

JUVENILE JUSTICE ILLINOIS: REDUCING DISPROPORTIONATE MINORITY CONTACT, PROMOTING ACCOUNTABILITY AND FAIRNESS IN JUVENILE JUSTICE

JUVENILE JUSTICE **ILLINOIS:**
TICE ILLINOIS: **REDUCING**
CING **DISPROPORTIONATE** M
ATE **MINORITY CONTACT, PR**
Y CONTACT, **PROMOTING** A
OTING **ACCOUNTABILITY** A
ABILITY **AND FAIRNESS IN** JU
ESS IN **JUVENILE JUSTICE** IL

JUVENILE JUSTICE ILLINOIS: REDUCING DISPROPORTIONATE MINORITY CONTACT, PROMOTING ACCOUNTABILITY AND FAIRNESS IN JUVENILE JUSTICE

Models for Change
Systems Reform in Juvenile Justice

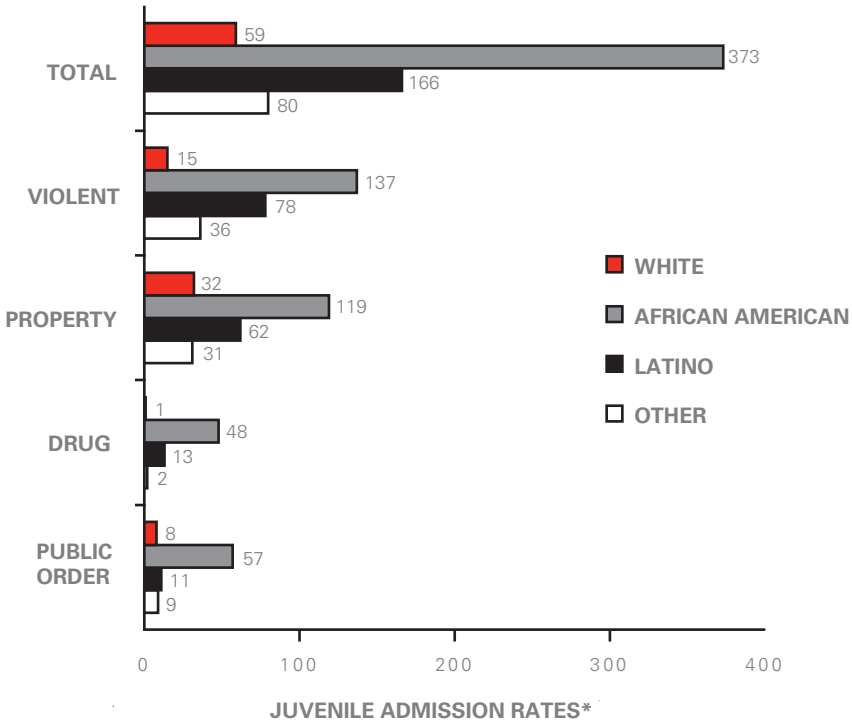
REDUCING DISPROPORTIONATE MINORITY CONTACT, PROMOTING ACCOUNTABILITY AND FAIRNESS IN JUVENILE JUSTICE

The Models for Change (MfC) initiative is an effort to create successful and replicable models of juvenile justice reform through targeted investments in key states, and is funded by the Chicago-based John D. and Catherine T. MacArthur Foundation. With long-term funding and support, Models for Change seeks to accelerate movement toward a more effective, fair, and developmentally sound juvenile justice system that holds young people accountable for their actions, provides for their rehabilitation, protects them from harm, increases their life chances, and manages the risk they pose to themselves and to the public. The initiative is currently involved in Illinois, Pennsylvania, Louisiana and Washington.

