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System to Improve Children’s Lives and Public Safety”

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Good Morning Chairman Miller, Ranking Member Kline, and other Members of the Committee.

I appreciate the opportunity to address the reauthorization of the Juvenile Justice and Delinquency Prevention Act (JJDP A) and specifically to speak to the issue of racial and ethnic disparities in the juvenile justice system. My name is Michael Belton, and I am the Deputy Director of the Ramsey County Community Corrections Juvenile Division. As someone who has worked and managed staff on the frontlines of juvenile corrections for over 30 years, I offer a perspective as a practitioner who has seen the troubling effect of the disproportionate representation of young people of color in the juvenile justice system and the impact of this disproportionate representation on their families and communities.

I appear before you standing on the shoulders of my ancestors, and I speak ‘In the Name of Our Children.’ I introduce my testimony in this fashion because I believe DMC and successfully reducing racial and ethnic disparities must be a more passionate and intentional pursuit than it is a technical exercise of making declarations, simply collecting data and hoping for a good result. And, given the current crisis of the overrepresentation of youth of color in the juvenile justice system, reducing DMC and racial and ethnic disparities in our juvenile justice system is an endeavor that we must pursue. We must pursue it with intentionality and by using strategies that have demonstrated success in jurisdictions throughout the country, including Ramsey County.

Throughout my testimony, disproportionate minority contact (DMC) refers to the disproportionate representation of youth of color in the juvenile justice system as compared to their representation in the “at risk” youth population. In contrast, reducing racial and ethnic disparities refers to changing the decisions and processes in the system that produce disparate outcomes for similarly situated youth – such as youth with similar charges or youth with similar past prior involvement with the juvenile justice system - who differ from each other only in race and ethnicity. In essence, disparities in juvenile justice decision making produce the DMC we see in the juvenile justice system.

DMC and racial and ethnic disparities exist in Ramsey County. However, with the help of the W. Haywood Burns Institute and the Juvenile Detention Alternatives Initiative (JDAI), we have committed to engaging in an intentional, collaborative and data driven approach to reduce DMC and eliminate racial and ethnic disparities. It is for this reason that I am particularly pleased to have the opportunity to speak with you today about enhancing the core protection in the JJDPA that focuses specifically on addressing the overrepresentation of youth of color in the juvenile justice system.

DMC and Racial and Ethnic Disparities: The Scope of the Crisis.

National research consistently indicates that youth of color are overrepresented at each point of contact within the juvenile justice system, and the overrepresentation is cumulative - meaning it has a greater effect the deeper a youth gets into the juvenile justice system - as youth proceed through the decision system from arrest to secure placement to transfer to adult court.ⁱ This cumulative effect is perhaps easiest described by the data - a 2007 study of decision points in the juvenile justice system found that youth of color represented 28% of youth arrests, 37% of those who were detained, 35% of those who were transferred to criminal court, and 58% of those admitted to state prisons.ⁱⁱ

A 2006 survey of detention facilities within the United States showed that youth of color are significantly overrepresented in the juvenile detention facilities. According to the count, when compared to White youth, Black youth are more than five times more likely to be detained, Native American youth are nearly four times more likely to be detained, and Latino youth are more than twice as likely to be detainedⁱⁱⁱ. The disparities are similar in locked facilities beyond detention where data shows that Black youth are more than four times as likely as White youth to be sentenced to locked facilities, and Latino youth are two times as likely. Native Americans are held in secure confinement three times more frequently than White youth.^{iv}

The State of Minnesota is home to some of the worst levels of disproportionality in the nation. The overall youth of color population aged 10-17 in Minnesota is currently 18% youth of color^v, yet youth of color represent 38% of youth detained in juvenile detention facilities and 46% of youth committed to a residential facility as part of a court-ordered disposition (or “sentence” in adult court terms)^{vi}.

In 2007, in the three largest metro counties in Minnesota- Dakota, Ramsey and Hennepin Counties- youth of color represented 31% of youth aged 10-17, yet accounted for 71% of youth securely detained before their adjudication hearing, and ranged from 43% to 83% of youth receiving post-adjudication placements in ranch camps, group homes and other out-of-home residential placement settings including secure treatment programs^{vii}. And an analysis of the decision point of transfers to adult court in these counties revealed that youth of color account for almost 100%.

