TAKING ON TRANSFORMATION

Chapter 1
CENTERING RACIAL JUSTICE & EQUITY

SPECIAL THANKS

1

CENTERING RACIAL JUSTICE AND EQUITY

OBJECTIVE

EXPLORE THIS CHAPTER ONLINE

This chapter explains why centering racial justice and equity is foundational to youth justice system transformation, and how to center race to reduce disparities and racist practices.

INTRODUCTION
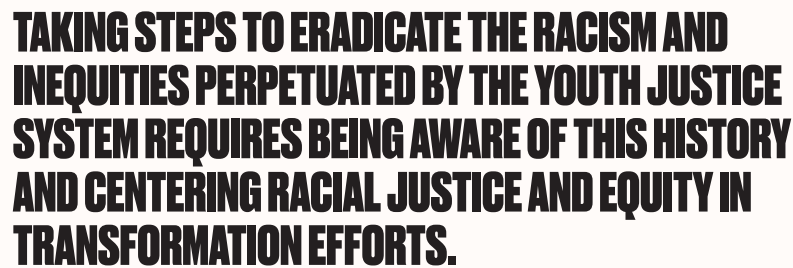
Any effort to transform youth justice systems must begin by understanding the racist roots and underlying power dynamics at play within these systems, and how these racial and ethnic disparities continue to permeate system practice today.

Historically, criminal and youth justice systems—and incarceration specifically—became tools in the country's larger efforts to maintain the subordination and enslavement of Black people, even after slavery was officially abolished in the United States. The continued attachment of justice systems today to incarceration-first approaches, after many years and much clear evidence demonstrating that prisons are harmful and ineffective, perpetuates these racist origins. Taking steps to eradicate the racism and inequities perpetuated by the youth justice system requires being aware of this history and centering racial justice and equity in transformation efforts.

In recent years, the ongoing institutional racism exacted by our justice systems has gained national attention, increasing the urgency to focus on racial justice and equity in policy change across these systems, from addressing disparate policing to reducing incarceration and rethinking the role communities play in advancing safety. Centering race has taken on new meaning, and requires: directly acknowledging the role and harm that racism has played in

how systems have been designed and operated; addressing decision making bias; eliminating racial disparities in practice; and shifting resources and authority to communities of color to assume a meaningful role in system change and the design and administration of justice.

> TAKING STEPS TO ERADICATE THE RACISM AND INEQUITIES PERPETUATED BY THE YOUTH JUSTICE SYSTEM REQUIRES BEING AWARE OF THIS HISTORY AND CENTERING RACIAL JUSTICE AND EQUITY IN TRANSFORMATION EFFORTS.

This chapter begins with a brief, necessarily superficial summary of how racism has been deeply embedded within justice systems, resulting in the inequitable and unjust over-incarceration of Black people and other people of color. It then describes the systemic disparities and inequities that continue to be present across system practice today, visible in the lived experiences of Black and brown young people impacted by the system and the data. These experiences and data point to indicators that leaders can use to begin to evaluate and measure system progress in centering racial justice and equity and addressing racism, and reveal areas for attention and reform. The bulk of the chapter then outlines a set of action steps that jurisdictions can take to concretely address racism, eliminate disparities, and shift the balance of power for youth justice reform and administration to communities of color, and why they matter. Subsequent chapters will reinforce these points and look more specifically at how to bring a racial justice lens to all parts of transformation work.

INSTITUTIONAL RACISM IN JUSTICE SYSTEMS AND IMPACT ON PRACTICE

While a comprehensive examination of all the ways white supremacy and racism have shaped and continue to drive youth justice policies is beyond the scope of this Guide, lifting up and accounting for the presence and power of racism is critical to understanding why and how we must now transform youth justice systems with racial justice and equity at the center.

For centuries, institutional incarceration has been a core component of how those holding power in society have approached the control and sublimation of certain groups of people deemed different, inferior and, as such, dangerous. In the United States, the political aftermath of the Civil War—and specifically, ongoing racism and national division over the issue of slavery—saw the creation and expansion of the prison system. While the 13th Amendment to the U.S. Constitution was meant to abolish slavery, the language explicitly exempted the imposition of "involuntary servitude" as a punishment for a crime. In response, Southern states passed "Black Codes,"—vaguely worded laws targeting formerly enslaved Black people by criminalizing unemployment, poverty and common, everyday activities, such as walking at night, standing in a specific area of town, loitering, and vagrancy. This allowed for the perpetuation of racist narratives diminishing and dehumanizing Black people, as well as their continued, state-sanctioned enslavement, now under the authority of criminal law.