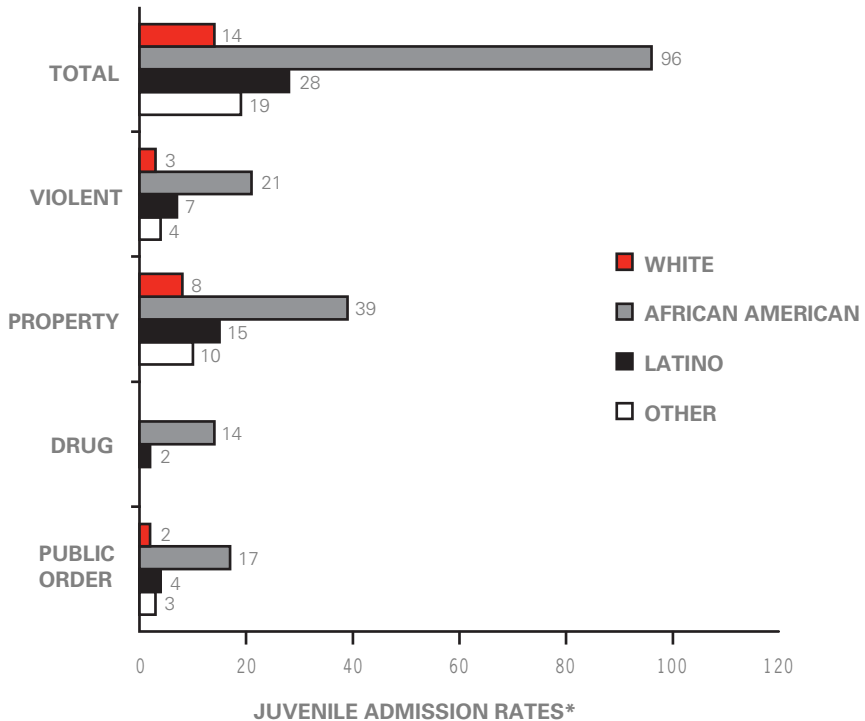
Our nation’s juvenile justice system is designed to hold young people accountable for their actions, promote rehabilitation, and treat each youth fairly, regardless of race or ethnic background. Yet youth of color are often overrepresented at different points in the juvenile justice process. Youth of color make up about one-third of the adolescent population of the country, but two-thirds of the youth locked up in juvenile detention and commitment facilities. This “Disproportionate Minority Contact” (DMC) with the juvenile justice system occurs throughout the juvenile justice process in states across the country.

The overrepresentation cannot be explained by the idea that youth of color commit more crime. For example, self-reporting surveys of youth behavior indicate that African-American youth commit drug offenses at lower rates than white youth, yet black youth are arrested and locked up for drug crimes at much higher rates than whites. Indeed, for all categories of offenses, youth of color are more likely to be locked up and to spend more time incarcerated than white youth, even when they are charged with the same category of offense.

**1993 ADMISSIONS RATES*
OF JUVENILES TO STATE PUBLIC FACILITIES
YOUTH WITH NO PRIOR ADMISSIONS****



YOUTH WITH ONE-TO-TWO PRIOR ADMISSIONS**



* Rates are calculated per 100,000 youth age 10 to the upper age of juvenile court jurisdiction in each state.

** States include AK, AZ, AR, CA, DE, GA, ID, IL, IN, IA, KY, LA, ME, MD, MA, MN, MS, MO, NE, NH, NJ, NY, ND, OH, OK, OR, SC, SD, TN, TX, UT, VT, VA, WV, WI.

Note: Persons of Hispanic origin may be of any race. White and African American categories do not include youth of Hispanic origin.

Total contains offenses not shown.

Source: The Juveniles Taken Into Custody Research Program: Estimating the Prevalence of Juvenile Custody Rates by Race and Gender. National Council on Crime and Delinquency (1993).

Hispanic/Latino youth in the justice system raise particular concerns. In many states, there are no accurate data on the number of such youth in the system. Without data, it is impossible to provide the kinds of appropriate services that will help young people turn their lives around. Where accurate data have been collected, Hispanic/Latino youth – like African-American youth – appear to be treated more severely than white youth, even when charged with the same category of offense.

