findings showed that youth in the FFP group were:

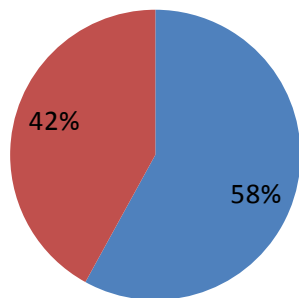
- **48 percent less likely to be arrested** and had **fewer total arrests** during the nine months following release than those released later without parole.
- **49 percent more likely to be employed** and earned more on average during the year following release than those released without parole.

Due to the type of offenses with remaining mandated parole and the type of offenses that do not receive parole aftercare opportunities, a disproportionate number of youth of color and girls are not receiving parole and are at risk for higher re-arrest rates. Additionally youth not receiving parole are older (17 years of age) as compared to youth getting parole (16.2 years of age). Other examples of the negative impact include:

- Over half of the youth leaving JRA are not receiving parole services. (only 289 of the 622 youth released in fiscal year 2012 received parole)
- Youth of color represent 58% of the residential JRA population, but only 46% of the youth receiving parole services.
- Youth of color are over-represented among ‘no parole’ youth in Washington
- The disparate impact of DMC follows youth of color from point of initial contact in the juvenile justice system to their release back into the community.

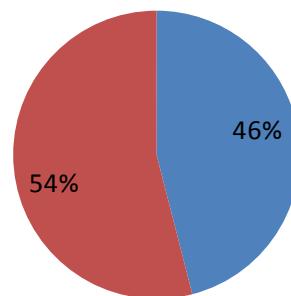
### Youth Demographics - JRA Residential and Parole Programs

**Total Residential Population**



■ Youth of Color ■ Caucasian Youth

**Youth Receiving Parole**



■ Youth of Color ■ Caucasian Youth

<sup>1</sup> Barbara A. Lucenko, PhD, Lijian He, PhD, David Mancuso, PhD, and Barbara Felver, MES, MPA. *Effects of Functional Family Parole on Re-Arrest and Employment for Youth in Washington State*. October 2011 RDA Report 2.24, Olympia, Washington.



### Additional Information on JRA Parole Programs

Fiscal Year	2009	2010	2011	2012
# Youth Released without Parole Aftercare Services	0	384	392	336
Average Age at Release	N/A	17 yrs.	17 yrs.	17 yrs.
% Male	N/A	88%	85%	87%

The average age at release for youth receiving parole is 16.2 years.

#### 4. Are youth of color in Washington State getting access to effective juvenile justice evidence-based programs?

WA STATE JUVENILE JUSTICE EVIDENCE-BASED PROGRAMS (FY2012)								
Evidence Based Program	Race/Ethnicity						Total	
	African-American	Asian/Pac Islander	Latino/a	Native Am/AK N	Mixed	White		
<b>Participants Entered into EBP in FY 2012</b>								
1	ART - JRA	49(19%)	5(2%)	60(23%)	8 (3%)	34 (13%)	104(40%)	260
2	ART- County	211(14%)	38 (2%)	256 (17%)	48 (3%)	10 (1%)	931 (62%)	1494
3	COS	23 (8%)	14 (5%)	35 (12%)	6 (2%)	1 (1%)	209 (72%)	288
4	MST	16 (23%)	2 (3%)	17 (25%)	1 (1%)	2 (3%)	31 (45%)	69
5	FIT	9 (31%)	1 (3%)	0 (0%)	0 (0%)	0 (0%)	19 (66%)	29
6	FFP-JRA	53(16%)	3 (1%)	59(18%)	13(4%)	49(15%)	151(46%)	328
7	FFT	85 (12%)	13 (2%)	95 (14%)	18 (3%)	4 (<1%)	479(69%)	694
<b>Totals</b>		446 (14%)	76 (2%)	522 (17%)	94 (3%)	100 (3%)	1924 (61%)	3162

Evidence and research based programs are present throughout the juvenile justice continuum in Washington State. During this reporting period, it appears youth of color are getting access to evidence based programs. Depending on the program youth of color are not always getting equal access to the program. For example in FFT, 15% of the youth eligible for FFT were African American; however, African Americans make up only 12% of youth receiving FFT.

Examples of additional supports needed to improve access and effectiveness, include:

- Program options sufficient to address the strengths, needs and risks of the potential and current justice-involved juveniles must also be sufficient enough to

exercise the control necessary to ensure the participation of youth and families in the designated programs.

- The continuum is also marked by specific decision points related to DMC and the data being collected does not allow evaluators to assess whether or not youth of color have equity in access to EBPs across the continuum.
- Improved data collection procedures and defined data templates will better support efforts to improve access to effective evidence and research based programs for all juvenile justice involved youth.

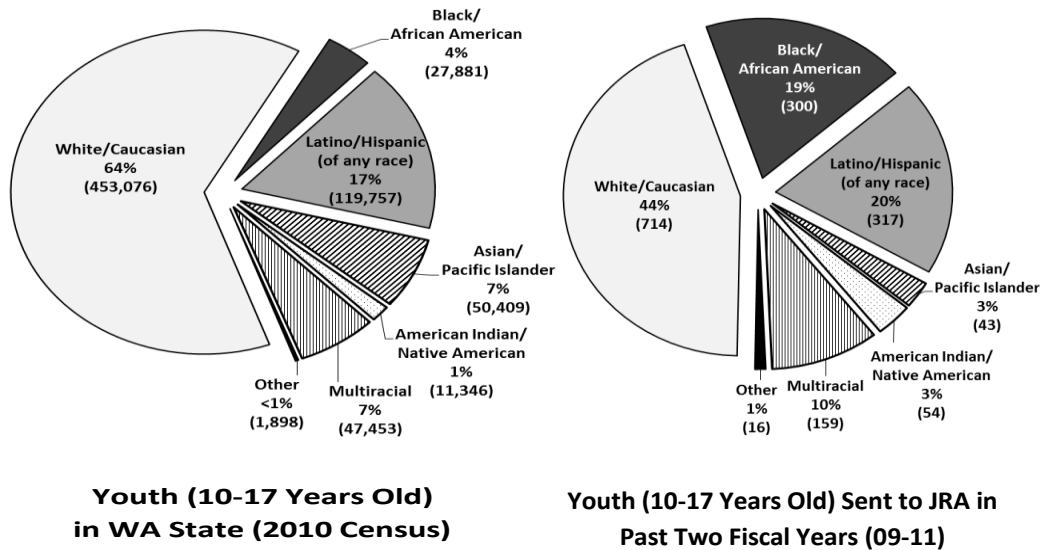
<b>Prevention and Pre-arrest</b>	<b>Arrest/ Referral/Diversion</b>
<ul style="list-style-type: none"> <li>• Community primary prevention programs reducing risk and enhancing strengths</li> <li>• Focused secondary prevention programs for youth in the community at greatest risk but not involved with the juvenile justice system</li> </ul>	<ul style="list-style-type: none"> <li>• EBPs tailored to identified risk and need factors for first-time minor delinquent offenders provided ,e.g., diversion or administrative probation</li> <li>• EBPs tailored to identified risk and need factors for non-serious repeat offenders and moderately serious first-time offenders</li> </ul>
<b>Residential Treatment and Confinement</b>	<b>Parole/Re-Entry/Aftercare</b>
<ul style="list-style-type: none"> <li>• Intensive intervention programs tailored to identified risk and need factors</li> <li>• Multi-component intensive programs in secure correctional facilities for the most serious, violent, and chronic offenders</li> </ul>	<ul style="list-style-type: none"> <li>• EBPs related to post-release supervision for juvenile offenders released from residential and correctional facilities</li> <li>• EBPs related to transitional aftercare programs for juvenile offenders</li> </ul>

