

# DETENTION REFORM: AN EFFECTIVE APPROACH TO REDUCE RACIAL AND ETHNIC DISPARITIES IN JUVENILE JUSTICE

*“The absence of justice for minority youth in the juvenile justice system occurs not only in confinement but as early as the decision to make the initial arrest and it continues through the sentencing process.”*

—U.S. CONGRESSMAN BOBBY SCOTT (D-VA), CHAIRMAN,  
SUBCOMMITTEE ON CRIME, TERRORISM, AND HOMELAND SECURITY

**JUVENILE DETENTION  
ALTERNATIVES INITIATIVE**

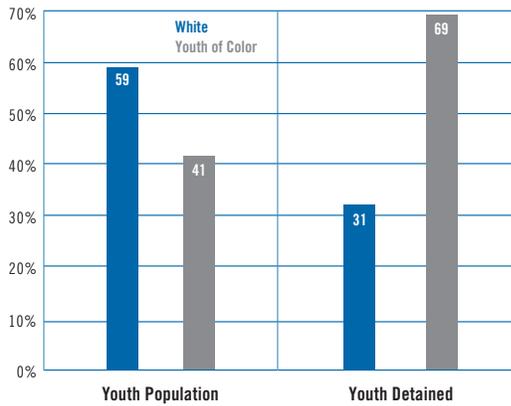
The Annie E. Casey Foundation

Juvenile justice suffers from a serious crisis of legitimacy because of persistent racial and ethnic disparities in how youth are treated. When young people of color are detained at higher rates than white youth, perceptions of the system’s fairness and effectiveness are seriously undermined. But tarnished reputation isn’t the only cost borne by juvenile justice systems with disparate detention of youth of color. Since it can cost anywhere from \$30,000 to \$75,000 annually to detain a youth, the unnecessary and inappropriate detention of youth of color also results in wasteful spending. And, since detention can prolong delinquency and increase the likelihood of future offending, disparate treatment that results in unnecessary or inappropriate confinement can undermine public safety.

The U.S. Congress recognized the serious consequences of disparate treatment in the juvenile justice system more than twenty years ago, amending the Juvenile Justice and Delinquency Prevention Act to require states and localities to take steps to address “Disproportionate Minority Contact” (DMC), or risk losing federal funding. Unfortunately, despite twenty years of funding to reduce DMC, very few places have produced measurable reductions.

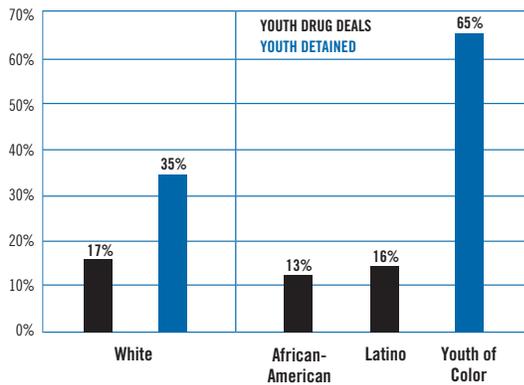
In recent years, however, a growing number of sites have demonstrated that it is possible to level the playing field and reduce the differential treatment of court-involved youth through the strategies of juvenile detention reform. The Juvenile Detention Alternatives Initiative (JDAI) is perhaps the only major reform initiative with measurable success in

**FIGURE 1**  
**YOUTH OF COLOR: 41 PERCENT OF U.S. YOUTH POPULATION; 69 PERCENT OF THE YOUTH DETAINED**



Sources: **Population**—Puzzanchera, C., Sladky, A., and Kang, W. (2008). *Easy Access to Juvenile Populations: 1990–2007*. Available at [www.ojjdp.ncjrs.gov/ojstatbb/ezapop](http://www.ojjdp.ncjrs.gov/ojstatbb/ezapop); **Detention**—Sickmund, M., Sladky, T.J., Kang, W., and Puzzanchera, C. (2008). *Easy Access to the Census of Juveniles in Residential Placement*. Available at [www.ojjdp.ncjrs.gov/ojstatbb/ezacjrp](http://www.ojjdp.ncjrs.gov/ojstatbb/ezacjrp).

