Disproportionality and Disparity: Engaging the Community to be Part of the Solution
National Interest

- Southern Regional Juvenile Justice Meeting workshop (sponsored by the National Center for State Courts), 2017
- National Coalition of Juvenile Justice Conference workshop, 2017
- National Symposium of Juvenile Service workshop, 2017
- National Conference for Juvenile Justice workshop (sponsored by the National Council for Juvenile and Family Court Judges), 2018
- Florida Department of Juvenile Justice trainings in Jacksonville and Tampa, 2018
Training Objectives

• Participants will understand the importance of data to inform juvenile justice reform efforts regarding disproportionality minority contact (DMC).

• Participants will learn the process from the identity phase to the evaluation phase of one Kentucky Agency’s attempt to address DMC.

• Participants will understand the importance of a strategic plan, racial equity assessment, and a training agenda that addresses the issues revealed through the assessment.

• Participants will identify their contact points and community stakeholders in order to address DMC.
Overview of Kentucky’s Juvenile Justice Reforms

• Kentucky is the 4th highest (among 50 states) for youth locked up for status offenses.
• DJJ spends half of its $102 million dollar budget on out of home placements. Detention beds and beds in the youth development centers cost over $100,000 per year.
• In addition, DCBS spent $6 million in fiscal year 2012 for out-of-home placement of status offenders.
• Significant resources are used on out-of-home residential placement for low-level status and public offenders.
• Time violators/misdemeanants spend out-of-home is about the same as those adjudicated on felonies.
  • Has increased 31% and 21%, respectively over the past decade.
• Lack of community services/alternatives has likely contributed to DJJ and DCBS commitments and more youth being placed out-of-home.
Key SB 200 Policy Changes

- Require court-designated workers (CDWs) to utilize screening and assessment and graduated responses in diversion
- Codify mandatory diversion for certain youth and restrict county attorney and judge overrides
- Establish Family, Accountability, Intervention and Response (FAIR) teams to provide oversight and support youth in diversion
Key SB 200 Policy Changes

• Prohibit DJJ commitment for most youth adjudicated for probation violation, misdemeanor or Class D felony
• Cap probation, commitment and out of home placement length for misdemeanors and Class D felonies
• Require use of risk assessment, graduated responses and changes to treatment planning process
Increase in Percent of Complaints Receiving Diversion Agreement in Last 2 Years

Percent of Complaints that Had a Diversion Agreement
FY 2012-2016 Referrals

Data provided by Crime and Justice Institute at CRJ, 2017
Nearly Half of FAIR Team Cases Are Kept Out of Court

FAIR Team Closed Cases FY 2015-2016

Data provided by Crime and Justice Institute at CRJ, 2017
Consistently High Success Rates for Diverted Youth Post-SB 200 Effective Date

Success Rates for Youth with Diversion Agreements FY 2012-2016 Case Closures

Data provided by Crime and Justice Institute at CRJ, 2017
3/4 of Successfully Diverted Cases Do Not Reoffend Within 1 Year

Proportion of Youth with New Complaint Within 1 Year of Case Closure, FY 2011-2015 Case Closures

Data provided by Crime and Justice Institute at CRJ, 2017
DJJ Commitments Down 43% in Last 2 Years

New DJJ Commitments, FY 2012-2016

Data provided by Crime and Justice Institute at CRJ, 2017
Declines Driven by Fewer Misdemeanors and Probation Violations

New DJJ Commitments
Most Serious Adjudicated Offense, FY 2012 vs. FY 2016

- 2012 (N=511)
  - Felony: 47%
  - Misdemeanor: 35%
  - Violation/Contempt/Other: 18%

- 2016 (N=265)
  - Felony: 74%
  - Misdemeanor: 21%
  - Violation/Contempt/Other: 5%

Data provided by Crime and Justice Institute at CRJ, 2017
The Unintentional Consequences of the Juvenile Justice Reforms
Slightly Higher Proportion of Black Youth Represented Among Complaints

Racial Breakdown of Complaints
FY 2012-2016 Referrals

Data provided by Crime and Justice Institute at CRJ, 2017
Black Youth Have Higher Representation Among Diversion Overrides

Race and Ethnicity of Diversion Overrides vs. Diversion Agreements
FY 2016 Case Closures

<table>
<thead>
<tr>
<th>Category</th>
<th>Black non-Hispanic</th>
<th>White non-Hispanic</th>
<th>Hispanic/Latino</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Judicial and County Attorney Overrides (N=4492)</td>
<td>3%</td>
<td>53%</td>
<td>3%</td>
<td>3%</td>
</tr>
<tr>
<td>Judicial and County Attorney Overrides for Misdemeanor, Status or Violation Offenses (N=1830)</td>
<td>3%</td>
<td>58%</td>
<td>3%</td>
<td>3%</td>
</tr>
<tr>
<td>Diversion Agreements for Misdemeanor, Status or Violation Offenses (N=5979)</td>
<td>3%</td>
<td>76%</td>
<td>3%</td>
<td>3%</td>
</tr>
</tbody>
</table>

