

Diversion for Youth with Behavioral Health Needs: Applying Proven Strategies to Reduce Racial and Ethnic Disparities in the Juvenile Justice System



Today's Goals:

- Provide a conceptual framework for understanding DMC and racial and ethnic disparities in the juvenile justice system.
- Review CCLP's data-driven approach to reducing racial and ethnic disparities.
- Review strategic innovations that have produced measurable reductions in racial and ethnic disparities.
- Review a case-study that demonstrates the use of data to inform DMC reduction strategies.
- Offer practical guidance for applying the lens of race and ethnicity to local diversion planning.

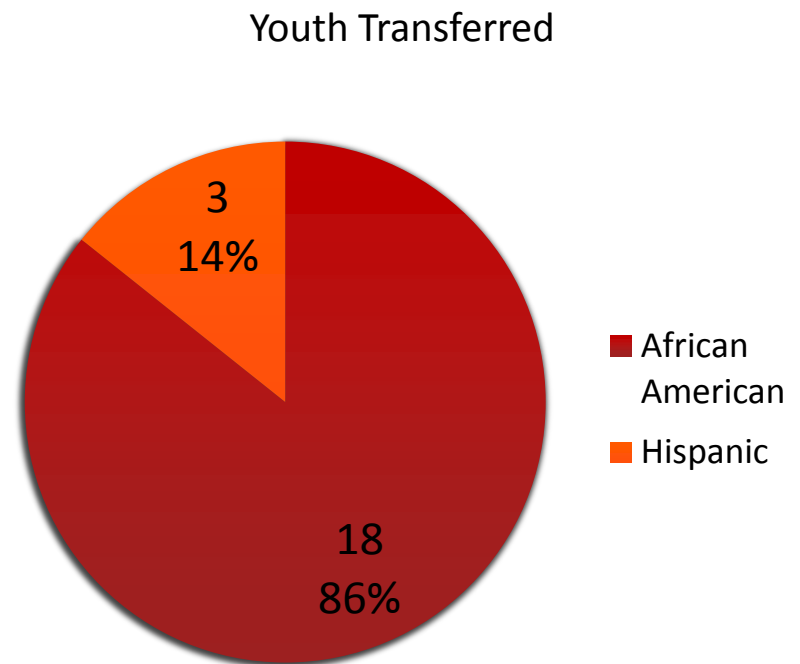
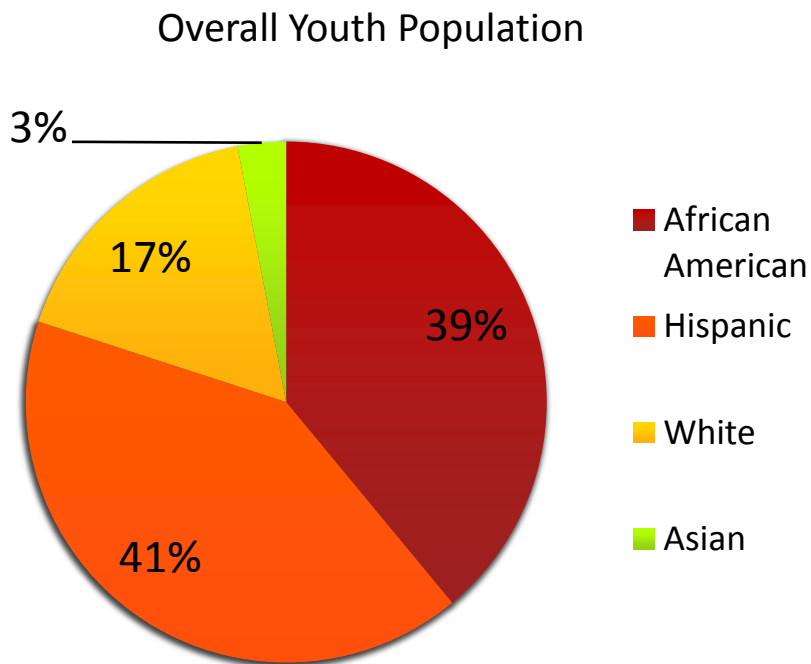
Goals in Reducing DMC



- Reduce over-representation of youth of color at key decision points
- Reduce the disparate treatment of youth of color at key decision points
- Prevent youth of color from unnecessarily entering and moving through the juvenile justice system

Overrepresentation

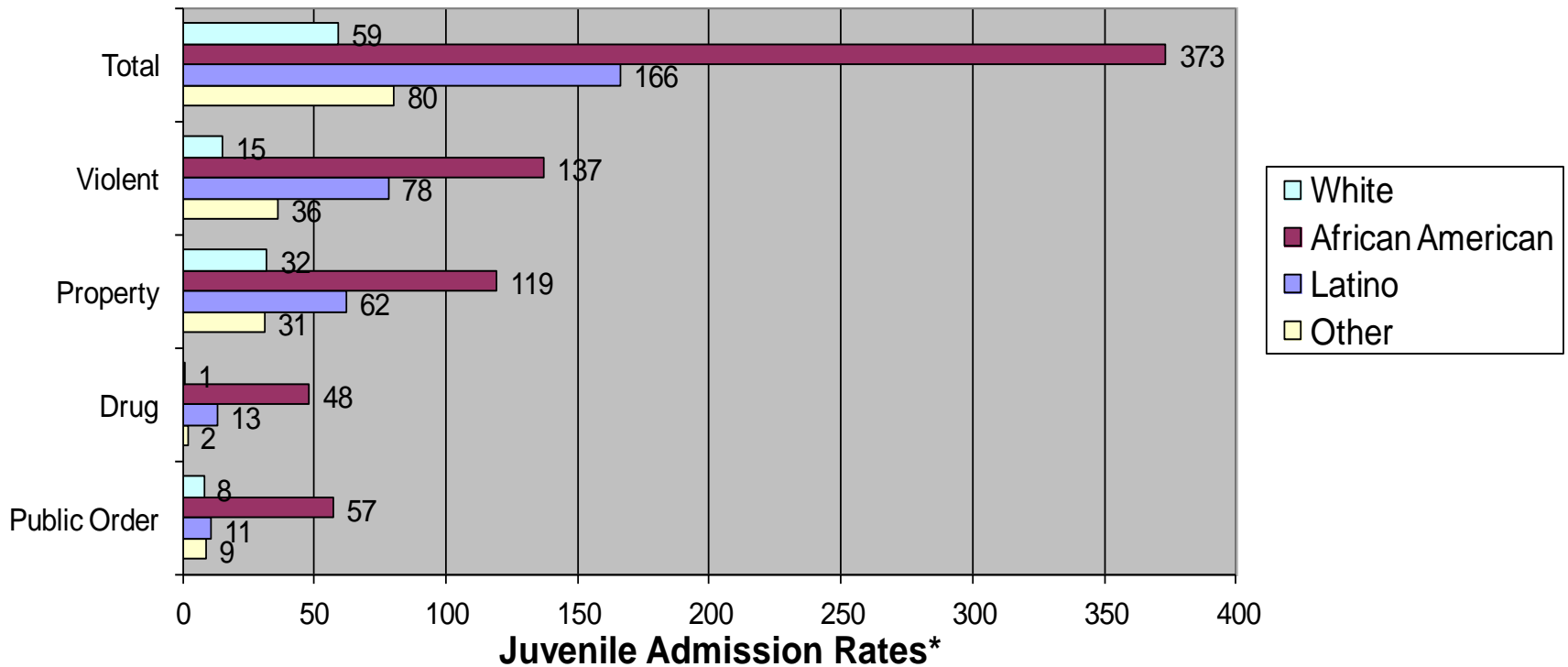
Youth Residing in the City of Northeast* Transferred to Adult Court