**DISPROPORTIONATE MINORITY CONTACT IN WASHINGTON STATE’S JUVENILE JUSTICE SYTEM TODAY**

Disproportionate Minority Contact (DMC), for this report, is defined as the degree to which the proportion of minority juveniles, between the ages of ten and seventeen, who come into contact with the juvenile justice system in Washington State differs from that of their numbers in the general state juvenile population, particularly as compared to the proportion of white youth. According to 2010 Census, Washington State juveniles (age 10-17) racial composition was approximately 67% white and 33% youth of color. October 2011, youth of color accounted for 40.6% of all juvenile court offense referrals, 43% of juveniles held in county detention, and 56.8% of juveniles held in JRA facilities.

Relative Rate Index (RRI) data collected by the WA-PCJJ examined race and ethnicity as factors influencing decisions at various points within the juvenile justice system, each decision point is based on the preceding decision point.

In 2010, non-white youth accounted for 16% of all juvenile arrests. This initial decision point data is misleading because arrest data in Washington State is currently based on Uniform Crime Report data which does not have a separate category for Latinos and therefore most Latino youth arrests are counted as white. The decision points that follow then have to be corrected in order to more accurately reflect the race and ethnicity of arrested youth who are referred, detained, and confined.



RRI information looks at the rate of contact with the juvenile justice system at identified decision points among juveniles of a specific minority group that is significantly different from the rate of contact for whites or other minority groups. RRI data is used to the existence of disproportionality and possible disparity and that additional exploration is needed to determine the source and result of the disparity.

The overrepresentation of minority youth from their first contact with the juvenile justice system is evident across the nation and this disproportionality increases at each point along the juvenile justice continuum. Disproportionality in Washington State’s juvenile justice system is again documented in the most recent 2012 Annual Report from WA State Partnership Council on Juvenile Justice (WA-PCJJ). The WA-PCJJ Annual Report 2012 provides data and information on DMC including the following:

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

- Youth of color are transferred to adult court more frequently than are white youth.

## **EXPLANATIONS OF DMC ACCROSS THE JUVENILE JUSTICE CONTINUUM**

Various explanations have emerged for the disproportionate treatment of minorities and inherently provide opportunities for how DMC can be addressed across the continuum. They range from implicit/explicit race bias issues, certain police practices, differential treatment from law enforcement, accumulated disadvantage disproportionately experienced by youth of color, legislation and policies that target offenses that have a higher negative impact on youth of color in urban areas and punitive juvenile crime legislation of the 1990s making it easier to try juveniles as adults in the system.

The state of Washington recognizes the need to use various methods to explain and address disproportionate minority contact, such as:

- Collect data to determine the extent of DMC.
- Assess current inventory of programs and services
- Establish task forces and commissions to study policies to facilitate racially neutral decisions throughout the system.
- Plan, develop and build capacity of providers, staff and clients and families.
- Implement effective, results-oriented and data driven interventions.
- Develop and expand early intervention services for minority youth and their families.
- Create innovative alternatives to incarceration.
- Evaluate what works and what does not and increase what works.

### **Jurisdiction**

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) points out that results can depend on the jurisdiction in which the youth is processed. Cases adjudicated in urban areas, for example, are more likely to result in harsher results than similar cases adjudicated in non-urban areas. Because minority populations are concentrated in urban areas, a geographic effect may work to over represent minorities statewide.

This result is present in the State of Washington, with King and Pierce Counties demonstrating overrepresentation of minority youth from those concentrated urban areas. Other contributing factors related to urbanization are the location and visibility of minority youth crimes and the surveillance levels in urban areas compared to non-urban areas. According to the OJJDP, although white youth tend to use and sell drugs in their homes, minority youth are more likely to do so on street or in public neighborhood gathering spots.

### **Law Enforcement**

Police practices that target low-income urban neighborhoods and use group arrest procedures also can contribute to disproportionate minority contact. OJJDP arrest rate statistics illustrate that African-American youth are arrested at much higher rates than

their white peers for drug, property and violent crimes. MacArthur Foundation research shows African-American youth are arrested at twice the rate of their white peers for drug crimes.

Although these statistics suggest to some that minority youth simply commit more crimes, the reality is actually more complicated. A 2003 *National Survey in Drug Use and Health* by the Substance Abuse and Mental Health Services Administration documented that white youth are more likely to be involved with illegal drug use and sales, and tend to experience differential treatment from law enforcement that accounts for their lower rate of involvement in the juvenile justice system for substance related offenses.

#### **Juvenile Laws with Negative Consequences for Youth of Color**

In the early 1990s, states reacted to a spike in juvenile homicides with handguns by enacting tough laws that made it easier to try and sentence youth as adults. Many states enacted “automatic transfer laws” to exempt certain crimes from juvenile court jurisdiction. Under these laws, a juvenile is automatically referred to adult court for adjudication based on the alleged crime. The legislation also provided prosecutors and judges with more discretion to try juveniles as adults. Research indicates that automatic transfer provisions have disproportionately affected minority youth.

#### **Lack of Parole and Aftercare Services**

JRA continues to enhance their broad system of parole services. Parole, Aftercare, and Intensive Parole focus on individual youth needs, family support, careful supervision, and evidence based programs. JRA Parole Case Managers are consistently rated high in program adherence, critical to success of FFP. The growing success of Intensive Parole has been emulated in other statutorily mandated parole services, all under the comprehensive and individualized case management approach JRA uses throughout its continuum of rehabilitative care.

The findings of the Washington Institute for Public Policy (Aos., et. al, *Cost Effectiveness of Functional Family Therapy Report*, July 2011) have established how potential crime is reduced and the cost savings realized by the state when youth and their families participate in family based interventions like Functional Family Therapy ( which forms the basis of Washington State’s juvenile parole).

It will be important to continue support for transition, reentry, community linkages and parole services. It’s also vital for JRA to bolster quality assurance and program development and to engage in continual program evaluation. The strengths of Functional Family Parole (FFP) are documented and further data collection and analysis would be appropriate to determine whether FFP may join the ranks of those programs firmly established as evidence based. JRA parole services work. They have been proven to reduce recidivism, make communities safer and save victims and citizens from harm and loss. FFP increases the likelihood for youth to engage in school, work and treatment programs and have a chance at a safe and bright future.