Once convicted, formerly enslaved people were imprisoned and subjected to forced, "hard" labor, either on prison farms and factories or through contract labor schemes. Incarcerated people were rented out with no pay, no protections against abuse and mistreatment, and no oversight of their living conditions. In fact, they were commonly contracted out to the same plantations and other businesses that had profited from the labor of enslaved people for centuries. Thus, a core purpose of the prison system was to

OVERVIEW OF THE ISSUE

preserve an authorized system of oppression of Black people and continue extracting forced labor from formerly enslaved people for the economic benefit of white property owners, manufacturers, merchants and other businesses in both the South and the North.

This systemic subjugation of an entire population has continued to evolve and had lasting negative impacts on Black people. Over decades, a variety of laws and criminal justice campaigns have perpetuated the idea of "dangerous Black youth," leading to the selective and disproportionate imprisonment of Black people in the name of "preserving widespread public safety." In recent times, Black people, and especially young Black men, have been prime targets of this country's "War on Drugs" and the concomitant "tough on crime" movement, which led to a massive increase in the number of incarcerated people of color. Communities of color have been targets of selective enforcement and aggressive policing, while simultaneously experiencing disinvestment in critical social supports and exclusion from policies promoting generational health and wealth; meanwhile, white communities were largely untouched. Longer sentences for many crimes, mandatory sentences for relatively small amounts of drugs, three-strikes laws, roll-back or abolishment of parole and related policies, all targeted at people of color, resulted in an ever-increasing incarceration rate for Black and brown young men. And the collateral consequences of being caught by the system – not being able to find housing or employment following a conviction – only served to reinforce their status as second-class citizens.

PRACTICE TODAY:
RACIAL DISPARITIES ACROSS THE YOUTH JUSTICE SYSTEM

Our prison system today continues to most impact poor people of color, as the compounding effects of race and poverty in this society, coupled with the legacies of racism and enslavement inherent to the criminal justice system, continue to shape justice practice. Disparate practice begins in schools and on the streets with our young people, and continues throughout the youth and criminal justice systems.

Zero tolerance laws and school policies have fallen heaviest on school children of color. These policies and practices disproportionately target Black and brown young people with sanctions for normative adolescent behavior, such as disobeying authority, bringing drugs onto school grounds or fighting. When white youth engage in these same behaviors, they are either ignored or handled informally by schools, while youth of color are more often arrested and charged with delinquency. Black children and youth are also much more likely than white youth to attend a school patrolled by onsite police officers, or "school resource officers." These officers have the power to arrest students in response to the kinds of misbehavior that would be managed by educational staff in most schools with no charges filed. Young people with educational and emotional disabilities are much more likely to be subjected to this mechanism of the school-to-prison pipeline, reflecting failure to provide individualized educational supports to children who need them to learn and to navigate the school environment.

Young people of color are much more likely to be monitored by the police in their neighborhoods and targeted for surveillance and stops. Recent years have seen a dramatic rise in media stories of young people of color being shot and, at times, killed by the police. These practices reflect ongoing racism in system practice, with the starting point for police attention and arrest often being the same as it was at the origins of the criminal justice system with the "Black Codes"—normative, everyday behaviors among adolescents such as walking on the street at various hours, being out of school without parental supervision, or engaging in group activities deemed to boisterous or noisy or just annoying to adults or using drugs.

Racial and ethnic disparities in the treatment of young people that begin on the street continue throughout the youth and criminal justice systems. These disparities are well documented for every phase of the system, beginning with arrest and charging decisions and including detention, probation, removal from home, incarceration, and post-release supervision and parole or aftercare revocation.[1] While many jurisdictions show striking differences in the treatment of Latino youth compared to their white peers, disparities are most egregious for Black and Native youth in almost every youth justice system in the country.

