

Disproportionate System-Involvement

William Jernigan

MD Governor's Office of Crime Prevention, Youth, and Victim Services

HISTORICAL BACKGROUND of R/ED

HISTORY OF R/ED

- **Parens Patriae** (Latin for “parent of the nation”), late 1890’s
 - Refers to the public policy power of the state to intervene against an abusive or negligent parent, legal guardian, or informal caretaker, and to act as the parent of any child, individual or animal who is in need of protection.
- The first juvenile justice system was implemented in Illinois in the late 1890’s.



Juvenile Justice Delinquency Prevention Act

The evolution of the four JJDPA Core Requirements:

- Deinstitutionalization of Status Offenders (DSO) - 1974
- Separation - 1974
- Jail Removal - 1980
- Disproportionate Minority Confinement - 1988
 - Disproportionate Minority Contact - 2002
 - Racial and Ethnic Disparities - 2018



DISPROPORTIONATE DATA

R/ED - JUVENILE JUSTICE SYSTEM

- ❖ The 2020 Prison Policy Initiative report on youth confinement, “The Whole Pie” illustrated that...
 - 52,000 youth in the U.S. were confined in facilities.
 - over 6,600 youth were confined for technical violations of their probation, rather than for a new offense.
 - 1,700 youth were locked up for “status” offenses which are low-level offenses such as truancy, exhibiting incorrigible behaviors, possession of tobacco, etc.



R/ED - JUVENILE JUSTICE SYSTEM

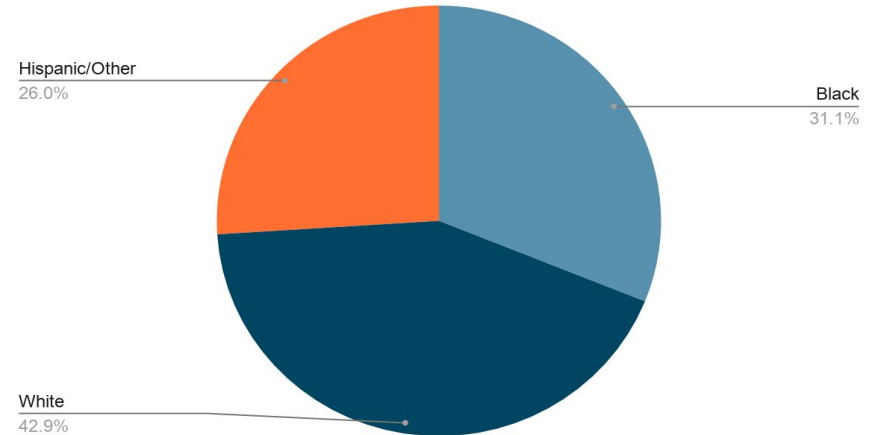
National juvenile justice data illustrates the following:

- ❖ **Youth of color** are overrepresented in every aspect of the system.
- ❖ **African American** youth represent 16 percent of the adolescents in this country, but comprise of 40 percent of the youth incarcerated in local detention and state correctional facilities.
- ❖ **Latino** youth are incarcerated nearly twice as often as white youth.
- ❖ Research shows that youth of color are treated more harshly than White youth, ***even when they are charged with the same category of offense, including status offenses.***

STATEWIDE REFERRAL DATA

Demographics	FY2019	FY2020	FY2021
Race/Ethnicity			
Black	61.7%	62.8%	57.9%
White	29.4%	28.1%	33.1%
Hispanic/Other	8.9%	9.1%	9.1%
Sex			
Male	71.0%	70.9%	74.8%
Female	29.0%	29.1%	25.2%
Age			
11 and under	4.3%	4.8%	3.8%
12	5.7%	5.0%	4.4%
13	9.6%	9.5%	7.1%
14	12.8%	14.2%	14.2%
15	19.1%	18.8%	17.3%
16	21.3%	21.7%	20.4%
17	24.7%	23.2%	27.4%
18-20	2.6%	2.8%	5.2%
<i>Total Complaints</i>	<i>18,906</i>	<i>14,951</i>	<i>7,129</i>

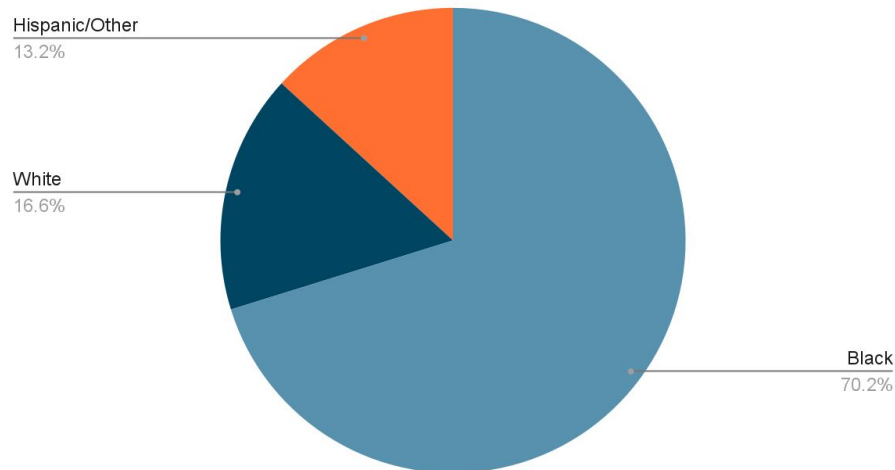
MD total youth population data (11-17 y/o) - Census data