1993 YOUTH MEAN LENGTHS OF STAY IN STATE PUBLIC FACILITIES

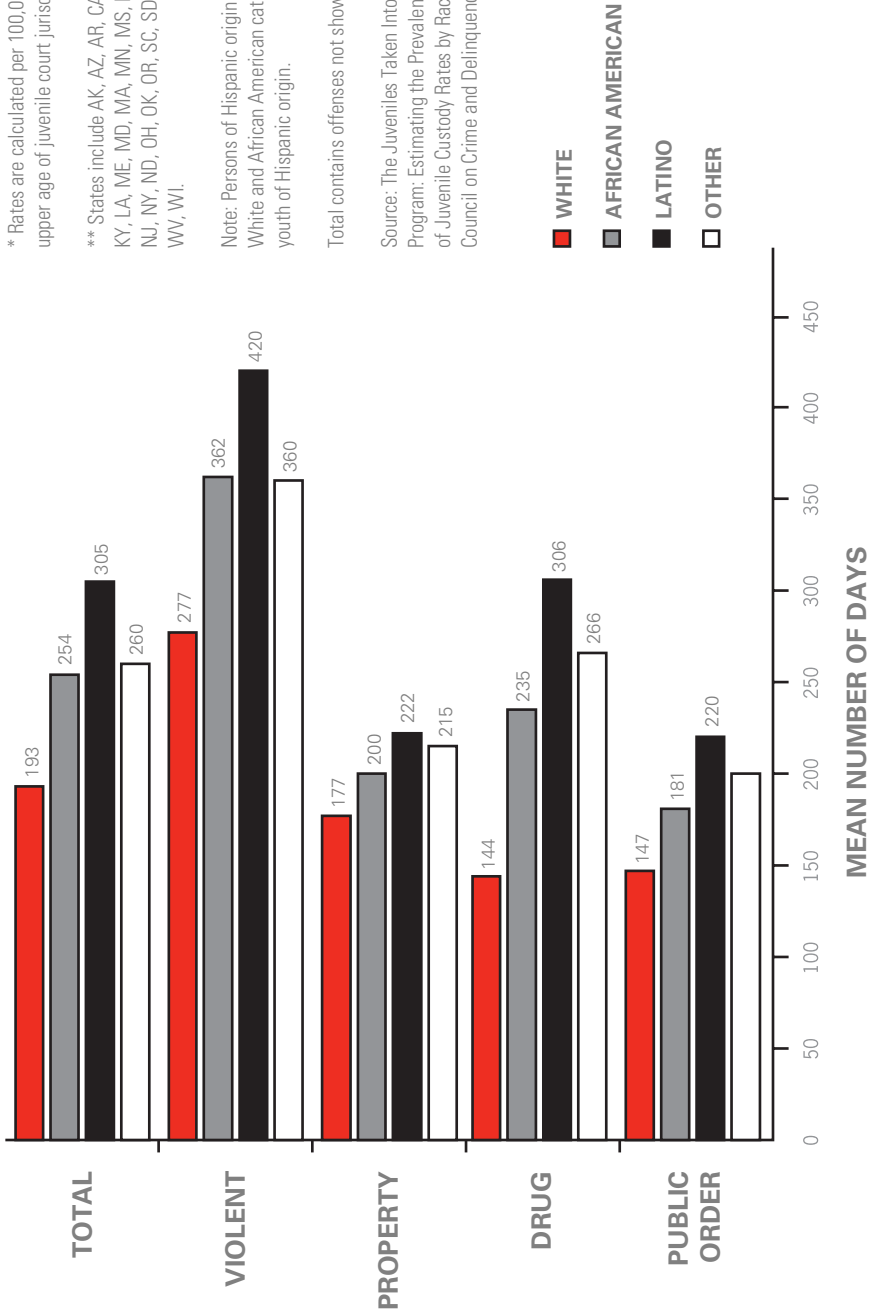
* Rates are calculated per 100,000 youth age 10 to the upper age of juvenile court jurisdiction in each state.

** States include AK, AZ, AR, CA, DE, GA, ID, IL, IN, IA, KY, LA, ME, MD, MA, MN, MS, MO, NE, NH, NE, NH, NJ, NY, ND, OH, OK, OR, SC, SD, TN, TX, UT, VT, VA, WV, WI.

Note: Persons of Hispanic origin may be of any race. White and African American categories do not include youth of Hispanic origin.

Total contains offenses not shown.

Source: The Juveniles Taken Into Custody Research Program: Estimating the Prevalence of Juvenile Custody Rates by Race and Gender. National Council on Crime and Delinquency (1993).



DMC is a complicated issue and may be the cumulative effect of many factors, including: limited access to resources and community services, location of offenses (e.g. on urban streets vs. in homes in the suburbs), stereotypes about youth of color held by juvenile justice personnel, and police policies and practices that respond to and target crime in poor communities. Poverty, unemployment, and troubled schools all contribute to DMC.