Data provided by Crime and Justice Institute at CRJ, 2017
14 Percentage Point Increase in Proportion of Black Youth Among DJJ Commitments from 2012-2016

Race/Ethnicity of New DJJ Commitments FY 2012 vs. FY 2016

- Black/African American non-Hispanic
- White non-Hispanic
- Hispanic/Latino/Biracial
- Other

Data provided by Crime and Justice Institute at CRJ, 2017
Higher Proportion of Black Youth Are Detained for Felony Offenses

Charge Breakdown by Race of Youth Detained FY 2016

- **Black Youth Detained (N=712):**
  - Felony: 81%
  - Misdemeanor: 12%
  - Contempt/Violation/Status: 6%

- **White Youth Detained (N=1022):**
  - Felony: 69%
  - Misdemeanor: 17%
  - Contempt/Violation/Status: 14%

Data provided by Crime and Justice Institute at CRJ, 2017
Black Youth Account for More than Half of Youthful Offender Referrals

Racial Breakdown of Youthful Offender Referrals
FY 2012 vs. 2016

Data provided by Crime and Justice Institute at CRJ, 2017
Youthful Offenders

477 total
  53% Black/African American
  43% White

25% Jefferson County
  76% Black/African American
  22% White

Data provided by Crime and Justice Institute at CRJ, 2017
Statewide Trend 2016

Data Provided by Crime and Justice Institute at CRJ, 2017
Racial Disproportionality Quarterly Report Nov 2016: Statewide

Data Provided by Department of Community Based Services
FY 2016, School Complaints Comparison by Race: Statewide

Habitual Truancy
- 5% White
- 6% Black
- 16% Hispanic
- 73% Other

Disorderly Conduct
- 4% White
- 3% Black
- 36% Hispanic
- 57% Other

Abuse of Teacher
- 2% White
- 2% Black
- 37% Hispanic
- 59% Other

Assault 3rd Degree
- 10% White
- 29% Black
- 60% Hispanic
- 1% Other

Data provided by The Administrative Office of the Courts
FY 2016, School Complaints Comparison by Race: Jefferson County

Habitual Truancy
- White: 43%
- Black: 5%
- Hispanic: 7%
- Other: 45%

Disorderly Conduct
- White: 83%
- Black: 14%
- Hispanic: 2%
- Other: 1%

Abuse of Teacher
- White: 78%
- Black: 20%
- Hispanic: 1%
- Other: 1%

Assault 3rd Degree
- White: 79%
- Black: 16%
- Hispanic: 4%
- Other: 1%

Data provided by The Administrative Office of the Courts
Addressing DMC
2014 Disproportionate Minority Contact in Kentucky: Statewide Assessment Report by the Department of Justice Administration Research Team at the University of Louisville

- Improve data management mechanisms
- Implement equity assessment
- Training and technical assistance around cultural competency, healing dialogue, and implicit bias
- Collect data from the youth and parent voice
- Capacity building and resource development
Family and Juvenile Services’ Strategic Plan

• Education;
• Data collection and analysis;
• Local Action Planning; and
• Ongoing assessment and improvement
Racial Equity Assessment

All department staff were required to complete a Racial Equity Assessment. The following trends were found:

• Staff felt their intentions were appropriate and respectful to youth and their families
• DMC is only an issue in urban areas
• Concern over realistically being able to mitigate actions of other systems (can’t keep officers from policing certain neighborhoods or principals from suspending)
• The sentiment that our system technology wasn’t modern enough to handle some racial and cultural nuances

Staff will be required to complete the assessment yearly to assist in the on-going evolution of the department’s strategic plan.
Implicit Bias Training and Action Planning

• To start the conversation on DMC, management opted to roll out implicit bias trainings to staff to give them some context as to its role in decision-making with minority youth.

• Following the trainings (which included professionals across several agencies), AOC staff met for a local Data Walk where they dove into the data in their counties to identify disproportionality and disparity.

• Staff participated in Action Plan meetings where they took the highlighted areas and developed a plan to address the disproportionality. They now meet quarterly with management to review the outcomes, needs, and next steps.
On-Going Training

• Cultural Collision
• Domestic Violence, Trauma and the Impact on Minority Populations
• Institutionalized in New Employee Training: Implicit Bias and Understanding DMC Core Requirements (webinar)
Community Capacity Building

• All staff action plans identified the need for community capacity building.
• Staff have looped in standing partners, developed new relationships, and urged local community boards/ councils/ organizations to build new resources for youth.
• Staff are advocating for the child’s best interest and creating environments where they could succeed in their own communities.
DMC Toolkit

• Identify Problem Areas
  • Contact Points that can be addressed
  • Where are the disproportionalities?
  • Where are the disparities?

• Identify Problem Solvers
  • What Stakeholders can be engaged?
  • What Champions can lead the charge?

• Identify Actionable Solutions
  • What steps now need to be taken?
For more information, feel free to contact:

Pastor Edward L. Palmer Sr., Chair
Kentucky Subcommittee on Equity and Justice for All Youth
pastorelpalmer@hotmail.com

Rachel Bingham, Executive Officer
Department of Family & Juvenile Services
Kentucky Administrative Office of the Courts
rachelb@kycourts.net