BALTIMORE CITY REFERRAL DATA

Demographics	FY2019	FY2020	FY2021
Race/Ethnicity			
Black	94.4%	95.6%	94.0%
White	3.3%	2.4%	3.1%
Hispanic/Other	2.4%	2.1%	2.9%
Sex			
Male	80.5%	83.7%	89.3%
Female	19.5%	16.3%	10.7%
Age			
11 and under	1.9%	2.4%	0.2%
12	4.1%	3.5%	2.6%
13	9.5%	7.0%	6.4%
14	12.6%	14.7%	16.7%
15	22.1%	24.4%	25.8%
16	22.0%	20.9%	18.6%
17	24.1%	23.7%	24.9%
18-20	3.6%	3.4%	5.0%
<i>Total Complaints</i>	<i>1,384</i>	<i>1,012</i>	<i>582</i>

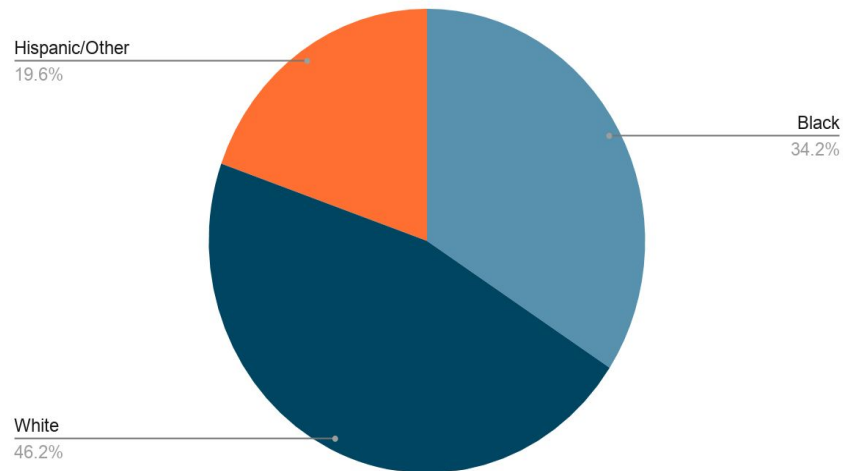
Baltimore City youth population (11-17 y/o)



BALTIMORE COUNTY REFERRAL DATA

Demographics	FY2019	FY2020	FY2021
Race/Ethnicity			
Black	78.1%	75.6%	72.5%
White	17.4%	19.6%	23.1%
Hispanic/Other	4.5%	4.8%	4.4%
Sex			
Male	70.1%	69.2%	74.2%
Female	29.9%	30.8%	25.8%
Age			
11 and under	3.0%	3.8%	2.6%
12	4.6%	5.8%	4.8%
13	10.8%	10.2%	7.7%
14	12.5%	14.9%	18.2%
15	21.5%	19.4%	18.1%
16	21.5%	22.8%	20.4%
17	23.8%	20.3%	25.4%
18-20	2.2%	2.8%	2.8%
<i>Total Complaints</i>	<i>3,470</i>	<i>3,120</i>	<i>1,355</i>

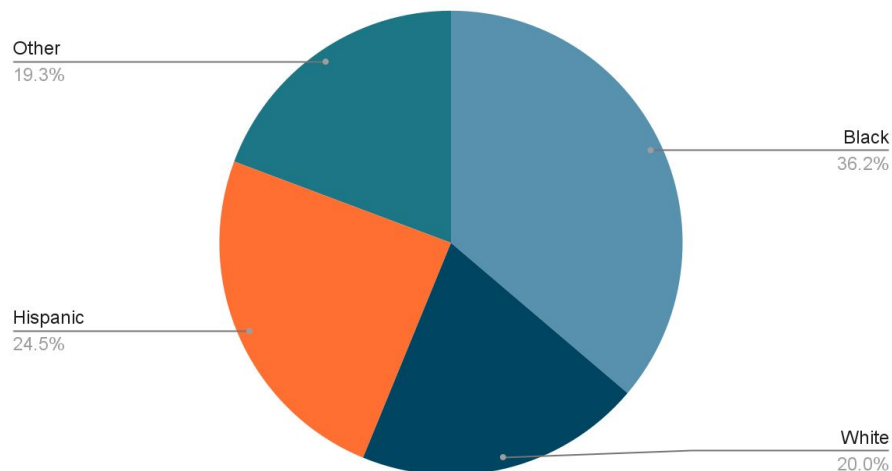
Baltimore Co. youth population (11-17 y/o)



