



**A
DELICATE**

A REPORT
ON THE
DELICATE BALANCE

to

**The President, the Congress, and the Administrator of the
Office of Juvenile Justice and Delinquency Prevention**

Presented by

**The National Coalition of State Juvenile Justice
Advisory Groups**

January, 1989

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**NATIONAL COALITION
OF
STATE JUVENILE JUSTICE ADVISORY GROUPS**

January, 1989

To: The President, the Congress, and the Administrator of the Office Of
Juvenile Justice and Delinquency Prevention

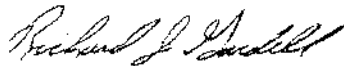
From: The National Coalition of State Juvenile Justice Advisory Groups

We are pleased to present our fourth Report on federal policies affecting juvenile justice and delinquency prevention and the operations of the Office of Juvenile Justice and Delinquency Prevention. The annual conference of the National Coalition is one of the means by which these tasks are addressed; it is the basis for our Report and our recommendations.

In the past, Congress has been most responsive to the National Coalition of State Juvenile Justice Advisory Groups' recommendations. For that response and subsequent Congressional support for the Juvenile Justice and Delinquency Prevention Act, we express our sincere appreciation. The children of the United States and its Territories thank you for your continued support for the Act at funding levels necessary to improve juvenile justice in the United States.

This year's Report will be of considerable interest to those who are concerned with our nation's future and the role of youth in that future. It examines the critically important matter of differential processing of minorities within the juvenile justice system. Our deliberations, by necessity, went far beyond the traditional province of the Office of Juvenile Justice and Delinquency Prevention. Yet, we believe that the Office and the federal government must be at the heart of any substantive effort to help redress grievances identified in our current system. Our recommendations are a first step in sketching out some strategic and operational suggestions that could redress some of the grievances identified.

Sincerely yours,



Richard Gardell, Chair
National Coalition of State
Juvenile Justice Advisory Groups

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EXECUTIVE SUMMARY

The 1988 Conference of the National Coalition of State Juvenile Justice Advisory Groups focused on the differential processing of minorities within the juvenile justice system. For some, the color of today's juvenile justice population represents a blatant example of racism, regardless of intent or practice, while, for others, it is nothing more than a reflection of the amount of crime minorities commit. Unfortunately, the ensuing rhetoric and rage serve to accentuate the problem, which, in turn, disturbs the delicate balance between equity and justice for those juveniles caught up in the system.

We know that some minorities do commit a slightly greater number of serious crimes but not at a rate or level of any great significance when compared to whites. We also know that small and repeated actions of hundreds of individuals in the juvenile justice system often add up to decisions and actions that are prejudicial and racist in consequence. Having said this, however, we have contributed little to our understanding of the problem.

Our deliberations suggest that the issue of differential processing within juvenile justice is more than simple prejudice by participants in that system. Indeed, we would suggest that the juvenile justice system is nothing more than a shadow of the larger society which defines and supports it. In that sense, equity and justice, the pillars of our justice system, require that we look at a great deal more than our juvenile justice system; it requires that we look at fairness and justice in all of our life pursuits—a delicate balance in a democratic society where differences and individuality are seen as fundamental strengths.

Our mission dictates that our recommendations cover both operational and strategic recommendations affecting juvenile justice and delinquency prevention. Because of our dual mission as a Coalition, the recommendations may appear eclectic. Yet, we believe they are variations on the same theme: leadership at the national level, based on partnership with the States and local jurisdictions coping with the problems of juvenile justice.

The following abbreviated versions of the recommendations that appear in the Report are provided as a quick reference to sections of the Report that may be of greater interest to an individual reader. We encourage the reader to use them in his way.

We recommend:

To the President

- 1. That the President designate his/her Domestic Affairs Advisor as Chairman of a Special Task Force to inquire into issues raised by differential juvenile justice processing practices and to take action to resolve inequities (Page 35).**

To the Congress

- 2. That the Congress hold special hearings to inquire into the multiple**

problems associated with differential incarceration—problems that question equity and justice (Page 38).

3. That the Congress appropriate special funds for the purpose of creating five small model youth correctional facilities (30 youth or less) that reduce the amount of differential incarceration for minorities (Page 39).

To the Administrator

4. That the Office of Juvenile Justice and Delinquency Prevention conduct and support research on the effects of police surveillance, offender demeanor, and police apprehension practices to understand why and how minority youth are at greater risk of being handled differentially (Page 41).
5. That the Office of Juvenile Justice and Delinquency Prevention conduct and support research on the differential effects of detention decision-making on minority youth in institutional and/or non-institutional settings (Page 42).
6. That the Office of Juvenile Justice and Delinquency Prevention sponsor and support research on the effects of dispositional guidelines and laws mandating penalties for chronic offenders (Page 42).
7. That the Office of Juvenile Justice and Delinquency Prevention take a leadership role in developing training curricula for police, prosecution, courts, and probation officers on the ways their personal prejudices about race, gender, class and ethnicity can affect decisions (Page 43).
8. That the Office of Juvenile Justice and Delinquency Prevention offer leadership in the development and expansion of the use of highly-trained law enforcement personnel specifically committed to juvenile and youth services (Page 44).
9. That the Office of Juvenile Justice and Delinquency Prevention ensure that, whenever training, technical assistance, or research is supported by the Office, the principals and participants providing and receiving the service represent a rich and diverse mix of ethnic, cultural, and educational backgrounds (Page 45).
10. That the Office of Juvenile Justice and Delinquency Prevention assume a leadership role in identifying jurisdictions experimenting with or practicing innovative approaches to juvenile justice and delinquency prevention and, further, that the Office provide appropriate training and technical assistance to other states wishing to learn from these new approaches (Page 46).
11. That the Office of Juvenile Justice and Delinquency Prevention engage in a cooperative project with the Department of Education to research,

develop, and promulgate new approaches or uses by which community colleges can provide educational opportunities for youth, particularly minority youth, who have not been successful in secondary educational training (Page 46).

12. That the Congress amend the Act to require that the Administrator ask appropriate State Advisory Groups to review and comment on discretionary grants made within their States (Page 53).
13. That the Administrator of the Office of Juvenile Justice and Delinquency Prevention develop more effective methods for sharing the results of successful programs, through regional conferences, regional training seminars, the National Coalition Conference, video tape presentations, and publications (Page 53).
14. That the Office of Juvenile Justice and Delinquency Prevention offer special training to State Juvenile Justice Advisory Groups on ways to effectively coordinate and integrate the use of Federal funds available to prevent delinquency and improve the juvenile justice system (Page 54).
5. That the Office of Juvenile Justice and Delinquency Prevention develop and provide States with an effective grant review process, and, in addition, offer training and technical assistance in the use of that process (Page 55).
6. That the long and short-range planning process of the Office of Juvenile Justice and Delinquency Prevention be expanded to include the Chairman of the National Coalition of State Juvenile Justice Advisory Groups, or his/her designee(s), in the development of the annual program plan and long-range planning efforts of the Office (Page 55).

Many of our program recommendations encourage the Office of Juvenile Justice and Delinquency Prevention to carry out the mandates of the original Juvenile Justice and Delinquency Prevention Act of 1974, as well as its subsequent amendments. Our recommendations call for involvement and cooperation. They also call for a partnership in which the two partners make significant contributions to achieving the goals of the Juvenile Justice and Delinquency Prevention Act of 1974.

Our strategic recommendations to the President and to the Congress remind us that fairness, equity and justice in juvenile justice will be difficult to achieve without action on some broader social and economic issues of critical interest to our democratic society.

We have learned that equity and justice go beyond the juvenile justice system. Differential justice stems from unresolved issues in our society. Our recommendations are directed at some of these unresolved issues.

INTRODUCTION

Without this ridiculous vanity that takes the form of self-display, and is part of everything and everyone, we would see nothing, and nothing would exist.

Antonio Porchia
Voices

In 1984, Congress gave the National Coalition of State Juvenile Justice Advisory Groups a new and significant role in shaping juvenile justice and delinquency prevention policy at the national level. The Congressional mandate created the direct responsibility and opportunity for those of us at the State and local levels to share different points of view on juvenile justice and delinquency prevention with the President, the Congress, and the Administrator of the Office of Juvenile Justice and Delinquency Prevention. As the only statutory group mandated by the Congress to deal with juvenile justice on a national level, we take that responsibility seriously as our three previous Reports demonstrate. Amendments to the Act by the Congress in 1988 offer the promise of an even greater degree of cooperation in this important enterprise on behalf of the children and youth of this country.