**FIGURE 2**  
**YOUTH OF COLOR MAKE UP 65 PERCENT OF YOUNG PEOPLE DETAINED FOR DRUG OFFENSES WHILE YOUTH SELL DRUGS AT SIMILAR RATES**



Sources: **Drug Use**—Snyder, H.N., and Sickmund, M. (2006). *Juvenile Offenders and Victims: 2006 National Report*. Washington, DC: Office of Juvenile Justice and Delinquency Prevention; **Drug Detention**—Sickmund, M., Sladky, T.J., and Kang, W. (2005). *Census of Juveniles in Residential Placement Databook*. Available at [www.ojjdp.ncjrs.gov/ojstatbb/cjrp](http://www.ojjdp.ncjrs.gov/ojstatbb/cjrp).

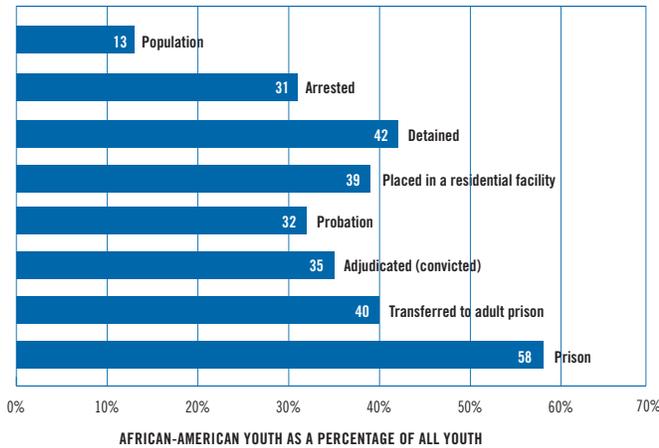
reducing DMC. By prioritizing the reduction of racial and ethnic disparities as a core detention reform strategy, JDAI sites have lowered the number of detained youth of color, reduced the higher odds of detention typically faced by African-American and Latino kids, and provided increased opportunities for their success through cost-effective, community-based interventions.

**OVERREPRESENTATION OF YOUTH OF COLOR IN DETENTION IS NOT SIMPLY A FUNCTION OF DIFFERENT RATES OF OFFENDING**

Obviously, certain young people need to be detained for public safety reasons, but research reveals that juvenile detention is not an equal opportunity program. Youth of color represent 41 percent of the overall U.S. youth population, but more than two-thirds of those detained. (See Figure 1.) In 2003, youth of color were detained at rates higher than white youth in 48 out of 50 states and the District of Columbia. The detained population’s rapid growth over the past two decades—it has essentially doubled—is due almost exclusively to vastly increased rates of detention for African-American and Latino youth that greatly exceed the growth in arrest rates for serious crimes by these youth.

The overrepresentation of youth of color in detention cannot be explained simply by differential rates of delinquency. For example, young people report engaging in illicit drug use, and report selling drugs at similar rates, but young people of color comprise nearly two-thirds of the youth detained for drug offenses. (See Figure 2.) Similarly, while African-American youth constitute approximately 28 percent of those arrested, they comprise 37 percent of those detained.

**FIGURE 3**  
**AFRICAN-AMERICAN YOUTH ARE DISPROPORTIONATELY REPRESENTED THROUGH EVERY STAGE IN THE JUVENILE JUSTICE PROCESS**



Sources: **Population**—Puzzanchera, C., Sladky, A., and Kang, W. (2008). *Easy Access to Juvenile Populations: 1990–2007*. Available at [www.ojjdp.ncjrs.gov/ojstatbb/ezapop](http://www.ojjdp.ncjrs.gov/ojstatbb/ezapop); **Detained, Petitioned, Adjudicated, Transferred, Placed**—Sickmund, M., Sladky, A., and Kang, W. (2008). *Easy Access to Juvenile Court Statistics: 1985–2005*. Available at [www.ojjdp.ncjrs.gov/ojstatbb/ezajcs](http://www.ojjdp.ncjrs.gov/ojstatbb/ezajcs); **Arrested**—FBI Uniform Crime Report. (2007). *Crime in the United States, 2007*, Table 43. Available at [www.fbi.gov/ucr/ucr.htm](http://www.fbi.gov/ucr/ucr.htm); **Prison**—National Council on Crime and Delinquency. (2007). *And Justice for Some*. Washington, DC: National Council on Crime and Delinquency.