MONTGOMERY COUNTY REFERRAL DATA

Demographics	FY2019	FY2020	FY2021
Race/Ethnicity			
Black	54.5%	51.7%	46.1%
White	13.4%	16.2%	19.9%
Hispanic/Other	32.1%	32.1%	34.0%
Sex			
Male	76.0%	78.4%	78.2%
Female	24.0%	21.6%	21.8%
Age			
11 and under	1.8%	1.3%	0.7%
12	3.1%	2.1%	1.4%
13	5.0%	4.5%	4.3%
14	9.9%	11.2%	9.2%
15	19.5%	19.1%	15.5%
16	24.7%	26.7%	26.5%
17	31.3%	29.5%	27.9%
18-20	4.9%	5.5%	14.6%
<i>Total Complaints</i>	<i>2,055</i>	<i>1,363</i>	<i>588</i>

Montgomery Co. youth population data (11-17 y/o)

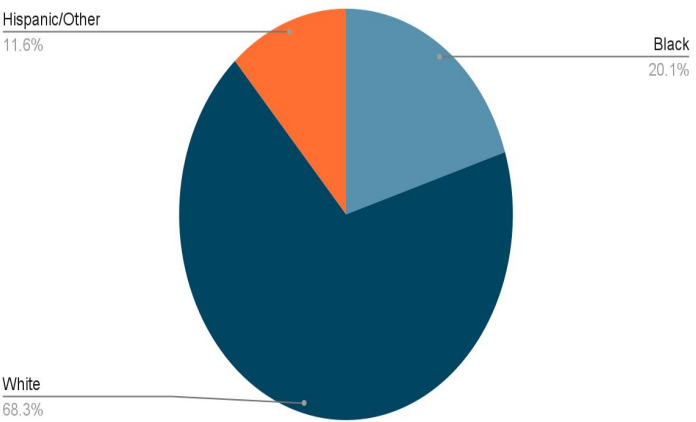


EASTERN SHORE REGION REFERRAL DATA

Demographics	FY2019	FY2020	FY2021
Race/Ethnicity			
Black	52.4%	58.3%	50.3%
White	42.5%	37.3%	43.7%
Hispanic/Other	5.1%	4.5%	6.0%
Sex			
Male	67.2%	66.2%	70.1%
Female	32.8%	33.8%	29.9%
Age			
11 and under	7.5%	9.1%	3.6%
12	7.6%	5.8%	4.7%
13	10.3%	11.3%	7.9%
14	13.5%	13.9%	13.6%
15	16.0%	15.8%	14.5%
16	17.5%	17.6%	20.8%
17	25.6%	24.7%	31.8%
18-20	2.0%	1.8%	3.1%
Total Complaints	3,146	2,574	1,541

R-IV-Eastern	
Caroline	3.13
Cecil	1.93
Dorchester	4.54
Kent	1.91
Queen Anne's	2.82
Somerset	1.22
Talbot	1.67
Wicomico	3.21
Worcester	1.77

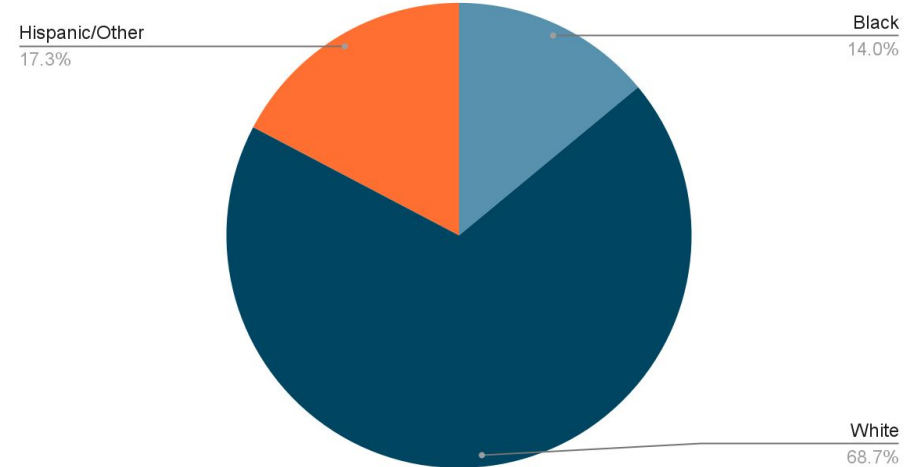
Eastern Shore Region total youth population data (11-17 y/o) - Census data



CAROLINE COUNTY REFERRAL DATA

Demographics	FY2019	FY2020	FY2021
Race/Ethnicity			
Black	38.9%	46.8%	53.3%
White	54.3%	48.9%	40.0%
Hispanic/Other	6.7%	4.3%	6.7%
Sex			
Male	77.4%	71.5%	74.7%
Female	22.6%	28.5%	25.3%
Age			
11 and under	7.2%	7.0%	9.3%
12	14.4%	5.4%	4.0%
13	13.9%	15.1%	12.0%
14	12.0%	20.4%	12.0%
15	13.5%	12.4%	22.7%
16	17.3%	18.3%	18.7%
17	19.2%	20.4%	20.0%
18-20	2.4%	1.1%	1.3%
<i>Total Complaints</i>	<i>208</i>	<i>186</i>	<i>75</i>