This year, the National Coalition of State Juvenile Justice Advisory Groups' Conference focused on the critically important issue of differential processing of minorities within the juvenile justice system. Our deliberations, by necessity, went far beyond the traditional province of the Office of Juvenile Justice and Delinquency Prevention. Yet, we believe that the Office, in its leadership role at the national level, is an appropriate agency to begin to help redress grievances identified in our current system.

The Office, particularly in relation to the Federal Coordinating Council, is in a position to leverage Federal monies, organize and manage cooperative efforts, and demonstrate workable programs that will reduce discriminatory practices (intentional or unintentional) within the juvenile justice system. The section of this Report dealing with "The Delicate Balance" examines the problems, the issues, and possible remedies that the Office of Juvenile Justice and Delinquency Prevention, the Congress, and the President might wish to consider. The issues raised tear at the fabric of our society; they are at the heart of problems like poverty, delinquency, substance abuse, child abuse, dependent and neglected children, and violence—the subjects of so much media attention. These are the issues that we, as a Coalition, refuse to gloss over or ignore.

Our Agenda for 1989

During the 1988 Annual Conference, two special issues emerged from our discussions of racism within the juvenile justice system. 1) the quality of institutional care for juveniles and 2) the continued use of inappropriate confinement of juveniles by some States and regions. These issues deserve careful consideration, and, therefore, it is our intention to make them the focus of our 1989 Spring Conference. The quality-of-care issue will inquire into health

matters, mental health services, education, and other treatment programs. It will examine both the public and private delivery of these services. Inappropriate confinement will cover the entire range of problems associated with both public and private institutions—jails, secure detention facilities, private clinics, private schools and programs, training schools, etc.

Much of the work undertaken this year bears directly on next year's work, i.e., access of whites to treatment services covered by private insurance and the increasing population of minority children in secure public facilities. What are the differences in the quality of programs offered? What are the issues associated with personal rights and institutional placement? What were the consequences to minorities in our national drive to deinstitutionalize status offenders? The product of these discussions should lead to research and development projects by the Office of Juvenile Justice and Delinquency Prevention.

The Question Is Fairness

The 1988 Conference of the National Coalition of State Juvenile Justice Advisory Groups represents an excellent example of how the Office of Juvenile Justice and Delinquency Prevention and the Coalition can work together to examine critical issues affecting the youth of this nation. Both can take pride in having raised the question of differential juvenile justice to a level of critical debate by both public and private practitioners working in the field. Questioning the possibility of racism within the juvenile justice system is not a topic for casual inquiry. It is a subject responsible people cannot ignore.

Disparate juvenile and criminal justice rates for minorities are not a new phenomenon. Yet, until recently, we have not been sufficiently concerned to ask the important questions: Why do these rates exist? What can we do about them? How can we avoid this continued problem in the future? These questions are not easy ones to ask, particularly for those of us who are participants in the operation or management of juvenile justice at the State or national level. Those of us present at the Conference had to look at ourselves and our beliefs as they affect our behavior and practices. We had to explore our responsibility for differential practices, as well as question those of others. The effort represents what can be done by partners working together to explore solutions to difficult problems facing juvenile justice. It forces us to examine our own behavior as it affects others.

The late Alan Paton described it thus in his poem, "We mean nothing evil towards you," from his book Knocking On The Door.

Blackman, we are going to shut you off
We are going to set you apart, now and forever.
We mean nothing evil towards you . . .

Our resolve is immutable, our hands tremble
Only with the greatness of our resolution.
We are going to set you apart, now and forever,
We mean nothing evil towards you.

EQUITY AND JUSTICE: A Delicate Balance

*I swear to the Lord
I still can't see
Why Democracy means
Everybody but me.
Langston Hughes
The Black Man Speaks*

The issue of differential criminal and juvenile justice rates for minorities is a growing problem in American society. Slowly, we are seeing greater attention being given to differential arrest, prosecution, conviction, and sentencing by many States and localities. Unfortunately, the problem is, more often than not, made more difficult by rhetoric and rage, which disturb the delicate balance between equity and justice. Many people believe that the differential rates of arrest, conviction, and incarceration are, of themselves, a prima facie case for racism within corrections and the juvenile justice system. Others, just as vehemently, believe that ethnic or racial disproportionateness is primarily a result of greater involvement of minorities in crime.

For some, the color of today's juvenile justice population represents a blatant example of racism, regardless of intent or practice. The argument of those believing the system is racist is as follows: The dominant society defines that from which it wishes to be protected—that is, what it fears most, an image of abhorrent behaviors that blacks and other minorities are believed to engage in more than others. There is less opportunity for legitimate activities for minorities, and this lack of opportunity encourages them to engage in prohibited behaviors in order to achieve the rewards of society. Enforcement practices reflect the interest of the majority; hence, more minorities are likely to be arrested.

Strangely, those having opposite solutions to a problem often use the same rationale to arrive at their position. Those with divergent viewpoints and ideologies often agree that it is the unfairness and inequality of opportunity that account for differential rates of processing for minorities. Both agree that social reforms are needed. It is in their interpretation of problems and the solutions for resolving them that these two groups move apart from their original agreements. Both tend to look for solutions that are individual and personal, such as accountability and responsibility, rather than institutional, which are more difficult to address.

Trying to restructure the nuclear family, to revitalize our educational system, to shift an economy from production to service without dislocating present and future employees, and to ensure that government is responsive to the legitimate needs of individuals are monumental tasks that are easier to ignore than address. Like the classic drunk of vaudeville, we search for our lost object under the street light where we can see, rather than in the dark where we lost it. Our recommendations and discussions will not ignore these institutional issues; indeed, they will focus on them.

What do we know about the two opposing explanations for differential juvenile justice rates,

1) differential rates of substantial magnitude are evidence of racism and 2) differences in rates are the result of differences in behavior by minority populations? In fact, we know a great deal—as the 1988 Annual Conference of the National Coalition of State Juvenile Justice Advisory Groups demonstrated.

Some Facts on Incarcerated Minority Youth

There is agreement in the literature that minority youth are overrepresented at all stages of the juvenile justice system, as compared to their numbers in the general population. Much of this research has focused on black youth; however, other studies have demonstrated high incarceration rates of Hispanic youth, Native Americans and Japanese Americans (Shefflin, 1979; Taft, 1981; Maxwell et al., 1974; Oldroyd and Howell, 1977).

Placements in the field of mental health and developmental disabilities show that minority youth are more likely to be channeled into the juvenile justice system than into health care facilities (Prescott and Houten, 1982). Studies by Peterson and Friday (1975), Perry (1980), and Dunnefer and Schutt (1982) have all reported that race emerges as the single best predictor of arrest, incarceration, and release, even when the influences of other variables are controlled.

Minority youth are being incarcerated in public correctional facilities at rates three to four times those of whites. Their numbers are growing even though overall rates of serious youth crime are declining. FBI data and self-report studies indicate that minority youth are more likely to be involved in serious crime than white youth but not to the extent that generally has been assumed (Krisberg, Schwartz, et. al., 1987).

In 1977, minority youth represented 45 percent of those in custody; in 1982, minority youth represented 53 percent of those held in public correctional facilities. Today, the figure is closer to 55 percent.

The period 1977-1982 witnessed large shifts in public policy on youth crime. During an era in which deinstitutionalization was in vogue, national policy exerted a different effect upon youth from different racial groups. For example, during the years of declining youth incarceration (1977-1979), whites accounted for 75 percent of the entire decline in youth incarceration, while Hispanic youth incarceration increased by 10 percent (Drisberg and Schwartz, 1987).

Between 1979 and 1982, when the numbers of juveniles confined in public facilities began to climb, minority youth bore the brunt. Blacks in public facilities rose by 4,269; Hispanic youth increased by 1,336. There were also significant increases in the number of Native American and Asian American youth. In total, incarcerated minority juveniles increased by 5,759, representing 93% of the entire increase in incarceration in public facilities.

