



# Juvenile Justice Matters

## Juvenile Justice Commission

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## Minority Youth Involvement in the Juvenile Justice System

*Growing overrepresentation of minority youth in secure facilities across the nation in the 1980s led to efforts to examine and address the problem. Despite some progress, disproportionate involvement remains an issue for the nation and New Jersey. Recent New Jersey efforts targeting the problem are summarized below.*

The 1980s saw a substantial growth in the presence of minority youth in locked county and state facilities nationwide, including their disproportionate presence relative to overall youth population. In 1988 the issue was brought to the national stage through amendments to the Juvenile Justice and Delinquency Prevention Act. Modifications mandated that states receiving funding address disproportionate minority confinement (DMC) in their state, requiring them to identify the extent of the problem, assess reasons for the problem, and initiate strategies to address it. Later amendments and activities sought to further promote positive change. In 1992, amendments elevated DMC to a core protection for minority youth tying funding eligibility to states' compliance; and in 2002, they broadened the core requirement of addressing disproportionate "confinement" to reducing overrepresentation of minority youth coming in "contact" with the juvenile justice system at any stage.

In New Jersey, recent research indicates that, despite attention to the issue, minority youth continue to be overrepresented at key points in the system, culminating in seriously disproportionate presence in county and state secure facilities. Minority youth are more likely to be arrested, referred to court, adjudicated delinquent, placed in county detention facilities, and committed to the JJC; they also are less likely to be diverted by the court from adjudication proceedings. The differences tend to vary by racial/ethnic category (with disproportionality typically greatest for African American youth), and by jurisdiction.

### Some Relevant New Jersey Data

In 2004, minority youth comprised an estimated 40% of the overall 10 to 17 population. DMC at various points in the system is examined below.

**Arrests** – According to the 2004 Uniform Crime Reports, African American youth accounted for 42% of total juvenile arrests; 43% of Index arrests, including 57% of arrests for murder, rape, robbery and aggravated assault; and 37% of drug arrests. Hispanic youth, which, as an ethnic category, overlaps with the minority racial categories, accounted for 17% of total juvenile arrests; 16% of Index arrests, including 20% of violent Index arrests; and 13% of drug arrests.

**Select Family Court Data** – In 2004, minority youth accounted for 62% of all adjudications of delinquency, while comprising 48% of all court diversions (e.g., Juvenile Conference Committees, Intake Services Conferences). In addition, minority youth accounted for 82% of all admissions to secure detention facilities statewide, up slightly from 80% in 1995; and comprised 85% of all commitments to the JJC, down somewhat from 88% in 1995.

As is clear from the above, DMC continues. Reasons for the ongoing disproportionality, and its variation across jurisdictions, remain less clear. One *partial* explanation offered is the greater likelihood of arrest among minority youth – particularly for certain categories of offenses. However, this point is argued by some as more an indication of differential practices and handling by police that disadvantage minority youth (e.g., police patrol practices) than of differential behavior by race/ethnicity.

### Recent Efforts in New Jersey

Concern for reducing disproportionate minority confinement in New Jersey dates back at least to the late 1980s. Recent efforts to address continuing concerns are summarized below.

#### *A Joint Effort at Reform*

An Inquiry Concerning Possible Racial/Ethnic Disparities in Juvenile Justice Outcomes was initiated in 2003, the result of a joint letter signed by Chief Justice Deborah Poritz, then Attorney General Peter Harvey, and Howard Beyer, Executive Director of the JJC. County Youth Services Commissions (CYSCs) were requested to undertake a study of system outcomes and their relationship to possible disparities, and suggest remedies for identified concerns. The Inquiry was coordinated by a broadly representative statewide Steering Committee. By 2005, all CYSCs had submitted a report to the Steering Committee; some widely shared concerns and recommendations emerged. Each county was further requested to develop an action plan to address priority disparity issues, as part of counties' three-year planning process, and to identify accomplishments achieved through 2005.

One common theme of the original CYSC reports concerned police curbside and stationhouse adjustment practices and policies. Another theme was the uneven and limited availability of dispositional options across jurisdictions, accentuated by a dearth of information to help the court access options.

The common observation concerning police diversion was that there were sometimes substantial differences between/within municipalities in the use of curbside warnings (in lieu of arrest), and stationhouse adjustments (in lieu of delinquency complaints to family court). Significantly, these disparities were felt to negatively impact minority youth. Stationhouse adjustments, for example, were less frequent in poorer, largely minority, communities.