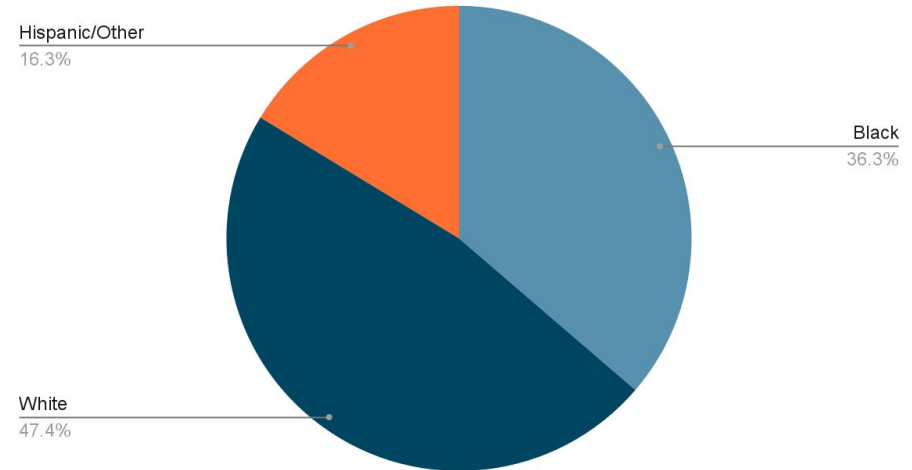
Caroline Co. youth population (11-17 y/o)



DORCHESTER COUNTY REFERRAL DATA

Demographics	FY2019	FY2020	FY2021
Race/Ethnicity			
Black	71.5%	74.4%	81.5%
White	27.9%	22.8%	16.6%
Hispanic/Other	0.5%	2.8%	2.0%
Sex			
Male	69.0%	64.9%	70.7%
Female	31.0%	35.1%	29.3%
Age			
11 and under	20.8%	18.2%	5.9%
12	9.3%	7.7%	11.2%
13	14.0%	12.3%	10.7%
14	10.7%	14.4%	15.1%
15	16.4%	14.4%	16.6%
16	14.0%	21.0%	19.5%
17	14.2%	11.8%	18.0%
18-20	0.5%	0.3%	2.9%
<i>Total Complaints</i>	365	390	205

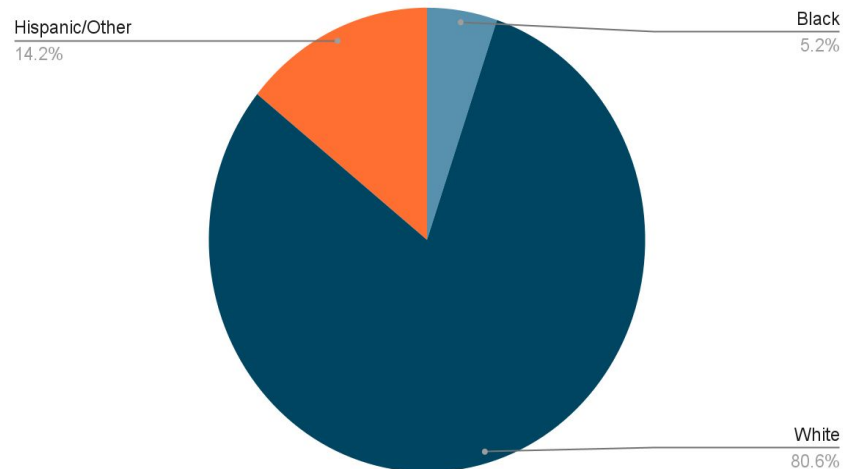
Dorchester Co. youth population (11-17 y/o)



QUEEN ANNE'S COUNTY REFERRAL DATA

Demographics	FY2019	FY2020	FY2021
Race/Ethnicity			
Black	12.2%	36.8%	35.1%
White	76.8%	53.7%	59.6%
Hispanic/Other	11.0%	9.5%	5.3%
Sex			
Male	69.5%	74.7%	73.7%
Female	30.5%	25.3%	26.3%
Age			
11 and under	3.0%	6.3%	1.8%
12	3.7%	2.1%	5.3%
13	5.5%	6.3%	5.3%
14	12.8%	14.7%	5.3%
15	20.1%	6.3%	12.3%
16	20.1%	24.2%	29.8%
17	34.1%	38.9%	40.4%
18-20	0.6%	1.1%	0.0%
<i>Total Complaints</i>	<i>164</i>	<i>95</i>	<i>57</i>