*Source: Name changed . Data on transfer from January 1, 2010 through September 30, 2011; cases with missing race and ethnicity data omitted. Youth population data estimated based on 2000 federal census data.

Disparity: Harsher Treatment for Youth of Color Than Other Youth

1993 Admissions Rates of Juveniles to State Public Facilities



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

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

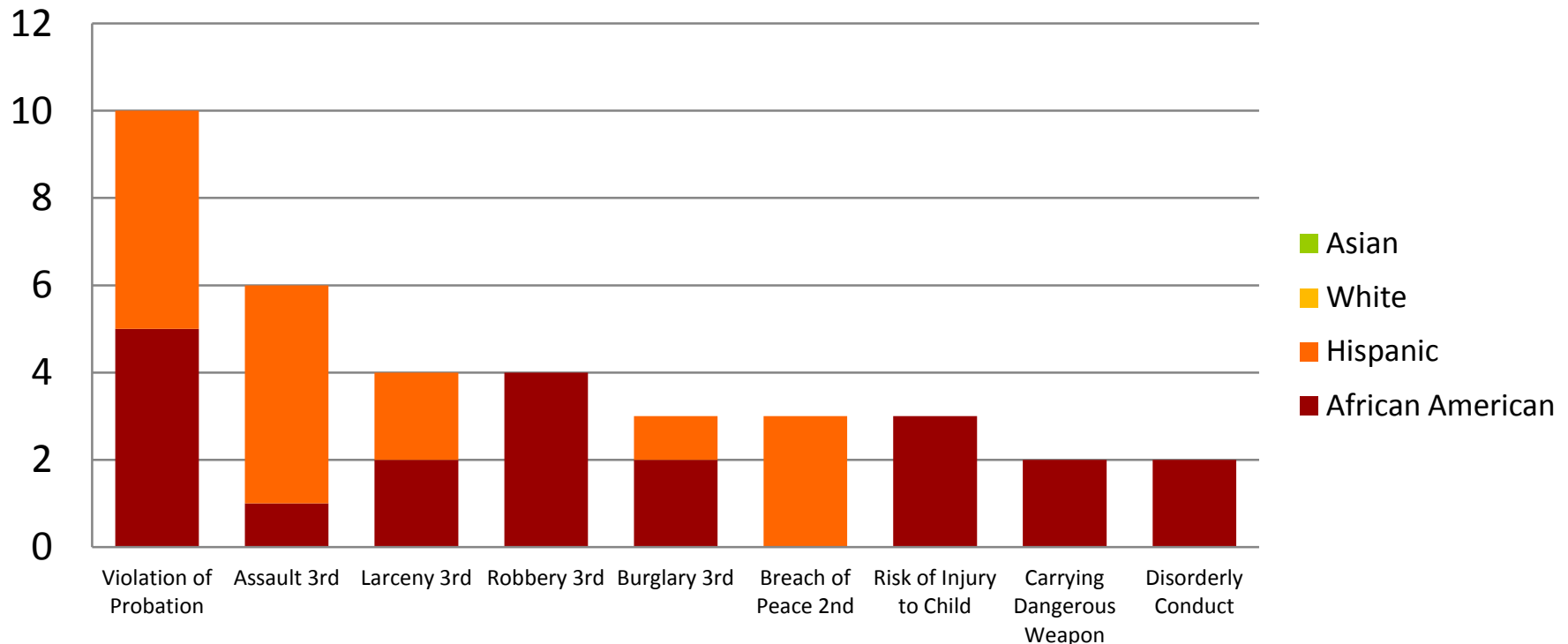
Note: Persons of Hispanic origin may be of any race. White and African American categories do not include youth of Hispanic origin.

Total contains offenses not shown.

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

Unnecessary Entry and Penetration

What are the top 10 offenses of youth residing in City of Southwest* who were admitted to secure detention from April through June 2012?