## **Racial Bias**

Implicit and explicit racial biases within the justice system are also cited as reasons for overrepresentation of minority youth. OJJDP's analysis of various studies spanning 12 years reveals that, in approximately two-thirds of the studies, "negative race effects" (meaning race explains why minorities enter, remain and re-enter in the system) were present at various stages of the juvenile justice process. The complex explanations for disproportionate minority contact along with historical foundations for race and ethnicity bias in America make it an important and difficult challenge. Racial bias is evident in the outcomes resulting in the school-to-prison pipeline – when offenses in schools are referred to the court. Racial bias also shows up in explanations for results that may be more effectively explained by lack of trust and understanding, cultural differences, language, unequal social power structures, illiteracy, work schedules and transportation barriers.

## **CURRENT EFFORTS TO REDUCE DMC IN WASHINGTON STATE JUVENILE JUSTICE SYSTEM**

The Federal Juvenile Justice and Delinquency Prevention Act (JJDPA) of 1974 directed states to recognize and address racial disparities in their juvenile justice systems. Washington receives funding for juvenile justice through the JJDPA formula and block grant funds.

Amendments to the act, in 2002 and 2007, have since broadened its scope from "disproportionate minority confinement" to "disproportionate minority contact" related to all stages of discretion and dealing with youth in the juvenile justice process. Under existing law, states are required to "address disproportionate minority contact efforts and system improvement efforts designed to reduce, without establishing or requiring numerical standards or quotas, the disproportionate number of juvenile members of minority groups, who come into contact with the juvenile justice system."

In response to the JJDPA requirements, Washington has been attempting to address DMC in the state for 20 years. The original Governor's Juvenile Justice Advisory Committee (GJJAC) was created in 1982 to administer the state's Formula Grants. The group has been reorganized as the Washington State Partnership Council on Juvenile Justice and the scope of the council now includes responsibility for DMC federal funds and collection/interpretation of statewide data related to DMC.

## **WASHINGTON STATE SUPREME COURT**

As the court of last resort in the state, the Washington State Supreme Court judges exercise leadership and encourage the Office of the Administrator of the Courts and the Washington State Center for Court Research to establish processes for reviews and accountability that directly support and focus efforts to reduce overrepresentation and disparities for youth in the state.

The Washington State Supreme Court hosted a symposium on Juvenile Justice and racial disproportionality and received the second report from the Task Force on Race and the

Criminal Justice System on March 28, 2012. The over-representation of children of color in Washington's juvenile justice system was the focus of a report presented to the Washington Supreme Court. Convened in November 2010, the Task Force presented its first report to the Supreme Court, on the presence of biases and policies with racially disparate effects that contribute to the disproportionate representation of racial and ethnic minority groups in Washington's courts, jails, rehabilitation residential facilities and prisons in March 2011.

Several representatives from Washington's legal and academic communities addressed the Supreme Court Justices and others attending the symposium on issues relating to the disproportionate entry and penetration into the juvenile justice system by racial and ethnic minority juveniles and explained collaborative efforts to identify and address disproportionality statewide in the juvenile justice system.

The University of Washington, School of Law, moderated a discussion by a panel of four young persons of color from King County about their experiences within the juvenile justice system. Pierce County Superior Court introduced efforts in the juvenile division of the Pierce County Superior Court to reduce racial and ethnic disproportionality and expand alternatives to detention.

While these presentations and discussions are necessary, more action is needed to effect significant reform and eliminate DMC in the juvenile justice system in our state.

### ***WASHINGTON STATE LEGISLATURE***

The state legislature has passed legislation that requires:

- The annual reporting and evaluation of state funded county juvenile programs' effectiveness in reducing racial disproportionality
- The development and regular provision ethnic and cultural diversity training for juvenile court judges and law enforcement
- The Administrative Office of the Courts to convene a workgroup to develop prosecution standards and guidelines for juvenile offenders

The last two requirements have been fulfilled. In 2007, the recommended prosecutorial filing standards were developed, codified and approved. Also in 2007, the other requirements for the juvenile justice advisory committee on proportionality were removed by the legislature.

### ***THE WASHINGTON STATE PARTNERSHIP COUNCIL ON JUVENILE JUSTICE***

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

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

- Support its members in influencing implementation of innovative reforms and best practices within their communities and organizations.
- Support and enhance multi-system collaboration and coordination among juvenile justice, child welfare, education, mental health and related systems in which Washington's children, youth and families are involved.
- Ensure, across Washington State, that evidence-based and promising practices are replicated and administered in a culturally competent manner, and with program fidelity.
- Recommend and influence the adoption of system reforms and best practices to improve Washington's compliance with the core requirements of the Office of Juvenile Justice Delinquency Prevention Act (JJDP).
- Support implementation of a continuum of programs, including delinquency prevention, intervention, and mental health and substance abuse treatment and aftercare to address the needs of youth at risk of system involvement and system-involved youth.

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

### ***THE WASHINGTON STATE OFFICE OF JUVENILE JUSTICE***

The Washington State Office of Juvenile Justice within the Department of Social and Health Services provides staff to the WA-PCJJ and assists the State of Washington to achieve and maintain compliance with the Juvenile Justice Delinquency Prevention (JJDP) Act of 2002 by addressing juvenile delinquency prevention and system improvement efforts designed to reduce the disproportionate.

The WA-PCJJ contracted with the University of Washington for the current assessment which began in 2011 and was completed in November 2012. Each assessment phase started with a review of existing data to identify the points where disproportionality is evident. The assessment then scrutinized local decision points to determine how DMC was created or amplified, specifying the mechanisms at work.

Assessments resulted in more accurate understanding of where and how deeply DMC is an issue in Washington State's juvenile justice system. This provides valuable information for citizens, law enforcement, juvenile justice professionals and policy makers to develop and implement cost-effective strategies for reducing DMC such as:



- The most extreme statewide DMC is in the decision point of arrest and referral and the racial/ethnic groups most severely impacted by disproportionality are African-Americans and Native Indian youth.
- The severity of disproportionality with Latinos in the State of Washington is currently difficult to clearly measure due to the fact that almost all law enforcement departments in the state currently use the Uniform Crime Report that usually counts Latinos as white.
- When law enforcement in Washington changes over to using the National Incident-Based Reporting System, which does have the capacity to capture both race and ethnicity, law enforcement agencies may still not be required by federal funders and oversight agencies to report Latinos as other than white at point of arrest.
- Since disproportionality is conceptualized and measured as comparative and incremental rates, the arrest data with Latinos coded as white distorts all the other statistics built on the arrest data.