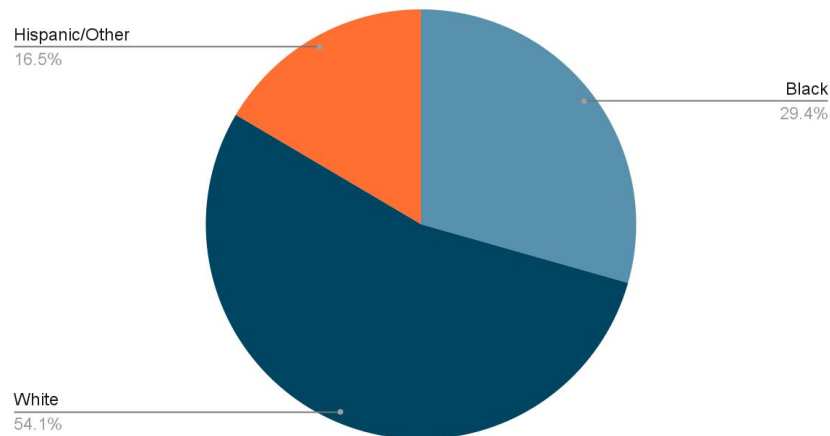
Queen Anne's Co. youth population (11-17 y/o)



WICOMICO COUNTY REFERRAL DATA

Demographics	FY2019	FY2020	FY2021
Race/Ethnicity			
Black	77.5%	78.1%	68.2%
White	17.3%	18.6%	26.7%
Hispanic/Other	5.3%	3.3%	5.1%
Sex			
Male	58.6%	57.3%	64.3%
Female	41.4%	42.7%	35.7%
Age			
11 and under	3.8%	3.7%	3.5%
12	10.3%	7.3%	4.8%
13	12.9%	14.2%	12.5%
14	17.0%	16.0%	25.1%
15	17.7%	18.3%	14.1%
16	17.9%	17.0%	15.8%
17	19.1%	20.6%	21.2%
18-20	1.3%	2.7%	2.9%
<i>Total Complaints</i>	<i>759</i>	<i>698</i>	<i>311</i>

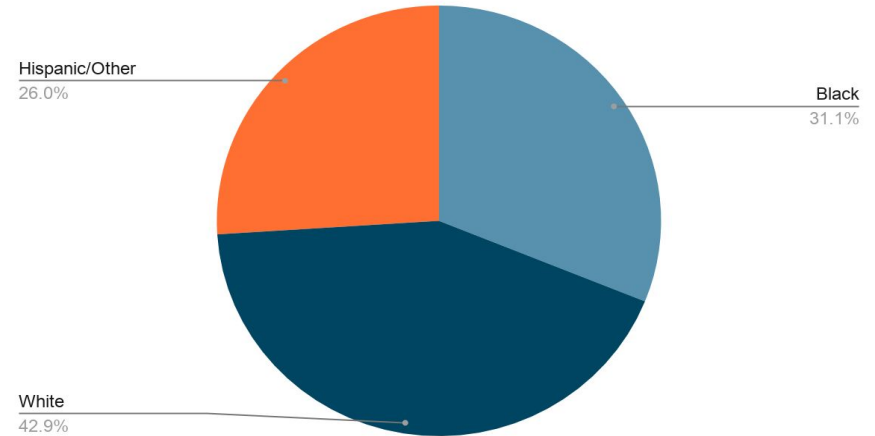
Wicomico County youth population data (11-17 y/o)



STATEWIDE SECURE DETENTION DATA

Youth Demographics	FY2019	FY2020	FY2021
Race/Ethnicity			
Black	77.8%	74.9%	75.8%
White	14.8%	15.7%	17.0%
Hispanic/Other	7.4%	9.4%	7.2%
Sex			
Male	84.7%	83.2%	84.6%
Female	15.3%	16.8%	15.4%
Age			
11 and under	0.5%	0.5%	0.1%
12	1.6%	1.6%	1.3%
13	5.2%	7.0%	4.7%
14	11.0%	12.0%	19.4%
15	21.3%	20.2%	26.1%
16	22.3%	22.1%	19.0%
17	24.8%	25.1%	18.6%
18-20	13.2%	11.5%	10.7%
Total Placements from Juv. Court	2,404	1,755	830

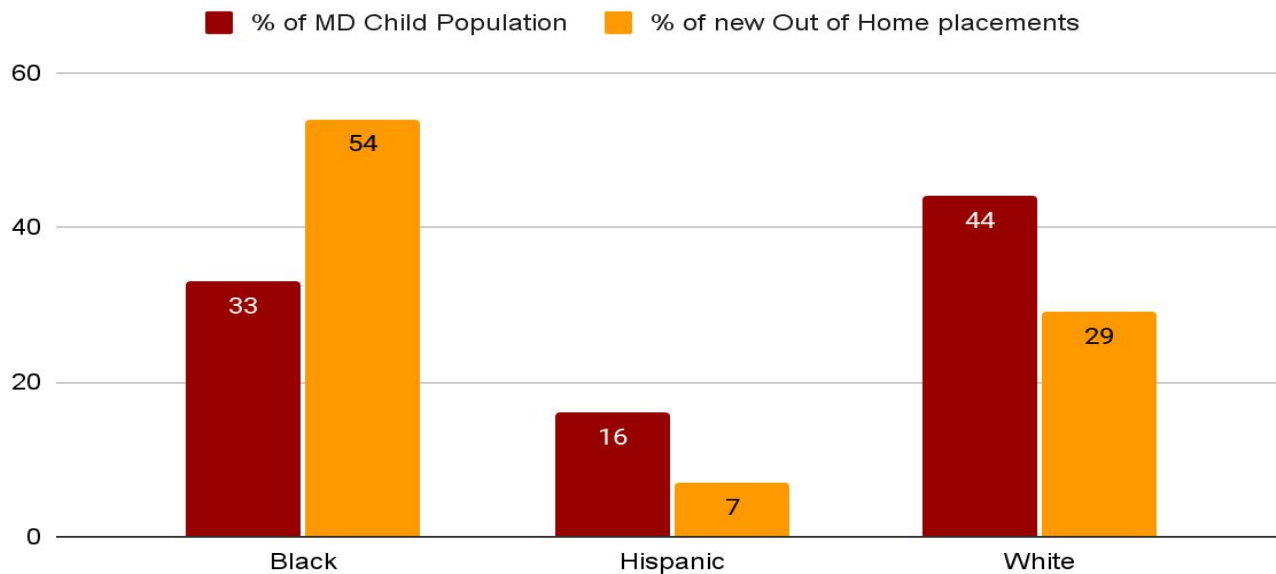
MD total youth population data (11-17 y/o) - Census data



