

# A PEER RESOURCE GUIDE

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# INTRODUCTION

Racial and Ethnic Disparities (R/ED)
Coordinators are tasked with the important job of working to end the racial and ethnic disparities that exist within the youth justice system. They support the development, implementation, and evaluation of strategies to reduce the overrepresentation of children of color in the juvenile justice system. They also are responsible for educating their communities about the disparities that exist and the systemic racism in which these disparities are rooted.

To understand the weight of the R/ED Coordinator's role within the system, it is important to first understand the magnitude of racial and ethnic disparities in the U.S. juvenile justice system. Racial disparities exist and increase at every point of contact in the youth justice system, starting with arrests and continuing through detention, commitment, and adjudication. According to the Sentencing Project, Black youth are 2.3 times more likely

to be arrested than White youth who engage in the same behaviors.[1] Among those children who are arrested, Black youth are more likely to have their cases formally processed in court rather than diverted pre-adjudication.[2] And Black youth whose cases are adjudicated are less likely than their White peers to be sentenced to probation, and more likely to have a sentence that includes an out of home placement.[3] The consequences of these arrests, adjudications, and detentions follow young people throughout their lives and affect their future employment opportunities, as well as their likelihood for future justice system involvement.

This document aims to serve as a resource for new R/ED Coordinators and was crafted by experienced R/ED coordinators across the country. It is organized in three main parts, as outlined below. A reading list and links to key resources are also included as appendices to this report.

# **Document Breakdown**

# I. Why we do the work

Part 1 of this document addresses why Racial and Ethnic Disparities Coordinators are needed. It includes a look at the history of racism and white supremacy culture in America and the impact that these have had on our systems

# II. What we do

Part II of this document explains the job of Racial and Ethnic Disparities Coordinators, highlighting the R/ED Coordinator's key roles and responsibilites.

# III. How we do it

Part III of this document explores the process of reducing racial and ethnic disparities in the youth justice system and includes key pointers about data analysis, creation of R/ED plans, and getting the word out in the community.

# PART I. WHY WE DO THE WORK

The role of R/ED coordinator is one steeped in history: national, local, personal, and legislative. To understand why we do the work, we must first explore how we got here. Examining history is key to understanding how we got here and what can be done to address the systemic racism that has led to disparities in the justice system. History, however, is not confined to the past, and continues to unfold around us each day.

# HISTORICAL ROOTS OF RACISM AND RACIAL INEQUITY IN THE JUSTICE SYSTEM

The first advancement toward the creation of an American juvenile justice system occurred on January 1, 1825, when New York's "House of Refuge," opened as the country's first juvenile detention center.[4] The House of Refuge was founded by the Society for the Prevention of Pauperism and Crime on the principle that young people should be rehabilitated, not placed in adult jails and prisons.[5] National praise for New York's House led to openings of other Houses of Refuge across the country.[6]

Black children and other children of color were excluded entirely from these programs initially. When they were allowed in Houses of Refuge, they were segregated into separate wings of the facilities.[7] Not unlike today, Black youth who were detained were on average younger than their White counterparts, subject to harsher treatment and longer sentences, and more likely to die in the facilities.[8]

After the enslavement of Black people was outlawed in 1865, conspicuous racism and discrimination continued to be perpetuated by the U.S. legal system. Southern "Black Codes" created laws that applied only to Black people[9] and allowed for the incarceration of Black people for acts that were not criminal for White people.[10] The Freedmen's Code of 1866 enabled former slaveholders to force Black children of newly-freed slaves into apprenticeships and become their legal guardians.[11]

Simultaneously, in the early-to-mid 1800s, as Americans moved west during the "Manifest Destiny" period, an emerging belief that criminal tendencies and behaviors could be predicted by race and body type was institutionalized by the staff at the Whittier State Reform School in Southern California.[12] At the Whittier Reform School, the fates of young boys would be determined by intelligence tests. Low-scoring boys, overwhelmingly Mexicans, Mexican-Americans, and African Americans, were deemed hopeless and removed from the reform school. [13] The aforementioned pseudoscience of labeling youth of color as "feeble-minded" and thus, unredeemable, was used to justify their incarceration and even sterilization to "protect public safety."[14]

Also around this time, the Civilization Act Fund of 1819 was used to establish boarding schools for Native American children based on the assumption that assimilation to mainstream White American culture was the only way to save tribal children from the genocide that was taking place as part of westward expansion.[15] The Fund paid Christian missionaries and church leaders to replace tribal practices with Christian ones[16] and strip tribal youth of their culture and history. [17]

The Federal government established 60 schools with 6,200 Native American students.[18] Decades later, after the era of these boarding schools, Native American children continued to be separated from their families and cultures by the child welfare system. Congress passed the Indian Child Welfare Act (1978) in response to research showing that 25-35% of Native American children were being removed from their homes, and 85% of these children were placed outside of their communities regardless of the availability of fit and willing relatives.[19]

In 1899, Chicago opened the country's first juvenile court to help address the unique needs of children.[20] The court would hear cases of youth under the age of 16, and a "flexible, humanistic, legalistic, and sympathetic" judge, after consulting police, social workers, and other relevant professionals, would have final discretion.[21]



Following Chicago's lead, a system of youth courts began to form across the country.[22] From the beginning, Black youth were overrepresented in youth courts, and community services available to Black children were lacking, especially in the South.[23] Mary Huff Diggs's 1940 report revealed that Black youth that became involved with the system younger, were less likely to have their cases dismissed, and were more likely to be placed in institutions.[24]

Many Americans were shocked to discover how far the United States juvenile justice system had strayed from its initial mission in 1944 when 14year-old George Stinney, the youngest person sentenced to death since WWII, was executed after being found guilty of a double homicide. [25] Seventy years later, in 2014, Stinney was finally exonerated when a judge ruled that Stinney was denied due process. Stinney's trial had lasted only two hours, and jury deliberation, only 10 minutes.[26] All jurors had been White, and Stinney had not been informed of his right to appeal.[27] It wasn't until 1967 that some of the concerns of youth advocates following Stinney's execution were finally addressed in the U.S. Supreme Court's ruling in the In re Gault case.[28] The Supreme Court ruled that, "while there are legitimate reasons for treating youth and adults differently, youth... are entitled to certain procedural safeguards" under the Fourteenth Amendment's Due Process clause. [29] Racism and racial disparities continued to permeate the justice system when, in the 1990s, sociologists began to predict that the country would experience a wave of "superpredators, or youth "capable of profound violence and different from any we as a nation had seen before." [30]

This superpredator myth, somewhat similar to the Whittier State School's ideology in the mid-1800s, was based on the idea that there were some youth for whom rehabilitation was impossible.[31] It led to a tough-on-crime agenda that, as usual, targeted and disproportionately affected children of color. [32]

One example of the superpredator myth in action is 1989's infamous "Central Park 5" case, in which a female jogger was raped and severely beaten and five innocent Black and Latino youth were convicted after being coerced by police to give false confessions. [33] While the Central Park 5 were ultimately exonerated in 2002, the case led to a hysteria that "caused more children to stand trial as adults than at any other time in U.S. history."[34]

School policies have also played a role in the justice system and the over representation of youth of color in the justice system. On March 31, 1994, President Bill Clinton signed the Gun-Free Schools Act, which required the expulsion of students who brought firearms to school.[35] Originally aimed at serious



offenses, the zero-tolerance policies introduced by the Gun-Free Schools Act have since expanded to include minor offenses.[36] Other zero tolerance policies that resulted from the law—which in some case criminalized possession of items such as eating utensils that were brought from home to school grounds—resulted in enforcement from police officers, contributing to heightened police presence in schools and to the "school-to-prison pipeline," and the overcriminalization of behaviors taking place in schools.[37]