In trying to explain the phenomena of youth of color overrepresentation in the juvenile justice system, claims often are made that youth of color are overrepresented because they commit more crime and more violent crime than White youth. However, an examination of the data paints a different picture. Nationwide, research demonstrates that youth of color are treated more harshly than White youth, even when charged with the same category of offense. Self-reports of drug use indicate that White youth and youth of color use drugs at the same rate. However, White youth are much more likely than Black youth to be placed on probation, and Black youth are twice as likely as White youth to be sent to locked facilities for drug use or drug related crimes. Latino youth are incarcerated for twice as long as White youth for drug offenses and are one and a half times more likely to be admitted to adult prison for these offenses.

In Minnesota, research also demonstrates that similarly situated youth of color are treated more harshly than White youth. Statewide data reflect that youth of color arrested for only 37% of Part I crimes (serious offenses eligible for transfer), but account for 45% of youth transferred to adult court.

These statistics underscore the crisis of DMC and racial and ethnic disparities in our Nation and in the State of Minnesota. Clearly, youth of color are overrepresented in the juvenile justice system, and clearly, this overrepresentation cannot be explained by differential patterns of offending. Youth of color consistently receive more punitive responses from the justice system than White youth.

What is more, the youth of color population continues to grow both nationwide and in the State of Minnesota. Already, more than 47 percent of all children under age 5 in our nation are youth of color. Of all young people aged 0-17, 43 percent were youth of color in 2008 (compared with 31 percent of those 20 or older), up from 38.5 percent just eight years earlier^{viii}. This is true in Minnesota as well. Minnesota's metro counties of Dakota, Ramsey and Hennepin have growing immigrant Latino, Hmong, and Somali populations, placing the Twin Cities among the fastest growing ethnically diverse areas in the country. The result is a growing youth of color population being cycled through a juvenile justice system that appears unable or unwilling to produce equitable outcomes and that creates devastating impacts on these youth.

The extent of DMC and racial and ethnic disparities has reached a level crisis that must be addressed, and it is a crisis that can be addressed with a strategic and intentional approach.

Local Efforts to Reduce Racial and Ethnic Disparities in Ramsey County.

In the prior portion of my testimony, I described the negative treatment that youth of color face in the juvenile justice system— particularly in Minnesota. Fortunately, in Ramsey County we have had the support of the W. Haywood Burns Institute and the Juvenile Detention Alternatives Initiative and have committed to engaging in an intentional, collaborative, and data driven approach to reducing DMC and racial and ethnic disparities

In the Fall of 2005 with the support of our County Board of Commissioners, Ramsey County embarked on a collaborative project with Annie E. Casey Foundation to reduce our reliance on detention. The County saw disturbing trends of escalating detention populations. The juvenile detention center routinely exceeded its capacity of 86 beds causing staff to double bunk young people in cells and stage cots in the gym. When the center averaged a daily population of 89 youth, we knew change was necessary. Very quickly, we learned of the significant overrepresentation of youth of color. According to our initial analysis, youth of color, and particularly Black youth were are -represented in pre-adjudication admissions to secure detention at Ramsey County Juvenile Detention Facility. In 2005 Black youth represented 14% of the overall youth population in Ramsey County aged 10-17, but 50% of youth admitted to detention pre-adjudication. Although we committed to reforming our juvenile justice system and to reducing our reliance on secure detention, disproportionality in Ramsey County became the seemingly intractable problem we sought to understand and to solve. DMC reduction drove the primary purpose for juvenile justice reform.

The Corrections Department engaged the W. Haywood Burns Institute in 2006 to conduct an assessment of our existing reform efforts and to review the status and extent of disproportionality and disparities, to review our policies, practices and procedures to offer recommendations on how we could work more intentionally to reduce DMC and racial and ethnic disparities. The Burns Institute assessment revealed the need for (1) more strategic collaboration between traditional and non-traditional stakeholders, (2) better and more consistent data collection and monitoring of disparities, and (3) more thorough review of how policies and practices uniquely impact youth of color.