Black Youth

Nationally, Black youth are 15 percent of the teen population, yet they are 35 percent of those arrested, 40 percent of those detained, 34 percent of those placed on probation and 41 percent of those incarcerated.[2, 3]

35%
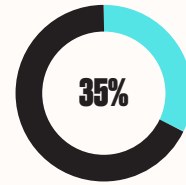
Native Youth

Native youth are 1 percent of the teen population, yet they are 2 percent of those arrested, 2 percent of those detained, 2 percent of those placed on probation and 2 percent of those incarcerated.[4, 5, 6]

2X
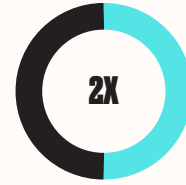
Latino Youth

Compared to white youth, Latinx young people are 28% more likely to be incarcerated. While this is a deep reduction over the last decade--in 2011 Latinx youth were 80% more likely to be incarcerated than white youth--13 states have actually seen disparities increase over that time.[7, 8]

28%
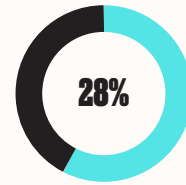
Significant progress has been made over the past twenty years to reduce the number of young people in the system and incarcerated, including youth of color, which should be celebrated. However, while the overall numbers of system-involved and incarcerated youth have decreased, including there being significantly fewer youth of color incarcerated, the rate of decrease has been higher for white youth. As such, the ratio of youth of color in the system and incarcerated to white youth has actually increased during this period of reform.[9] The nuances of these changes underscore the importance of reviewing data and including communities in the review and analysis of data at every system point to understand existing and continuing disparities, what may be causing them, and how they must be addressed.

DRIVERS OF RACIAL INEQUITIES: PERSONAL, SYSTEMIC, AND STRUCTURAL

In addition to understanding the racist underpinnings of the justice system, understanding the multiple ongoing forces that perpetuate racial inequities is

essential to understanding how now to address and eliminate them. These drivers include personal, systemic and structural racism.

Personal Racism

Our history and culture have generated and reinforced racist beliefs and attitudes in each of us, in both overt and subtle ways. These personal beliefs and attitudes are inseparable from our official, professional roles, and inevitably affect our perceptions about young people, the decisions we make about them and ways that we interact with them.

Individuals in positions of responsibility for decisions over young people's lives may hold explicitly racist beliefs. In other cases, bias may be implicit, with decision makers unaware of the underlying racism affecting their decisions. Almost all Americans carry implicit biases, which affect how they respond to people of different races and ethnicities. For example, research routinely demonstrates a tendency for subjects to see Black children as older than they are, and therefore more culpable than their white peers of the same actual age.[10] Black children are often seen as angry and threatening, and in need of control and restraint.[11] White children exhibiting the same behaviors are seen as upset and in need of support and a chance to calm down.[12]

Decision makers tend to see delinquent behavior exhibited by white youth as rooted in family, economic, traumatic or other environmental challenges. Thus, they are likely to view white youth as less culpable, and more likely to respond to a rehabilitative and supportive intervention. They are likely to see the same behaviors exhibited by Black youth as rooted in personality, character and family failings, and to view Black youth as unlikely to respond to rehabilitative supports. These unconscious perspectives lead decision makers to impose much harsher consequences on Black and other youth of color, including institutional incarceration.

Families of color are also perceived in stereotypically negative ways. Parents and other kin may not have the resources or flexibility to miss work, travel to court or services or advocate for their children. Beliefs about the vulnerabilities of these families can lead decision makers to interpret the lack of family participation as reflecting a lack of interest, concern or capacity. As decision makers commonly consider parental engagement as one of the most crucial factors in rehabilitative services, these beliefs result in fewer options offered to youth of color.

Systemic Racism

Racism is also embedded in how systems have been developed and function, given the origins and original practices that formed our criminal and youth justice systems. Although people may not be fully aware of this history, the impacts of these policies and practices continue to have the same harmful racist impacts, whether intentional or not. For example, several research studies indicate that youth of color are less likely than their white counterparts to be selected for diversion programs.[13] Other examples of racist system practices that drive disparities and inequities in the youth justice system include:

- Focusing enforcement on communities of color, including arrests for minor offenses and reliance on intrusive and humiliating confrontation, such as stop and frisk practices.
- Differential enforcement and penalties for many offenses, such as marijuana possession, crack versus powder cocaine, and fees and fines.
- Policies and practices that redefine normative adolescent behavior as criminal.
- Risk assessment tools and practices that disadvantage youth of color.
- Income and wealth-based disparities in treatment: sanctions for failing to pay fees and fines, lack of representation, negative judgments based on the inability of parents to accompany youth to court.
- Lack of access to alternative services and supports.