Key findings of the 2012 Washington State Disproportionate Minority Contact Assessment Statewide Report, completed by the Division of Public Behavioral Health and Justice Policy, University of Washington include the following:

- At the referral decision point past the arrest data shows that to achieve parity with white referral rates in Washington, the state would have to refer approximately 3,000 fewer cases of African-Americans; 2,000 fewer cases of Latinos, and 800 fewer cases of Native Americans.
- Asians as a total category were half as likely as whites to be referred to the juvenile court. Of those arrested more data may be needed to clarify national origin in order to determine disproportionality in other decision points related to group identity within the overall category.
- Statewide data quality needs to be valid, reliable and salient to effectively address DMC and while several counties have a track record of using data to identify and address disproportionality, many more do not have the resources and time to invest in local data analysis to inform intervention and change.
- There should be increased clarity within jurisdictions about the definitions for racial and ethnic categories and decision points
- Enforceable statewide collection standards, submission and reporting requirements are needed
- Currently many counties report DMC related data differently and some data is only tracked and entered locally
- There is consistent concern among court administrators that even though there are overall decreases in the number of juvenile court contacts, the disproportionality based on race/ethnicity is increasing
- Law enforcement is less consistent in their concern about “owning” DMC and continue to report that they are unaware of DMC

### ***THE ADMINISTRATIVE OFFICE OF THE COURT***

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

Accurate reporting, collection and analysis of data are fundamental to DMC intervention and reduction strategies to target decision points in a jurisdiction. Once critical points are identified, stakeholders can collaboratively design intervention strategies for their unique communities, the AOC expects to enhance the abilities of State and local jurisdictions to assess the quality of data collection by racial and ethnic identifiers, improve DMC-related data collection through training and technical assistance and develop capacity to collect and analyze detailed DMC data regularly at the state and county levels.

### ***THE JUVENILE REHABILITATION ADMINISTRATION***

The Juvenile Rehabilitation Administration (JRA) serves youth who are at the “deep end” of the juvenile justice system. JRA receives youth committed by the juvenile courts. Mitigating the impact of DMC once youth are within JRA is expected to be accomplished through:

- Increasing staff and management awareness of DMC interventions.
- Reviewing JRA policies, programs, procedures, and treatment model for disproportionate impact.
- Establishing baseline data to measure DMC in JRA and the effectiveness of DMC interventions.
- Engaging JRA minority youth, families, community members and stakeholders in the care and rehabilitation of JRA youth.
- Incorporating culturally responsive practices into JRA’s Integrated Treatment Model.
- Disposition alternatives as an alternative to JRA commitment.
- More sophisticated and DMC-sensitive data collection and in-depth analysis of data across the continuum of care in JRA.

In early 2010, JRA launched its Models for Change (MfC) Initiative to evaluate service delivery and to ensure that minority youth receive the same benefit of JRA’s programs and services as non-minority youth. During this reporting period, the Juvenile Rehabilitation Administration has engaged in self-assessment analyses community mobilization and awareness programs to reduce DMC and develop a comprehensive, coordinated plan for addressing DMC. Strategies and initiatives implemented this reporting period include:

- Pursuing DMC legislation to inform decision-makers of potential inequitable outcomes from budgetary, policy or practice changes.
- Requiring DMC impact statements for all applicable legislation.
- Examining DMC in the use of suspended commitment alternatives and implementing a plan for its mitigation.

- Dissemination of DMC issues/remediation information to key groups to expand general knowledge of the issue beyond those currently involved in its remediation.
- The AOC and JRA are instituting practices to improve the quality of race/ethnicity data reported at the county and state level and creating standardized reports for monitoring state and individual county DMC.

### ***THE COUNTY JUVENILE COURTS***

The county juvenile courts continue to participate in implementing alternatives to formal processing and secure confinement, reducing DMC and addressing youth with mental health needs in its JDAI work. Building on assessments completed in 2009, the court assessment and community engagement strategies led to identification of key strategies to reduce DMC locally, including:

- Data collection is a common problem because race identification often is complex and personal.
- A standardized model for uniform data collection across jurisdictions and systems in juvenile justice helps to accurately record and report information.
- One important aspect of data collection is to recognize and record both race and ethnicity.
- Awareness is a critical aspect of reducing institutionalized bias.
- Juvenile Justice systems in Washington strive to raise awareness about disproportionate minority contact among community representatives, leaders, parents and others.
- Training for court and detention personnel, with a priority on defense attorney training
- Increased community engagement
- Establishing relationships with youth councils to provide policy and intervention recommendations.

### **Disposition Alternatives**

Youth who would otherwise be committed to JRA, may be eligible for a disposition alternative (DAs) that allows them to remain in the community and receive local services and supervision through the juvenile court. Each of the following (DAs) has specific eligibility criteria and are generally designed to serve youth with specific identifiable treatment needs and have been identified as amenable to treatment in a community setting.

#### **Special Sex Offender Disposition Alternative (SSODA) - RCW 13.40.160**

In 1990 the Special Sex Offender Disposition Alternative (SSODA) was passed, providing funding to local juvenile courts to maintain eligible youth that have sexually offended, utilizing local probation and treatment services.

#### **Chemical Dependency Disposition Alternative (CDDA) - RCW 13.40.165**

In 1997, the state legislature passed the Chemical Dependency Disposition Alternative (CDDA) intended to provide a local supervision and treatment option for youth that would otherwise be institutionalized with the state. The statute was later amended to include a provision for locally sanctioned youth (not eligible for commitment to the state) to receive

this program in an effort to reach a larger number of youth with substance use problems. The local sanction option serves the vast majority of youth in this program.

**Suspended Disposition Alternative (Option B) - RCW 13.40.0357**

In 2005 the legislature passed this dispositional alternatives intended to keep youth that would otherwise be institutionalized by the state, under the supervision of the local juvenile courts. This program includes a provision and funding for evidence-based practice and supervision. This option is for committable youth that do not meet eligibility requirements for the other DAs.

**Mental Health Disposition Alternative - RCW 13.40.167**

In 2005 the legislature passed the Mental Health Disposition Alternative (MHDA) which is for committable youth that are subject to a standard range disposition commitment to JRA of 15 to 65 weeks. This is program targets youth that also have a mental health diagnosis and have been assessed as being amendable to a community based EBP.

JDAI Completers By Race (FY 2012)							
DA	White	Black	Latino/a	Native American	Asian	Mixed	Total
CDDA/Com	20 (63%)	3 (9%)	1 (3%)	4 (13%)	0 (0%)	4 (13%)	32 (100%)
CDDA /Loc	286 (71)	50 (12)	32 (8)	17 (4)	8 (2)	11 (3)	404 (100)
MHDA	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
SSODA	76 (75)	7 (7)	12 (11)	2 (2)	1 (1)	4 (4)	102 (100)
SDA	8 (28)	11 (38)	3 (10)	2 (7)	2 (7)	3 (10)	29 (100)
Total	390 (69)	71 (13)	48 (8)	25 (4)	11 (2)	22 (4)	567 (100)

**JUVENILE JUSTICE PUBLIC-PRIVATE PARTNERSHIPS**

*The Juvenile Detention Alternatives Initiative*

The Juvenile Detention Alternatives Initiative (JDAI) partnership launched in 1992 by the Annie E. Casey Foundation, strives to reduce disproportionate minority contact by focusing on a critical processing point—pretrial detention.