DISPROPORTIONATE DATA FROM OTHER SYSTEMS

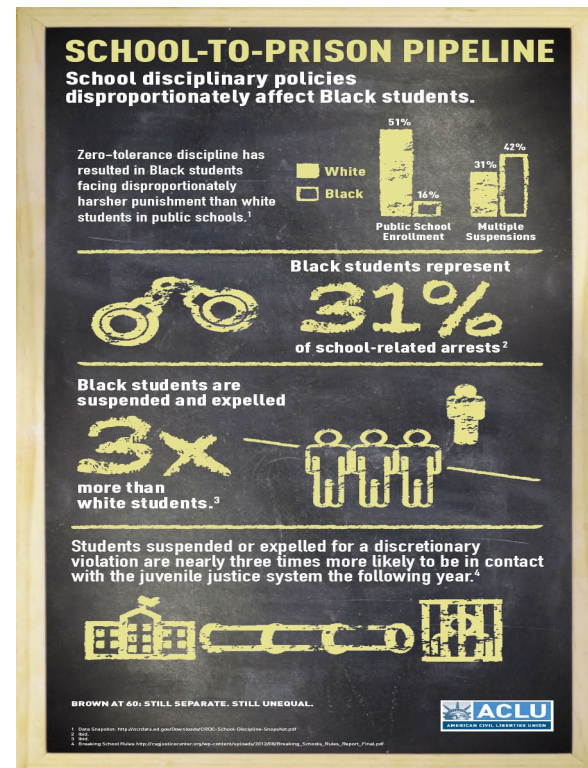
MARYLAND CHILD WELFARE SYSTEM DATA

FY 20 New Out of Home Foster Care Placements data



SCHOOL TO PRISON PIPELINE

- The “school-to-prison pipeline” is a national issue wherein school-aged children are funneled into the juvenile and criminal justice systems.
- Young children who were suspended or expelled were “**10 times more likely** to dropout of high school, experience academic failure and grade retention, hold negative school attitudes, and face incarceration.” (U.S. Dept. of Health and Human Services, 2014).



CONTRIBUTING FACTORS THAT LEAD TO DISPARITIES IN THE JUVENILE JUSTICE SYSTEM

CONTRIBUTING FACTORS FOR R/ED

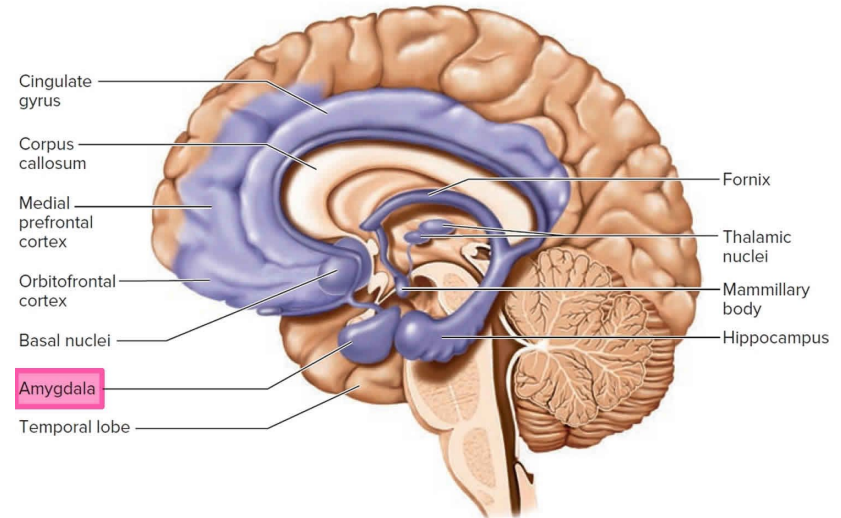
- Economically disadvantaged and unstable communities and neighborhoods
- Low-performing academic institutions, especially public schools
- Delinquent peers/negative peer influence
- Family risk factors (unmarried/single parents, incarcerated parents, subpar parent-child communication, etc.)
- Greater exposure to violence