Similarly, in 2002, the No Child Left Behind Act was signed,[38] intending to close racial achievement gaps by providing all children with the opportunity to access high-quality education.[39] In practice, the Act's datatracking incentivized schools to become "dropout factories" or push out low performers to meet state mandates, exacerbating the aforementioned school-toprison pipeline.[40] According to a policy brief from Johns Hopkins, students of color are much more likely to attend high schools with low graduation rates.[41] The No Child Left Behind initiative was in place until 2015.[42]

The legal system targeted yet another racial group after the September 11, 2001 al Qaedaled terrorist attacks on the Twin Towers.[43] As the "War on Terror" began under the administration of George W. Bush, pervasive Islamophobia and the image of the Muslim terrorist served to criminalize Black and minority ethnic groups with Muslim backgrounds (e.g. Middle Eastern, South Asian, Chinese Muslims, etc.), or perceived Muslim backgrounds.[44]

Ten years later, in 2011, New York saw the peak of its controversial "stop-and-frisk"

policy under the Bloomberg administration, with 685,724 recorded stops.[45] Stop-and-frisk unfairly targets Black, Latinx, and young people. In 2011, 53% of stopped individuals were Black, 34% were Latinx, and 51% were aged 14-24.[46] Approximately nine out of every 10 individuals stopped were completely innocent.[47]

On February 26, 2012, 17-year-old Trayvon Martin was shot and killed by neighborhood watch captain George Zimmerman, who disregarded a 9-1-1 operator's instructions to remain in his SUV during his call reporting a "suspicious person." [48] On July 13, 2013, Zimmerman was acquitted of murdering Martin, sparking public outrage across the country and motivating Alicia Garza, Patrisse Cullors, and Opal Tometi to create the Black Lives Matter movement, which has since become a global phenomenon. [49] The movement continues to call on communities to end police violence against people of color, particularly Black people.

Inspired by Martin's death, President Barack Obama began work on his "My Brother's Keeper" initiative. It provided mentoring and educational programs for boys and young men of color to reduce opportunity gaps[50] by pairing hundreds of thousands of boys with mentors. My Brother's Keeper also introduced other programs and policies.[51] My Brother's Keeper officially launched two years later, in February of 2014.[52]

Later that year, on August 9, an unarmed teenager, Michael Brown, was shot and killed by police officer Darren Wilson in Ferguson, Missouri, after he and his friend were confronted by the officer for walking in the street instead of on the sidewalk.[53] Wilson was not charged with Brown's death.[54] Civil unrest erupted in Ferguson and a state of emergency was declared.[55] A national conversation about police brutality against people of color began. Also in November 2014, 12-year-old Tamir Rice was killed by police officer Timothy Loehmann in Ohio mere seconds after arriving at the scene in response to a 911 call reporting a boy with a gun. Rice had been playing with a toy gun.[56] A grand jury declined to bring charges against Loehmann. [57] Protests occurred in Cleveland and spread nationally.[58]

The history of our justice system and the racial and ethnic disparities that plague it continues today. During the COVID-19 pandemic, for example, courts saw a dramatic reduction in the number of young people who were referred and who were detained. Those reductions disproportionately benefited white youth.[59] Youth of color, meanwhile, continued to be targeted by school disciplinary policies, with reports of Black youth being arrested for having toy guns in their rooms during virtual class meetings.[60]

# KNOWING YOUR LOCAL HISTORY

While national history is important, local history also plays an important role. To do this work, R/ED Coordinators need to know the ever evolving local histories of their states and communities. That is, to effectively address your particular state's current racial and ethnic disparities, it is important to understand the historical context in which its



Race in itself is history.
Each state's history of racism paints the same but different picture.

SHEILA FOSTER, ARK.

juvenile justice system developed and continues to evolve.

Ask how racism has impacted your state and its juvenile justice system. Dig deep and look at both the past, and ongoing current events. Perhaps make your own timeline, like the one on the previous pages, of pivotal moments in your community's racial history.

For example, an R/ED coordinator working in Tulsa, Oklahoma could not combat racial disparities in the juvenile justice system without understanding the legacy and cultural and historical context of Black Wall Street. On May 31, 1921, Tulsa newspapers reported that a Black man had attempted to rape a White woman in the community.[61] In retribution, Whites burned down what had been "one of the most prosperous African-American communities in the United States," destroying an area of 35 city blocks and killing 300 people.[62] Today, racial tensions, and tensions between Tulsa's Black communities and Tulsa police are ongoing, "simply a continuation of what's been going on for years," perpetuated by "the same

culture that burned down Black Wall Street."[63] This history plays a crucial role in people of colors' perceptions of and interactions with law enforcement and the criminal and juvenile justice systems, and thus must be carefully considered when addressing Tulsa's Racial and Ethnic Disparities.

Another example of a historical event with long-lasting effects on a community's R/ED work is the shooting death of Trayvon Martin and the subsequent acquittal of George Zimmerman (see p. 6 of this document). More than eight years later, some work has been done to repair community-police relations in Sanford, Florida, but the city's police chief acknowledges that "there is still much ingrained distrust, and that will still take a while to heal."[64] Although some racial incidents may seem to be in the distant past, scars remain in many communities, and America's systemically-racist systems have not been dismantled.

Take time to do research and talk to people in your community to really understand key elements of your local context. This will allow you to interact with your community in a more educated and culturally-sensitive way, with underlying challenges in mind.



### **—**



Addressing disparities requires more than looking at overt racism that exists. We must also take on the implicit biases that exist within each of us. Implicit bias "refers to the attitudes or stereotypes that affect our understanding, actions, and decisions in an unconscious manner."[65] These biases can be both positive and negative and are so ingrained in us as individuals and societies that they are able to trigger responses within us without voluntary actions on our own part.

Research has shown that negative racial biases exist among a variety of individuals, including those that have key decision making authority within the youth justice system. These biases lead to perceptions that youth of color are older and more culpable for their behaviors than their White peers.

For example, research shows that police perceived young African American's as 4.53 years older than they were and as more culpable for their behaviors when compared to white youth.[66]

In that same study, researchers wrote that "Black children may be perceived as innocent only until deemed suspicious." [67]

Law enforcement are one of many decision makers that research has shown have biases against Black youth. For probation officers, research shows that their reports more frequently highlight negative internal attributions for African American youth and more frequently attribute negative external attributes related to white youth.[68] A study of 133 judges nationwide, meanwhile, found widespread implicit biases, but also noted that judges were able to control for these biases in a clinical setting when they were made aware of them.[69]

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# THE ROLE OF FEDERAL LAW: THE JUVENILE JUSTICE AND DELINQUENCY ACT

Recognizing that our systems and history had created disparate outcomes for Black youth, CJJ issued a report to Congress in 1988 entitled "A Delicate Balance." In the report, CJJ highlighted the need for Congress to take action to address these disparities through legislation and include the issue in a reauthorized version of the Juvenile Justice and Delinquency Prevention Act.[70]

As a result of this push, in 1992, the JJDPA became one of the only federal laws requiring states to address disparities within our systems. Congress required states at that time to identify "disproportionate minority confinement" (DMC) to receive Title II funding.



In the decades that have followed, the language and requirements associated with this fourth core protection in the JJDPA have changed and expanded to enable states to more broadly address racial and ethnic disparities.