Structural Racism

Finally, structural racism involves the broader societal conditions that unduly expose people of color to the control mechanisms of law enforcement and the justice system. Generations of structural barriers to securing family-supporting income and accumulating wealth have led to high rates of poverty among families of color. Poverty and its associated hardships create conditions that justify and lead to greater surveillance and intervention by law enforcement in certain communities. Racist policies and practices that have blocked access to housing loans and affordable housing have led to more homelessness among people of color, and more interactions with police.

Segregated neighborhoods have resulted in schools for youth of color with grossly inadequate resources to respond to the learning and social needs of students. Rather than investing in education and social supports, schools have turned to police to respond to behavioral problems, feeding the schoolto-prison pipeline.

The racial inequities embedded in other public systems, such as education, child welfare, and social services, contribute to their failure to provide effective services and supports to families of color. Those failures result in cycling young people from service to service, from social worker to social worker, from placement to placement, and then to the youth justice system:

- Rather than ensuring that all children with different learning needs have individualized services and supports in school, schools leave them to act out their frustrations, and then turn to punishment, restrictions, suspensions and expulsion;

- Rather than ensuring that all families have the resources they need to care for their children, society turns to the child welfare system to remove children whose families' poverty results in an allegation of neglect;

- For the many children who are unable to "adjust" to the loss of their families and then "fail" in their foster and group home placements, the youth justice system and institutional placement become the common destination; and

- Rather than ensuring that all families have access to services and supports to help children with mental health, substance abuse, trauma and other behavioral issues, society criminalizes their behavior, including behavior that is normative for adolescents.

DEFINING RACIAL JUSTICE AND EQUITY

Racial justice is a vision of society in which all people have the dignity, resources, power, and self-determination to thrive. It calls for transformation to eliminate racial hierarchies and advance collective liberation, particularly for marginalized populations.

Racial equity refers to the process of eliminating racial disparities to improve outcomes for all people.[14] It is the intentional and ongoing practice of changing policies, practices, systems, and structures by establishing measurable change in the lives of marginalized people. It is necessary, but not sufficient, for achieving racial justice.[15] Equality, by comparison, focuses on sameness; notions of equality assert that all individuals receive the same opportunities, but often ignore the realities of historical exclusion and power differentials that exist among racialized groups.

MARKERS FOR SELF-ASSESSMENT

INDICATORS OF RACIAL AND ETHNIC DISPARITIES, AND PROGRESS

Confronting the legacy of racism and layers of personal, systemic and structural racism that operate across youth justice systems may feel overwhelming when first approached by system leaders, even among those with deep commitment to reform. These problems are so embedded in policy, practice, and the very beliefs, attitudes and actions of people who operate the system that they may seem intractable. However, this Guide seeks to offer system leaders both hope and a concrete path forward, recognizing that places may have very different starting points. Many jurisdictions have begun the essential work of addressing racism in systems directly, examining system practices step-by-step, and centering race to reduce racial and ethnic disparities in practice and shift power back to communities. Others may be just beginning this work, and looking for a place to start.

A number of indicators paint a picture of current system practice as it pertains to ongoing racism and racial and ethnic disparities, and the progress that has been made toward achieving racial justice and equity. These indicators reveal areas of the system where personal, systemic or structural racism may continue to operate in how youth and families are treated, where impacted communities of color are excluded from having a voice in system practice and reform conversations, and other areas that merit attention for reform. Indicators can also measure progress in ensuring racial equity and justice are at the center of efforts to reform policy and practice, including looking at the diversity of decision-making tables, progress in reducing disparities, and efforts to rebalance power and shift authority to communities. System leaders can use these indicators to understand successes and gaps in current practice, and where to focus new or ongoing efforts to advance racial justice and equity.

These indicators are living and breathing markers of progress that have a number of dimensions and require detailed, sustained and ongoing attention to actualize over time. They reflect snapshots on a journey that doesn't end—guideposts for creating a new system deeply rooted in racial justice and equity and the elimination of racial and ethnic disparities.