(Source: OJJDP DMC Literature Review, 2014)

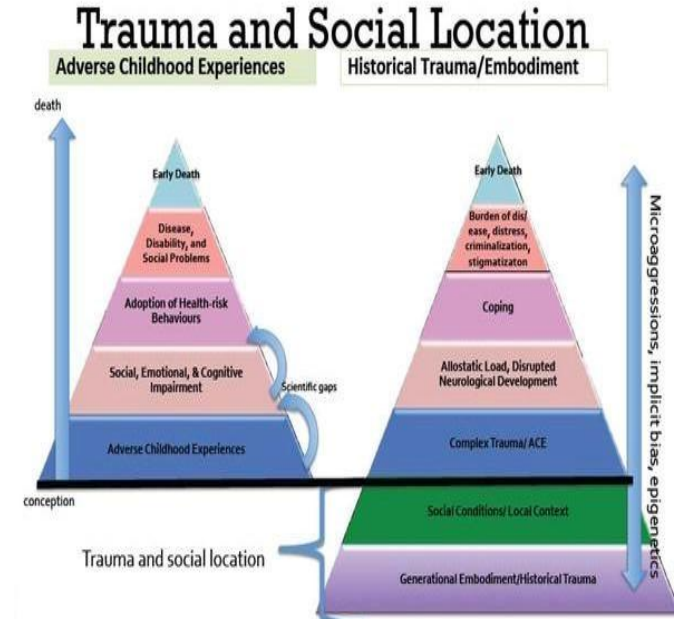
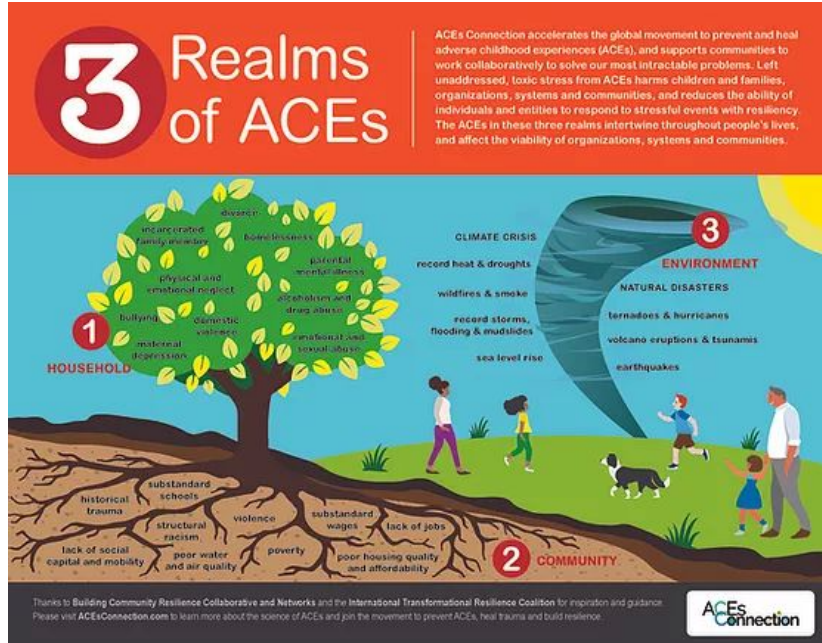
The Impact of Trauma

TRAUMA

Trauma is defined as a “lasting response to experiences or circumstances that exceed an individual’s ability to cope and produces lasting adverse effects” (SAMSHA, 2014).

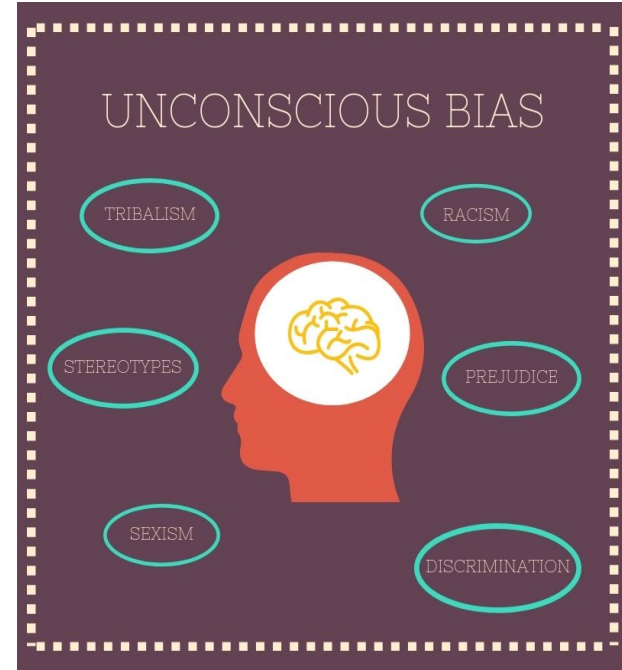
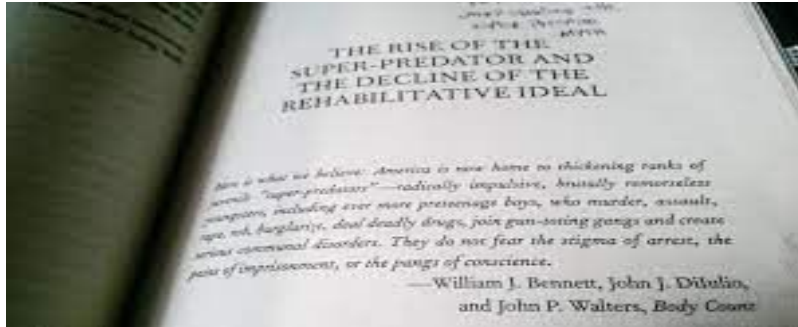