In 2002, for example, the JJDPA was amended and the DMC core protection was expanded to include "disproportionate minority contact" within the justice system. This new provision required states, as part of their Title II pro-gramming to "address juvenile delinquency prevention efforts and system improvement efforts

# HISTORY OF THE JJDPA & R/ED

THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT & RACIAL AND ETHNIC DISPARITIES

1988 CJJ ISSUES REPORT CJJ issues a report to Congress in 1988 entitled "A Delicate Balance" in which it highlighted the need to address racial 1992 disparities in the juvenile justice system through legislation and include the issue in a reauthorized version of the JJDPA... 2002 DMC REQUIREMENT IS EXPANDED The JJDPA is amended and the DMC core protection expands to include "disproportionate minority contact" within the justice system, requiring states to "address the disproportionate number of juvenile members of minority groups, who

system."

JUNE 2018

come into contact with the juvenile justice

### 9 POINTS OF CONTACT BECOME 5

Federal requirements for states' data collection are revised from nine points of contact with the justice system to the following five: Arrest, Diversion, Pretrial Detention, Secure Confinement, and Transfer to Adult Court.

AUGUST 2020 .

### CENSUS BUREAU DEFINES ETHNICITY

According to the Census Bureau, "[t]here are two minimum categories for ethnicity: Hispanic or Latino and Not Hispanic or Latino," adding that race and ethnicity are two separate and distinct concepts..

# IIDPA ADDRESSES

As a result of CJJ's report, the JJDPA becomes one of the only federal laws requiring states to address racial disparities within our systems. Congress requires states to identify 'disproportionate minority confinement" (DMC) as part of Title II funding.

## OJJDP REPORT EXPLAINS RRI

The RRI is one of many tools that can be used to determine the disproportionate impact systems have on youth of color at various points of contact within the justice system. While there has been a movement away from the use of RRI, use of RRI is still permissible

DECEMBER 2018

### THE JJDPA IS REAUTHORIZED

In the reauthorization, further updates to the JJDPA's core protection on DMC are made. The legislation shifts the core protection's focus away from DMC and instead required states to address racial and ethnic disparities (R/ED). Also in 2018, the Juvenile Justice Reform Act is passed

designed to reduce, without establishing or requiring numerical standards or quotas, the disproportionate number of juvenile members of minority groups, who come into contact with the juvenile justice system."[71]

In December 2018, when the Juvenile Justice Reform Act was passed, further updates to the JJDPA's core protection were made. The legislation shifted the core protection's focus away from DMC and instead required states to address racial and ethnic disparities (R/ED).[72] This change was reflective of the direction the field had been heading in for many years and ensured for the first time that states collected data on both race and ethnicity.

For statutory purposes, the Act uses the U.S. Census Bureau's definition of ethnicity. As of March 2021, the U.S. Census Bureau reported that "[t]here are two minimum categories for ethnicity: Hispanic or Latino and Not Hispanic or Latino,"

adding that race and ethnicity are two separate and distinct concepts, [73] (Notably, this may not be terminology that is used by everyone for self-identification purposes.) The 2018 reauthoriza-tion included other important provisions focused on addressing racial and ethnic disparities as well.

The reauthorization required states to create action plans to address R/ED, moving beyond data



collection and into concrete steps aimed at reducing and eliminating R/ED. These plans are required to be posted and available on a public website.

The reauthorization also broadened language related to equity to include the many intersecting identities that people may have. The Act requires that as part of a state's Title II work, they must "provide assurance that youth in the juvenile justice system are treated equitably on the basis of gender, race, ethnicity, family income, and disability."[74]

Though often referred to as the fourth core protection, the JJDPA's racial equity provisions are larger than that. In many ways it is the one core protection that undergirds all of the others. To truly address equity, it must be viewed in the context of the justice system as a whole. For example, meaningfully ensuring that young people are not incarcerated for status offenses can only be done when equity is addressed as part of the work. Similarly, R/ED work is critical to keeping youth out of adult jails and lockups, as youth of color are more likely to be transferred to adult courts.

### FEDERAL STATUTORY REQUIREMENTS

The requirements set out in the JJDPA are further clarified through regulations and guidance from the Office of Juvenile Justice and Delinquency Prevention. These too, have changed with time.

Prior to 2018, states were required to monitor and report data on nine (9) points of contact with the youth justice system.[75] These included: "arrest (law enforcement referral); referral to court; diversion; secure detention; petition filed; adjudication (delinquent, guilty finding); probation supervision; secure confinement; and transfer to adult court (waiver)."[76]

Beginning in Fiscal Year 2019, federal requirements for state data collection were revised, with only five (5) points of contact with the justice system required for reporting purposes:

- Arrest:
- Diversion:
- Pretrial Detention:
- · Secure Confinement; and
- Transfer to Adult Court.[77]

States were not precluded from continuing to collect data on the full nine points for their own purposes, with many reporting that they continue to do so.

Also included in this shift was a move away from required use of the Relative Rate Index, or RRI. The RRI is one of many tools that can be used to determine the disproportionate impact systems have on youth of color at various points of contact within the justice system. The RRI "compares the rates of processing for minority youth to the rates of processing for white youth," a 2014 OJJDP

report explained, adding that "[t]he RRI method describes the volume of activity from one contact point to the next and how it differs between white and minority youth. An RRI directs policymakers and practitioners to the juvenile justice stages that need more examination."[78] RRI values could then be compared across jurisdictions and over time. [79]

Though important in its role and protection that it affords for young people, the JJDPA is a floor and not a ceiling when it comes to addressing racism and inequities within our youth justice systems. States are permitted to establish their own requirements to address R/ED that build on, and go above and further than, the federal standards set out in the JJDPA. This can take on a number of different forms, including, for example, requiring racial impact statements for proposed legislation.



# PART II: WHAT WE DO: THE ROLE OF THE R/ED COORDINATOR

#### Goals of the work

It is essential that we keep in mind the main goals of the work to address racial inequity in the youth justice system.

The Center for Children's Law and Policy, a leading expert on Racial and Ethnic Disparities in youth justice, provides three core goals for reforms focused on R/ED: [80]

- Reduce over representation of youth of color:[81] Youth of color are twice as likely to be detained than their white peers who are charged with the same or similar behaviors.[82] The goal of the JJDPA's core protection is to ensure that young people are treated equitably when they come into contact with law enforcement, judges, and other decision makers, and to end the over representation of Black and Brown youth in the justice system.
- Reduce disparate treatment of youth of color:[83] When youth of color come into contact with the justice system, research shows they are more likely to receive harsher punishments than their white peers who have engaged in similar behaviors.[84] In addition to making sure that young people are not drawn into the system at disproportionate rates, we must also ensure that those who do come into contact with the system are not subject to racism and implicit bias.
- Reduce unnecessary entry and deeper movement into the justice system:[85] As stated above, youth of color are disproportionately brought into the justice system, and issued more serious punishments when compared to white youth who have engaged in similar behaviors.[86] Remedying this and ensuring equitable treatment must be at the core of our work to improve youth justice systems.[87]

While the role may look different from state to state, there are four core functions of a Racial and Ethnic Disparities Coordinator's job that remain true regardless of geography. R/ED Coordinators are responsible for:

- Analyzing Data;
- Preparing reports;
- · Educating the Community; and
- Advocating for Change.

Different models exist for how R/ED Coordinators do their work. Some jurisdictions have a single state R/ED Coordinator, while others have a series of local or regional coordinators that report to the state coordinator. It is important to think through which model might work best for your state and local communities.



# Function I: Analyzing Data

Data helps paint the story of what is going on nationally, at the state level, and in local jurisdictions. It can be a critical component in helping law enforcement, judges, community leaders, and other decision makers understand the reality of racial and ethnic disparities within their jurisdictions. CJJ National Racial and Ethnic Disparities Coordinator, William Jernigan of Maryland, says data can make the difference between a conversation that is uncomfortable and unproductive, and one that serves as an opportunity for change. That doesn't mean it makes it entirely easy, he notes, presenting racial and ethnic disparities data can bring "both iciness and context to the conversation," he said.

