Racial Disparities in the Juvenile Justice System

Enacted in 1974 and most recently authorized in 2002 with bi-partisan support, the Juvenile Justice and Delinquency Prevention Act (JJDPA) provides for a nationwide juvenile justice planning and advisory system spanning all states and territories; federal funding for delinquency prevention and improvements in state and local juvenile justice programs and practices; and operation of a federal agency dedicated to training, technical assistance, model programs, and research and evaluation, to support state and local efforts. The current JJDPA also requires States to address the issue of disproportionate minority contact (DMC), or “racial disparities”, within the juvenile justice system.

Research consistently indicates that racial and ethnic disparities continue to exist within the juvenile justice system. Youth of color are overrepresented at each point of contact within the juvenile justice system, and often disparities build as youth proceed through the decision system from arrest to transfer to adult court. Youth of color are treated more harshly than white youth, even when charged with the same category of offense.

In 2010, African American youth made up 17% of all children between the ages of 10 and 17, but were 31% of juvenile arrests, 40% of detentions, 34% of adjudications, and 45% of transfers to adult court. A 2007 study found that youth of color represented 28% of youth arrests, 37% of those who were detained, 35% of those who were transferred to criminal court, and 58% of those admitted to state prisons.

According to a 2011 one-day count of detention facilities within the United States (the most recent national data available), youth of color are significantly overrepresented:

- For every 10,000 White youth in the U.S., 3 were in detention.
- For every 10,000 African American youth in the U.S., 17 were in detention.
- For every 10,000 Native American youth in the U.S., 9 were in detention.
- For every 10,000 Latino youth in the U.S., 7 were in detention.

Despite the fact that states have been charged with the federal mandate to address racial disparities since 1988, few successes have been documented. This is due, in large part, to the law’s lack of guidance, clarity, and accountability. The ABA urges Congress to address racial disparities by strengthening the JJDPA with:

- **Collection and Analysis of Data at Each Juvenile Justice Decision Point.** Almost three-quarters of studies of racial disparities found unwarranted racial disparity in at least one decision point in the juvenile justice process. The collection and analysis of data at each distinct decision making point would illustrate the issue of racial disparities in juvenile justice systems and allow jurisdictions to be more strategic in combatting the issue.

- **Implementation of Accurate Systems for Identifying and Recording Race and Ethnicity.** Some jurisdictions mix their counting of race and ethnicity forcing youths to report either their race or their ethnicity, but not both. This practice has led to inadequate reporting of ethnicity and race in the juvenile justice system, especially among Latinos. By gathering data that disaggregates counting by race and ethnicity, jurisdictions can accurately measure the disparities in their system and provide adequate cultural and linguistic services.

- **Effective Use of Data to Guide Policy and Practices.** Nearly all states collect some sort of data to identify racial and ethnic disparities in their juvenile justice systems, but the mere collection of information is not enough. States must be willing and ready to apply that data to make policy and practice changes to address disparities.

- **Resolution of Racial Disparities in School Discipline.** Information collected by the U.S. Department of Education’s Office for Civil Rights indicate that in our nation’s schools, students of color tend to be disciplined more than their peers. Schools use disciplinary sanctions such as suspensions, expulsions, and referrals to law enforcement to punish these students, which take away valuable instructional time and fuel the “school to prison pipeline” in a disparate way.