In addition to youth of color facing higher rates of arrest and detention than similarly situated white youth, youth of color face harsher penalties for given crimes; and those discrepancies accumulate throughout the stages of the juvenile justice system. (See Figure 3.)

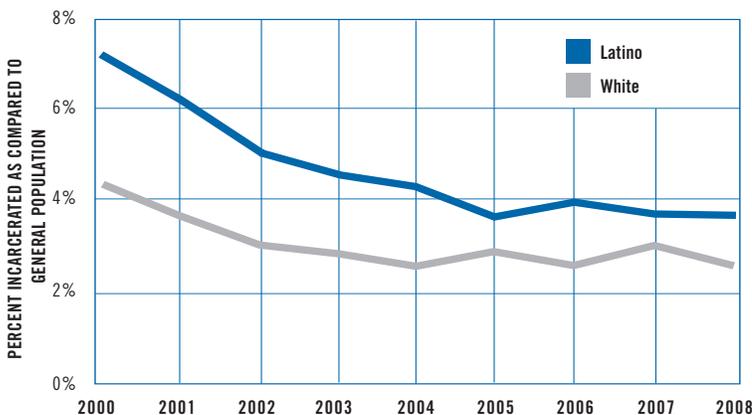
**JDAI SITES HAVE ACHIEVED MEASURABLE SUCCESS IN REDUCING THE DISPROPORTIONATE DETENTION OF YOUTH OF COLOR**

JDAI’s model sites have reduced disproportionate minority contact by a) lowering the proportion of youth of color in secure detention, b) evening the odds that young people of color are detained following arrest, and c) reducing the number of youth of color in detention.

**JDAI HAS LOWERED THE ANNUAL RATE OF DETENTION FOR YOUTH OF COLOR.**

The chart in Figure 4 illustrates the reduction in the annual rate in admissions to detention for Latino vs. white youth detained between 2000 and 2008 in Santa Cruz County, California. Although the number of court-aged Latino youth in the community increased by almost 20 percent, the numbers of Latino youth presented for booking and the annual rate of Latino youth detained in Santa Cruz County declined. After implementing the JDAI core strategies and using data to determine where disproportionality occurred in the system, Santa Cruz was able to adopt policy and practice changes that led to improvements in this area.

**FIGURE 4**  
**SANTA CRUZ: ANNUAL RATE OF ADMISSIONS TO DETENTION FOR WHITE VS. LATINO YOUTH, 2000–2008**



Source: Santa Cruz youth population and bookings, 2008.