DMC is about much more than imbalanced numbers. When youth of color are treated differently than other youth, community support for the juvenile justice system erodes. And youth who are detained or incarcerated inappropriately are more likely to reoffend than young people with similar histories who aren't held in secure facilities.

While there are many causes of DMC, one thing is clear: Local projects demonstrate that we can reduce the overrepresentation of youth of color while protecting communities and improving outcomes for young people. As part of a national detention reform effort, Santa Cruz County, California was able to reduce the number of detained Latino youth by 35 percent and save tax dollars, while youth arrested decreased. Multnomah County, the largest county in Oregon, was able to effectively eliminate racial disparities in detention without compromising public safety. With leadership, collaboration, and commitment, juvenile justice systems can better serve young people and their communities.

UNDERSTANDING THE PROBLEM:

Racial disparities in Illinois' juvenile justice system

Illinois has a history of innovative and effective approaches to juvenile justice, beginning with the establishment of the first juvenile court in the nation in Chicago in 1899. The Juvenile Detention Alternatives Initiative (JDAI) in Cook County, which has operated for more than a dozen years, is a national model.

But like most states, Illinois struggles with overrepresentation of youth of color in the juvenile justice system. In its 2005 Annual Report to the Governor and General Assembly, the Illinois Juvenile Justice Commission (IJJC) has identified DMC as one of the greatest challenges facing the state's juvenile justice system. The IJJC reports that African American youth represent 18 percent of the state's youth population, but 57 percent of the youth who are arrested, 41 percent of the youth in locked detention, and 52 percent of the youth in locked state facilities.

Overrepresentation is also an issue for Hispanic/Latino youth, who are detained in Illinois at nearly twice the rate of white youth. According to the Illinois Criminal Justice Information Authority, Hispanic/Latino youth in 2003 were committed to the Illinois Department of Corrections at a rate that was 45 percent greater than the rate of white youth. And Hispanic/Latino youth are nearly five times more likely than

their white counterparts to be locked-up for public order offenses in state facilities.

While overrepresentation of youth of color occurs at key decision points in Illinois, the specific causes of the problem are not known. There are major gaps in the state's collection of basic data:

- No requirement for timely and consistent reporting of data on arrests
- No requirement at all for reporting misdemeanor arrests
- No requirement for collecting data at points in the system after arrest
- No statewide collection of data on decisions to file charges by State's Attorneys offices
- No statewide juvenile court data collection on race and ethnicity
- No requirement of data collection on Hispanic/Latino youth in the justice system

Without standardized tracking of arrests and other points in the system, it is impossible to assess the problem accurately.

As other jurisdictions have found, relatively simple improvements in data collection – combined with targeted strategies to address DMC – could significantly reduce overrepresentation of youth of color in the Illinois juvenile justice system.

BUILDING A STRONGER SYSTEM IN ILLINOIS:

Promoting fairness in juvenile justice

Illinois has already taken some important steps towards a more fair and accountable youth justice system. Working alongside other initiatives, the John D. and Catherine T. MacArthur Foundation launched its Models for Change (MfC) project in Illinois in 2004 to address DMC and other areas of the juvenile justice system. In 2005, Illinois amended its statute that automatically transferred youth to the adult justice system for drug offenses near schools or public housing. Prior to the amendment, 99 percent of the youth prosecuted were African-American or Latino. In another reform, the state has created a new Department of Juvenile Justice to help ensure that the specific needs and challenges of young people will be better met. In addition, "Redeploy Illinois" redirects funding incentives to encourage placement in programs other than detention and other locked facilities—where youth of color are most deeply overrepresented. The "Redeploy Amended Legislative Report" projected that in year one, Redeploy saved the state \$2,123,063 in funds that would have been spent incarcerating these youth, and that an additional \$1,411,000 were projected to be spent on locally based programs in year one.

Currently, there are several initiatives working to address DMC in Illinois and elsewhere through related but different strategies.