- Participating counties include: Adams, Benton-Franklin, Clark, King, Mason, Pierce, Spokane, and Whatcom.
- To reduce disproportionate contact and confinement, JDAI developed risk assessment instruments (tools designed to assess risk of violence) for detention admissions screening; new or enhanced alternative detention programs, expedited case processing to reduce time spent in secure detention; and new policies and practices for responding to youth who have probation violations or warrants or are awaiting placement.

- Alternatives include community-based evening reporting centers that offer constructive activities during afternoons and early evenings, so youth can stay at home and in school.

***The Juvenile Rehabilitation Administration-Models for Change DMC Grant Partnership***

The DMC portion of the Juvenile Rehabilitation Administration Models for Change grant funded initiatives partnership started in 2007 and concluded in June 2012. As a result, specific DMC Reduction accomplishments in Washington include:

- increasing opportunities for youths’ education and workforce development understanding the community’s service provision strengths and gaps
- Adopting procedures for compiling accurate information, including a directive that all data templates include data is disaggregated by race/ethnicity.
- Ensuring the collection of race/ethnicity data for Latino/a youth use the two-question format (race and ethnic identification) mandated for federal agencies.

***Technical Assistance, Training and Research (System Improvement)***

Washington State Partnership Council for Juvenile Justice has initiated a number of contracts, collaborative and public-private partnerships to address DMC and juvenile justice reform, including:

- Center for Children & Youth Justice - “Cost-Benefit Analysis (Truancy/BECCA)”
- University of Washington, School of Law- Native American Law Center “Identifying Barriers and Solutions Regarding Evidence-based Practices”
- W. Haywood Burns Institute - “Snohomish County DMC TA”
- Center for Children & Youth Justice - “Gang Assessment”
- University of Washington--Dept. of Psychiatry and Behavioral Sciences--“Mental Health Disposition Alternative Study“
- TeamChild--“TeamChild Evaluation”
- Center for Children & Youth Justice - “2012 Juvenile Justice Conference Co-Sponsorship”
- Youth & Law Forum “Co-Sponsorship”
- Washington Defenders Association “Conference Co-Sponsorship”
- JRA Co-Sponsorship with OSPI - “School to Prison Pipeline Symposium”
- University of Washington-- Dept. of Psychiatry and Behavioral Sciences--“DMC Assessment”

***Prevention Partnerships to Reduce Disproportionate Minority Contact***

- |   |   |
|---|---|
| • Building the Bridges-                         | • Come Clean – Gang Intervention  |
| • Case Management                               | • King County Superior Court – Juvenile Justice 101 Expansion           |
| • Clark County Juvenile Court Gang Intervention | • Colville Confederated Tribes—WA State Indian Child Welfare Conference |
| • TeamChild Re-Connect                          |   |
| • City of Tacoma – Tacoma Gang                  |   |

- Project
  - Yakima County Juvenile Court – Gang Resistance and Intervention
  - University of Washington – WA State Criminal Street Gang Prevention and Intervention

**ACCESS TO EVIDENCE AND RESEARCH-BASED PROGRAMS and PRACTICES IN WASHINGTON STATE JUVENILE JUSTICE SYSTEM**

**Evidence Based and Promising Programs**

The Community Juvenile Accountability Act (CJAA) was included in Chapter 338, Laws of 1997, as an incentive to local communities to implement interventions proven by behavioral science research to cost-effectively reduce recidivism among juvenile offenders. The Act’s primary purpose is to:

*“Provide a continuum of community-based programs that emphasize a juvenile offender’s accountability for his or her actions while assisting him or her in the development of skills necessary to function effectively and positively in the community in a manner consistent with public safety.” (RCW 13.40.500)*

Drawing on program evaluations and meta-analysis, the Washington State Institute for Public Policy (WSIPP), in collaboration with the Washington Association of Juvenile Court Administrators (WAJCA) and JRA, identified a range of effective approaches that could cost-effectively reduce juvenile offender recidivism. Five were chosen for implementation in Washington State including:

<b>Washington State Aggression Replacement Training (WSART) Program</b>	<b>Coordination of Services (COS) Program</b>
<p>WSART is a cognitive-behavioral intervention delivered three times per week over ten weeks to groups of six to twelve juveniles. To effectively implement WSART in Washington State, motivators were developed to encourage at-risk youth to attend all sessions. . In Washington State, WSART has now been implemented statewide and researched. JRA also conducts ART within all residential settings.</p>	<p>The COS program is a 12-hour seminar attended by the youth and a parent. Youth who participate are assessed as low risk on the juvenile court risk assessment tool. The seminar consists of five to eight interactive sessions presented by community organizations. The presentations provide interactive instruction while about topics such as conflict resolution, asset building, adolescent development, decision making and communication.</p>
<b>Multi-Systemic Therapy (MST) Program</b>	<b>Family Integrated Transitions (FIT) Program</b>
<p>MST is a family intervention, conducted for an average of four months. MST targets specific youth and environmental factors that contribute to anti-social</p>	<p>Youth who have co-occurring treatment needs may qualify for <i>Family Integrated Transitions (FIT)</i>, a 22 week evidence-based intervention with Multi-Systemic</p>

behavior. MST is typically provided in the home. Therapists, who have very small caseloads (4-6), are available 24 hours a day, seven days a week. CJAA is currently funding sites in King and Yakima Counties.

Therapy (MST) as the base treatment model combined with Dialectical Behavior Therapy (DBT), Motivational Enhancement Therapy (MET), and Relapse Prevention. The program is designed for juvenile offenders with the co-occurring disorders of mental illness and chemical dependency.