**JDAI HAS REDUCED THE ODDS THAT ARRESTED YOUTH OF COLOR WILL BE DETAINED FOLLOWING ARREST.**

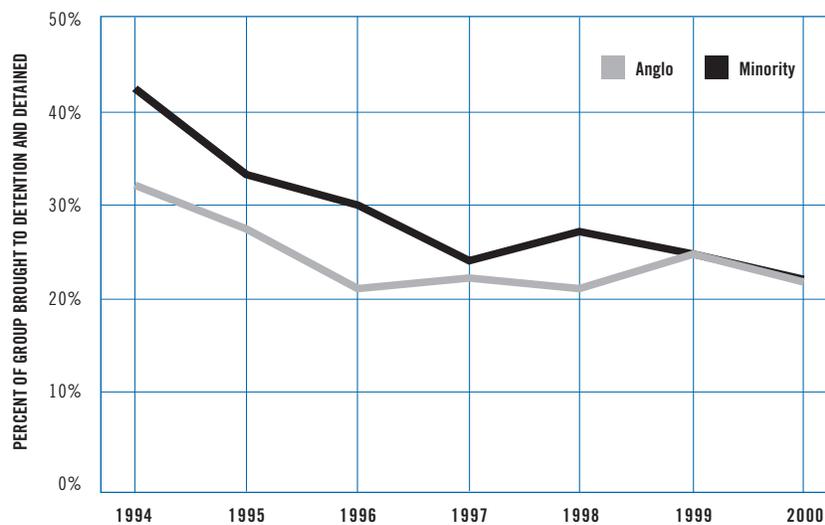
Through a variety of reforms, Multnomah County (Portland), Oregon, reduced the disparate odds of detention that youth of color faced following arrest. When JDAI began there in 1994, white youth picked up on delinquency charges were approximately one-third less likely to be detained than youth of color (32 percent of cases versus 42 percent). By 2000, however, both groups had the same likelihood of being detained (22 percent). (See Figure 5 below.) Multnomah also reduced disproportionality in its detention population: During the 1990s, when the number of youth detained in the county dropped from 96 to 33, the proportion of detained youth of color dropped from 73 percent to 50 percent.

**JDAI HAS REDUCED THE NUMBER OF YOUTH OF COLOR IN DETENTION.**

After implementing JDAI's core strategies, many sites achieve deep reductions in the overall number of youth of color detained, even though the disproportionate representation of youth of color, compared to their presence in the general population, may not have changed. This is common and predictable, especially in jurisdictions where youth of color make up a large percentage of the detained population.

In 1996 in Cook County (Chicago), Illinois, youth of color made up almost 93 percent of the detained population at the outset of JDAI (658 of 710 youth). By 2006, the average daily population in detention had been reduced to 426, of which 411 (96 percent) were youth of color. Overall, therefore, Cook County was detaining, on average, 247 fewer youth of color daily

FIGURE 5  
MULTNOMAH COUNTY DEPARTMENT OF COMMUNITY JUSTICE DETAIN RATE BY  
ANGLO/MINORITY OVER TIME: 1994–2000



Source: Multnomah County Department of Community Justice, 2001.

because of detention reforms. Using these ADP figures to calculate rates of detention for Cook County's youth reveals that the overall likelihood that youth of color in Cook County are detained on any given day was reduced by 44 percent as a result of these reforms. (See Figure 6.)

**HOW DOES JDAI HELP COMMUNITIES REDUCE DISPARITIES IN THE USE OF DETENTION?**

From its inception, a sustained, intentional focus on reducing racial and ethnic disparities in detention has been one of JDAI's core strategies, making DMC reductions an explicit ambition for which stakeholders are held accountable. How do sites translate that ambition into changes in policy and practice? JDAI's core strategies all contribute to that end, especially if sites view them through the lens of racial equity.

**JDAI'S RELIANCE ON DATA HELPS PINPOINT WHERE RACIALLY DISPARATE TREATMENT OCCURS IN THE SYSTEM, FOCUSES THE DISCUSSION ON FACTS, AND SHOWS WHERE IMPROVEMENTS CAN BE MADE.**

Since JDAI is a data-driven process, discussions about racial and ethnic disparities are more likely to be grounded in factual information that helps take the emotion out of exchanges about race and helps stakeholders focus on real problems and solutions. Effective data collection and analysis helped Santa Cruz realize that one of the practices driving DMC was underutilization of pre-trial diversion for Latinos. Multnomah County's data analyses identified ways to reduce the disparity in the odds of detention that youth of color faced. By using data effectively, communities can identify where changes need to happen, and document whether changes in policies and practices are having an impact to promote fairness.

FIGURE 6  
**COOK COUNTY'S DETENTION RATE FOR YOUTH OF COLOR DECREASED SIGNIFICANTLY**

	1996	2006	CHANGE
ADP YOUTH OF COLOR	658	411	-38%
YOUTH OF COLOR IN GENERAL POPULATION	350,221	389,382	+11%
DAILY DETENTION RATE	1.87/1,000	1.05/1,000	-44%

Source: Cook County, Illinois, Results Reports 2006.