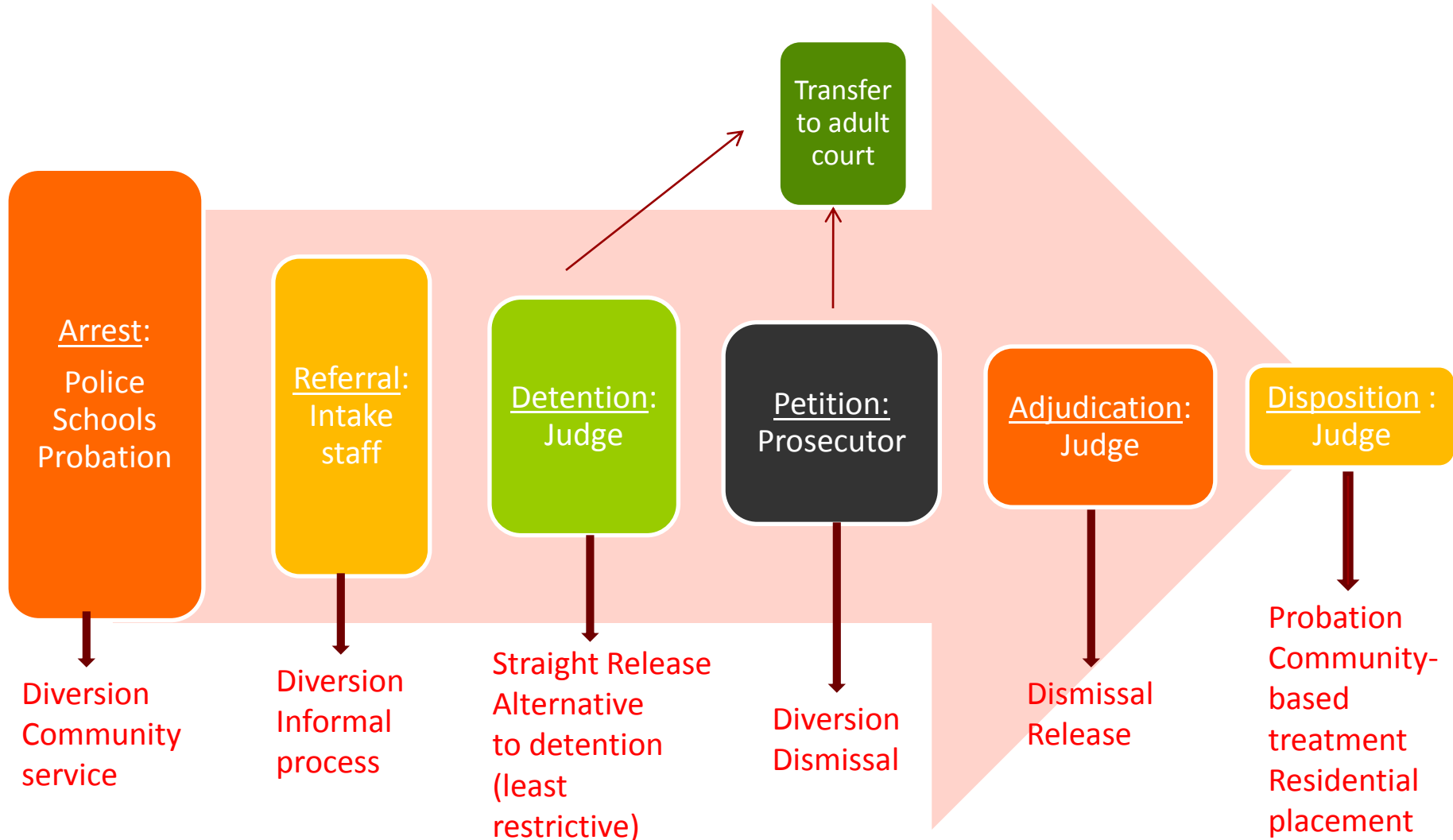
**Source: Name changed . Offenses represent the most serious of all charges on all docket numbers active at the time of admission or within 4 days thereafter.*

Reducing Racial and Ethnic Disparities: Planning for Reform

➤ **Guiding Principles for DMC Reform:**

- Divert youth from formal system involvement and unnecessary system penetration when consistent with public safety.
- Structure system decision-making to decrease opportunity for bias.
- Serve youth in the community, or in the least restrictive environment required to meet the youth's supervision and service needs.
- Ensure that youth of color have comparable access to opportunities for diversion as white youth.
- Use data to inform policy, practice and program development.