(1) Collaboration.

We learned that is it critical that impacted communities of color be part of the reform process. These communities provide a sense of urgency, perspective, and insight into what is driving system involvement for our most vulnerable youth. Too often these juvenile justice stakeholders with important insight and the greatest personal “stake” in reducing racial and ethnic disparities are excluded from the effort.

In 2008, Ramsey County Corrections again engaged the Burns Institute to help us develop a strategy for community engagement. Now, Ramsey County commits to engaging community in our work to reduce disparities, and we commit to engaging community in a meaningful way. Ramsey County Corrections invested in learning from the community – we hosted community dialogues in the communities with the highest prevalence of system involved youth of color. As a result we have culturally specific community-based alternatives both pre and post adjudication that were surfaced by the Ramsey County Alternatives Committee, which comprises community representatives from impacted communities of color. This group identified community agencies and programs that had been working with ‘at risk’ populations, that the community trusted, and programs that operated from a cultural center. Community advocacy groups were also instrumental in the Ramsey County Board investing in funding to support community based alternatives that lead to juvenile justice reforms. The community also works with us to evaluate these services and to make recommendations for improvement.

(2) Data Collection and Analysis.

Prior to our engagement with Burns Institute and JDAI, the Corrections Department and other local stakeholders did not use data to inform policy or practice. What is more, we did not maintain consistent reports to let us know what was driving disproportionality in our juvenile justice system. Over the last 5 years, there has been a significant shift toward collecting, analyzing and reporting data through the lens of race, ethnicity, gender, geography and offense. We are no longer relying on anecdotes. Rather, we use empirical evidence and data to drive our work on reducing DMC and racial and ethnic disparities. Now, we not only identify the extent of disproportionality at various points in our juvenile justice system, we know more about the factors driving disproportionality and disparities. Black youth on enhanced probation, a special probation unit for high risk youth were required to waive to their right to a court hearing before being locked up as a condition of disposition. This policy allowed probation officers to detain youth for up to 48 hours. Youth were being detained on average 1.6 days and could be placed on “waiver violations” for subjective reasons, and repeatedly. We identified this specific response as 100% youth of color. We questioned the policy’s efficacy since many youth were not having their rehabilitative needs met while being detained for only a day and admissions for violations were contributing to disproportionality. Through our examination of the issues surrounding this policy we worked with community partners to establish an alternative that could be used for high risk probation youth in lieu of detention, resulting in a 61% decline for youth of color enhanced probation admissions from 2008 to 2009. Our DMC Committee, comprised of community and system stakeholders, also recommended to eliminate this policy, and this request has been honored.

(3) Juvenile Justice Decision Point Analysis.

Finally, we learned that we were not aware of how all juvenile justice decision makers were, intentionally or not, contributing to DMC and racial and ethnic disparities in our juvenile justice system. Ramsey County is currently engaged in decision point analysis that reviews all juvenile justice decision making points-- from arrest, to entry onto probation, to detention and out of home placement. We are conducting a thorough assessment of both our policies and our practices to ensure that we are not unintentionally treating similarly situated youth differently, and ensuring we are responsive to the many diverse communities we serve.

With this intentional focus, Ramsey County has had the following measurable reductions and successes:

- (1) A reduction in the average daily population for youth of color in detention by 65% from 2005 to 2009 using an objective detention screening tool. Use of the objective detention screening, the Risk Assessment Instrument (RAI) has ensured that youth will be either released from juvenile detention intake, released from juvenile detention intake with certain conditions or be admitted to our Juvenile Detention Center based on their level of public safety risk, their presenting offense and prior history of offense and flight risk. Several databases are used to assess youth eligibility for release to home (0-9), an alternative to detention (10-14) or detention (15+) . In developing and using our RAI, we learned that the vast majority of youth of color the RAI-identified were low risk youth who were previously being detained. Used with a clear purpose of detention, we've experienced dramatic reductions in the overall daily population in detention and significantly reduced detention admissions for youth of color. The RAI was implemented in January 2008 after months of collaborative deliberation with such stakeholders as corrections, law enforcement, county attorneys, public defenders, judges, schools, and community representatives. Most recently Ramsey County launched an automated version of the tool cutting the assessment time by more than half and thereby releasing youth who do not require secure detention.