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Subsequent to release of the Steering Committee’s interim report voicing these concerns, the Attorney General created a broad-based Stationhouse Adjustment Working Group to examine the use of stationhouse adjustments and curbside warnings throughout the State. The Working Group ultimately recommended efforts to standardize, improve and equalize use of stationhouse adjustments throughout New Jersey, resulting in promulgation of the *Attorney General Guidelines for Stationhouse Adjustments of Juvenile Delinquency Offenses*, in December 2005. (View at: [www.njdcj.org/agguide/directives/directives\\_2005/dir\\_2005\\_4.htm](http://www.njdcj.org/agguide/directives/directives_2005/dir_2005_4.htm))

*Guidelines* emphasizes the significance of stationhouse adjustments for appropriate first-time juvenile offenders committing minor offenses. This alternate strategy can deter youth from future delinquency through use of low-level sanctions, help link youth with needed community services, and divert youth from court involvement. The guidelines mandate stationhouse adjustment programs in “every law enforcement agency with patrol jurisdiction,” and set standards to foster statewide uniformity and equal access. *Guidelines* recommends that adjustments be performed by designated juvenile officers; lists a specific range of offenses appropriate for an adjustment; requires that police provide referral information to help officers link youth with needed services; sets minimum required procedures, such as getting signed agreement by the juvenile and a parent/caregiver or designee with conditions of the adjustment; and requires that quarterly reports on all stationhouse adjustments be submitted to the County Prosecutors’ Office.

**JDAI and Minority Youth**

As detailed in the Fall 2004 *Juvenile Justice Matters*, New Jersey has embarked on a collaborative detention reform effort, replicating the Annie E. Casey Foundation’s Juvenile Detention Alternatives Initiative (JDAI). The effort has been implemented initially in Atlantic, Camden, Essex, Monmouth, and Hudson counties. The JDAI approach provides a framework for building system strategies to reduce the number of youth unnecessarily or inappropriately held in secure detention. A key objective is to identify strategies for reducing racial disparities in secure detention facilities.

Significant early gains have been achieved since start-up in April 2004. Juvenile detention facility populations have been reduced dramatically in the JDAI sites, with a substantial positive impact on minority youth. On any given day in 2005, there were 178 fewer youth (164 of them minority youth) in secure detention across the five JDAI sites compared with 2003. This was a decline of 36% in average daily population. Despite this positive impact on the *number* of minority youth detained on any given day, proportionality has not improved across these sites. It may be worth noting, however, that a small 1.6 percentage point increase, from 2003 to 2005, in disproportionality (in terms of % minority admissions) across JDAI sites was smaller than a 3.8 percentage point increase experienced by NJ’s non-JDAI sites.

Effective strategies continue to be implemented and planned, including ongoing work to develop a shared objective screening tool to guide detention admissions. Such tools have been shown to

reduce disparities when reformers are attentive to and aware of ways that specific detention admission criteria may negatively impact minority youth. Consistent with the experience in select JDAI jurisdictions outside New Jersey, further development of alternatives to detention responsive to minority youth concerns can be expected to pay additional dividends toward reducing disparities.

**Some Concluding Comments**

Many strategies have been offered to address the DMC problem. Certain points are reflected in efforts described above, and can be emphasized here. For one, working to achieve system-level changes (e.g., focusing on policy and practices that agency representatives have the power to modify) is critical. This is a major focus of JDAI.

Recent suggestions for remedying DMC echo an idea voiced for some time in New Jersey, by the Judiciary and others, i.e., the need to closely examine the ways in which ostensibly race-neutral or “color-blind” decisions may unwittingly and unnecessarily disadvantage minority youth. This can occur when decisions, while not *based* on race/ethnicity, are correlated with race/ethnicity. For example, family situation (e.g., having one parent) seems to play a significant role in system decisions, due in part to its perceived relevance to valid considerations of parental supervision and family stability. Use of any such “color blind” decision criteria can create an unintentional bias, increasing minority youth’s chances of further penetration into the system, and likelihood of being placed out of the home.

Alongside heightened attention to potential racial impact, meaningful reforms would include expanded resources and creative strategies within the community. They would facilitate change, at various points in the system, through a focused responsiveness to situations frequently faced by minority youth. Certain alternatives to detention/commitment and other supports in the community, for example, can supplement families’ ability to care for and supervise troubled youth, thus offering judges a range of options to decisions that might unnecessarily work to the detriment of minority youth. Suggestions have included developing day and evening reporting centers, and short and longer-term foster care placements, as well as building partnerships with community-based organizations to help support families – with an emphasis on locating enhanced resources and opportunities in key neighborhoods.

The collaborative approaches seen in recent efforts to address DMC in New Jersey offer some reason to expect progress in this important area.



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