Enhancing Diversion Opportunities for Youth of Color

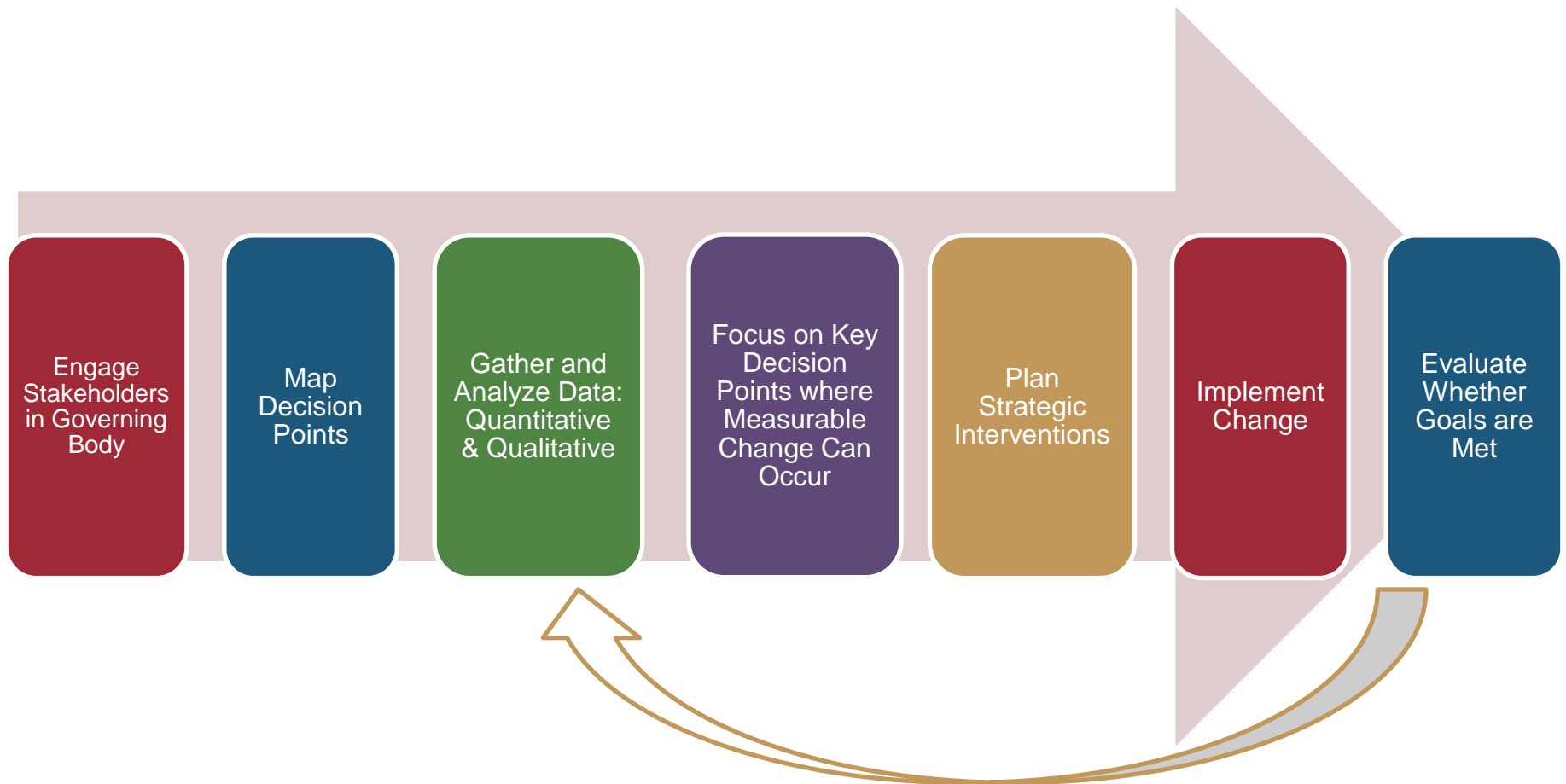


Effective efforts for reducing disparities are:



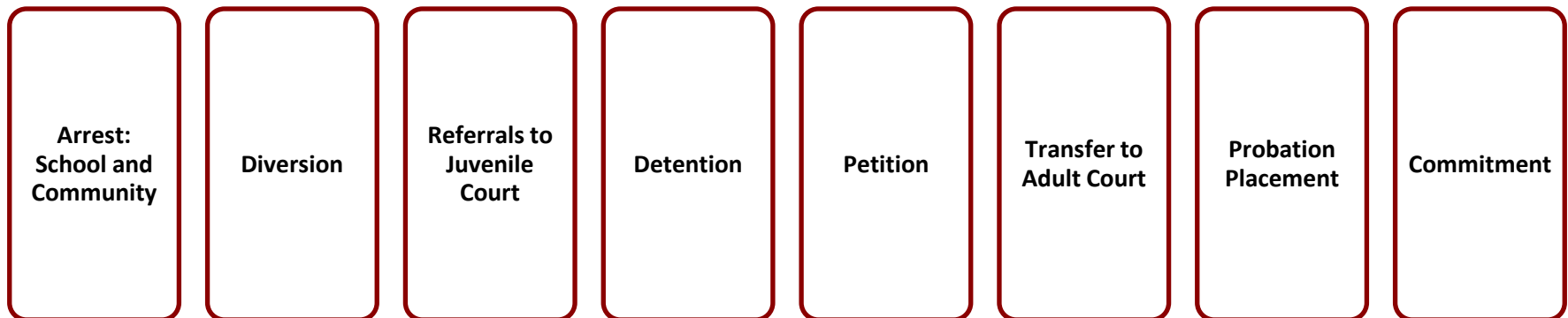
- **Data-driven**
- Locally-driven with state level support
- Collaborative
- Intentional about changing the system's impact on youth and communities of color
- Focused on targeted system reform
 - Policy
 - Practice
 - Programs
- Focused on measurable outcomes

Model for Reducing Racial and Ethnic Disparities



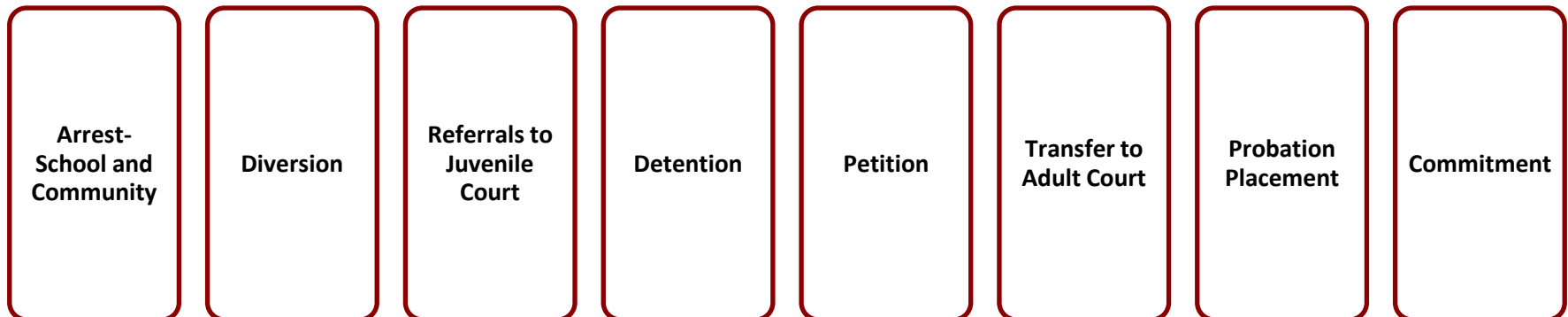
Understanding the System: Policy Mapping and Data Collection

- Understand how youth move through the system
 - **Policies:** What laws, regulations and administrative guidelines govern decision-making at each key decision point?
 - **Practices:** Who makes decisions? When and how are decisions made? Do decisions adhere to policy? Is there accountability?
 - **Programs:** What program options do decision-makers have to meet youths' supervision and service needs?



Understanding the System: Policy Mapping and Data Collection

- Examine baseline data at key decision points, disaggregated by:
 - Race
 - Ethnicity
 - Age
 - Referral Source
 - Gender
 - Geography
 - Offense
 - Reason for Referrals
- Identify points of disparity for deeper analysis.
- Use data to select sub-populations for targeted reductions.