**JDAI'S RELIANCE ON OBJECTIVE DECISION-MAKING HELPS ELIMINATE BIAS THAT CAN RESULT IN DIFFERENTIAL TREATMENT.**

JDAI helps communities develop objective decision-making tools that can minimize the effects of individual or structural biases that contribute to racial and ethnic disproportionality in detention. In Multnomah County, for example, the committee developing that site's risk assessment instrument—a screening tool used to identify which youth can be safely released to the community based on objective factors correlated with risk—dropped the term “good family structure” from its criteria because it biased detention decisions against certain family arrangements, even though there was an appropriate adult capable of supervising a released youth. Similarly, Multnomah County developed a structured approach to responding to probation violations (a “sanctions grid” based upon the seriousness of the violation and the youth's risk of recidivism) that significantly reduced the idiosyncratic use of detention as a sanction by individual officers. By using objective instruments and structured decision-making tools, therefore, JDAI helps juvenile justice systems

to reduce the impact of subjective thinking and structural disadvantage.

**JDAI PROMOTES THE COLLABORATION BETWEEN AGENCIES AND AMONG STAKEHOLDERS NEEDED TO REDUCE RACIAL AND ETHNIC DISPARITIES IN JUVENILE JUSTICE.**

When agency leaders—as part of a JDAI coordinating body—officially declare that reducing racial disparities is a goal and responsibility of the group, the collaborative process empowers and compels all partners to focus on increasing fairness. JDAI collaborative bodies can provide safe places where participants can talk comfortably about race and strategies to reduce disparities. Collaboration also helps government agencies and the justice system bring diverse partners to the table, including community-based organizations, civil rights advocates, parents, and youth. In Cook County, JDAI helped usher in closer relationships between the juvenile probation department and organizations staffed and based in communities of color—a collaboration that resulted in a series of detention alternatives being sited in those neighborhoods.

**JDAI CAN INCREASE A SYSTEM'S CULTURAL COMPETENCIES.**

JDAI applies a “racial equity lens” to examine a system’s policies, practices, and programs in order to level the playing field for all youth and increase responsiveness to the particular needs and circumstances of youth, families, and neighborhoods of color. For example, after reviewing every stage of the process that leads to juveniles being detained, Santa Cruz found that the lack of Spanish-speaking staff at intake made it difficult to reunite youth with their families. Now, when Latino youth are brought to intake, their families receive calls from officers who speak Spanish, which promotes fairness

by minimizing the chances that language or cultural differences (rather than public safety risks) inappropriately influence the decision to release young people to community supervision.

**JDAI'S INFLUENCE ON BROADER SYSTEM REFORMS MEANS THAT THE POSITIVE IMPACT ON REDUCING DISPARITY EXTENDS “BEYOND DETENTION.”**

While JDAI is focused on changing policies and practices to reduce racial and ethnic disparities in the use of detention, the initiative has been a powerful catalyst for broader juvenile justice reform efforts wherever it has been successfully implemented. Since launching JDAI, the initiative’s four “model sites” (Multnomah, Santa Cruz, Cook, and Bernalillo counties) have each dramatically reduced commitments to youth corrections facilities or other out-of-home placements. In Multnomah County, juvenile justice officials contracted with the “Communities of Color” program, a network of community-based organizations that provide culturally relevant case management, treatment, educational, and mentoring services to youth of color with serious behavior problems who are at risk of correctional placements. The program was a key part of reducing the number of African-American youth committed to state training schools from 55 in 1997 to 12 in 2005.

JDAI is an initiative of the Annie E. Casey Foundation. To learn more about the Foundation's investments in this work, visit the Major Initiatives JDAI section at [www.aecf.org](http://www.aecf.org). For access to JDAI's technical assistance help desk, visit [www.jdaihelpdesk.org](http://www.jdaihelpdesk.org).

Also, see *Pathways to Juvenile Detention Reform #8: Reducing Racial Disparities in Juvenile Detention*. (2002). Baltimore, MD: The Annie E. Casey Foundation.

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