

PART II

THE TWO WASHINGTONS: ONE WHITE, ONE BLACK

FESTERING INEQUALITIES

The Commission on African American Affairs 1993-95 Proposed Policy Recommendations

- **Juvenile Justice: Racial Disproportionality**

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Submitted to:

The Commission on African American Affairs

JUVENILE JUSTICE: RACIAL DISPROPORTIONALITY STUDY

Project Summary

In 1991, the Commission on African American Affairs, in conjunction with Management Services, Department of Social and Health Services, lead a study of this state's juvenile justice system which was completed December 1992. The concern was whether the disproportionality in the rates of confinement for whites and youth of color, and in rates of disposition at earlier points in the handling of juvenile cases, reflect different standards of justice for different racial or ethnic groups. Funds for this study were provided for in the 1991-92 Budget by the Legislature for use in conjunction with federal funds to study the extensiveness and causes of disproportionality within the state.

Prompted by questions raised by the Commission, the Department of Social and Health Services (DSHS), and the Governor's Juvenile Justice Advisory Committee, a disproportionality study was contracted with the University of Washington and has been completed by Dr. George Bridges. Three primary issues were addressed:

- 1) County differences in levels of ethnic disproportionality at each stage in the juvenile justice system;*
- 2) Case-level circumstances (e.g. characteristics of cases) contributing to disproportionality either independently at each stage of the juvenile justice process or cumulatively across all stages; and,*
- 3) The interpretations of juvenile justice officials and others knowledgeable about juvenile justice of the extensiveness and causes of racial and ethnic disproportionality.*

The Study's findings on disproportionality across Washington counties reveal a system of juvenile justice, related standards and guidelines, that is partial. Laws are enforced and applied unequally and there exists a critical need for reforms.

In 1990, youth of color constituted fifteen percent of the total population of youth in Washington State. Approximately eighty-five percent of Washington youth were white (European American), and four percent African American. However, on the average, youth of color were arrested at disproportionately low rates given their numbers in the general population -- compared to whites; they were slightly less likely to be arrested for juvenile offenses. But African American youth were almost twice as likely to be arrested as whites.

Comparatively, the Study's findings reveal:

- * Despite *lower arrest rates* than whites, youth of color were referred to the juvenile court at substantially higher rates than white youth. Compared to whites, they were approximately two times *more likely to be referred to the court* for felonies or misdemeanors. African American youth were approximately five times more likely to be referred than whites.
- * In a pattern similar to that observed for referrals, youth of color were *detained prior to adjudication at significantly higher rates* than white youth. Compared to whites, they were approximately twice as likely to be detained. African American youth were approximately five times more likely to be detained than whites.
- * Despite disproportionately high rates of referral, youth of color were *diverted from criminal prosecution at lower rates* than white youth. Overall, youth of color were less likely than whites to be diverted from prosecution. African American youth were significantly less likely than whites to be diverted.
- * Youth of color were *more likely than whites to be prosecuted*. They were one and one-half times more likely than whites to be charged with offenses. African American youth were more than three times more likely to be charged than whites.
- * Youth of color were *adjudicated for offenses at disproportionately higher rates* than whites. They were nearly one and one-half time more likely to be adjudicated. African American youth were approximately two and one-half times more likely to be adjudicated than whites.

At the state level, racial and ethnic disproportionality is the most pronounced in sentencing to confinement. On average, youth of color were *sentenced to confinement at a rate four times higher* than whites. African American youth were approximately eleven times more likely to be sentenced to confinement than whites. Additionally, youth of color were *actually confined at disproportionately higher rates* compared to whites. African American youth were seven times more likely to be confined than whites.

In explaining racial and ethnic disproportionality, important characteristics of counties may assist. Therefore, analyses of these characteristics were examined for the demographic composition of each county's juvenile population, arrest rates and demographic composition.

The Study also examined the dispositions of a representative sample of 1,777 cases at each major step or level in the juvenile justice system in six selected counties (King, Pierce, Snohomish, Kitsap, Yakima, and Spokane).

Information collected on the role of race and ethnicity and related factors in disposition decisions concluded:

- * At detention, disparities occur because youth of color who are older are more likely to be detained than white youth, even following adjustment for differences between cases and backgrounds of youth.
- * Although youth of color are, on average, *prosecuted at substantially higher rates* than whites, this occurs primarily because the likelihood of prosecution is significantly greater for youth of color with prior records of juvenile court referral and any youth detained prior to adjudication.
- * At adjudication, youth of color, particularly those with prior records, were more likely than similarly suited white youth to be adjudicated guilty. Racial and ethnic disparities at sentencing are associated in large part with racial differences in the likelihood of detention prior to adjudication. Detention has a direct and independent influence on sentencing outcomes, above and beyond the effects of other factors.
- * Disparities at confinement are most strongly related to the classification and commitment of youth to high or maximum security facilities.

Remedies must ensure that juvenile justice is administered equally across the state and without regard to the race, ethnicity or other social characteristics of youth accused of offenses. Current statute (RCW 13.40.0351) offers a framework for needed reforms.

"The sentencing guidelines and prosecuting standards apply equally to juvenile offenders in all parts of the state, without discrimination as to any element that does not relate to the crime or the previous record of the offender."

Additionally, the Study offers six recommendations for major policy initiatives to assist in improving the administration of juvenile justice in Washington State and in reducing levels of unwarranted racial and ethnic disproportionality in the prosecution, adjudication and sentencing of youth.

Recommendations for major policy initiatives are:

- 1) Improve procedures for the collection and analysis of information on youth referred, prosecuted, adjudicated and sentenced in the juvenile courts;
- 2) Provide extensive and routine diversity training for law enforcement and juvenile justice officials;
- 3) Improve procedures for the dissemination of information about the administration of juvenile justice;

- 4) Revise RCW 13.40.040 specifying criteria for use in detention decision;
- 5) Revise RCW 13.06 specifying conditions on use of consolidated juvenile services funds; and
- 6) Develop uniform practices in the prosecution and adjudication of juvenile offenses.

We must develop initiatives in response to problems identified in the Disproportionality Study that flow from the recognition that the quality and effectiveness of the system of juvenile justice in Washington State must be gauged in large measure by its fairness and equity.