Indicators that progress has been made in addressing racial disparities and centering racial equity and justice:

- System leaders have worked together with members of impacted communities of color to develop a vision for system reform that explicitly centers racial justice and equity and includes key targets or measures for its progress and achievement.

- System leaders publicly acknowledge the disparate, harmful impact of the system on young people of color, and are working to build public will for transformation.

- System leaders have established a process to examine and address racial disparities across the system, including all relevant system points (e.g., arrest, diversion, charging, detention, prosecution, conviction, incarceration/use of community alternatives, release from prison/revocation/post-release supervision); workgroups review data and interviews with youth with lived experience, establish equity goals and design practical reforms; the system is demonstrating reductions in disparities through ongoing analysis and interviews.

- People of color from impacted communities are central to reform and decision-making tables; system leaders seek their input to review and analyze data on disparities (disaggregated by race and ethnicity, gender, residence and geography and offense) and to develop policy and practice responses.

- Leaders and community partners review system practice for bias across decision-making points, and implement tools and training to address it, including: objective risk and needs assessment tools calibrated for racial bias; implicit bias and anti-racism training for key system staff and leadership; and Team Decision Making.

- The composition of youth justice system leadership and staff reflect impacted communities. System leaders have engaged a system-wide culture change process to address various forms of racism and bias operating throughout the system.

- Reform efforts to reduce the number of youth in prison, transform system practice and shift services to communities are made through a racial justice and equity lens, considering how proposed reforms will effect racial and ethnic disparities, and including an explicit goal to rebalance power and authority toward communities.

- The youth justice system is partnering with youth and families to reinvest savings from shrinking the system into communities of color to strengthen and build local capacity and support their healing and well-being; the system is reaching beyond its boundaries to other systems (e.g., education, child welfare, social services) to build power through combined reinvestment.

Indicators that more action is needed, which can point the way to areas for reform:

- There is no system reform vision, or the current vision does not include a concrete and deliberate focus on racial justice and equity; community members are not included in developing visions or values for system change.

- System leaders do not acknowledge or speak out about the disparate harms that the system is imposing on young people of color.

- System leaders are not looking at data to examine racial disparities in system practice, or are conducting only limited review, such as at one system point; no practical changes are being made to change disparate practice.

- People of color from impacted communities are not part of analysis or reform decision-making tables.

- Leaders are not looking at sources of bias in the system across decision-making points, or doing anything to address it.

- There are no efforts or limited efforts underway to hire people from impacted communities of color as youth justice system staff and leadership; there is little thought to culture change or how to achieve it.

- System reform efforts do not consider potential effects on racial and ethnic disparities or goals to rebalance power, authority and financial re-investments toward communities.

ACTION STEPS

Centering racial justice and equity means eliminating racist practice and rebalancing power toward impacted communities of color, which are central priorities at each step of the transformation process.

Therefore, each chapter of this Guide integrates racial justice and equity as a key element that must be at the forefront of any work to achieve transformation, and offers potential strategies for ensuring justice and equity in a transformed system. The action steps below synthesize and summarize the work of centering racial justice and equity across the transformation process.

1. Center Racial Justice and Equity in a Shared Vision

2. Publicly Acknowledge Harm to Build Public Will for Transformation

3. Analyze Data to Identify Racial Disparities

4. Review Case Decision-Making Processes for Bias

5. Reduce Racial Disparities in Staffing

6. Apply a Racial Justice and Equity Lens

7. Reinvest in Communities

**ACTION
STEP 1**

Center Racial Justice and Equity in a Shared Vision for a New Youth Justice System

Formal written statements of the vision for youth justice systems typically reference the core values and principles meant to guide system operations. They are aspirational, highlighting desired end states and are important expressions of common purpose and intent. Most critically, this vision can serve as a North Star for the entire network of agencies and organizations that make up the youth justice system, and a common guidepost by which to measure progress and hold leaders accountable.

The history of racist policies and practices in the youth justice system, as well as continuing patterns of egregious racial disparities at every level and decision point of the system call for inclusion of explicit language committing the system to racial equity as a core principle of justice. Far beyond words in a vision statement, however, the system leader's process, actions, and follow-through in developing a shared vision for transformation will ultimately be much more critical and speak volumes about the leader's commitment to racial equity. Communities must be equal partners in developing, executing and holding the system accountable to this vision.