Both qualitative and quantitative data play important roles in helping decision makers understand existing racial and ethnic disparities and in identifying policy solutions that might help address them. What is your data telling you? Are disparities higher in one portion of your state than another? If so, are there communities or schools within that area that are being policed differently from others? Are there diversion options available for young people who come into contact with the system? What are you hearing from young people themselves?

For more complete discussion of how to collect and analyze data on R/ED see the Data section on page 21.

# Function II: Preparing Reports

Racial and Ethnic Disparities Coordinators are responsible for preparing a variety of reports, including those that are used for Title II grant reporting, and those that are used by local and state agencies. OJJDP provides guidance on how to prepare Title II reports. For purposes of this guide, we are discussing only local and state plans that are used for R/ED work generally, not those submitted to OJJDP. These can include both formal, lengthy documents that are used as planning and tracking tools, and short infographics that are shared with community groups and external partners.

In Washington State, the R/ED Coordinator is responsible for reporting monthly to the state R/ED subcommittee, and quarterly to the State Advisory Group as a whole. This might not always include a formal written product, notes Alice Coil, Deputy Director of the state's Office of Juvenile Justice. It does, however, require that they be given enough information and details to keep them up to date on progress that is taking place and roadblocks that may arise.

In Maryland, William Jernigan reports that it is helpful to give both a verbal report, and a handout that SAG members and others can take with them after a presentation. Typically these short reports are one to two pages in length. They can serve as an important way to highlight topics addressed during the meeting, or questions and concerns that arose during the group's last conversation.

Lengthier reports are also made on an annual basis. In New York, Trista Deam stated that the SAG and state agency use their annual report as a planning tool to guide their work. They update it every year with new information regarding their data, goals, and progress.

When preparing reports, remember that everyone processes information differently. For some people narrative forms will be the most beneficial. For others, charts, bar graphs, and infographics will be more helpful. Be sure to keep communication tools varied to help convey information clearly to as many readers as possible



# Function III: Educating the Community

Once you have your data, the data should be used to help others understand what is going on. One of the most important and challenging aspects of the jobs of an R/ED Coordinator is their responsibility to educate their community. R/ED Coordinators help ensure that word is getting out about disparities that exist within the youth justice system, and ways that we could be addressing them. This includes presentations before community groups, advocacy organizations, law enforcement, judges, local and state Bar Associations and other key actors in the justice system. R/ED Coordinators use the data you've collected to help the community understand what is taking place.

This work, like many jobs, has been altered dramatically by the ongoing pandemic. In other times, this would have involved getting out in the community and spending time in front of as many groups as possible. During the COVID-19 pandemic, Maryland R/ED Coordinator William Jernigan reports, it means making sure that the R/ED Coordinator is connected with and a part of as many webinars, group calls, and online training sessions as possible. "In every call, I respect their space, but make sure to include R/ED in the content," Jernigan said.

Other states, such as New York, have organized online sessions to bring state and national partners together to continue engaging them in the work. In many instances, states report that while they may not be able to be physically present in front of individuals, they are seeing more interest than ever from groups who want to learn about systemic

racism and how they can address it. When trainings can take place, virtual platforms are enabling more people to attend.

Regardless of whether an R/ED Coordinator is doing a virtual or in person training, it is important to keep in mind who the audience is. For example, when engaging with a group of young people the message and communication style may be different than when talking with a group of legislators. Keep the audience in mind when thinking about communication style, and how to approach the conversation. A slide deck and supporting handouts that are used for a presentation to law enforcement likely will not be the same one used when talking with a local faith community or non-profit.

Pointer: Using both live and recorded trainings can ensure that people are able to access content on their own schedules.
Infographics and handouts can also serve as useful tools.



# Function IV: Advocating for Change

Education and advocacy often go hand-in-hand. When community members, policy makers, judges, police chiefs, and others gain a better grasp of what is taking place and the disparities that exist, they frequently want to know what can be done to fix the problem. "Be a liaison, provide technical assistance. They're looking for you to provide guidance as well," said Sheila Foster, former Arkansas R/ED coordinator.

This could include pushing for racial impact statements and further analysis of proposed policy changes to ensure they do not perpetuate inequities. The first racial impact statement legislation in the country passed in Iowa, which was actually a minority impact statement. This racial impact statement not only analyzed the impact of legislation by race, but also its impact on women and people with disabilities. Iowa developed a non-partisan government agency, the Fiscal Services Division of the Legislative Services Agency (LSA), that develops fiscal impact statements with developing minority impact statements. [88] The LSA works with the Division of Criminal and Juvenile Justice Planning, whose main purpose is to collect juvenile and criminal justice related data, and then incorporate the findings as part of a bill's fiscal note. The minority impact statements are required to be attached to any new piece of legislation that either implements or alters parole, sentencing, or criminal law prior to a bill's floor debate.[89]



Since Iowa passed this statute in 2008, several states have followed by adopting their own version of the minority impact statement that is more focused on racial and ethnic disparities. For example, Oregon also adopted their own version of a racial impact statement. One member of the Legislative Assembly from each major political party must sign a written request for a racial impact statement. Upon a written request, the Oregon Criminal Justice Commission will prepare a racial and ethnic impact statement that describes the effects of the proposed legislation on the racial and ethnic composition of the justice system population.

COVID-19 has created unique opportunities for advocacy. Look to lessons learned during the pandemic as ways to make long lasting change. Some questions to consider are listed below:

- Did your jurisdiction reduce its incarceration numbers during this time? Could that be a permanent change?
- How have intakes and arrest numbers changed while young people have been at home and had less frequent contact with law enforcement and school resource officers?
- What impact has this had on reducing or exacerbating disparities?[90]
- What has school discipline looked like during virtual learning?

# PART III: HOW DO WE DO IT?

When addressing racial equity in the youth justice system, the Center for Children's Law and Policy, a longtime provider of training and technical assistance on R/ED, suggests five core values that are at the heart of the work.[91] These core values are as follows:

- All youth should be treated fairly and as individuals;
- Adolescents do not have the maturity and judgment of adults;
- Incarceration, if it ever occurs, should be reserved for youth who pose a significant threat to the community;
- · Reform efforts should include family and community; and
- Reform efforts should be culturally responsive and linguistically competent.[92]

Carrying out these values requires a collaborative approach. Meaningful reforms require that Racial and Ethnic Disparities Coordinators partner with young people, families, grassroots community providers, local governments, courts, law enforcement, schools, nonprofit organizations, attorneys, faith groups, and the community at large.

To do this, seasoned coordinators suggest making yourself as visible as possible. Join conference calls and virtual gatherings. When possible, go sit in the courts and introduce yourself to staff. Part of the R/ED Coordinator's role involves pounding the pavement and making sure people know you and are thinking about you, and your work. This can be a lot for one person to accomplish, but you don't have to do it alone. Work with community organizations when possible, particularly organizations that have gained trust within the community.

The key to the R/ED Coordinator's work is meeting people where they are, both in terms of location, and providing information. To do this, consider attending festivals and events in your community. "I'm tackling a problem that happens outside 8-5," explained Sheila Foster of Arkansas. You may have to make yourself available and present outside standard business hours, Foster suggests, or consider alternating between routine business hours and nontraditional hours on varying weeks.

Visit local hospitals, or meet with your police departments. A broad range of people are important to bring to the table when addressing race equity. Seasoned coordinators recommend that you look at your messaging broadly to include schools, fair housing, mental health, and the many other

ways in which racism has impacted young people and their interactions with the legal system. The goal, they explain, is to try to help the youth, using a holistic approach while also being careful not to fall into the trap of net widening and bringing more young people into the system solely to get services.