- (2) For Black youth, who represent the majority of youth of color in detention, a reduction in rate of detention by 33.2% from 2005 to 2008, and a reduction in rate of secure confinement or out of home placement by 85.9% . In addition to the RAI, our Probation staff, with partners, developed an objective tool, the Graduated Response Grid, which standardizes probation officers' responses to violations

based on a youth's level of risk to reoffend and the level of non-compliance. When we examined the youth being admitted to detention on probation violations and intensive supervision sanctions, more than 80% were youth of color. Black youth were especially overrepresented. These youth were being admitted primarily on status offenses or low level infractions. Youth were treated inconsistently by Corrections when they violated their probation, and the result was that Black youth were being disproportionately admitted to detention for reasons that did not meet our locally identified purpose of detention: short term public safety interests and flight risk.

The grid presents a continuum of community based options and incentives that are used to redirect youth behavior and firmly positions detention and out of home placement as deep end tools only to be used when public safety and a youth's rehabilitative needs require it. A philosophical, policy and practice shift has created an emphasis on least restrictive, community based options wherever possible, which has impacted the number of youth of color in Ramsey County. Black youth are not being sent to detention and out of home placement as often due to this new policy. No longer are secure detention and out of home placement used as accountability measures or 'punishment', but for their respective intended purposes.

The implementation of culturally specific, community-based alternatives to support both detention reforms and probation reforms that divert youth from detention and out of home placement to community based options. Data showed that many of the youth coming to detention came from two main neighborhoods in St. Paul – the 55106 or East St. Paul, area, community in transition with a large Black and Hmong population, and 55104, the Rondo neighborhood, a historically Black area. When alternatives were designed, programs were intentionally placed in the impacted neighborhoods where youth were coming from to ensure that supports were being developed right where young people live and that programs are accessible and culturally relevant to increase program success rates.

Most important, in Ramsey County our leadership has prioritized DMC and reducing racial and ethnic disparities for conducting juvenile justice system reform. Work to reduce DMC and eliminate racial and ethnic disparities is a part of my Department's Five Year Strategic Plan. The goals of this plan include:

- 1) completing a decision point analysis for entire juvenile division by race, ethnicity, gender, geography, and offense (REGGO);

- 2) identifying points of differential impact on youth of color and developing strategies that eliminate disparities in partnership with stakeholders;
- 3) establishing authentic “discussions” with communities of color and the Community Corrections Department ;
- 4) reducing and monitoring the efficacy of out-of-home placements;
- 5) ensuring that all families are welcomed and respected as they intersect with our juvenile justice system; and
- 6) placing a stronger emphasis on culturally and gender specific responses.

The process and goals of our work in Ramsey County reflect the level of intentionality required to make meaningful and sustainable reductions to DMC and racial and ethnic disparities in the juvenile justice system. It is a process that produces measurable results, and more importantly, can be replicated by jurisdictions throughout the nation. With guidance, intentionality and a strategic approach, jurisdictions that have simply admired the problem of disparities in their juvenile justice system for decades can finally take action to eliminate those disparities.

Strengthening the Core Protection to “Address DMC” in the JJDPA.

Currently, the JJDPA requires States to “address” disproportionate minority contact (DMC) within the juvenile justice system. Specifically, the law requires States to “address juvenile delinquency prevention efforts and system improvement efforts 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.”^{ix}

Unfortunately, this vague requirement that states “address” efforts to reduce DMC has left state and local officials without a clear mandate or guidance for reducing racial and ethnic disparities. With limited guidance, jurisdictions can get stuck studying the problem or endlessly working on projects that do not lead to measurable reductions. Indeed, throughout the country, jurisdictions have spent significant time and money trying to reduce racial and ethnic disparities in juvenile justice with limited results. I contend that unless Congress strengthens the DMC core requirements of JJDPA, little progress will be made beyond “admiring the problem.”