In 1982, white youth constituted 65% of the residents of all private juvenile

correctional facilities, as compared with 47% of public facilities. Public institutions were becoming the holding place for minority youth, while, at the same time, private institutions were becoming the placement of choice for white youth.

Some Facts About Arrest Rates

In the public perception, no group is more associated with crime than young blacks. The arrest data for this group, both in numbers and in relative proportions, are astonishing. In 1979, 456,000 blacks in the 16-19 age group were arrested (Gibbs, 1984). Tillman (1986) has data showing that nearly seven in ten black males in California face at least one arrest in their early adult years. For whites, the rate is three in ten. America now confines more young black males in its public correctional institutions than it has in its colleges and at far greater costs.

If the large minority presence in correctional facilities is due to discriminatory policies and practices, there are definite remedial actions that can be taken. If minority incarceration is principally the result of inadequate community-based resources, a completely different series of policies and action are required. A third possibility is that the large numbers of incarcerated minority youth are a direct result of higher rates of involvement of minority youth in violent and repetitive delinquency. Indeed, the research of Wolfgang et al (1972) and Blumstein (1982), among others, lends support to this last possibility. If such is the case, then ameliorative strategies must look beyond the decision process of the juvenile justice system for answers. We must examine the health of the minority community, the stability of family life, and the highly constrained life chances of youth who live on the streets.

Arrest data by race for Part I offenses (serious crimes of rape, murder, robbery, aggravated assault, burglary, etc.) reveal that white youth accounted for approximately two-thirds of all Part I juvenile arrests during 1977-1982. During this same period, blacks accounted for about one-third of all Part I offenses. If only the most violent crimes (murder, forcible rape, robbery and aggravated assault) are examined, then blacks account for about half of all youth arrested for violent offenses. Data on Hispanics, not collected until 1980, are still unreliable.

On the surface, the FBI arrest data do not explain the proportions of each racial group found in juvenile correctional facilities. The data on violent arrests do present a picture more in line with the racial composition of the residents of juvenile correctional facilities. But, and this caveat is an important one, only a small proportion of arrests results in court dispositions, and an even smaller proportion of arrests results in placements in correctional facilities. Therefore, one cannot assume that arrest patterns by race will be translated into incarceration patterns, and, indeed, self-report crime studies suggest that arrests do not even approximate the numbers of crimes committed in our communities.

Differential incarceration cannot be explained on the basis of greater involvement in violent crime. Research based on Federal Bureau of Investigation data indicates that black youth are arrested for violent crimes more often than other youth and that this may partially account for their presence in public correctional facilities,

since violent crimes are more likely to result in a formal petition and stricter enforcement penalties. Yet, these same data cannot be used to explain the high rate of Native American incarcerations (Elliott, et al), which show a much lower violent arrest rate. Furthermore, the populations of most correctional institutions for juveniles do not consist of violent offenders. On the contrary, the majority are adjudicated for property crimes, drug and alcohol related offenses, and violations of the public order. Thus, the high number of minority youth arrested for violent crimes cannot, by itself, account for the overrepresentation of minorities among the incarcerated.

Some Facts About Unreported Crime

Given the disproportionate rate of incarceration among minority youth, one cannot help but ask whether this rate reflects differences in individual behavior or official responses to behavior or both. As has been reported, some hold that minorities have a greater involvement in delinquent and criminal behavior (Hindelang, 1978). This greater involvement would then be anticipated to result in more frequent arrests, more frequent juvenile court appearances, and higher incarceration rates. A recent work (Huizinga and Elliot, 1987) examines this question in the light of juvenile self-reported crimes and comes to different conclusions.

The National Youth Survey, conducted by Elliott, et al, is an ongoing, longitudinal study of delinquent behavior, alcohol and drug use, and problems related to substance abuse in the American youth population. This survey covers the period from 1976 to 1983 and includes the 11-17 year-old population of the continental United States. Survey staff annually question a panel of youth about self-reported involvement in delinquent behavior and substance abuse.

Since we know that only a small proportion of crime is detected and reported, the importance of using information about self-reported delinquent behaviors instead of arrest data to examine differences between groups is critical to our understanding of whether or not different ethnic or racial groups commit crimes disproportionately. Based on the self-reports of the youth panel, 84% are not arrested for serious offenses they have committed. Not all crimes are reported or known to the police, and not all crimes that are known result in an arrest. Evidence indicates that over 80% of serious violent offenders are officially unknown to the police or are known only as minor offenders (Elliott et al, 1986).

In comparison with other racial groups in this continuing study, a larger proportion of blacks report involvement in general delinquency. In general, minority groups have larger proportions reporting involvement in felony assaults. Few of the differences between racial groups are statistically significant, however.

Incarceration rates between racial groups cannot be explained by differences in the proportions of persons of each racial group that engage in delinquent behavior. Even if the slightly higher rates for more serious offenses among minorities were given more importance than is statistically indicated, the relative proportions of whites and minorities involved in delinquent behavior could not account for the difference in incarceration rates.

Given these findings, researchers explored the possibility that differences in incarceration rates could be explained by differences in official responses to offenders. Their findings showed that among minority offenders, the "risk" of being apprehended and charged with an Index offense is substantially and significantly higher than it is for whites who report involvement in the same kinds of offenses.

Most researchers stress that "risk" of being arrested, prosecuted, etc., is probably more a function of class characteristics than race. Because the majority of minority individuals are in the lower socio-economic class (estimates of 73%-75%), it is likely that social class and social conditions materially affect 1) the ability to avoid apprehension, 2) the ability to avoid arrest if apprehended, 3) the lack of presence of parental and legal support at both arrest and court processing stages, and 4) general demeanor at points of contact with the juvenile justice system. There are indications of differences in offending rates among social classes (see, for example, Elliott and Huizinga, 1983, Elliott et al., 1985). It is possible that differences about which we are deeply concerned are class-linked rather than race-linked. If so, our questions must begin to focus on institutional processes, as well as individual behavior. As the Honorable Bruce Wright, Justice of the New York Supreme Court and keynote speaker at the National Conference of State Juvenile Justice Advisory Groups, reminded Conference delegates, "We cannot avoid our endings without first avoiding our beginnings."

Contradictory Themes

The cry that the juvenile justice system is racist is an expression of personal experience or observation, rather than of definitive studies of the matter. When aggregate data are analyzed, there appears to be evidence of subtle differential practices that are cumulatively disadvantageous to minorities. The disadvantages are extremely small, but they are incremental in their consequences.

The primary factors affecting this disadvantaged outcome are most important at the beginning of the system, i.e., the police, differential charging, differential arrest probabilities, etc., all contribute their indirect effects. In the total scheme of things, the discriminatory consequences are hidden within a maze of covert activities carried out by literally hundreds of different persons acting independently of one another. It is not a conscious plot directed or orchestrated by mean individuals. Rather, it is a fragmented and regionalized series of actions, that while sometimes washing out and counterbalancing one another, are, at other times, discriminating and racist. The closer to the street, the more confusing the data on what is really happening, because the "street" hides and protects decision makers from scrutiny or disciplined review. Interestingly enough, the more the system relies on a social service model or helping model, the greater the opportunity for discrimination. The more the system represents the legal model, the less the discrimination because of the rules guiding action and decisions. Hence, the philosophical conundrum, equity and sameness or individualized justice?

We do have some evidence on the impact of race on the juvenile justice process.

The work of Fagan, Slaughter and Hartstone, 1987, demonstrates racial disparity in decision making from apprehension through judicial commitment decisions. Samples of whites and minority youth were drawn at each point, controlling for offense severity, other offense characteristics, and extralegal factors, in addition to race. The results show racial disparities at each point, with minorities consistently receiving harsher dispositions. And, at the "deepest" end of the system where the consequences are most serious, no factor other than race could be identified to explain the harsher responses to minority youth.

Racial disparities were observed at several seemingly separate decision points, but no consistent pattern was discerned, since discrimination takes different forms for different decisions and personnel. While race is linked to decision outcomes in different ways, the results are identical: minority offenders are at a consistent disadvantage in their efforts to receive equal protection under the law.