During times of social distancing presentations to the community and becoming a known partner, will undoubtedly look different. Continue to build and maintain relationships through platforms such as Zoom, GoToMeeting, Facebook live, and other online platforms during this time. Consider recording presentations and sharing them electronically to reach the broadest possible audience.

The goal of all of this work is to build relationships, become known, and make sure others also begin to have racial equity in the justice system in mind at all times. It's also about education, and making sure that you're getting your message out to key groups such as:

- Individuals who are involved with the justice system;
- Individuals who work in state agencies related to the justice system;
- · Court officers such as judges and attorneys;
- Law enforcement officers and prosecutors;
- · Parents and families; and
- The community at large.

Messaging is key. Keep in mind when preparing for a presentation that your conversation will look differently when talking to a group of students who have never encountered the justice system, as compared to when you're talking to a group of police officers, judges, or youth who have lived experience with the system. Know your audience and make sure to adjust your presentation so it is engaging, respectful of the traumas and experiences of the group you're talking with, and helps achieve the goals you've set out for your session.

Tools from external partners can be helpful in framing these conversations. Seasoned Coordinators say they have found the following particularly helpful:

#### The Opportunity Agenda

recognizes and acknowledges the adapting and evolving means of communication in the age of technology and various media types communities and individuals use. They work to teach individuals about narrative and framing, public opinion research, and to prepare for tv and radio interviews. They focus on creating and relaying a powerful message that shows understanding, diversity, inclusion and analysis.

FrameWorks focuses on the impact that talking about equity has on the ideology of others in how we shape and construct the conversation.

They specifically focus on efficient framing that will help build an impactful conversation to have with others. They believe that if you don't have a conversation about race, ethnicity and equity with others or frame it in a logical way, we will not be able to achieve the society we all want.

The tools created by these two entities are helpful in framing difficult conversations. Their recommendations, based on research, help writers and speakers craft effective messaging to help convey their points with a variety of audiences.

# Partnering with your Compliance Monitor

Partnering with your Compliance Monitor is critical. Compliance Monitors help ensure that detention facilities and other sites are complying with the core protections found in the Juvenile Justice and Delinquency Prevention Act. Site visits, desk audits, and data analysis enable them to make sure that compliance is being achieved with federal prohibitions on the detention of youth charged with status offenses, requirements to ensure that youth are not placed in adult jails, and assurances that if they are placed in adult jails that they remain sight and sound separated from adult inmates.

William Jernigan of Maryland recommends that R/ED Coordinators go on site visits with their state's Compliance Monitor to let facilities and other key players know that you are watching as well. This helps ensure that equity work is infused in the state's overall work related to youth justice.

This type of approach is essential to meaningfully carry out the other provisions found in the JJDPA and state protections for youth in the justice system. Often, the call to address racial and ethnic disparities is viewed as a separate body of work. In reality, meaningful changes to state and local laws related to the detention of youth in the justice system cannot take place without considering the impact those changes will have on youth of color. Reforms that do not focus on equity up front have driven down the incarceration rates for White youth while failing to create equal reductions for Black and Brown youth.

Ending the policy and program inequities that result in disparities requires a coordinated engagement from all stakeholders: from those working daily in facilities to those overseeing compliance with the JJDPA's core protections. Bringing Compliance Monitors and those they monitor to the table can help make change.

# Funding

Like any work, implementing programs and policies to address inequities within the youth justice system requires financial investment.

Addressing Racial and Ethnic Disparities within the justice system is a requirement of Title II of the JJDPA. As such, a portion of your Title II dollars will be available to use for this purpose. In many states, R/ED and anti-racism work are among the top priorities that the State Advisory Group has set out in their three-year plans, and a large portion of their Title II resources will be put towards this effort.

Other resources have also proven helpful to states that are working to end racial and ethnic

disparities within their justice systems. In New York, for example, work is funded in part through the Annie E. Casey Foundation and Casey Family Programs. These grant dollars can often be less restrictive than federal funding and enable states to pursue different types of programs. In Arkansas, The Players Coalition has also been a key partner in work to address racial inequities.

In addition to foundation dollars, creative partnerships are also key, states say. In Washington, for example, the designated state agency partners with other entities by sharing work and responsibility, though they may not receive direct funding through these relationships.

Over the past year, COVID-19 has resulted in a broad range of impacts on communities of color. Funding is needed during this moment, and for the foreseeable future, to help address nuanced needs. Ask funders about potential flexibility to adapt your program to these new needs.

When thinking through funding, it is also critical to find ways to get dollars to local communities. Much of the work that must be done to address racial inequities is at the local, county, and municipal level. This requires targeted investments of funding at the local governmental level. In addition to focused investments of Title II dollars, Title V of the JJDPA may also serve as a solution here.[93]

While not focused explicitly on R/ED, Title V was reauthorized in 2018 as part of the Juvenile Justice Reform Act, and is targeted at the same areas where work is needed to address R/ED: local communities, with an

When creating and funding programs, cultural relevance is key. Whether young people who are participating are Black, Latinx, Native, recent immigrants, or parts of other racial and ethnic communities, it is important to provide programming that is culturally relevant, and that provides space for young people to self identify.

Investing in culturally relevant programs may require a shift away from the emphasis on "evidence-based" programming that often exists, though. Becoming an evidence-based program is often expensive. Evidence-based programmers, R/ED Coordinators note, are also often based on research focused on white, and particularly white male, cultural norms. Investing in programming that is culturally competent and addresses the needs of the youth who are being served is essential and will likely require states and communities to consider programs that are emerging and promising practices.

emphasis on the front end of the justice system. The new iteration of the program provides local communities with funds for a broad range of activities meant to keep young people out of the justice system. The program can be used to finance after school programs, tutoring services, summer job programs, and restorative justice programs, among others.[94]

Racial and ethnic disparities work is in many ways relational work, that requires communities to engage in honest and challenging conversations. Coordinators can work with school and facility staff to help them craft conversations with the young people they serve. Teachers and therapists who work with young people are key to helping them understand both current, and historical events. "We've got to start moving forward, straight ahead, in straight-forward conversations," said Sheila Foster, former Arkansas R/ED Coordinator.

Coordinators can also work with schools to help them understand the importance of having mental health and educational advocates in schools, noted Rosemarie Clemente, R/ED Coordinator for Washington State. Instead of police in school, Clemente said they urge schools to strongly consider a social worker, parent educators and/or mental health counselors. COVID, she added, has presented an excellent opportunity to think outside the box when it comes to behavioral health and schools generally.

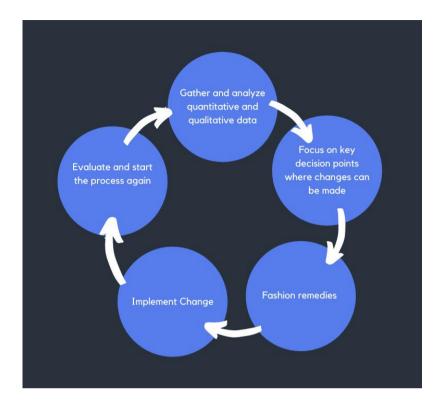
# Using Data to Drive Decision Making

Data is at the heart of R/ED work. Whether it's crunching numbers and assessing quantitative data to determine what the biggest challenges are with your local systems, or holding conversations with local community members and young people to learn qualitatively about what solutions might be out there, data is key. This data is used in a multitude of ways from determining what policy changes would be most effective at addressing R/ED, and shaping narratives that help system players and community members understand the scope of the problem and the need for change.