The following action steps support development of a shared vision for a new youth justice system that centers racial justice and equity:

- ✅ **Bring together members of impacted communities of color, including young people with lived experience of the system, their family members, and community leaders** who represent and serve these groups, with staff and leadership of the youth justice system, to develop a shared vision for a new youth justice system. Together, this group can develop a list of shared values (the values included in the Introduction to this Desk Guide form a good starting point) and a shared commitment to ensure racial justice and equity are core elements of reform. As detailed in the chapter on Developing a Shared Vision for Transformation, reaching out to engage young

people, their families and community groups – particularly those who have been impacted - in setting the vision for transformation is essential. Doing so recognizes and values their experiences from the outset and makes explicit the idea that these stakeholders are critical in leading and guiding system transformation.

Listen to and learn as much as possible about the harms that have been done in the name of youth justice from youth, families and community partners and provide ample space for those who have been harmed to share their experiences. Every youth justice system in this country has a history of harm inflicted on Black and brown youth, their families and communities, fueled by personal, systemic and structural racism. System leaders should invest the time necessary to learn that history for their own systems, as well as the ongoing impact of race-based disparities and inequities. Investing in a restorative justice facilitator or another independent trained facilitator with experience working with systems and communities to support productive collaboration can assist system leaders in connecting with members of impacted communities to establish a foundation for visioning and reform workgroups. Circles can help participants acknowledge and address harms that the system has imposed, identify common ground and build trust for working together. The chapter on Partnering with Youth and Their Families provides additional strategies for system leaders in learning how to partner with youth and families from impacted communities from a position of care, humility and authenticity.

Incorporate an explicit commitment to racial equity and anti-racism in vision statements developed by workgroups for a new youth justice system, along with specific targets for change, action steps to achieve them, and public accountability for equitable operations and results. Workgroups established to develop a shared vision can be continued and expanded as needed to monitor progress with implementation and ensure accountability.

VISION STATEMENTS

When writing a shared vision statement for a youth justice system, it can help to look at examples from other sites for inspiration. Some helpful examples of wording from the vision statements of other organizations include:

✓ *[The W. Haywood Burns Institute] facilitates a collaborative environment where community and cross-system stakeholders work together through shared values, using qualitative and quantitative data to eliminate racial and ethnic disparity.* (W. Haywood Burns Institute)[16]

✓ *(A)chieving equity—just and fair inclusion into a society in which all can participate, prosper, and reach their full potential—is the moral imperative, a potent antidote to inequality, and the superior growth model. Equity aims to equip everyone, especially those who have been left behind, with the resources that allow them to contribute and prosper.* (PolicyLink)[17]

✓ *Equity refers to achieved results where advantage and disadvantage are not distributed on the basis of race and ethnicity. Strategies that produce equity must be targeted to address the unequal needs, conditions, and positions of people and communities that are created by institutional and structural barriers. Equity requires a set of informed policies and practices, intentionally designed to promote opportunity and rectify disparities, as well as informed people positioned to implement them effectively.* (Race Matters Institute)[18]

✓ *We envision a community-centered future for justice in which healing and resiliency, rather than punishment and surveillance, are used to solve social problems often rooted in racial and economic inequity.* (Columbia University Justice Lab)[19] ∎

ACTION STEP 2

Publicly Acknowledge the Harm and Disparate Impact of the System on Young People of Color to Build Public Will for Transformation

As addressed in more detail in the chapter on *Building Public and Political Will,* system leaders have an important role in helping elected officials, policy makers and the general public understand the current system, its failures in achieving its goals, and the harms that young people have experienced in the system's care. In a system that centers racial justice and equity in its vision for transformation, system leaders are explicit and deliberate in elevating the harms caused to young people of color by continued racism and racial disparities in practice.

Lifting up and calling out the stark evidence of systemic racism embedded in current youth justice policies and practices is a powerful challenge to the assumed justice and equity of the status quo, can help educate necessary allies, and can help build a sense of urgency and accountability for fundamental system reform. But evidential research must do more than simply track disparities; it must act in service to those most directly impacted by said policies and practices. What data are collected, how research questions are formulated, and to whom researchers are held accountable are questions that require input from system-impacted youth and their communities. Further, data collection and analysis must go beyond description, and should be conducted always with the aim of reducing disparities and changing the decision-making and practices that are creating them. To do this, system leaders can:

> ✓ **Share stories, case examples, and data that demonstrate the ways in which young people of color are at particularly high risk of harm** if they come into contact with the youth justice system.