The evidence for racial discrimination in the Fagan et al study is disturbing. While many believe the sources of discrimination lie in the individual attitudes of decision makers in the system's independent agencies, it is unlikely that these isolated decision makers of different backgrounds would produce such consistent, systemic behaviors. Like other social institutions, the juvenile justice system is acutely aware of ethnic and racial differences. To understand the differential treatment of minorities in the juvenile justice system, we need to look at the problem in relation to the larger society. Aside from the issues of fairness, equity, and justice, racial disparities make a mockery of the notion of accountability. Justice goals are weakened by practices that lead to racial disparities in the juvenile justice system.

Facts About Another Kind of Crime

The economic status of blacks is not only far below that of whites, but also the gap between white and black economic well-being has not improved in the past 20 years. On measures of income, wealth, poverty, and unemployment, economic disparities between blacks and whites have not lessened, they have, in fact, become worse (Joe, 1987).

The social consequences of this imbalance are reflected in the fact that blacks are overrepresented in public custodial facilities and are more likely to be both the perpetrators and the victims of crime. Blacks also have higher infant and maternal mortality rates, shorter life spans, and a greater incidence of teenage pregnancy.

Increasingly, we are in danger of becoming a dual society: one full of opportunity, the other with limited avenues and few options for movement up the traditional economic ladder. This problem is not a white or black problem, it is a structural problem of American society that must be addressed by a variety of actions, by all citizens, and at all levels of public and private life.

In 1984, the median income of black families was \$15,432 as compared to \$27,686 for white families for the same year. What is startling about these figures is that they have remained unchanged for the past 24 years. Black family income

(calculated in constant 1984 dollars) as a percentage of white family income was 55% in both 1960 and 1984.

The income distributions for white families and black families are also very different. Whereas fewer than four percent of white families have incomes under \$5,000, nearly 15% of black families have incomes this low. Conversely, whereas 17% of white families have incomes over \$50,000, only six percent of black families have an income this high.

These figures tell us little about long-term economic stability. For this information, we need some measure of total wealth—that is, the net worth of a household. Wealth is important, because it provides a cushion against adversities such as unemployment and divorce. Research reveals that blacks are even more disadvantaged because they have accumulated so few assets compared to whites. While the ratio of median income of whites to blacks is nearly 2:1, the ratio of median net worth of whites to blacks is 12:1. The median net worth of all white households was \$39,140 in 1984, for blacks it was \$3,400. Most strikingly, whereas 92% of white households have at least some net worth, only 70% of black households have any positive net worth. The remaining 30% have either zero net worth or a negative net worth because their liabilities exceed their assets (Bureau of the Census, 1984).

The poverty rate for black children in 1984 was 46.5%. Only 16.7% of white children are officially poor. If you are black and under the age of six years and are living with a single parent, your chance of living in poverty is 70%.

Unemployment among blacks is twice the national rate. For each black man counted as unemployed, another two are not even in the labor force. Since 1960, the number of black men out of the labor force has almost tripled. In 1960, nearly three-quarters of all black men included in census data were working. Perhaps society's attention should be directed to the deteriorating employment status of black men. If young black males grow up knowing that only half of them will be employed as adults, it is not surprising that more of them will view crime and the underground economy as their only means of survival. Recent trends, particularly in the area of drugs, suggest that crime has become the opportunity of choice for large numbers of minority children and youth, as well as adults.

The Ladder of Success—The Rungs Are Broken, Uneven, or Missing

A traditional American view is that anyone who is willing to work long and hard can climb the ladder of success. But, as increasing numbers of minority youth are discovering, the rungs of their ladders to success are broken, uneven, or missing.

Dr. Troy Duster of the Institute for Social Change at Berkeley, California, argues that America has experienced a deep bifurcation of the social structure and a corresponding development of a possible permanent "underclass." In particular, he recommends that any program of crime or delinquency reduction must address the structural transformations that have so altered the unemployment differences between black and white youth (Duster, 1987). Although the analysis focuses on the black male, primarily because of the availability of the data and scope of the

problem, the issues he raises can be extrapolated to the poor whites of Maine, South Carolina, and Mississippi and the Hispanics of Texas, New Mexico, Arizona, and California. The differences noted track across the entire map of our nation.

Unemployment for young males differs profoundly by race in two ways. First, in the last 25 years, black youth unemployment has quadrupled, while white youth unemployment has remained relatively constant. Second, the way in which black youth currently come into contact with the labor market is fundamentally different from the way white youth come into contact with that market. In 1954, rates of unemployment for black and white youth (16-17) were almost identical at about 40%. By 1981, black youth unemployment for 16-17 year olds had soared to 81% (Employment and Training Report, 1982).

There have been significant structural shifts in American society that are closely associated with urban problems, particularly black youth unemployment. Movement of capital to foreign soil, from the cities to the suburbs, and from northern cities to select areas of the Sunbelt, has resulted in a substantial loss of jobs in the manufacturing sectors of the economy. Technology has taken an enormous toll in terms of jobs in both blue-collar and white-collar work. Now, automation is eliminating jobs in the office, as well as on the factory floor. There are rapid changes occurring in the skills required for entry-level positions, especially in those jobs that might provide viable careers. Women in the workforce and changing immigration patterns of the last decade have produced a highly competitive employment market, which has closed off previously important avenues of entry into career work for young people. All of these factors impact negatively on the employment status of black youth and other minorities. In short, we have removed jobs from where minorities live, and we have changed, significantly, the requirements for entry-level work.

These trends have created serious and deep bifurcations of the labor force. Young people who move from secondary education to a successful form of higher education and then into a labor force that values their skills and qualifications will do well. But teenagers, attempting to enter the work force directly from secondary school, will learn that they do not have the skills or training to "climb the American ladder of success." This is increasingly true for some minorities and especially so for the young, black, urban male, who is identified with violent crime. Given this scenario, the plaintive query of a young delinquent before the Juvenile Court in California, "Is there no place for me? Somewhere?" underscores a harsh new reality in American society.

So?

It is clear from our discussions at our annual Conference, from our experience, and from a substantial body of knowledge accumulated by researchers that disparities do occur within the juvenile justice system, from arrest to sentence, disparities that are prompted, either consciously or unconsciously, by ethnicity and race. It is not the disparate decisions that should concern us but rather the convergence of a number of unseen forces that permit isolated decision makers of

substantially different backgrounds to produce consistent, systemic behavior that is racist in consequence, if not intent.

More minorities are arrested, held in custody in public correctional facilities, and serve harsher criminal penalties for their behavior. But if we look only to the juvenile justice system for remedy, we will fail. As we have seen, the rates of crime and incarceration are highly influenced by demographic forces, especially the age structure of the population. Of all the demographic factors related to rates of crime and imprisonment, we know age, gender, and race to be among the most significant.

The vastly disproportionate rates of arrest and incarceration of various racial groups are produced by economic, family, and community forces, as well as the decisions of the juvenile justice system. Given present trends, we can expect more minority juveniles to come into the juvenile justice system, if we do not adopt some alternative strategies.

In the latter half of the 1990s, there will be increased numbers of teenagers in our society. If current trends continue, crime rates in the future will be higher than present levels. The most troubling social indicators include the large proportion of children reared in poverty, high numbers of school dropouts, and persistent high levels of youth unemployment. In particular, residents of urban areas with a high school education or less will be competing for far fewer available jobs. Teenagers from the poorest families currently have the lowest school enrollment rates, thus confirming a "cycle of poverty" and reducing their chances for success in the future job market.

Changes associated with where we live, in the city or suburbs, in the way we produce goods, and where we invest our national resources all impact on delinquency and who comes into the system and who stays the longest. Changing the nature of our juvenile justice system cannot be done in isolation from the society that creates and maintains it.

This inquiry into differential juvenile justice provides clear guidance in a number of areas. The current system does not realistically address the problems of the youth who are in that system. Because workloads are excessive throughout most of the juvenile justice system, we are able to "write off the bad seeds." After all, if we cannot do anything with these "bad seeds," then we are relieved of any obligation to try. Clearly, this position is nonsense. Today's youth correctional system must address competency training, which prepares those who are under some form of official control, to survive in the outside world. That competency training must be buttressed by adequately-trained and supported staff, who ensure that gains made in institutions, public or private, are not lost when the former offender returns to the community. Offenders, such as those we are describing, will return to a world in which they have no real family. It is a world in which peer groups exercise extraordinary power, and it is a world in which education is not a choice but an absolute requirement for survival.