- **MODELS FOR CHANGE (MfC)** MfC is a national initiative intended to accelerate the pace of reform toward a juvenile justice system that is fair, effective, rational, and developmentally appropriate for young people. Funded by the John D. and Catherine T. MacArthur Foundation since 2004, the initiative has sites in four states (Pennsylvania, Illinois, Louisiana, and Washington) and promotes reforms that are replicable in other jurisdictions. MfC is working on several issues including the reduction of racial disparities in each of its states by improving data collection to better understand the multiple causes of DMC and to develop interventions to reduce it. Data findings on DMC will be used to inform stakeholders and the public about the injustices of racial disparities in the juvenile justice system, and the benefits of alternatives to detention and incarceration. MfC is also working to increase community based programs and change the age of juvenile justice jurisdiction in Illinois.
- **THE BURNS INSTITUTE (BI)** The BI, based in San Francisco, CA, has successfully reduced the overrepresentation of youth of color in some jurisdictions by engaging traditional and non-traditional stakeholders in a data-driven approach to developing community-specific strategies to reduce DMC. During the past three years (2003-2005), the IJJC funded four DMC pilot sites in Illinois to work with the BI: St. Clair County; Peoria County; Cook County's South Suburbs; and the Lawndale community in the city of Chicago. The BI provided technical assistance to each site, with core elements of its work including: convening an Advisory Board with high level juvenile justice decision-makers; mapping out the juvenile justice system; utilizing data to identify juvenile justice "hot spots" that drive DMC; engaging youth to identify community resources and weaknesses, and developing community-specific strategies for reducing DMC that involve close cooperation with the schools, law enforcement and other community entities.

The Peoria site has identified aggravated battery as an offense which contributes to disproportionality in detention. The site is working to reduce aggravated battery detention admissions from public schools through Balanced and Restorative Justice (BARJ) peacemaking circles that hold young people accountable and address conflict resolution. The DMC site in Lawndale successfully reduced the number of African-American youth detained on probation violation warrants, as well as the length of stay for those in detention.
- **Juvenile Detention Alternatives Initiative (JDAI)** Since 1992, the Annie E. Casey Foundation's Juvenile Detention Alternative Initiative has reduced detention populations without jeopardizing public safety by utilizing objective admissions criteria, improving case processing, and promoting alternatives to secure detention. JDAI changes policies, procedures, and practices to reduce

detention and DMC, strengthen juvenile justice systems, and save taxpayers money. The DMC reductions in Santa Cruz, CA, and Multnomah County, OR, took place as part of JDAI, which has 10 active replication sites in Illinois. Illinois is lucky to have one of the original five JDAI model sites. Cook County began its JDAI efforts in 1993 and continues to enhance its efforts today

WHAT WORKS:

Promising approaches to reducing racial disparities in juvenile justice

In its 2005 report, the IJJC recommends that “the next step for juvenile justice system practitioners and policymakers is to improve our DMC assessments such that they help us better understand the problem, while simultaneously working to remedy the problem where we know it exists.” Models for Change will work to advance the IJJC’s recommendations:

- Improve the state’s data collection and analysis efforts. In order to address DMC, Illinois needs to collect data on race and ethnicity at all key decision points in the system.
- Increase awareness of DMC issues and encourage action. To maintain commitments for reform, more education needs to be done about the nature of DMC and why reform is crucial to the overall strength of the juvenile justice system.
- Direct financial resources to communities to address DMC. Investing in community programs strengthens their ability to monitor progress and provide alternatives to incarceration for youth of color.

To learn more about disproportionate minority contact and work being done to address it, visit:

- John D. and Catherine T. MacArthur Foundation: www.macfound.org
- Annie E. Casey Foundation: <http://www.aecf.org/>
- The W. Haywood Burns Institute for Juvenile Justice Fairness and Equity: www.burnsinstitute.org
- Center for Children’s Law and Policy www.cclp.org
- Justice Policy Institute www.justicepolicy.org
- National Council of La Raza www.nclr.org
- Juvenile Justice Initiative www.jjustice.org

**FOR MORE
INFORMATION
ABOUT REDUCING
DMC IN ILLINOIS OR
TO FIND OUT HOW
TO CREATE FAIRNESS
IN THE JUVENILE
JUSTICE SYSTEM,
CONTACT:**

Lu Bailey
President

Chicago Council on Urban Affairs
1 N. LaSalle St., Suite 3030
Chicago, IL 60602
312-782-3511

lubailey@ccua.org
www.ccua.org

Or:

Diane Geraghty
Civitas ChildLaw Center
Loyola University Chicago School of Law
16 East Pearson
Chicago, IL 60611
312-915-7155
dgeragh@luc.edu

ModelsforChange

Systems Reform in Juvenile Justice