The Center for Children's Law and Policy has proposed a model for how data can be best used in assessing and addressing racial and ethnic disparities. This loop involves gathering and analyzing data from your community, considering what changes can be made at various decision points within the justice system, implementing changes, and then evaluating outcomes and starting over again to make necessary adjustments.[95] The model recommends that those working on R/ED:

- gather and analyze quantitative and qualitative data;
- focus on key decision points where changes can be made;
- fashion remedies;
- implement change; and
- evaluate and start the process again.





As you collect your data, listen to what it is telling you. Ask questions like: Do your arrest logs show that one county is particularly problematic in terms of over arresting youth of color? Continue to drill down. Is there a zip code within that county where disparities are more amplified than others? Is there a particular offense such as disorderly conduct or curfew violations that are driving the disparities that you're seeing? Talk with your law enforcement officers to see what their policies are, find out if they're encouraged to divert young people or arrest them, and see what might be able to be done to better support them. Listen to what young people in that area are saying about their experiences and how they can be improved. Monitoring measurable numbers are important, but so is the voice and stories of young people. Continue to monitor all of these sources, and keep an eye on how your observations are changing over time.

Think also about ways you can dig deeper to get to the root causes and contributing factors of inequities within your justice system. Root causes are the fundamental reasons that a problem is occurring.[96] Contributing factors, meanwhile, are things that help cause the result.[97] In New York, for example, the SAG has examined items such as differential access to prevention and treatment opportunities, differential handling or minority youth, and legislative, policy and legal factors as part of their work to address racial and ethnic disparities.

When sharing this data with others and helping get the word out in communities where you are working, the story you tell may look different depending on your audience. Different groups need different information.

The slide deck and presentation you put together to talk with the Rotary Club, for example, should not be the same one you use to talk with a group of young people. Law enforcement, credible messengers, and public partners all need and want different information and messaging to help address racial and ethnic disparities. City Council members and local police chiefs, for example, may find local data powerful and something that they feel called to take action to resolve. Your State Advisory Group, meanwhile, may need statewide data to support their work.

As you're thinking through the stories you're sharing, remember to use language and provide tools that will enable your audience to join in the work. Ending disparities is a bigger job than one individual alone can accomplish. Teach people to help continue sharing the story on your behalf. This can include helping them understand various data points, and working with them on how to convey the information to others.

Data trends, snapshots, baselines, and headlines can all be important to this process. Data trends can help you better understand and explain changes that have taken place over time. For example, how have incarceration rates among Black girls changed over the past year? Snapshots, meanwhile, provide a set of coherent data at a specific point in time. These snapshots can be used as points of comparison to measure what was happening before a particular intervention, and whether that intervention worked. Baselines, similarly

provide us with a starting point, what was the status before an intervention or policy change was implemented? Headlines can be pulled from these and other data to showcase your most important data points and provide key takeaways from your data set. Headlines should be memorable, and meaningful to your audience.

Other tools can be useful as well. In addition to data, logic models and dashboards can also be beneficial.

**Logic models** are another helpful tool to use, much like data, in driving the work. Logic models serve as a roadmap for undertaking change, and help visually organize the path of your transformative efforts. Using a logic model can help map out what steps will lead to the next as you try to get from where you are, to the desired goal. These models serve as a way to include both big picture thinking, and smaller details that are essential to moving forward. Such models often include the purpose (reason why change is needed), context (the climate in which change is being sought), inputs (what materials will be used to make change), activities and interventions that will be used to create change, outputs (how we know things went as planned) and the results or consequences of your interventions. Models can look at both the long and short term, and can be adjusted as needed based on results.[98]

Dashboards are another helpful tool to consider.

Dashboards bring together an array of information and data into one easily accessible place. Florida, for example, has created a dashboard that makes their racial and ethnic disparities data publicly available and searchable based on the full state, and by individual counties.

Users can access information on arrests, residential commitments, and transfers to adult court disaggregated by race and ethnicity.[99]

Data will look different in different places. In some jurisdictions, getting this information is admittedly a struggle. Not everyone will have a full dashboard or easy access to the information they're requesting. Other jurisdictions may have very limited pools of data that are collected (not enabling self-identification for example, or collecting data only on race and not on ethnicity). Even before the challenges related to COVID-19, some places had major limitations on what data was available, especially electronically. While you're working to create better data collection systems, it's important to be creative and use what is available. This could mean using a simple Excel sheet or Google sheet for sites to enter information. A spreadsheet could be a starting point. Seasoned coordinators suggest that you get as much information as possible. Data is important, but don't get so caught up on what you don't have that it derails the conversation.

They also suggest looking to multiple information sources for data, and to include local data in your collection efforts. Using this broader approach can help get to additional issues that may exist in the community, including poverty, opioids, access to technology, mental health, trauma, and other critical issues that are important to the work of addressing racial disparities.[100] School related data can be especially helpful to examine disproportionality in discipline and school pushout. While getting access to local data of this type could be very challenging in some areas, national level research studies exist to serve as models and link to local issues. Data sharing agreements can also be helpful in navigating the challenges of data access and collection.

Once data has been collected, it is important to make it available publicly. Florida's Racial and Ethnic Disparities dashboard is an excellent example of this.[101] New York has also started providing data on youth and adults in the justice system, disaggregated by race, ethnicity, and gender. In Maryland, the Department of Juvenile Services, posts an annual data resource guide that includes information on the state's Relative Rate Index, and other key data sets.[102]

# R/ED Plans

The JJDPA requires states to create action plans and set measurable goals for how they will address racial and ethnic disparities in the justice system.[103] The statute explicitly prohibits the use of quotas, and requires that the plans be developed by committees, using data as a guide to chart the course of the outlined work. This plan, which is submitted to OJJDP, is required to meet specifications set by the office and its Administrator. To view examples of reports other states have submitted to OJJDP, visit: https://ojjdp.ojp.gov/states.

The plan required under the Act is one of many tools that states use to help guide their work to end disparities in the justice system. State and local plans can also be used to help inform state level work. These plans look at data and ask, where do disparities exist, and how can policy changes help address and eliminate these disparities? They further take into account local challenges that may exist, as well as local opportunities.

These broader plans for state and local work are comprehensive and used to guide efforts to identify and address disparities. They should include an accountability structure to ensure that work is moving forward and progress is being made in the effort to end disparities. They can include work that's being done, as well as work that has already been accomplished, and answer questions that the general public and SAG members would want answered.

New coordinators are encouraged to make sure the R/ED planning process is included in the SAG's overall strategic planning process. This process helps to drive overall Title II work, and should include conversations of how the state and its communities will address disparities. This ensures that R/ED is addressed in a holistic manner, and that it is not cast aside as a separate and standalone issue. Including planning related to disparities in the broader strategic planning process helps draw on SAG, staff, and community expertise to identify where and how work should be focused.

For additional resources to help guide your planning process check out these links:

- Center for Children's Law and Policy, "RED Practice Manual," available at: https://www.cclp.org/redpracticemanual/.
- Kentucky Court of Justice Response, "A Guide for Identifying, Addressing, and Reducing Racial and Ethnic Disparities." Available at: https://kycourts.gov/resources/publicationsresources/Publications/REDguide.pdf.

### What is Success?

Monitoring and measuring success is an important part of the planning and evaluation cycle that is central to addressing disparities. To determine whether your efforts are working, or if adjustments are needed, several key variables of success must be monitored:

- **Statistical factors:** Statistical factors are data-based measures of success. For example, reports showing that admissions have gone down as a result of a new Civil Citation program being implemented.
- Non-statistical factors: These are factors that are less easily measured by data. They will impact the ongoing work, and its ability to succeed. This can include ensuring that all partners are involved in ongoing decision point analysis.
- Community factors: System improvements are most successful when they are based on the recommendations and input of the communities that are being served. This factor measures the level of engagement you're seeking from the communities that are most affected.