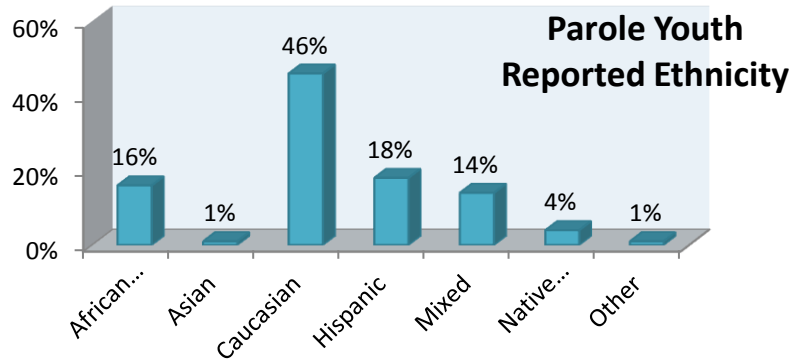
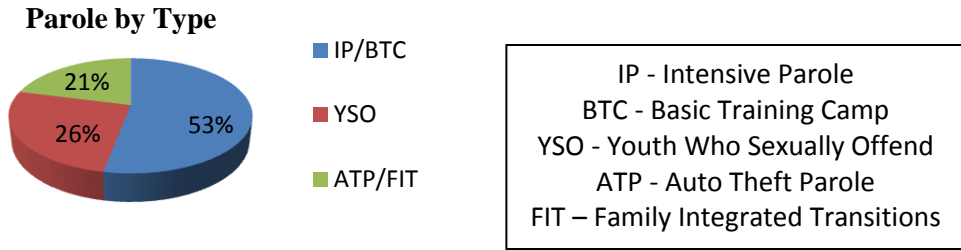
### Functional Family Therapy (FFT) Program

FFT, a family-based service, is conducted for an average of 16 weeks, engaging and motivating families in order to achieve specific, obtainable changes related to repeat criminal behavior.

WA STATE JUVENILE JUSTICE EVIDENCE-BASED PROGRAMS (FY2012)								
Evidence Based Program	Race/Ethnicity						Total	
	African-American	Asian/Pac Islander	Latino/a	Native Am/A KN	Mixed	White		
<b>Participants Entered into EBP in FY 2012</b>								
1	ART JRA	49(19%)	5(2%)	60(23%)	8 (3%)	34 (13%)	104(40%)	260
2	ART-County	211(14%)	38 (2%)	256 (17%)	48 (3%)	10 (1%)	931 (62%)	1494
3	COS	23 (8%)	14 (5%)	35 (12%)	6 (2%)	1 (1%)	209 (72%)	288
4	MST	16 (23%)	2 (3%)	17 (25%)	1 (1%)	2 (3%)	31 (45%)	69
5	FIT	9 (31%)	1 (3%)	0 (0%)	0 (0%)	0 (0%)	19 (66%)	29
6	FFP-JRA	53(16%)	3 (1%)	59(18%)	13(4%)	49(15%)	151(46%)	328
7	FFT	85 (12%)	13 (2%)	95 (14%)	18 (3%)	4 (<1%)	479(69%)	694
<b>Totals</b>		446 (14%)	76 (2%)	522 (17%)	94 (3%)	100 (3%)	1924 (61%)	3162

### Functional Family Parole (FFP)

FFP is a research-based program and is provided to all youth qualified for parole services. This program uses Functional Family Therapy principles delivered by parole counselors to assist youth and their families. These principles are utilized with all parole youth, regardless of whether a family is involved.



## **PROGRESS IN THE WASHINGTON JUVENILE JUSTICE SYSTEM IN REDUCING DISPROPORTIONATE MINORITY CONTACT**

### ***ASSESSMENT***

The WA-PCJJ contracted with the University of Washington for the current assessment which began earlier in 2011 and was completed in November 2012. Each assessment phase started with a review of existing data to identify the points where disproportionality is evident. The assessment then scrutinized local decision points to determine how DMC was created or amplified, specifying the mechanisms at work.

This assessment resulted in a more accurate understanding of where and how deeply DMC is an issue in Washington State’s juvenile justice system. This provides valuable information for citizens, law enforcement, juvenile justice professionals and policy makers to develop and implement cost-effective strategies for reducing DMC. Some of the recommendations included in this report, include the following:

- Data collection is a common problem because race identification often is complex and personal.
- A standardized model for uniform data collection across jurisdictions and systems in juvenile justice would help to accurately record and report information.
- One important aspect of data collection is to recognize and record both race and ethnicity.



- Research suggests that, if ethnicity and race are not identified separately, Latino/a youth may be significantly under-counted.
- Awareness of implicit and explicit bias is a critical aspect of reducing institutional DMC.
- Juvenile justice systems in Washington are increasing awareness about disproportionate minority contact among community representatives, leaders, parents and others.

Juvenile Rehabilitation Administration contracted with Clegg and Associates to conduct a detailed qualitative and quantitative Strengths-Weaknesses-Threats and Opportunities Self-Assessment Study, completed in February 2012.<sup>2</sup> The report includes analysis of critical decision points for DMC within the JRA continuum from diagnostic intake and facility placement assignment to community re-entry and parole. The report demonstrated that DMC has implications for re-arrest and successful societal re-integration. The JRA SWOT research analysis defined the following elements through qualitative and quantitative data:

- *Strengths – where disproportionality and disparity were not evident.*
- *Weaknesses – where disproportionalities and disparities exist and to what extent and why.*
- *Opportunities – possible solutions to mitigate disproportionality and disparity.*
- *Threats- factors that could perpetuate disproportionality and disparity and/or hinder efforts to reduce disproportionality and disparity.*

Outcomes reveal both expected and unexpected information concerning disproportionalities and disparities in JRA and perceptions of youth, families and community members and recommendations included in the report will be analyzed and embedded into the work plan to accomplish established and evolving strategic objectives in JRA.

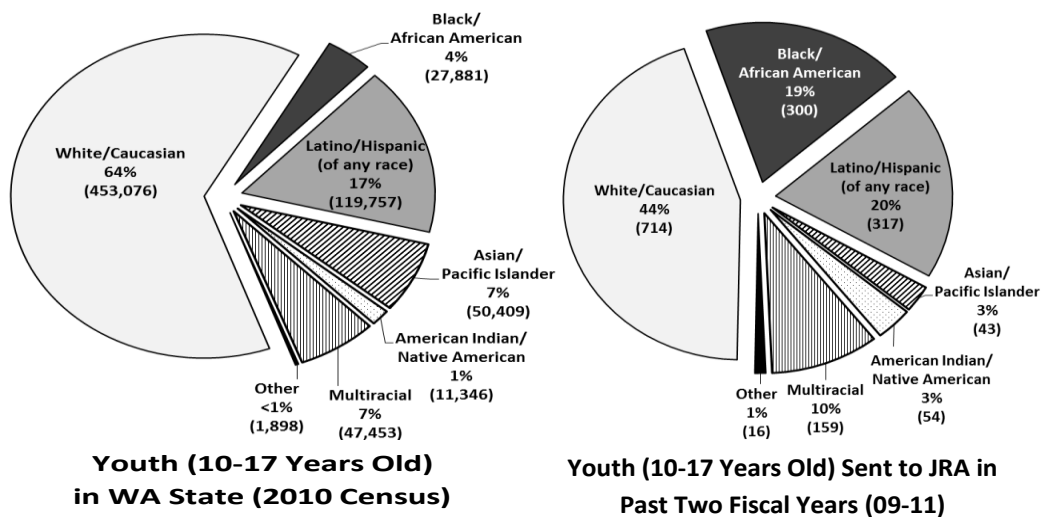
Immediate responses to JRA’s self-assessment focus on how to reduce overrepresentation include:

- Completing three process modifications to improve a) diagnostic intake and initial placement of youth; b) community facility placement; and c) risk assessment tool redesign to determine youth release dates to community.
- Upgrading the former risk assessment tools used in JRA to increase predictability and reduce maximum security clearances for youth who pose reduced risk as a result of effective therapeutic treatment, which is aimed at reducing the overrepresentation noted by the study at the higher security levels of youth of color.