Clearly, we must change our beliefs regarding how people succeed. Our present stance is reactive. We assume that every individual has the right to fail rather than an obligation to succeed. In the field of education, we must ensure an environment in which teachers can teach and students can learn. We need to develop preventive programs that change the way very young people learn to handle the world. Head Start represents one such example. However, we know that children who are intellectually and emotionally starved need more than a "quick fix" to enter the main educational stream. We know now that the investment is of considerably longer duration than once thought, but the result is worth the investment.

We need to invest in home-based programs for the entire family that teach immature and/or inadequate parents how to function as individuals and as family leaders. We need family life skill training in our public schools, just as we need training in simple survival skills for some adolescents.

Our problem is not one of making the present system more efficient and capable of processing more people. Instead, we are interested in strong community based programs that reduce the numbers of youth coming into the system and make us more effective with those who do. Experience consistently shows that small institutions, i.e., of 30 or fewer children, rather than large, conglomerate facilities of 200 or more, reduce the problem of differential incarceration by reducing the numbers of minorities held. Small facilities require that we reserve our limited and expensive bedspace for the most serious juvenile offenders.

We need parent training for the children who are the parents of babies. We need nursery care and organized nurturing for segments of our population which now have none. We also need to become realistic about what we can do with the families of the youth who end up in the justice system, many of whom are beyond "fixing." Where that is the case, we need a whole panoply of family surrogates, whether they be employers, teachers, foster grandparents, etc.

We need to rediscover and encourage community development, responsibility, and accountability. Local support groups, advocates for the young, community self-help groups, and local councils for action on crime, delinquency, and drug abuse are ways through which communities and neighborhoods can be revitalized and community values maintained.

Current trends to make generalists of juvenile justice employees (in the interest of increased efficiency) have not achieved the promises made regarding the effective delivery of services. The juvenile justice system must have trained and qualified specialists working with juvenile offenders at all levels, in law enforcement, the courts, probation, and institutions. In turn, these specialists must be highly trained and sensitive to cultural, ethnic, and racial differences. Our measure of success is not efficiency in processing numbers of cases but effectiveness in placing problem youth in appropriate programs that can reduce delinquency.

These programmatic suggestions are rooted in the knowledge that our future crime control strategies must focus public attention on the demographic and social

ends impacting urban neighborhoods. Emphasis must be placed on preventive programs that (a) augment child protective services and expand resources for early childhood development, (b) improve the educational achievement of low income youth and (c) enhance the vocational skills of urban youth seeking to enter a rapidly changing labor market.

Nagging Question

In the interest of presenting issues such as differential incarceration, processing, etc., in juvenile justice, we use forms of shorthand that cloak, rather than clarify. Race is an excellent example. We use the concept of race as if it means the same thing to all of us; it does not. For example, we speak of the Asian race or Hispanic group as if they were homogeneous groups of different colors. Yet, in the Asian community, there are Chinese, Thai, Indian, Japanese, etc., all of whom represent different cultures, traditions, and characteristics. The same may be said of Hispanics. Is the Puerto Rican the same as the Cuban or the Mexican American of the far West? Obviously, the answer is no; yet, in our hurry to make things understandable, we simplify differences that should not be simplified. These cultural and traditional differences are extremely important in understanding the ways we, as individuals, are or are not assimilated into American life. We, as members of the juvenile justice community, must be sensitive to these cultural and ethnic differences about which we speak.

For some, our discussion of racism within juvenile justice may seem unreal, in that individuals within minority communities have always been able to climb up the traditional ladder of success. They still can and do, but only when they have certain common characteristics. Two of these characteristics are a strong sense of family tradition and a value of education as the means by which they can achieve success. In many of our urban, central city neighborhoods, neither of these values is in good currency. Witness the following quote from James Baldwin's Nobody Knows My Name.

It is not to be wondered at, therefore, that the violent distractions of puberty, occurring in such a cage, annually take their toll, sending female children into maternity wards and male children into the streets. It is not to be wondered at that a boy, one day, decides that if all this studying is going to prepare him only to be a porter or an elevator boy—or his teacher—well, then, the hell with it. And there they go, with an overwhelming bitterness which they will dissemble all their lives, an unceasing effort which completes their ruin. They become the menial or the criminal or the shiftless . . . (1954)

Or perhaps a contemporary note taken from Time Magazine, May, 1988, which says about "Kids Who Sell Crack":

While the most successful young dealers may be venal and vicious, at least some of them have first-rate intellects that in a better environment could be put to healthier use . . . the kids selling the drugs are the bright and articulate youngsters. They understand how the system works and how to work the system . . . It is almost a corporate mentality.

But these are youngsters who, by the time they reach puberty, have given up on the dream of leading normal lives free from crime and brutality. They say, "they will live as good as they can today since they do not see their life continuing." They do not have hope and they are unfazed that drug dealing will send them to prison or the grave.

The best works on the causes of delinquency hold that three variables are critical to determining whether or not a child becomes delinquent: 1) support by the family, 2) success in school, and 3) positive peer involvement. Balance among all three is regarded as the ideal. The argument states that any one of these three variables can be weak or nonexistent, and a child may still avoid delinquency. However, the loss of two of these supports leads, almost invariably, to delinquency.

Our deliberations suggest that, for some minorities, these supports, for whatever reasons, are not present or, in the worst scenarios, are negative pressures supporting delinquent behavior. It explains a great deal about why certain groups are more vulnerable to the juvenile justice system. It also suggests possible remedies. It begins to answer the nagging question of why some groups can be successful in a lawful society in spite of severe hardships, language barriers, and an economic status that borders on poverty. It suggests that members of any new and permanent "under class" will need something more than encouragement to "pull themselves up by their own bootstraps." It suggests a substantially greater investment in proactive programs for children and a more thoughtful use of limited resources for older youthful offenders. It suggests that equity and justice mean a great deal more than fairness just within the juvenile justice system; they mean fairness in all of our life pursuits—a difficult and delicate balance in a democratic society where differences and individuality are valued.

Recommendations to the President

- 1. We recommend that, within the Office of the President, the Domestic Affairs Advisor be designated the Chairman of a Special Task Force to address the issues raised by differential incarceration of minority youth, and wherever possible, to take action to correct or resolve the inequities identified.**

Discussion: In examining this question of differential incarceration, we found that its causes and consequences transcend the juvenile justice system and cut across the heart of much of our domestic policy. For us to pursue specific objectives to improve the system from within will make only marginal improvements. Greater gains can be made by addressing the cardinal issues associated with the quality and kinds of education, family life, and employment training and opportunities for young minorities.

It is sufficient to say that, when we in the United States experience natural disasters, the Office of the President brings together those agencies and resources most appropriate to address the consequences of that disaster. Only in the human arena do we fail to label national disasters as such.

It is our contention that a school dropout rate of over 50 percent, unemployment rates reaching as high as 80 percent for 16-17-year-old black males, median family incomes for many minorities at 50 percent that of white families, 55 percent of the population of public detention and correctional facilities composed of minority inmates, and the growing participation of a significant proportion of our minority youth in the underground drug economy suggest something more than just a problem. It is a social disaster of major proportions. It is a disaster that will become increasingly worse, if Federal, State, and local governments, in cooperation with business and industry, do not develop some new strategies for solving these "problems." While it would be appropriate for the Office of Juvenile Justice and Delinquency Prevention to provide staff and resources for this effort, the scope of the work goes beyond its recognized mandate. Such an effort requires the authority and the stature of the Office of the President if it is to be successful. The Federal Coordinating Council is a mechanism for testing and implementing pilot programs, but it will not do so without the leadership and support of the White House.

The issues raised by our inquiry into differential incarceration and processing of minorities require that a senior official carefully review cutbacks in government employment and domestic spending. These twin policies disproportionately affect minorities. Moreover, declining revenues for cities, with their concentration of banks, plant closings, and plant relocations in the Third World, the Sunbelt, and suburban America exacerbate an already difficult situation. There is no way that the private sector, by itself, can take up the slack of high minority unemployment, because of the changing character of the occupational structure and the related retraining needed to obtain these new advanced service-sector jobs. These matters, along with the problems of an educational system that does not work for an increasing number of minorities, require the authority and stature of someone who can help put the pieces back together in a pattern that permits families to function, teachers to teach, students to learn, and adolescents to make the important transition to significant jobs in the world of work.