Strategic Innovations for Reducing Racial and Ethnic Disparities

Data Practices

- DMC Data Template
- DMC Performance Measures
- Language and Ethnicity Data Collection

Culture and Community

- Community Engagement
- Cultural and Linguistic Competence

Arrests and Pre-Adjudication

- Community and School-Based Arrest Diversion
- Objective Detention Screening
- Alternatives to Secure Detention

Post-Adjudication

- Graduated Responses for Probation and Community Supervision
- Placement and Adjustment

Strategic Innovations: Data Practices

Data Practices

➤ Goals

- Improve accuracy of data collection and reporting
- Establish structure and process for regular use of data in system management
- Regularly review data at each decision point in the system

➤ Innovations

- Race and Ethnicity Data Collection: Two-Question Format
- Language Preference Data Collection
- DMC Data Template
- DMC Performance Measures

Strategic Innovations: Culture and Community

➤ **Goals**

- Strengthen connections with communities of color
- Ensure cultural competence of services
- Eliminate language barriers through translation

➤ **Innovations**

- Strategic Community Engagement
- Cultural Responsiveness
- Form Translation

Strategic Innovations: Arrest and Pre-Adjudication

➤ **Goals**

- Identify alternatives to arrest (including school-based arrests)
- Strengthen relationships between youth and law enforcement
- Structure diversion decision-making to divert youth from formal system involvement when consistent with public safety
- Implement race-neutral criteria
- Identify alternatives to pre-adjudication secure detention

➤ **Innovations**

- Arrest Diversion
- School-Based Conflict Resolution and Discipline
- Police and Youth Training Curriculum
- Objective Detention Screening
- Alternatives to Secure Detention

Strategic Innovations: Post-Adjudication Placement and Adjustment

➤ **Goals**

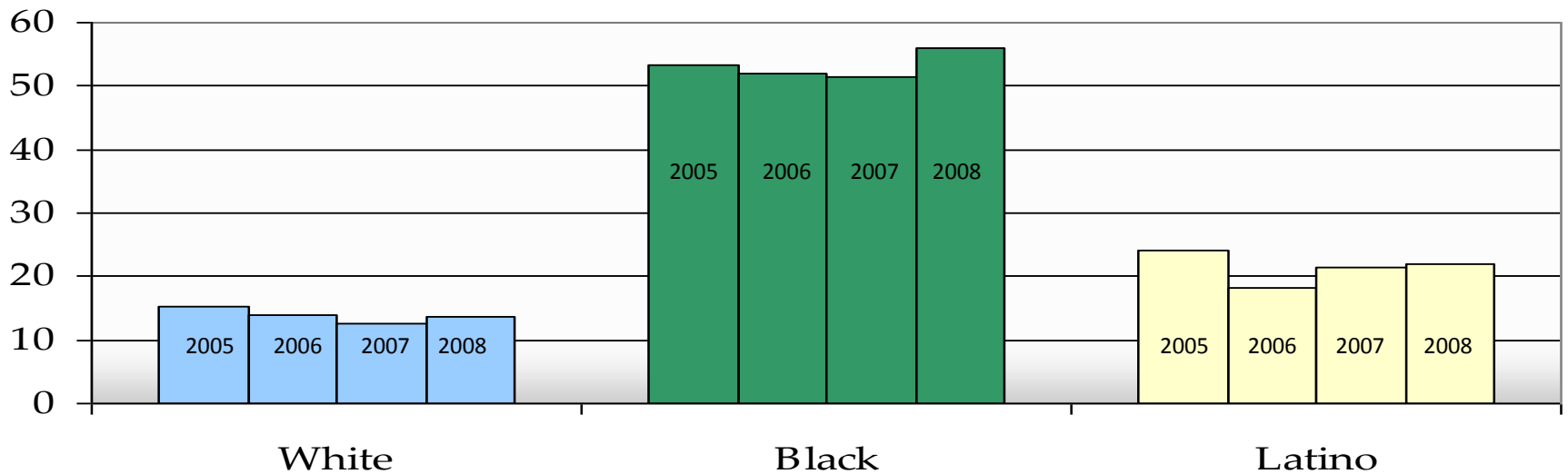
- Serve youth in the community when consistent with public safety
- Respond to both positive and negative behaviors with graduated incentives and sanctions for youth on probation
- Develop alternatives to post adjudication secure detention and placement
- Identify potential problems in youth placements

➤ **Innovations**

- Graduated Responses Protocol and Matrix for Probation
- Community-based Treatment Alternatives