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<sup>2</sup> Hackett, W. and Clegg and Associates, The Juvenile Rehabilitation Administration: Cultural Competency Assessment and SWOT Analysis Report, 2012, WA

- Creation of the oversight body by initiating the Juvenile Justice Equity, Diversity and Inclusion Resource Group to support, track and measure elements of organizational systems change needed to effect identified reforms.
- Initiating a Youth Voice participation initiative based on the National Youth Voice Movement to increase the participation of juvenile justice involved youth in juvenile justice reform initiatives
- Youth Voice activities during this period include- building awareness through Youth Panel presentation at statewide conferences such as the 2012 School-to-Prison Pipeline Symposium ( JRA and OSPI); the Washington State Juvenile Justice Conference (CCYJ – Educators, Judges, Prosecutors); and statewide tribal conferences
- Policy development, revised youth outcome measures and treatment standards
- Examining leadership vision and staff commitment
- Expanding role for Education and Re-Entry Administrator related to DMC measures
- Expanded training and capacity-building in support of organizational change, planning and implementation of DMC initiatives enterprise-wide



**PLANNING**

In preparation for the changes needed to reduce DMC, an Administrative Directive from the Assistant Secretary of JRA, confirmed that staff, stakeholders and partners are responsible for:

*...Reducing racial/ethnic disproportionalities and disparities and DMC is a priority and all data will be disaggregated by race and ethnicity to facilitate results-oriented solutions based on data driven premises.*

**Using Data to Plan System Improvements**

**The Juvenile Justice and Delinquency Prevention Act (JJDP) currently requires**

**only that states “address” disproportionate minority confinement (DMC). It does not require oversight of DMC reduction efforts, mapping of critical decision points, accurate collection of relevant data, development of work plans with measurable objectives, or regular monitoring, evaluation, and reporting. The OJJDP DMC Technical Assistance Manual, April 2008 recommends the following strategies:**

Jurisdictions need to approach work to reduce disparities with focused, informed, data-driven strategies.	Jurisdictions often get stuck studying the problem or endlessly working on projects that do not lead to measurable changes.	Research demonstrates that youth of color are treated more harshly than white youth, even when charged with the same category of offense
Developing a work plan with measurable objectives directed at creating actual change to policies and practices	In juvenile justice systems, many jurisdictions ask only one question about youths’ race and ethnicity and Latino youth become an undercounted “invisible minority,” and disparities appear smaller than they really are.	Jurisdictions need to collect additional data about language capability as well.

**Experts who have worked in or with juvenile justice systems to engage in data-driven, focused reform efforts identify the following aspects as essential to effective DMC reduction:**

Establishing a coordinating body of juvenile justice stakeholders, including leaders of communities from which youth of color are disproportionately represented in the juvenile justice system, to oversee DMC reduction efforts	Mapping local and state juvenile justice systems to identify key decision points, system personnel who make decisions, and the criteria they use to make decisions	Identify, report and share data across jurisdictions and among “pipeline” organizations to the juvenile justice system and commit to transparent monitoring, evaluating and reporting on progress.
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Focused collaborations among stakeholders need to initiate and maintain deliberate discussions to guide strategic preparation, initial and continuing DMC reduction efforts that can guide data-driven reforms. JRA continued to form and support collaborative relationships with internal and external stakeholders. These stakeholders represent related systems (courts, detention, law enforcement, DOC, etc), community-based organizations, civil and youth rights organizations, school districts, families, staff, and youth.

The collaborative efforts reflect the race, ethnicities, backgrounds, and issues of the youth, families and impacted neighborhoods represented in JRA's system, through such activities as:

- Youth Voice expansion through the inclusion of additional youth representatives on the Washington State Partnership Council for Juvenile Justice
- Youth Subcommittee and youth leadership development sessions
- Family engagement increased through increased access, focused work in the Family Functional Parole process
- Increased use and action on the feedback related to treatment received from Quality Assurance survey data, follow up calls and visits

### ***TRAINING/DEVELOPMENT/CAPACITY-BUILDING***

During this reporting year, several cultural competency, DMC Awareness seminars and training sessions were presented for prosecutors, judges, agency personal, educators, school administrators, rehabilitation administration personnel, and others involved in the juvenile justice process.

JRA training and capacity-building initiatives focus on:

- Increasing awareness of DMC, diversity, equity, and inclusion
- Understanding how diversity and DMC relate to all work priorities in JRA
- Increasing leadership development and coaching among staff through administration-wide webinars, classes and structured mentor-matches
- Strategies to reduce DMC, increase individual and organizational cultural competency
- Annual training curriculum researched, developed, and prepared with the initial baseline training completed by 99.2% of all JRA staff and leadership as of August 2012
- DMC Awareness Training expanded, by request to school district educators at JRA facilities in November 2012

### ***QUALITATIVE AND QUANTITATIVE ANALYSES, POLICIES AND PRACTICES***

JRA created baseline data of youth in JRA disaggregated by race, ethnicity, gender, offense and geography was collected as a foundation to identify the disproportionalities within JRA as compared with state census populations. During this reporting period, JRA has updated its data template to routinely collect, analyze and report, by race/ethnicity and gender:

- admissions by reason
- security classification
- risk assessment instruments
- screening and treatment outcomes
- instrument overrides
- length of stay
- release dates/circumstances
- parole service
- community facility placement
- use of alternatives

## NEXT STEPS -- SPECIFIC STRATEGIES TO REDUCE RACIAL DISPARITIES

This section reflects multi-focused elements necessary to support continuing reform and organizational cultural shifts necessary for the reduction of over representation of youth of color in Washington’s juvenile justice system. Some of these next steps will be natural progressions of current changes and others, require a courageous leap supported by inspired leadership to transform current inter-related systems into a pathway for true success for all our youth.