We believe the problem is of sufficient importance to be treated as a significant concern by top-level persons within the Administration. It is not time to rediscover "A War on Whatever." It is a time to assemble the best minds in government, education, child development, industry, and labor in creative new mixes of each to develop strategies for the next decade and the next century. The Federal Government has funded many failed programs in the past, but it has also funded many successful programs that addressed the problem about which we are concerned: Head Start, Career Employment Training Act, tax credits for employers, educational incentives for community colleges, family life education, alternative education models, relevant vocational training, childcare for working parents, permanent substitute parenting, and homemaker programs. These are but a few examples. What made them successful? What has happened to them? What would it take to expand them? These are the questions that the Special Task Force or the President's Domestic Advisor should be asking as it searches for answers that are improvements over the ones we have today.

Recommendations to the Congress

- 2. We recommend that the Congress hold public hearings to investigate the multiple problems associated with the differential incarceration and processing of minority youth.**

Discussion: It is impossible to inquire into the problems associated with differential incarceration and not be confronted with even more critical questions about growing up a minority in contemporary American society. The issues we encountered in our brief inquiry into the matter raise profound questions about a growing anomie for large segments of our society associated with nurturing, family life, education, and work. They raise the specter of reason behind the youth caught up in the underground economy generated by illegal activities. It is a sobering journey that raises important questions about whether or not society has the right to allow children to elect to fail, let alone the right of an adolescent to develop strategies for life on the streets of America. Our recommendation is designed to encourage the Congress to share our experience and perhaps to use its knowledge and position to amend existing laws to change the way young people grow up in America.

- 3. We recommend that the Congress appropriate additional funds to the Office of Juvenile Justice and Delinquency Prevention for the purpose of creating five State or local model youth correctional facilities, serving 30 or fewer youth, in five different regions of the U.S. and/or U.S. Territories.**

Discussion: Throughout the United States, several bellwether States are in the process of major juvenile justice reforms associated with abandoning large conglomerate juvenile correctional institutions in favor of smaller program-driven, program-designed facilities. These facilities replace the older and larger institutions which previously represented the single, most important correctional treatment resource. By electing to use smaller facilities and reducing custodial populations, differential incarceration declines. Smaller institutions result in smaller minority populations, because they are designed for serious and dangerous offenders, not property offenders per se. These new facilities are tied to a wide range of community-based alternatives to institutional care. Their design not only reflects the state-of-the-art in architecture but also demonstrates the state-of-the-art in juvenile corrections. The State of Utah, at present, has three such facilities. We would suggest that models be developed elsewhere, as well.

The purpose of these juvenile correctional models is four-fold: 1) to create a teaching laboratory in which learning and skills can be tested in order to develop the best for juvenile corrections; 2) to demonstrate state-of-the-art in programming; 3) to require the development of alternative programs in the community; and 4) to require the states to examine their priorities in terms of child control. Only programs committed to significantly reducing the total number of institutional beds should be eligible for consideration as active candidates for this new national effort.

One of the advantages to a subsidy is that it would permit the use of Federal funds for construction, as well as permit the Federal Government to require such things as land purchase and quality staffing as a prerequisite for participation in the program. It would also permit the Office to accomplish one of its basic mandates, the development and promulgation of state-of-the-art models. In addition, it would create five teaching laboratories, in which the States can learn modern technology in a correctional facility subsidized by the Federal, State, and local governments.

Recommendations to the Administrator of the Office of Juvenile Justice and Delinquency Prevention

1. **The Office of Juvenile Justice and Delinquency Prevention should conduct and support research that explores the effect of police surveillance practices, offender demeanor, and police apprehension practices to understand why and how minority youth are at greater risk of being handled differentially.**

Discussion: While a great deal is known about the consequences of police patrolling and surveillance as they affect minorities, much still needs to be learned, if we are to find ways to increase both the equity and justice of the juvenile justice system. Research is needed to help determine what is good and what is bad about current practices in order to make improvements for the future.

2. **The Office of Juvenile Justice and Delinquency Prevention should conduct and support research on the differential effects of detention decision-making on minority youth in institutional and noninstitutional settings.**

Discussion: The decisions made on pre-dispositional detention frequently have an impact on other decisions made throughout the adjudicatory and dispositional processes. Available research demonstrates that minority youth are detained in secure settings at a disproportionate rate. This fact requires additional study into the detention decision-making practices of those involved in the early screening process.

3. **The office of Juvenile Justice and Delinquency Prevention should sponsor and support research on the effects of existing dispositional guidelines and laws mandating penalties for chronic offenders.**

Discussion: Just as we need more information to shape future operations for policing, there is a need to understand the disparate effects and, therefore, consequences of law and dispositions on minorities. As we have seen in the earlier discussions, the happenstance of being a minority often puts him/her at a disadvantage in the orderly processing of offenders. It is in these areas that we find evidence of nonracist intent in procedures and practices that are, in fact, discriminatory in consequence.

4. **The Office of Juvenile Justice and Delinquency Prevention should take**

a lead role in developing training curricula and promoting technical assistance for the police, persecution, courts, and probation officers on the way their personal prejudices about race, gender, class and ethnicity can affect decisions.

Discussion: The Federal Government took a leadership role in the 1960s to promote awareness of and sensitivity to gender and different cultural, racial, and ethnic groups. Since that time, there has been an assumption that these differences are no longer a problem. The evidence presented amply demonstrates that the problem still exists. Training and active technical assistance must be an ongoing effort, and we strongly recommend that the Office of Juvenile Justice and Delinquency Prevention ensure such effort goes forward.

8. The Office of Juvenile Justice and Delinquency Prevention should offer leadership in the development and expansion of the use of highly-trained law enforcement personnel specifically committed to juvenile and youth services.

Discussion: Many major law enforcement agencies have moved away from juvenile specialists, except as part-time personnel in other operational units of a department or agency. The argument for making this move was increased efficiency in the use of human resources. Unfortunately, recent experience does not support this move away from specialization. Delinquency has not been reduced. Diversion from the system has declined. While we recognize the efficiency argument, our measure of effectiveness is different. Our measure of success is increased service to children and youth with problems, not just an increase in the number of children and youth processed by the juvenile justice system.

Law enforcement needs full-time personnel, who are trained to deal with the unique and special needs of youth, particularly the inner-city youth, who are responsible for so much street crime. We are not talking about a "kiddy cop," the much-maligned police officer of the 1950s and 1960s; we are recommending a highly-trained, experienced cadre of officers, who can set the tone of youth work by a department for the present and into the next century. We are speaking of specialized personnel, who are informed about youth development, youth crime, and ethnic and racial differences, as well as good police practices. We are speaking of a highly-trained elite, not "policemen assigned to juveniles for discipline or punishment." We are recommending personnel, who can raise public awareness and engage in a broad dialogue with the community about youth and youth crime. We are talking about a unit that can assist communities in planning for, designing, and implementing youth service bureaus and alternative programs to assist law enforcement in making field dispositions.

9. In carrying out the many training, technical assistance, and research activities called for in these recommendations, the Office of Juvenile Justice and Delinquency Prevention should ensure that principals and

participants offering services to the Office are of diverse ethnic, cultural and educational backgrounds.

Discussion: It is important to recognize that different people with different backgrounds, education, and experience, including racial, ethnic, or cultural, will approach these problems differently and may well ask different questions about the same issues. Only complexity can manage complexity; hence, it is critically important to ensure that those doing the research, technical assistance, and training represent a comprehensive and rich mix of the differences outlined.

- 0. The Office of Juvenile Justice and Delinquency Prevention should take a leadership role in identifying and evaluating jurisdictions that are exploring new and innovative approaches to juvenile justice which are explicitly choosing to 1) reduce their overall juvenile incarceration rates and 2) curtail rates of minority confinements. Furthermore, it should provide information and technical assistance to other States wishing to learn from successful experiences.**

Discussion: States that safely reduce incarcerations automatically reduce the numbers of minorities differentially confined. Serious crime and behavior become the criteria for using limited institutional resources; most property offenders are screened out and placed in alternative programs. This change represents a major shift in the traditional way juvenile justice has been doing business. It is a movement that has been shaping the nature of juvenile justice for the past five to even years, and yet the Office has played only a minor role in developing or promoting information about these programs. This movement has not escaped the attention of many people at the State and local levels, however.