ADVERSE CHILDHOOD EXPERIENCES



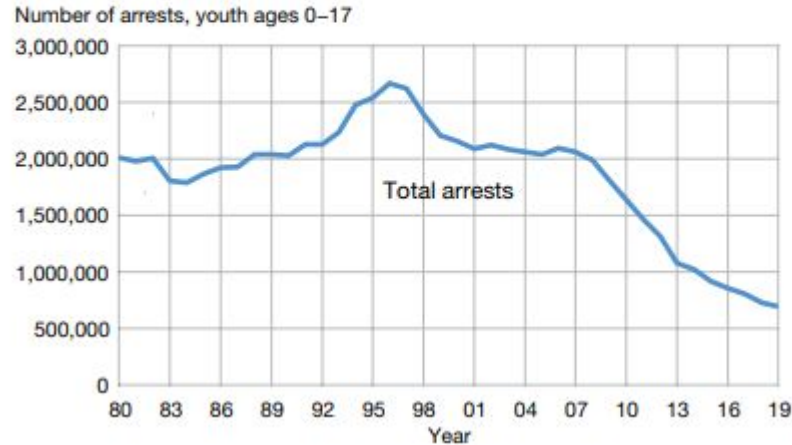
The Impact of Bias on the Youth Justice System

THE IMPACT OF BIAS ON THE JJ SYSTEM



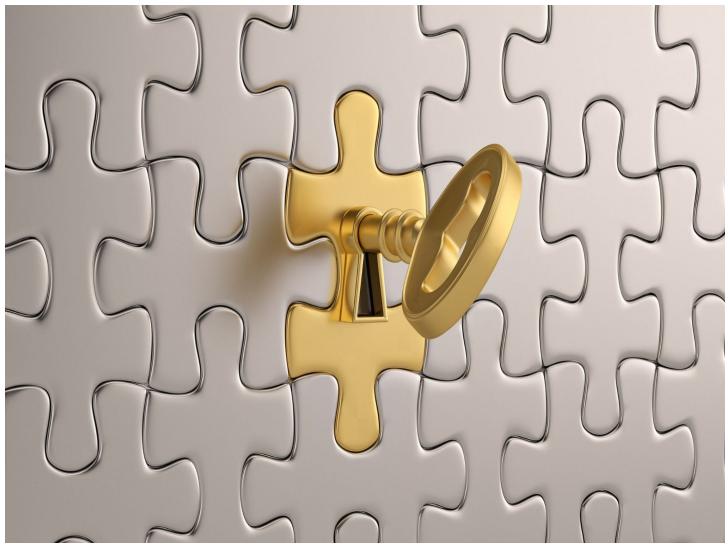
THE IMPACT OF BIAS ON THE JJ SYSTEM

In 2019, law enforcement agencies made an estimated 696,620 arrests of youth younger than 18—the fewest arrests of juveniles in nearly 4 decades



Source: US Dept. of Justice, Office of Justice Program, National Report Regional Bulletin 2021

HOW DO WE CURE THE ISSUE OF R/ED?





DIRECT SERVICES



Direct Services include a wide range of programming such as the following:

- Prevention and Early Intervention Programs (JJAC/LMB/PBB)
- Advocacy for system-involved youth
- Diversion Programs (Community-based, Schools, Law Enforcement, and Restorative Justice)
- Programs that serve as an alternative to secure detention and confinement.

TRAINING AND TECHNICAL ASSISTANCE



Training and Technical Assistance can address various contributing mechanisms by addressing the following:

- Implicit Bias/Unintentional racial bias
- Cultural Competency
- Improving interactions between youth and Juvenile Justice personnel
- Trauma-Informed Care
- Adverse Childhood Experiences

SYSTEM CHANGE STRATEGIES

This approach seeks to alter the basic procedures, policies, and rules that define how a juvenile justice system operates to address Racial and Ethnic Disparities. System change strategies:

- Can be challenging to implement
- When successful, it can produce widespread lasting change
- Can include small changes in policies and procedures as well as comprehensive, far-reaching reforms.
 - Maryland's Juvenile Justice Reform Council
 - MacArthur Foundation (Brain development science)



Maryland

GOVERNOR'S OFFICE OF
CRIME PREVENTION, YOUTH,
AND VICTIM SERVICES

REMOVING THE FENCE