  Measures of this success could include an increased participation from family and young people in the decision making process.

R/ED work is an ongoing cycle of goal setting, evaluation of success, and adaptation. Coordinators play a critical role in addressing and ending racism within the justice system and working with communities to create more equitable outcomes.

# Appendix 1

Self Care Routine Type

#### notes

- 1. Listen to your body! As a Somatics Practitioner, it is important that I have you understand that we are holding things within our soma/bodies that can lead to an immunocompromised state. Rest and disengage when you need to! Breathe deeply, often, and intentionally.
- 2.Do something for your peace of mind and increased positive energy. Pray, meditate, do yoga, do calisthenics, take a walk. Data indicates that 10-15 minutes of dedicated activities like these daily are incredibly effective for stress relief.
- 3. Limit social media, especially in the first hour of your waking day.
- 4.Get enough sleep! Disconnect! Again, I say, BREATHE!
- S.Declutter and clean your key areas: Desks, closets, those "junk" drawers almost everyone has somewhere in the house. It's cleansing!
- 6.Read some great books. As the uber geek that I have always been, there is absolutely NOTHING like turning pages to soothe my nerves. However, I have found that audiobooks can be a great asset, too. Whichever you prefer, do it.
- 7. Make room for simple fun. You determine what that looks like for you and rock out!
- 8. Love on one another! Cuddle when you can! Observe social distancing practices with common sense, please. When safely at home, love heartily to help sustain one another.
- 9. Re-assess the things YOU value in life.
- 10.Celebrate each day! While there are so many things seemingly beyond our control, let's control the things we can: our thought life and the things we speak over our lives, loved ones, and circumstances. As any anxiety attempts to creep in, hold fast to your faith. Speak life, abundance, and health over yourselves and your loved ones often.

# Appendix 2

#### WHERE TO FIND TRAINING AND TA

#### Center for Children's Law and Policy - RED Reduction Practice Manual

https://www.cclp.org/redpracticemanual/

This manual provides strategies and examples for reforms that have reduced racial and ethnic disparities. Chapter 2 discusses how to use data as a reform tool and chapters 3-7 specifically focus on reduction at different key points of the juvenile system.

#### **Burns Institute - Recommendations**

https://www.burnsinstitute.org/wp-content/uploads/2016/05/Stemming-the-Rising-Tide\_FINAL.pdf

The Burns Institute works with communities to develop equitable responses to youth offenses and to eliminate racial and ethnic disparities within the juvenile justice system. They have reduced racial and ethnic disparities through:

- Investing in community-based alternatives to support youth in their own communities
- Establishing fiscal incentives for community-based alternatives
- Evaluating local impact of funding
- Developing unbiased risk assessment tools and placement-screening committees

#### Center for Juvenile Justice Reform - RED Certificate Program & Capstone Project

https://cjjr.georgetown.edu/our-work/addressing-red/

The RED Certificate Program studies key points in the jj system and emphasises reform through analysing disparate treatment in the juvenile justice system and child-serving systems.

Participants implement a Capstone Project, which can include:

- Redefining protocols for schools on law enforcement involvement and developing graduated sanctions for in-school behaviours
- Development of community-based diversion programs
- Implementations of pre-referral diversion programs for low level assaults or first time, misdemeanor offenses
- Analysis data to discover where disparities impact the most youth
- Developing reforms to reduce pre-adjudication detention
- Limiting probation, and create realistic terms when probation is used
- Limiting use of technical violations

#### Spotlight on Juvenile Justice Initiatives: State by State Survey 2017

https://www.ncjrs.gov/pdffiles1/ojjdp/251078.pdf

Pages 18-23 of this survey focus on steps states have taken to address racial and ethnic disparity in the juvenile justice system. States of note from this survey are:

California, Illinois, Florida, Massachusetts, New Hampshire, New York, North Dakota, Georgia, Pennsylvania, Utah, Vermont, West Virginia

#### **JJGPS**

http://www.jjgps.org/racial-fairness#dmc-coordinators

#### Washington State - Report to the Legislature 12/2018

https://app.leg.wa.gov/ReportsToTheLegislature/Home/GetPDF?

 $file Name = Racial \% 20 and \% 20 Ethnic \% 20 Disparities \% 20 in \% 20 Juvenile \% 20 Court \% 20 20 18 \_6 dfc f 32 e -6577 -4 f 1c -8 c 41 -134736 b 6 e 04 a.pdf$ 

This report addresses barriers within the Washington juvenile system and identifies statewide county solutions. Examples include:

- Translation of overview documents
- Training on Equity, Diversity, and Inclusion
- Hiring diverse staff representative of their communities
- Training on engaging with target groups, such as community leaders
- Legislative advocacy for funding

The Juvenile Detention Alternative Initiative (JDAI) - addresses the efficiency and effectiveness of juvenile detention. The JDAI gives priority to reducing racial disparities as a detention reform strategy. JDAI sites implement strategies to reduce minority youth overrepresentation such as:

- Developing new or enhanced alternative detention programs
- Streamline case processing
- Develop a detention intake team to implement risk assessment instruments
- Collaborate with community organizations, law enforcement, and policymakers
- Awareness training
- Community based reporting centers

#### Models for Change initiative: DMC Action Network, JDAI

https://www.ncsl.org/documents/cj/jjguidebook-DMC.pdf

http://www.modelsforchange.net/reform-areas/racial-ethnic-fairness/index.html

Twelve localities participated in the DMC Action Network. They were required to implement at least two strategies to help reduce disparities. Examples of strategic include:

- In-school restorative justice programs
- Objective detention screening
- Improved advocacy for diversion
- Updated databases for accurate data collection
- Community-based detention alternative centers
- Cultural competency training
- Make common forms accessible to non-English speakers
- Graduated sanctions grid for probation violations
- Multi-systemic therapy in place of secure placements for post-disposition youth
- Increase staff diversity
- Aggression replacement training

# Appendix 3

#### **EXAMPLES FROM OTHER JURISDICTIONS**

#### 1. RFPs

https://www.michigan.gov/som/0,4669,7-192-26847-503166--,00.html https://www.russellsage.org/research/funding/race-ethnicity-immigration https://www.boston.gov/news/request-proposals-released-city-boston-disparity-study

#### 2. Funding Announcements

https://www.minorityhealth.hhs.gov/omh/browse.aspx?lvl=2&lvlid=97 https://grantsplus.com/racial-justice-grants/ https://orwh.od.nih.gov/in-the-spotlight/all-articles/nih-releases-funding-opportunity-address-racial-and-ethnic

#### 3. Equity Statements

http://ijjc.illinois.gov/newsroom/call-action-racial-equity-juvenile-justice
https://www.acha.org/ACHA/ACHA\_Statement\_on\_Racial\_Marginalization\_and\_Health\_Equit
y.aspx
https://hbr.org/2020/06/moving-beyond-diversity-toward-racial-equity
https://www.rtfhsd.org/statement-of-racial-inequality-and-action/
https://www.211info.org/equity
https://www.cdc.gov/coronavirus/2019-ncov/community/health-equity/race-ethnicity.html

#### 4. Sample equity policies

https://www.racialequityalliance.org/wp-content/uploads/2016/11/GARE-Racial-Equity-Action-Plans.pdf
https://www.samhsa.gov/sites/default/files/programs\_campaigns/IECMHC/key-resources-for-promoting-equity-reducing-disparities.pdf

#### 5. Sample legislation and racial impact statements.

https://jjie.org/wp-content/uploads/2018/09/ABA-Racial-Impact-Statements.pdf https://www.law.berkeley.edu/files/thcsj/PuttingRaceBackOnTheTable\_.pdf https://www.congress.gov/bill/116th-congress/house-bill/6763 https://www.sierrahealth.org/assets/HSC/Racial\_Impact\_Statement\_Review.pdf