- 1. The Office of Juvenile Justice and Delinquency Prevention should do a cooperative project with the Department of Education to research, develop, and, if successful, promulgate the use of higher education, vocational and technical colleges, and community colleges to program for youthful offenders, particularly minority youth, who have not been successful in secondary educational training.**

Discussion: Both the public and private sectors are discovering that the higher educational system, including vocational and technical colleges, along with community colleges, of this country are greatly underused for problem youth and dropouts. In many places, colleges are working together to plan how they might best use their resources and skills in new and innovative ways, with the result that new forms of day training for youthful offenders are being developed.

New Jersey has a program in which its correctional youth are taken to community colleges for day-long vocational training. The training covers everything from computers to horticulture. In Baltimore and Cleveland, business is guaranteeing continuing education for youth completing high school. In Lansing, Michigan, day programs that include combinations of education, training, and work as alternatives to juvenile court processing are offered. In still other jurisdictions

Regional Occupational Centers are being funded to help reclaim the school dropouts.

Why not begin to put these ideas together to resolve at least a part of the problem of young persons who are neither educated nor trained for the real world? This program would be an ideal one for the Federal Coordinating Council—creating mini-learning centers where youth can attend for a year or two, a place that eases negative peer pressure and domination and that envelops them in an environment which encourages them to “do well” in the legitimate world. Exploration of a collaborative effort among corrections, regional colleges, and the private sector might lead to some exciting new programs, if this effort were given the support and encouragement of the Office of Juvenile Justice and Delinquency Prevention.

LEADERSHIP MEANS PARTNERSHIP

*Before I built a wall I'd ask to know
What I was walling in or walling out.*

*Robert Frost
The Mending Wall*

The mission given the National Coalition by the Congress requires that our recommendations cover both strategic and operational matters. The preceding section on “The Delicate Balance” addressed many of our strategic planning recommendations that go far beyond day-to-day operations. While our recommendations are sometimes eclectic because of the dual mission assigned by Congress, we believe they all constitute a series of variations on the same theme: leadership at the national level must be based upon a partnership with the States and local jurisdictions in dealing with the problems of juvenile justice and the prevention of juvenile delinquency.

The Work of the Office

Our last report acknowledged that the Office of Juvenile Justice and Delinquency Prevention has been responsive to many of the suggestions put forth by the National Coalition of State Juvenile Justice Advisory Groups. Although the relationship has been increasingly cooperative, there are still flash points that raise concern, both to the Office and the National Coalition.

A continuing source of concern for the States is the lack of timely feedback of information on changing policies and procedures. Specifically, the Office has not developed an effective system for reporting successful programs and projects to the field, particularly to the State Advisory Groups. In many ways the Office relies on a few published reports as the primary strategy for disseminating information on successful projects—reports that are not always readily available to the States. Knowledge transfer, if that is to be the product or consequence of research and demonstration, requires more than a published report. It requires a direct and participative role for State Advisory Groups, through their annual conference or, more appropriately, through regional workshops and seminars sponsored by the Office.

second concern of the State Advisory Groups is the failure of the Office to comply with Section 225b of the Act and involve them in the pre-review of special grants made directly within a State by the Office. Other Federal agencies provide State representatives with the opportunity to review incoming grants that bypass the existing State structure. In many cases, the State Advisory Groups could provide the Office with helpful information about the potential grantee or recipient of an award—information that the Office might not otherwise have. Compliance with the Act might avoid awards to grantees who have a record of not fulfilling their responsibilities in regard to contracts and grants.

The Office of Juvenile Justice and Delinquency Prevention has the legal responsibility to coordinate resources at the national level. To the extent that the Office has identified techniques, procedures, or strategies that might accomplish this coordination at the State level, such information is necessary to the States and should be shared systematically. For example, the Administrator has often voiced his concern that the States are not as effective as they might be in leveraging juvenile justice funds. Such information would be helpful, and the States would appreciate whatever assistance the Office can offer to ameliorate this problem.

Another example relates to procedures for a good grant review process. Some States believe they need a better grant-review system. The Office of Juvenile Justice and Delinquency Prevention has had extensive experience in this area and could be able to offer good technical assistance and training. If they do not have such a system, one should be developed and shared.

Compared with our earlier Reports, this year's discussion of operational problems is modest. Progress has been made in establishing a working relationship between the National Coalition and the Office. In our Third Report to the President, the Congress, and the Administrator of the Office of Juvenile Justice and Delinquency Prevention, we called for a partnership between the Coalition and the Office. One important area in which cooperation, communication, and the partnership can be enhanced is planning. It is in sensitive areas, such as program and long-range planning, that the strategies and programs the States and the Office propose can be measured against the intended goals and objectives. Experience has shown that failure in planning often results from a failure to adequately evaluate. As a result, the Office often has expanded poor or unsuccessful programs rather than adopting new and better solutions. It is in this area that we believe we could be of considerable help to the Office, while also fulfilling our obligations under existing legislation.

Recommendations to the Congress

1. **We recommend that Section 225b and other appropriate sections of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, further be amended to require that State Juvenile Justice Advisory Groups must be asked by the Office for review and comment on all discretionary grants made within their States prior to the awarding of such grants.**

Discussion: Unlike other Federal agencies, the Office of Juvenile Justice and Delinquency Prevention does not routinely advise the appropriate State Advisory Group when making a discretionary grant within the State. As a result, the State Advisory Group is uninformed, the Office forgoes important local information about a grant recipient, and the concepts of partnership and cooperation are rendered meaningless. State Juvenile Justice Advisory Groups must be involved in the grant review process, if they are to fulfill their legal obligations.

**Recommendations to the Administrator of the Office of
Juvenile Justice and Delinquency Prevention**

- 13. We recommend that the Administrator and his/her staff find more effective ways to share the results of successful programs, including, but not limited to, the following:**
- 1) regional conferences for State Advisory Groups, 2) regional training seminars,**
 - 3) an annual conference of the National Coalition of State Juvenile Justice Advisory Groups, 4) video tape presentations and library, and 5) publications.**

Discussion: As indicated in our first three reports, the lag between the completion of a successful project and information being disseminated to the juvenile justice field is, and continues to be, excessive. In most instances, the information the States need does not reach the appropriate people in the juvenile justice field in a timely manner. Reports and publications on library shelves transfer knowledge on a very limited basis. We suggest that there be a greater use of conferences and regional training, a more active use of video presentations, and perhaps even a telephone hotline for the newest and best in program findings.

- 14. The Office of Juvenile Justice and Delinquency Prevention should offer special regional training in the coordination and integrated use of Federal fund sources to State Juvenile Justice Advisory Groups.**

Discussion: The Administrator of the Office of Juvenile Justice and Delinquency Prevention has been critical of State Advisory Groups for not leveraging other Federal funds with their juvenile justice monies. It seems most appropriate, therefore, to ask that the Office provide regional training for the States on ways to improve their use of various Federal funds in the interest of improving juvenile justice at the State and local level.

- 15 . The Office of Juvenile Justice and Delinquency Prevention should offer the States an effective grant review process, along with training and appropriate technical assistance.**

Discussion: States must make the most effective use of the resources available to improve juvenile justice services. Effective screening of various applications is one method by which the States could do a better job at allocating the available dollars. With the extensive experience of the Office in making grants, we assume

they have developed or learned of an effective grant review process. That process should be shared with the States. If it does not exist, it should be developed and shared.

- 6. The long and short-range planning process of the Office of Juvenile Justice and Delinquency Prevention should be expanded to include the Chair of the National Coalition of State Juvenile Justice Advisory Groups, or his/her designee(s), in the development of the annual program plan and long-range planning efforts by the Office.**

Discussion: Legislatively, the National Coalition of State Juvenile Justice Advisory Groups has an ongoing responsibility to inquire into the operations of the Office. What better way to gain input from the States and keep them advised than to involve them directly in the development of the annual program plan and the long-range planning process? This single improvement in working relations would help overcome a number of recurring problems.