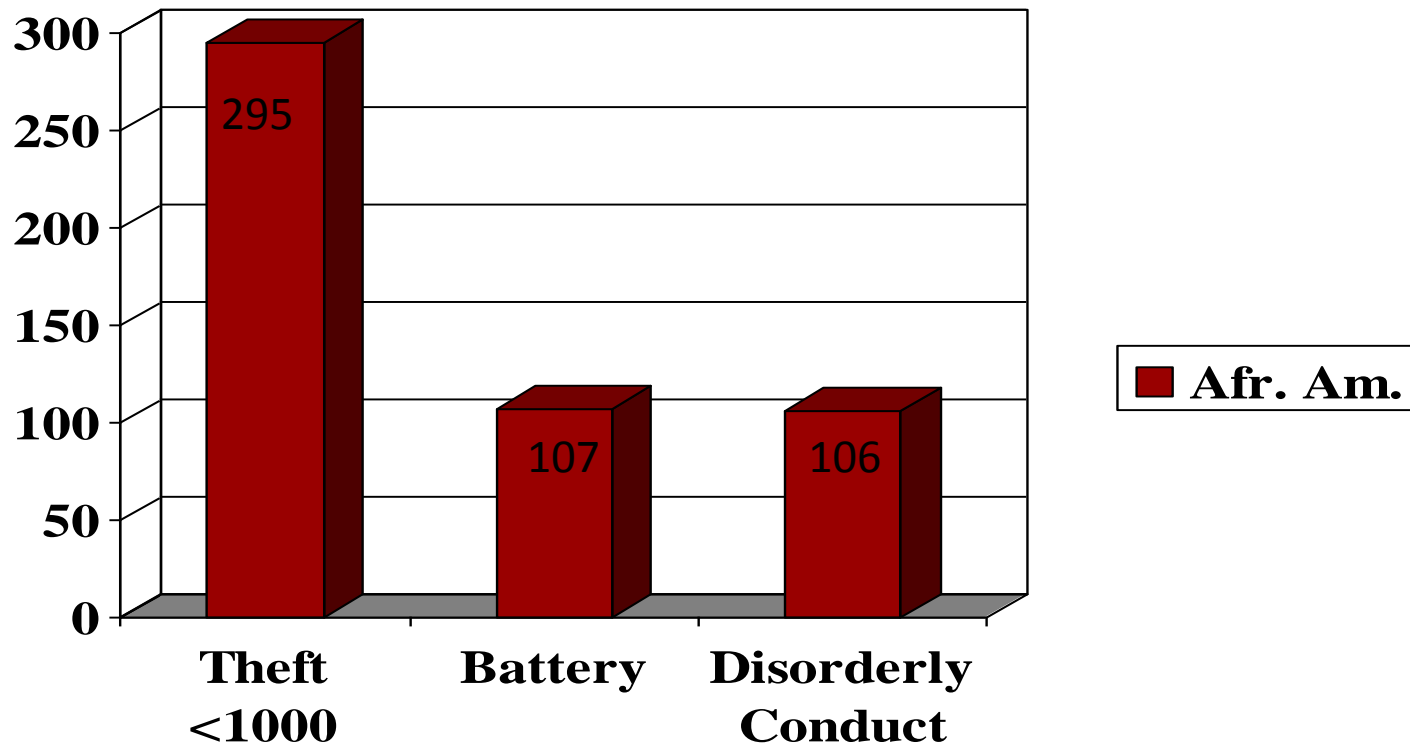
Sedgwick County: Initial Data Analysis

Arrest Rates for Property Offenses 2005 - 2008



	2005	2006	2007	2008
White	15.22	13.82	12.66	13.76
Black	53.35	51.86	51.53	55.92
Latino	24.23	18.32	21.41	22.03

Top 3 Arrest Offenses in 2008 for African-American Youth





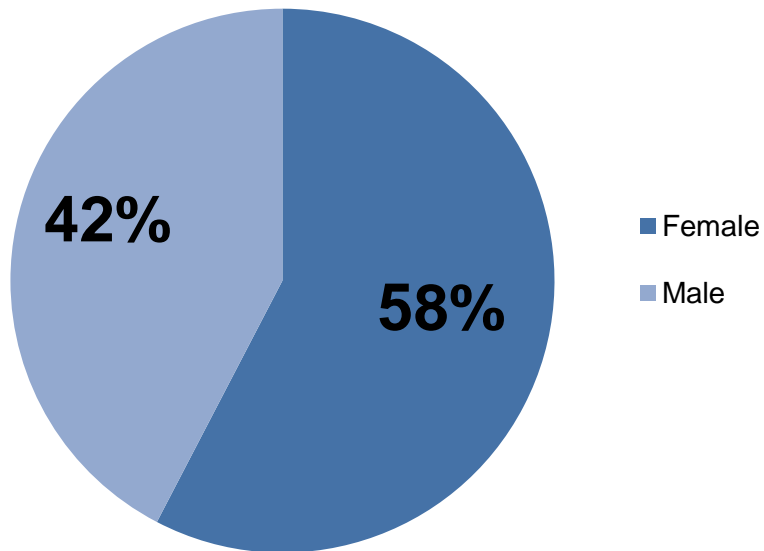
Digging Deeper : Relative Rate Index 2008 Property Offenses

Race/Ethnicity	Rate of arrests for a property offense per thousand in 2008	Relative Rate Index (RRI)
White youth	13.76	
African American youth	55.92	4.06
Hispanic/Latino youth	22.03	1.60

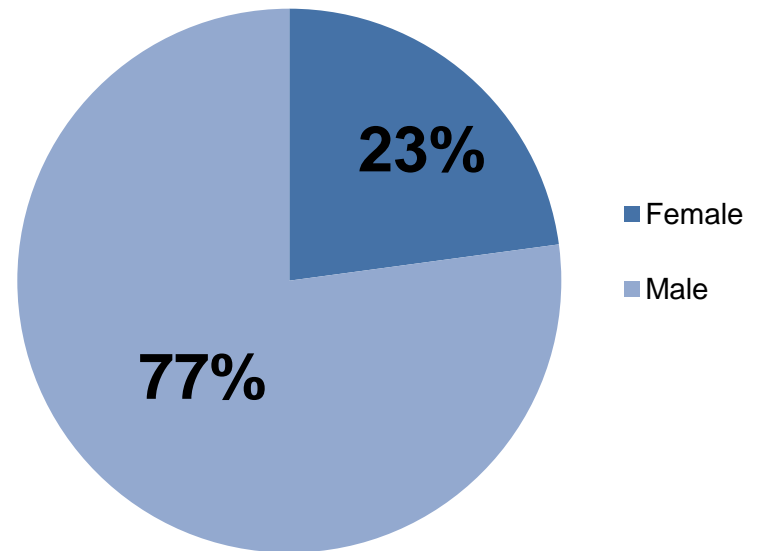
Comparison: ↗

2007 – 2008 Arrests by Gender

Theft <\$1,000 Sample



All Other Offenses



Arrests for Theft <\$1,000

2007 – 2008

- Not surprisingly, 54% of a selected sample of Theft <\$1,000 arrests occurred at the two large malls in Sedgwick County.
- Only 12.7% arrests occurred at other locations (school, private property, home and the street).



