

Youth in Prison: erasing the 'colour line'.

James Bell describes the over-representation of racial minority youth in US prisons, and efforts to redress the balance.

Shortly after the establishment of the first juvenile court in 1899, W.E.B. Du Bois, one of the most significant American thinkers of this century, wrote in his seminal work *The Souls of Black Folk* that "the major problem of the 20th Century is the problem of the colour line". Around the same time, the term 'adolescence' was coined by psychologist G. Stanley Hall, who described adolescence as a period between ages 12 and 20 that encompassed a developmental state unique from other periods of life. Today, the nexus of colour and adolescence in the United States have converged in a way that should be disquieting to all citizens.

As the juvenile court in the United States enters its second centennial, serious questions exist about the effectiveness and treatment of children in trouble with the law. While juvenile crime is currently decreasing significantly, the numbers of youth of colour being incarcerated continues to grow.

In Texas, for example, 82% of those incarcerated in long term facilities are youth of colour, while in California, non-white youth make up 85% of those incarcerated. The California Board of Corrections Executive recently recommended over 1200 additional beds be constructed for the detention of young people. If past practice is repeated, young people of colour will fill most of these new beds.

Civil society now more than ever must decide whether to rise to address this challenge or continue to incarcerate young people of colour in numbers that cannot be justified by law violations alone. The societal factors that contribute mightily to the marginalization and incarceration of minority youth should not be ignored. Implicit messages are prevalent throughout the juvenile system which legitimise treating minority youth as beyond rehabilitation and thereby making it permissible to warehouse them in conditions of confinement not fit for any civilised society

Institutional racism, present throughout the juvenile justice system, manifests itself subtly but quite perceptively. If one were to divide the juvenile justice system into subparts, there would be several points at which the practice of criminal justice widens the net for youth of colour.

Decisions such as where to patrol and whom to arrest, charge, and prosecute widens the net for minority youth and narrows the net for white youth. Is there deliberate, knowing racism in each decision? Probably not in the majority of cases. Yet the fact

still remains that minority youth are represented in juvenile justice systems in numbers which cannot be accounted for by law violations alone. So while it is the case that racism may not be documented in each decision, the cumulative effect is the same.

Throughout the system there are examples of thinking that contribute to the extraordinary numbers of youth of color in the system. Some juvenile court judges, probation officers and others in the system believe that minority families are so dysfunctional that it is a waste of valuable resources to provide services to 'dysfunctional families' already programmed for failure. This results in a funneling of resources to 'good families' who are often not from communities of colour.

Similarly, there are assumptions about youth of colour that contribute to their over representation in the system. Assumptions, for example, (depending on location) that black, Latino, Asian or Native American youth are prone towards violence and criminal activity, not being in school or employment. Worst of all, the assumption that these youth 'expect' to be incarcerated and therefore are not uncomfortable with being securely confined.

These assumptions reflect an expectation of failure which is internalised by the young people. Then they do, in fact, fail.

Strategic Approaches

Key issues must be addressed to achieve reduction of detention of minority youth. The first step at agency level is that the administration must embrace this reduction as a key organisational objective. Accordingly, departmental resources, personnel practices (recruitment, hiring, and training), outcome indicators, and service and program strategies must all support the effort. The next step is to map the key points where decisions are made to arrest, book, detain, release, and place children. There must then be a determination to compile data by ethnicity for each decision point.

Finally, there must be a commitment to diversity, and guidelines ensuring that staff in key positions are culturally competent and have bilingual capacity reflecting the community in which they work. It is necessary to establish guidelines that ensure that staff have the skills and abilities to provide services to a diverse client population.

Once these conditions are in place the W. Haywood Burns Institute (BI) contracts with



Julie Grogan

jurisdictions to reduce disproportionality. The goal of the BI approach is to reduce disproportionality in each site by at least 10% in three years. The BI model is a multi-phase process that focuses on three main decision points in the juvenile justice system that lead to the over representation of minorities: the police decision to arrest, the probation department decision to detain, and prosecutorial and judicial decisions at sentencing.

The BI model requires the investment and active participation of key stakeholders, decision-makers and participants in the juvenile justice system: judges, prosecutors, public defenders, police, probation, community groups, parents and youth. In each BI site, a local Advisory Board is formed that is comprised of high-level representatives from these groups. The advisory board then hires a site coordinator to manage the project locally.

The Burns model is a data-driven approach. To begin the process, the advisory board gathers baseline data on the extent of disproportionality, comparing the percentage of racial minority youth in the juvenile justice system with the percentage of racial minorities in the general youth population in the site. At each monthly Advisory Board meeting, the latest monthly data on disproportionality are presented, to assess whether progress is being made towards the 10% reduction goal.

The advisory board also obtains an analysis of juvenile crime data by race, offence, location and time. The data are plotted on a map to identify the 'hotspots' for juvenile crime in the local site. Based on this 'hot spot' data, the advisory board selects the community that contributes most to disproportionality to focus its efforts on. The advisory board then leads a community mapping process in the chosen community, in which youth are hired to highlight the strengths

and deficits of their community and make recommendations for improvement. Next, the advisory board works to implement changes based on what it has learned from the community mapping and data analysis. The focus is on three key decision points in the juvenile justice system: the police decision to arrest, the probation department decision to detain, and prosecutorial and judicial decisions at sentencing. The board works with police to examine and modify police procedures and policies that lead to disproportionality.

Next, the board works with the probation department to develop or improve an objective risk assessment instrument to determine which youth should be detained and which should not. Finally, the board works with judges and prosecutors to analyse decisions made at sentencing that lead to disproportionality.

The Burns Institute is now operating in nine local sites across the United States. Policymakers, communities, children, youth and families must see the over incarceration of young people of colour as the civil rights issue for the 21st century. Many of these incarcerated young people are 'orphans of opportunity'. We need bold leadership and agitation on their behalf in order to build a system fueled by the desire to build a more positive future.

James Bell is the Director of the W. Haywood Burns Institute for Juvenile Justice, Fairness and Equity. In that capacity he works with government and community organisations to achieve reduction of disproportionality of youth of colour while maintaining public safety.