Strengthening the JJDPA will make it possible for more jurisdictions to reduce racial and ethnic disparities in the juvenile justice system by giving states more guidance on how to go about reducing DMC and racial and ethnic disparities through focused, informed, data-driven strategies like those successfully utilized in Ramsey County. Thus, I believe the reauthorization of the JJDPA must guide states toward engaging in specific approaches to effectively address racial and ethnic disparities.

Specifically, I recommend strengthening the core protection by requiring States to take concrete steps to not just address, but to actually move toward reducing racial and ethnic disparities in the juvenile justice system. Using elements of the model used in Ramsey County, MN and other jurisdictions that have effectively reduced racial and ethnic disparities, strategies to reduce DMC and racial and ethnic disparities must include:

Encouraging collaboration of local juvenile justice stakeholders, including community leaders of communities in which youth of color are disproportionately represented in the juvenile justice system.

Mapping decision points in local and state juvenile justice systems to identify key decision points and how departmental policy, practice and procedure may disparately impact youth of color and be contributing to disproportionality.

Developing and implementing data systems that identify where racial and ethnic disparities exist in the juvenile justice system and track and analyze such disparities, using descriptors disaggregated as appropriate by race, ethnicity, gender, geography, offense, delinquency history and age.

Creating a work plan to reduce racial and ethnic disparities that includes measurable objectives for system change and/or policy and practice change designed to reduce any forms of bias, differential treatment of youth of color or disparity found to be associated with race and ethnicity; and

Publicly reporting progress towards measurable objectives in reducing racial and ethnic disparities that must be monitored and evaluated on an annual basis.

By strengthening the core requirement of the JJDPa regarding disproportionality in the juvenile justice system, you would be making a statement that you recognize the intentionality necessary to reduce DMC and racial and ethnic disparities in the system and are make this work a national priority. You are giving more jurisdictions throughout the nation the opportunity to build on the experiences of jurisdictions that have successfully reduced disproportionality and disparities.

Conclusion.

Thank you for the opportunity to address you regarding this critical issue. In Ramsey County, we have realized that reducing racial and ethnic disparities in the juvenile justice system while maintaining public safety is possible. We also know that it is only possible with intentionality and by implementing the strategies discussed above.

With its current reauthorization, Congress has the opportunity to offer specific guidelines to States in their efforts to reduce the growing disproportionality of youth of color in the juvenile justice system. And while Congress cannot legislate the will to reduce racial and ethnic disparities, it can formulate policy that will have an important and measurable impact on the lives of children.

I am happy to answer any questions you might have regarding my testimony.

ⁱ Hartney, C. and Vuong, L. (2009). *Created Equal: Racial and Ethnic Disparities in the U.S. Criminal Justice System*. National Council on Crime and Delinquency. Oakland.

ⁱⁱ National Council on Crime and Delinquency. (2007). *And Justice for Some: Differential Treatment of Youth of Color in the Justice System*. Oakland. Available: http://www.nccdcrc.org/nccd/pubs/2007jan_justice_for_some.pdf.

ⁱⁱⁱ Sickmund, Melissa, Sladky, T.J., and Kang, Wei. (2008) "Census of Juveniles in Residential Placement Databook." Online. Available: <http://www.ojjdp.ncjrs.gov/ojstatbb/cjrp/>

^{iv} Hartney, C. and Vuong, L. (2009). *Created Equal: Racial and Ethnic Disparities in the U.S. Criminal Justice System*. National Council on Crime and Delinquency. Oakland.

^v Puzzanchera, C., Sladky, A. and Kang, W. (2009). "Easy Access to Juvenile Populations: 1990-2008." Online. Available: <http://www.ojjdp.ncjrs.gov/ojstatbb/ezapop/>

^{vi} Sickmund, Melissa, Sladky, T.J., and Kang, Wei. (2008) "Census of Juveniles in Residential Placement Databook." Online. Available: <http://www.ojjdp.ncjrs.gov/ojstatbb/cjrp/>

^{vii} Minnesota JDAI Results Report (2008).

^{viii} Lichter, Daniel. *Population and Development Review* (2010). March (Vol. 36:1).

^{ix} P.L.93-415