Strategic Innovations Employed: A Multi-Pronged Approach

➤ Arrest and Pre-Adjudication Innovations

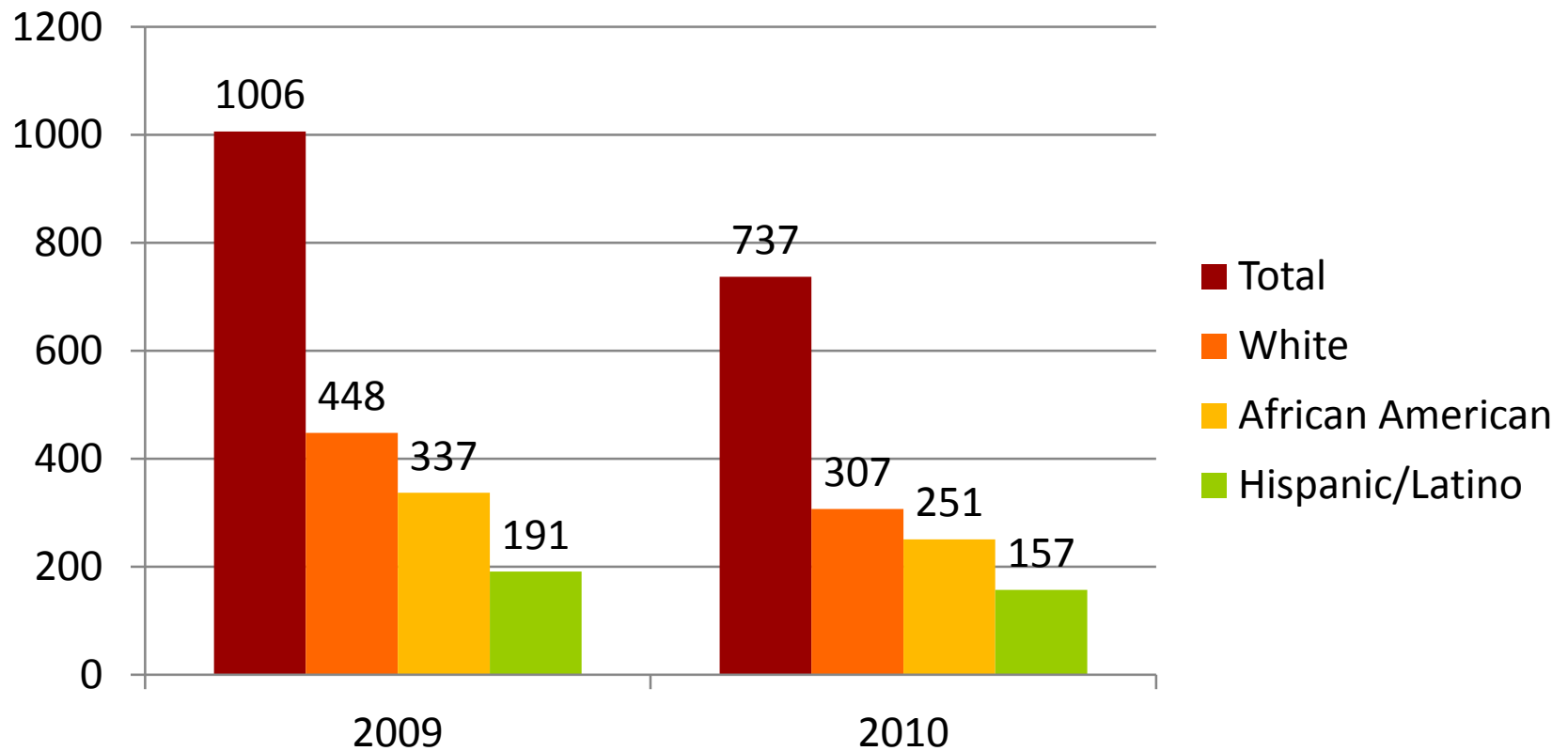
- Enhanced diversion policies to target youth charged with theft <\$1000 offenses.
- Girl Empowerment Program- Realigned and enhanced this existing “promising program” to incorporate research-supported shoplifting interventions.

➤ Culture and Community Innovations

- Community Anti-Shoplifting Campaign- Emphasized theft deterrence and controlling peer influence using local girls as ambassadors.

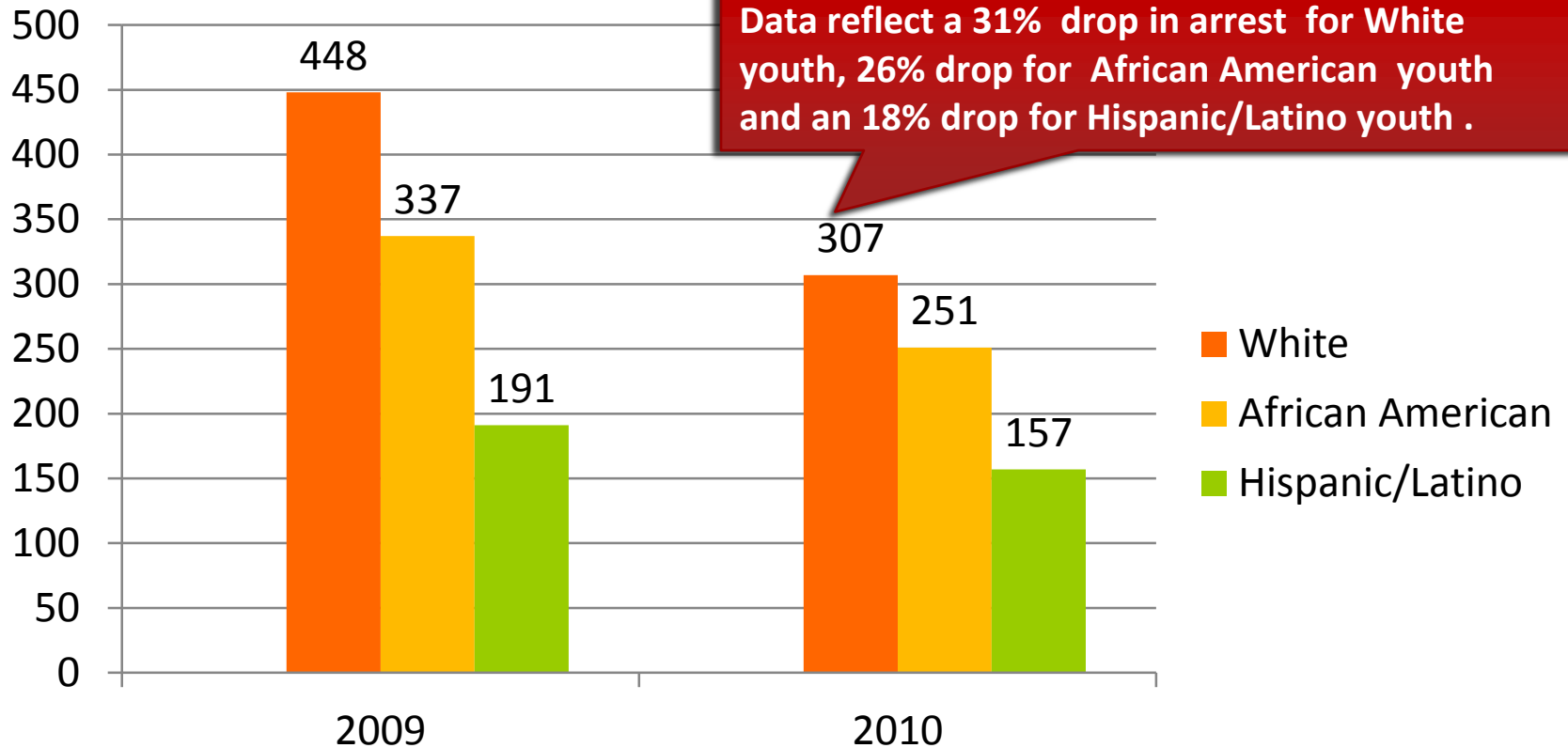
Sedgwick County Results

Sedgwick County Juvenile Arrests (Theft < \$1000)