<b>Vision &amp; Goals</b>	<b>Establish Formal Structures</b>
<ul style="list-style-type: none"> <li>• Determined and tangible commitment of system leaders to racial justice.</li> <li>• System leaders make reduction of racial disparities their priority and use both their formal and informal authority to focus agency strategies to reduce DMC.</li> <li>• System leaders engaging staff in the development of a vision establishing the reduction of racial disparities</li> <li>• Establishing measurable objectives that are within the control of each partner’s respective system/discipline.</li> </ul>	<ul style="list-style-type: none"> <li>• Embed technical changes to support transformation to “adaptive changes.”</li> <li>• Establish an organizational infrastructure that sustains system changes.</li> <li>• Ensure training, protocols, monitoring of data, quality control, etc., are developed, addressed and adhered to, while changes are being “adapted”</li> <li>• Establish and implement standards for cultural and relevant racial competencies</li> <li>• Ongoing system training to develop staff cultural/ racial competencies.</li> </ul>
<b>Diversify System Workforce</b>	<b>Include Youth and Communities of Color in Decision Making</b>
<ul style="list-style-type: none"> <li>• Establish measurable goal to establish a workforce reflecting the demographics of our children and families.</li> <li>• A diverse workforce whose values reflect the principles of reform and the reduction of racial disparities and DMC.</li> <li>• Key positions have bi-multilingual staff.</li> </ul>	<ul style="list-style-type: none"> <li>• It’s not enough to build ties with communities of color, they must be included in and have an equal voice in the decisions necessary to make change.</li> <li>• Communities of color are at the table providing their unique perspectives in the decision making process.</li> </ul>
<b>Improve Defender Services</b>	<b>Eliminate Bias in Statutory Criteria</b>
<ul style="list-style-type: none"> <li>• Defense counsel knowledgeable of, and experienced in, juvenile law.</li> <li>• Defense counsel who want to</li> </ul>	<ul style="list-style-type: none"> <li>• Examine statutory detention criteria for any bias and whether the criteria are mandatory or discretionary.</li> </ul>

<p>represent our youth of color and who understand the circumstances of our youth of color.</p> <ul style="list-style-type: none"> <li>• Recognition by defenders of their role in policy reform, exposing abusive practices in detention, the overuse of detention, overcrowding, DMC, and disparities in case processing and outcomes On-going training in defense advocacy of juveniles.</li> </ul>	<ul style="list-style-type: none"> <li>• This examination should include which factors must be taken into consideration to detain and deducing that which is not prohibited.</li> <li>• Consider collaborative efforts to develop local criteria to reduce the number of youth of color being brought into the system.</li> </ul>
<p><b>Stop “Pipeline” of Youth from Other Systems</b></p>	<p><b>Disaggregating Data by Race &amp; Ethnicity</b></p>
<ul style="list-style-type: none"> <li>• School administrators/decision makers and key mental health personnel must be at the table and actively participate in reaching a consensus as to the use of law enforcement in schools</li> <li>• Reach a common understanding that it is harmful to our children, and illegal, to provide for their physical and mental health needs by detention and incarceration</li> <li>• Develop a ‘system of care’ to leverage resources and provide comprehensive services to our children outside of institutions</li> <li>• Minimize school as the entry point into detention by stopping the criminalization of school based behaviors.</li> <li>• Eliminate responsibilities that have been transferred from schools to the juvenile justice system.</li> <li>• Shut down the School-to-Prison Pipeline</li> </ul>	<ul style="list-style-type: none"> <li>• Document and inventory through careful data collection and analysis, current processes, programs and uses of facilities.</li> <li>• A thorough description of recent trends and current practices and utilization provides the foundation for the problem identification and analysis, as well as the subsequent development of change strategies.</li> <li>• Baseline studies to provide a quantitative picture of how use, programs and policies vary for different categories</li> <li>• Careful qualitative analysis leads to going “behind the data” to look at individuals on a case-by-case basis to further inform policies and practices.</li> <li>• Annual reports developed by the system partners helps keep eyes on the prize and promote accountability and transparency.</li> <li>• Ensure partners submit accurate data in a timely manner</li> </ul>
<p><b>Testing for Unintended Bias from Screening Tools</b></p>	
<ul style="list-style-type: none"> <li>• Assess the admission screening instrument and its impact on kids of color.</li> <li>• The screening scores and overrides should be consistently monitored</li> </ul>	<ul style="list-style-type: none"> <li>• Conducting a qualitative analysis to determine their needs to inform changes in policies if necessary, e.g., warrants, and policies that will promote detention alternatives.</li> </ul>

<p>for disparate application and nuances that can reveal unintended biases.</p> <ul style="list-style-type: none"> <li>Collecting and analyzing the data to determine who the youth of color are who fall into this category.</li> </ul>	<ul style="list-style-type: none"> <li>Monitoring the data to ensure that the automatic detention category is not disparately being applied to youth of color.</li> <li>Multilingual, multicultural intake staff</li> </ul>
<b>Quality Controls</b>	<b>Develop Objective Tools for Key Decision Points</b>
<ul style="list-style-type: none"> <li>The development of protocols for the implementation of the admission screening</li> <li>Providing swift and consistent oversight for compliance of protocols</li> <li>Monitoring for consistency and equity in the application of the admission screening instrument by intake staff.</li> </ul>	<ul style="list-style-type: none"> <li>Key decisions are supported by objective tools</li> <li>These decisions points should be identified from the mapping of the decision points of all system partners</li> <li>Utilize surveys to identify service barriers, clear criteria without racial bias for assignment to intensive caseloads</li> </ul>

## CONCLUSION

In Washington and across the country, people are recognizing that DMC cannot be solved by a single program, organization or administrative entity. The State of Washington has been and remains a leader in the nation regarding Juvenile Justice and in developing and implementing strategies to reduce DMC. It is singular in the US as the only state with determinate sentencing guidelines for juveniles. Disproportionality and disparity is interwoven throughout the juvenile justice system. African-American, Latino, Native American, Southeast Asians and Pacific Islander youth are more likely to be stopped, arrested, and adjudicated than their white counterparts who engage in the same behavior—and tend to be more harshly punished.

Even though this report is devoted to progress and reforms that address DMC, every advance in juvenile justice reform has the potential for either positive outcomes or negative consequences affecting DMC, regardless of whether the impact on DMC was explicitly considered at the time of the intervention or proposed change. Despite much movement, the problem of DMC persists. Consistent attention and awareness of the injustice being done to youth of color every day in juvenile justice systems is integral to effective system reform. Washington is undertaking a comprehensive effort to improve the juvenile justice including:

- ***Arrest and Referral***
- ***Confidentiality and Expungement***
- ***Education***
- ***Gangs***
- ***Mental Health and Substance Abuse***

- *Organizational Cultural Change*
- *Probation, Parole, Reentry, and Aftercare*
- *School-to-Prison Pipeline*
- *Youth in the Adult System*

Advocates for juvenile justice develop sophisticated skill sets that include detailed knowledge about both the promise and flaws in their state's systems, such as: the ability to assess the best strategy for reform, be it legislative, administrative or through litigation; and the know-how to build critical partnerships with like-minded stakeholders—and would-be opponents.

To amplify the voices of those most affected, youth and families, who are too often sidelined by the systems that seek to serve them, frequently provide the most urgent, salient and informed voices for reform. Advocacy groups that are led by, partner with, or are inclusive of youth and families can be extremely effective change agents. Advocates can be counted on to stay on duty, helping systems implement change through training, collaboration and knowledge sharing. This commitment helps ensure that reforms deliver the intended outcomes for youth, their families, and the community.