CHANGING TIMES/CHANGING NEEDS

*The sense of danger must not disappear:
The way is certainly both short and steep,
However gradual it looks from here:
Look if you like, but you will have to leap.*

*W.H. Auden
Leap Before You Look*

The National Coalition of State Juvenile Justice Advisory Groups' Conference, 'Changing Times/Changing Needs,' held in Jackson, Mississippi, in May, 1988, had a profound affect on its participants. Sensitive, sometimes heated, and always informative discussions increased the awareness of those present as to how insidious discrimination is. We all live with a "just world hypothesis," one that is not supported by reality. We came to understand that the world and we, as professionals in it, are truly not blind to color or ethnic differences, even though we would like to believe we are. Nor should we be blind to differences that shape our attitudes and actions. To the extent we are aware of our attitudes, then, to that extent, we can manage our behavior in ways that do not discriminate against others. Individualized treatment means being conscious of ethnic and racial differences and balancing justice and equity within the juvenile justice system.

Our proceedings produced numerous recommendations at two different levels: 1) specific programmatic suggestions and 2) more global strategic recommendations. Our Report has ranged over a much broader area than in previous years. Yet, in considering the issues associated with differential incarceration and juvenile justice processing, we would be remiss in not asking the obvious and worrisome questions that go beyond procedure. It is clear, from

our inquiry into the matter, that the Federal Government must assume a leadership role in creating a positive economic environment for the next generation of minority youth, if we are to avoid fostering a continued state of dependency and delinquency for them.

The Federal, State, and local governments must join together in a concentrated effort to keep more minority students in school until graduation and to increase their basic academic skills while in school. These efforts will fall short, if they do not have the active involvement and support of business and labor or if they fail to offer realistic rewards to youth who are known to be at risk of remaining outside the mainstream of society. Old patterns of doing business are no longer satisfactory—new configurations are required.

The list of needed actions, if we are to address the problems associated with differential incarceration, is extensive. It ranges from early childhood education and home-based programs, to family life skills, alternative educational programming, child care, permanent substitute parenting, smaller correctional institutions, and major efforts to increase our awareness of our actions in relation to those who are culturally, ethnically, or racially different.

We can continue to pay our taxes for the public sector to develop and build bigger juvenile justice facilities holding more minority youth. Or, we can choose to pay taxes for public and private sector development of quality education, career employment, community development, the revitalization of the inner city, quality child care, and those other support services that represent positive alternatives to construction. We do not have the option of not choosing: the question is which alternative will we choose?

The decision is ours.

- Huizinga, D. and D.S. Elliott, "Juvenile Offenders: Prevalence Offender Incidence, and Arrest Rates by Race." Crime and Delinquency, Vol. 33, No. 2, 1987.
- Joe, T., "Economic Inequality: The Picture in Black and White," Crime and Delinquency, Vol. 33, No. 2, 1987.
- Krisberg, B. and others "The Incarceration of Minority Youth," Crime and Delinquency, Vol. 33, No. 2, April, 1987.
- Krisberg, B., I.M. Schwartz, P. Litsky, and J. Austin, "The Watershed of Juvenile Justice Reform." Crime and Delinquency 32: 5-38.
- Maxwell, A., W.F. Meredith, W.I. Cobb, J. Montserrat, R. Sanfilippo, and J. Wallach, Differences Do Make A Difference: Connecticut Department of Corrections, 1974.
- Oldroyd, R.J. and R.J. Howell "Personality, Intellectual and Behavioral Differences Between Black, Chicano, and White Prison Inmates in the Utah State Prison." Psych. Reports 41: 187-191, 1977.
- Perry, R.W., "Justice System and Sentencing: the Importance of Race in the Military." Criminology 15: 225-234, 1977.
- "The American Dilemma at Sea: Race and Incarceration in the Naval Justice System." Phylon 41: 50-56, 1980.
- Petersilia, J., Racial Disparities in the Criminal Justice System. Santa Monica, Ca.: Rand Corp. 1983.
- Petersen, D.M. and P.C. Friday, "Early Release from Incarceration: race as a factor in the use shock probation." J. of Criminal Law and Criminology 66: 79-87, 1975.
- Pope, K. and W. Feyerherm, "Race and Juvenile Court Disposition: an empirical analysis of initial screening decisions." Criminal Justice and Behavior 8: 287-301, 1981.
- Prescott, M. and E.V. Houten, "Retarded Juvenile Offender in New Jersey: a report on research in correctional facilities and mental retardation facilities," pp. 166-175 in M.B. Santamour and P.S. Watson (eds) Retarded Offender. New York: Praeger, 1982.
- Sheflin, N., Sentencing Guidelines Project: Report to the Administrative Director of the Courts on the Relationship Between Race and Sentencing. Trenton: New Jersey Admin. Office of the Courts, 1979.
- Squires, G.D., "Runaway Plants, Capital Mobility and Black Economic Rights," J.C. Raines et al. (eds) Community and Capital in Conflict: Plant Closings and Job Loss. Philadelphia: Temple Un. Press, 1982.
- Taft, P.E., "Behind Prison Walls, Indians reclaim their heritage: a new political and cultural awareness combats the cycle for despair." Corrections Magazine 7: 6-18, 1981.

REFERENCES

- Wallerstein, K., The Underclass. New York: Vintage, 1983.
- Wallerstein, B. and B. Garrison, The Deindustrialization of America. New York: Basic Books, 1982.
- Wallerstein, J. and R.B. Freeman, "Documenting the Dimensions of Change." Unpublished report, Department of Labor, Washington, D.C., 1984.
- Bureau of the Census, Current Population Reports,
Money Income of Household, Families, and Persons in the U.S., 1984.
Household Wealth and Asset Ownership, 1984.
Characteristics of the Population Below Poverty Level, 1984.
Household and Family Characteristics, 1984.
- Wallerstein, D. and R.K. Schutt, "Race and Juvenile Justice Processing in Court and Police Agencies." Amer. J. of Sociology 87: 1113-1132, 1982.
- Wallerstein, T., "Crime, Youth Unemployment, and the Black Urban Underclass," Crime and Delinquency, Vol. 33, No. 2, 1987.
- Wallerstein, D. S. and S.A. Ageton, "Reconciling Race and Class Differences in Self-reported and Official Estimates of Delinquency." Amer. Soc. Rev. 45: 95-110, 1980.
- Wallerstein, D.S. et al., The Prevalence and Incidence of Delinquent Behavior, 1976-1980. 1983.
- Wallerstein, D.S. and D. Huizinga, "Social Class and Delinquent Behavior." Criminology 21: 149-177, 1983.
- Wallerstein, D.S., D. Huizinga, and B.J. Morse, "Self-reported Violent Offending: a descriptive analysis of violent offenders and their offending careers." Presented at the 1985 annual meeting of the American Society for Criminology, San Diego, Ca.
- Wallerstein, D.S., Huizinga, and B.J. Morse, "A Career Analysis of Serious Violent Offenders." Presented at the Conference on Youth Crime and Public Responsibility, Humphrey Institute of Public Affairs, University of Minn., Minneapolis, 1986.
- Wallerstein, J., E. Slaughter, and E. Hartstone, "Blind Justice? The Impact of Race on the Juvenile Justice Process," Crime and Delinquency, Vol. 33, No. 2, 1987.
- Wallerstein, R.B. and H.J. Holzer, The Black Youth Unemployment Crisis. Chicago: University of Chicago Press, 1986.
- Wallerstein, J.T., "Black Adolescents and Youth." Amer. J. of Orthopsychiatry 54, 1: 6-19, 1984.
- Wallerstein, M.J., "Race Involvement in Crimes." Amer. Soc. Rev. 43: 1, 93-109, 1978.

- Hillman, R., The Prevalence and Incidence of Arrest Among Adult Males in California. Bureau of Criminal Statistics Special Report Series, State of California, Department of Justice, 1986.
- Miscusi, W.K., "Market Incentives for Criminal Behavior," pp. 301-346 in R.B. Freeman and H.J. Holzer (eds) The Black Youth Unemployment Crisis. Chicago: Un. of Chicago Press, 1986.
- Williams, T. and W. Kornblum, Growing Up Poor. Lexington, MA: D.C. Heath, 1985.
- Wilson, J.Q. and R.J. Herrnstein, Crime and Human Nature. New York: Simon and Schuster, 1985.

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