Sedgwick County Results

Sedgwick County Juvenile Arrests (Theft < \$1000)



DMC Reduction within the Policy Academy/Action Network Framework

➤ Goals

- “The goal of the Policy Academy/Action Network is to increase the number of youth with behavioral health issues diverted from the juvenile justice system to community-based behavioral health services, and **to reduce the disproportionate representation of youth of color in contact with juvenile justice.**”

➤ Expected Output

- Each team will implement or enhance existing pre-adjudication diversion policies or programs for youth with behavioral health issues at risk of being referred to the juvenile courts or in the early stages of contact with the juvenile justice system.
- How will state teams meet the DMC reduction goal?

DMC and Behavioral Health: What We Know

- Youth of color are one-third to one-half less likely to receive mental health care as white youth (Holm-Hansen, 2006).
- Among youth of color in contact with the juvenile justice system, nearly two thirds of males and nearly three-quarters of females meet diagnostic criteria for one or more disorders (Teplin, Abram, McClelland, Dulcan, & Mericle (2002).

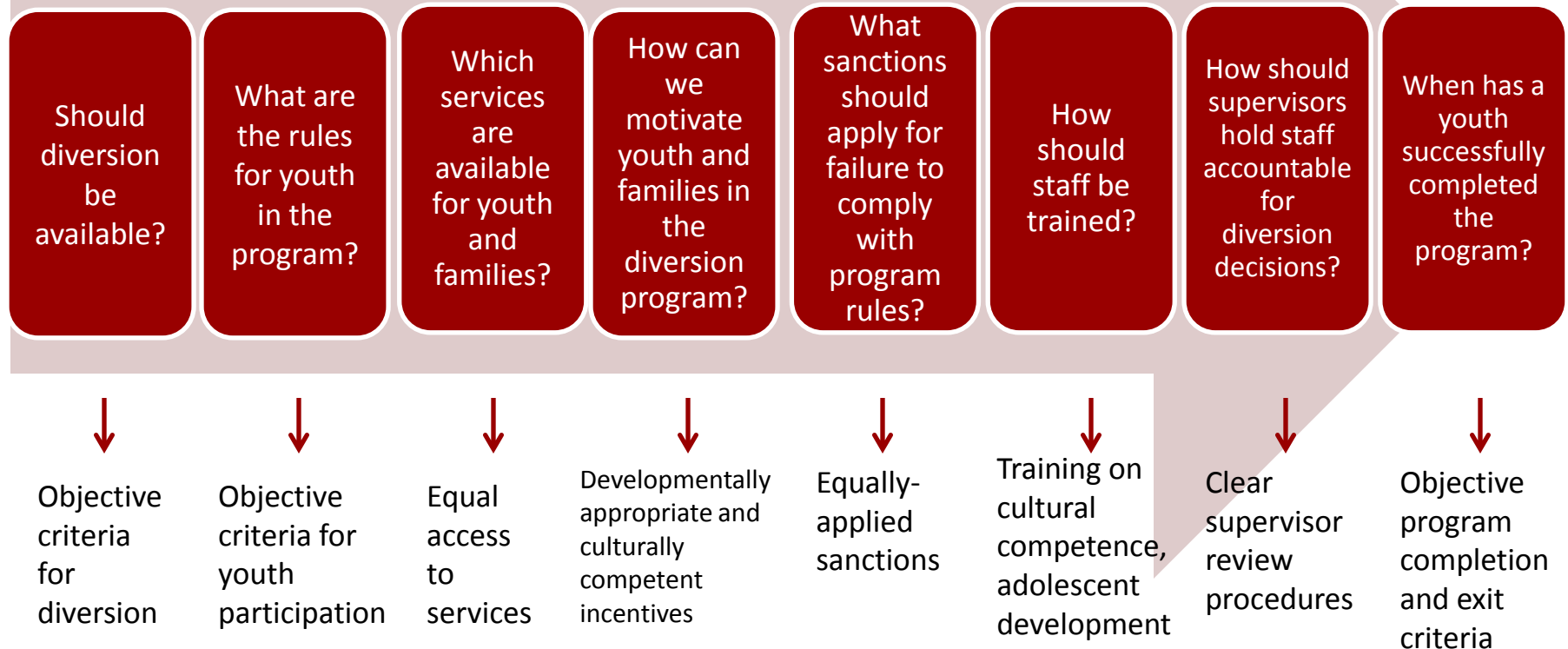
Diversion for Youth with Behavioral Health Needs: Implications for DMC

- Evaluate system data to identify need by:
 - Race, ethnicity, gender, age, geography and offense
 - Type and level of behavioral health need
 - Data improvements may be necessary
- Race neutral behavioral health screening and assessment tools
- Clear and objective policy and practice guidance that separates behavioral health needs from risk

Diversion for Youth with Behavioral Health Needs: Implications for DMC

- Objective criteria for diversion to behavioral health services
- Objective requirements for youth participation
- Equal access to services for all youth and families
- Developmentally appropriate and culturally competent incentives to motivate youth and families in the diversion program
- Equally-applied consequences for failure to comply with program requirements
- Appropriate training of staff
- Supervisory review and accountability for diversion decisions
- Objective program completion and exit criteria

Diversion Decision Framework



How Can DMC Technical Assistance Help?

- Existing State or Local DMC Strategies
 - Identify goals and objectives of the existing state or local DMC strategy to assess how the planned intervention can support current DMC reduction goals.
- Strategic Implementation of Diversion Interventions to Support DMC Goals
 - States should begin to assess the incidence of behavioral health needs and the utilization of behavioral health diversion for youth of color at the targeted diversion point.
 - Collect data on race, ethnicity, gender, place of residence, offense and behavioral health needs.
 - States should begin to apply the lens of race and ethnicity to each aspect of diversion planning and implementation using the Diversion Decision Framework.

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