#### 6. Sample job descriptions

https://docs.google.com/document/d/11-TrrDdUilahLEVLEgrknAiqrXWZ5wLS/edit?dls=true

#### 7. Sample state R/ED plan: To view other states' plans click:

https://ojjdp.ojp.gov/states; chose a state; state reports

# Appendix 4

#### **DEFINITIONS**

<u>Anti-Racism</u> - Anti-racism is the active process of identifying, challenging, and eliminating the values, policies, and behaviors within the interlocking systems of social oppression (sexism, classism, heterosexism, ableism) to redistribute power and transform racial disparity outcomes so that those factors are no longer a predictor of success or failure for People of Color at the structural level.[104]

<u>Disproportionality v. Disparity</u> - "disproportionality refers to the state of being out of proportion, disparity refers to a state of being unequal" [105]

<u>Diversity</u> - Diversity refers to all the ways in which people differ, and it encompasses all the different characteristics that make one individual or group different from another. It is all-inclusive and recognizes everyone and every group as part of the diversity that should be valued. Diversity includes not only race, ethnicity, and gender, but also age, national origin, religion, disability, sexual orientation, socioeconomic status, education, marital status, language, and physical appearance. It also involves different ideas, perspectives, and values. [106]

**Equity and Equality** - "The 'equity' concept is associated with fairness or justice in the provision of education or other benefits and it takes individual circumstances into consideration, while 'equality' usually implies sameness in treatment by asserting the fundamental or natural equality of all persons"[107]

**Ethnicity** - "The fact or state of belonging to a social group that has a common national or cultural tradition."[108]

<u>Hispanic</u> - "As a person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin regardless of race." [109]

<u>Implicit bias</u> - "the absorption and accumulation of negative stereotypes from media and culture, and the flawed snap judgments that are shaped by those hidden beliefs—is one way that race influences outcomes and creates inequities."[110]

<u>Institutional Racism</u> - Refers to the effects of laws, policies, and practices from institutions that date back as early as the 1600s that have produced outcomes that have inherently disadvantaged non-white racial groups and have benefitted the white race through privilege and power. The practice, legislation, and policies may not explicitly identify a racial group, but their effects inherently create a practice of differential access to wealth, housing, goods, services, and opportunities of society, based on race. Examples may include: housing, education, employment, income, medical facilities, clean environment, information, resources, voice, etc.[111]

<u>Internalized Racism</u> - The private racial beliefs held by and within individuals. The way negative social messages about race are adopted as personal beliefs, biases and prejudices. Internalized racism among people of color can be manifested by believing in negative messages about oneself or one's racial group. For white people, internalized privilege can involve feeling a sense of superiority, entitlement, seeing white standards and norms as universal; assuming that one's comfort, or holding negative beliefs about people of color.[112]

<u>Interpersonal Racism</u> - An individual's privately held beliefs about race that are revealed publicly through the individual's interaction with others. Interpersonal racism plays out when an individual acts upon their prejudices or unconscious bias — whether intentionally or unintentional. When intentional, it can be willful and overt, taking the form of bigotry, hate speech or racial violence. It can take the form of a visible action or verbal action.[113]

**Race** - "The Census Bureau defines race as a person's self-identification with one or more social groups. An individual can report as White, Black or African American, Asian, American Indian and Alaska Native, Native Hawaiian and Other Pacific Islander, or some other race. Survey respondents may report multiple races." Also including the Burns Institute definition here and acknowledgement that it is a socially made up construct.[114]

**Racism** - Racism is a complex system of advantage and oppression based on the racial superiority and dominance of one group over another. Racism is the result of prejudice combined with power and exists at personal, institutional, and systems levels. Prejudice is preconceived judgement based on unsupported generalizations and negative stereotypes.[115]

# Appendix 5

# READING AND RESOURCE LIST: TOOLS THAT NEW COORDINATORS CAN USE TO GET STARTED IN THEIR WORK, AND EXAMPLES OF PROGRAMS THAT HAVE BEEN SUCCESSFUL.

#### **Books**

- So You Want to Talk About Race by Ijeoma Oluo
  - Explains how deeply entrenched racism is in our culture today and provides specific tips for having effective conversations about race.
- How to Be an Anti-Racist by Ibram X. Kendi
  - Defines and breaks down key terms in relation to race and how it applies to both individuals and communities in our society.
- The New Jim Crow: Mass Incarceration in the Age of Colorblindness by Michelle Alexander
  An account of the transformation of a caste-like system in America that resulted in millions
  of Black people locked behind bars, relegated to a permanent second-class status—denied
  the very rights supposedly won in the Civil Rights Movement.
- Push Out by Monique W. Morris
  - Breaks down the educational, judicial and societal disparities facing Black girls in the American school system.
- White Fragility by Robin DiAngelo
  - Explores the counterproductive reactions white people have their assumptions about race are challenged, and how these reactions maintain racial inequality.
- Who Belongs? Race, Resources, and Tribal Citizenship in the Native South by Mikaëla M. Adams Combines legal scholarship with the evolving conception of race to explore unanswered questions of a variety of southeastern tribes in relation to legal identity and citzenship.
- Between the World and Me By Ta-Nehisi Coates
  - Written in the form of a letter to Coates' son, who is trying to make sense of blatant racial injustice and come to grips with his place in the world as a Black man.
- Latinx: The New Force in American Politics and Culture By Ed Morales
  - A political non-fiction piece that describes the in-between space of Latinx identity and how it's been impacted by a Black/white racial binary.

#### Articles

- Race Forward materials: <a href="https://www.raceforward.org/">https://www.raceforward.org/</a>
  - Race Forward, united with the Center for Social Inclusions, catalyzes movement building to advance racial justice in our policies, institutions, and culture.
- The Center for Regional and Tribal Child Welfare Studies: Reducing Disparities Through Indigenous Social Work Education
  - Serves as an Indigenous social work educational model for culturally responsive child welfare

• Watch The Central Park Five | Ken Burns, PBS

Tells the story of the five black and Latino teenagers from Harlem who were wrongly convicted of raping a white woman in 1989

#### **Videos**

• <a href="https://www.youtube.com/watch?v=KCxbl5QgFZw">https://www.youtube.com/watch?v=KCxbl5QgFZw</a>

TED Talk by Ibram X. Kendi explaining the difference between being anti-racist and "not racist"

• <a href="https://www.youtube.com/watch?v=h8jUA7JBkF4">https://www.youtube.com/watch?v=h8jUA7JBkF4</a>

Emmanuel Acho sits down to have an "uncomfortable conversation" with white America, in order to educate and inform on racism, social injustice, rioting & more.

#### **Podcasts**

• Pod Save the People

Explores news, culture, social justice, and offers a unique take on the news, with a special focus on overlooked stories and topics that often impact people of color.

• 1619: <a href="https://www.nytimes.com/2020/01/23/podcasts/1619-podcast.html">https://www.nytimes.com/2020/01/23/podcasts/1619-podcast.html</a>
An audio series on how slavery has transformed America, connecting past and present through the oldest form of storytelling.

# Appendix 6

#### POLICY RECOMMENDATIONS

On November 20, 2020, CJJ's Council of State Advisory Groups voted on a series of policy platforms that will serve as the organization's top policy priorities.

These platforms focused on addressing racism at the front end of the youth justice system through:

- <u>improving training</u> for those who work with youth of color, including educators and law enforcement;
- ending the overpolicing of youth of color;
- ending the school-to-prison pipeline; and
- increasing investments in communities of color.

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