Until local data are available and analyzed, some examples from national data that may be useful to system leaders seeking to elevate the disparate treatment of youth of color in the justice system and raise public will for system transformation include:

- Compared with their white peers with similar behaviors, young people of color—especially Black youth—are more likely to be arrested, charged, detained, adjudicated delinquent, referred to adult court, assigned to probation supervision, charged with violating a technical provision of probation, placed out of home and placed into congregate and institutional incarceration. [20]

- The accumulated effects of daily encounters with racism, generational poverty, exposure to violence and diminished opportunity combine to make young people of color more likely to be struggling with toxic stress and trauma. Institutional incarceration exacerbates and triggers traumatic stress reactions and contributes to anxiety, depression and other mental health problems.

- Young people of color are more likely to be abused by staff and peers in institutional settings.

- Rather than supplementing and strengthening developmental opportunities, congregate care and institutional incarceration often limit opportunities for educational and social development among young people of color.

- The stigma associated with justice system involvement has an even greater negative impact on young people of color, compounding the implicit and explicit negative biases associated with their race and ethnicity. [21]

Once they have analyzed and understood local data on racial disparities (see next action step), system leaders can share data specific to their own system to provide powerful examples of inequitable practice. For example, leaders can provide data and examples of how disparate treatment of young people of color across the system harms young people of color in institutional settings. This transparency and acknowledgement of harm can in turn fuel the mandate for local system transformation. Rather than making a leader vulnerable, sharing data publicly in this way creates an opportunity to demonstrate value-based leadership and strengthen alliances for change. Leaders can also work with advocates and leaders of impacted youth and family groups to obtain powerful personal stories from young people and families with system experience, which can elevate the harms exacted by the system on individual young people and shape the narrative about the need for system change.

ACTION STEP 3

Analyze Data at Every System Point to Identify Racial Disparities and Guide Transformation

As described above, young people of color are more likely than their white peers to be arrested, charged, detained, found delinquent, placed on probation, removed from home, incarcerated, and placed on post-release supervision despite similar patterns of delinquent behavior in adolescence. Understanding the drivers of these disparities requires analyzing patterns and correlations in data describing various decision-making points and youth pathways through the system, as well as deeper, qualitative examination of the system's dynamics and of the lived experiences of young people of color and their families.

To implement an effective process of using data to identify and reduce disparities, system leaders can look to the following action steps (more fully detailed in Chapter 7, *Turning Data into Action*):

✅ **Organize and analyze available data on practice at every point in the justice system process, from arrest through incarceration and release home from all system supervision.** This may require hiring or devoting research staff to a concentrated effort on identifying racial and ethnic disparities. Disaggregating available data by race, ethnicity, gender and community is essential to uncovering patterns of inequitable policy and practice in various communities and across system points. It is critical to look at each system point in this analysis as a driver of potential disparities to inform policy solutions.

For example, racial disparities in institutional incarceration often reflect cumulative disparities in earlier decisions. Eliminating disparities in incarceration requires eliminating the disparities in these earlier decisions, such as arrest, charging, detention and so on. Deeper analyses of patterns and correlations may also reveal important intersections among race, gender, family structure, income and home community.

KEY DECISION POINTS WHERE DISPARITIES OCCUR & CAN BE ADDRESSED

FILE FORMAL COMPLAINT → **INFORMALLY RESOLVE**

FILE CHARGE OF DELINQUENCY → **DIVERT FROM FORMAL SYSTEM**

ARREST → **DIVERT TO COMMUNITY RESOLUTION**

DETAIN → **RELEASE PENDING ADJUDICATION**

FORMAL ADJUDICATION → **INFORMALLY RESOLVE**

PLACE OUT OF HOME → **KEEP WITH FAMILY**

FORMAL PROBATION → **DIVERT TO COMMUNITY ALTERNATIVE**

INCARCERATE → **DIVERT TO COMMUNITY ALTERNATIVE**
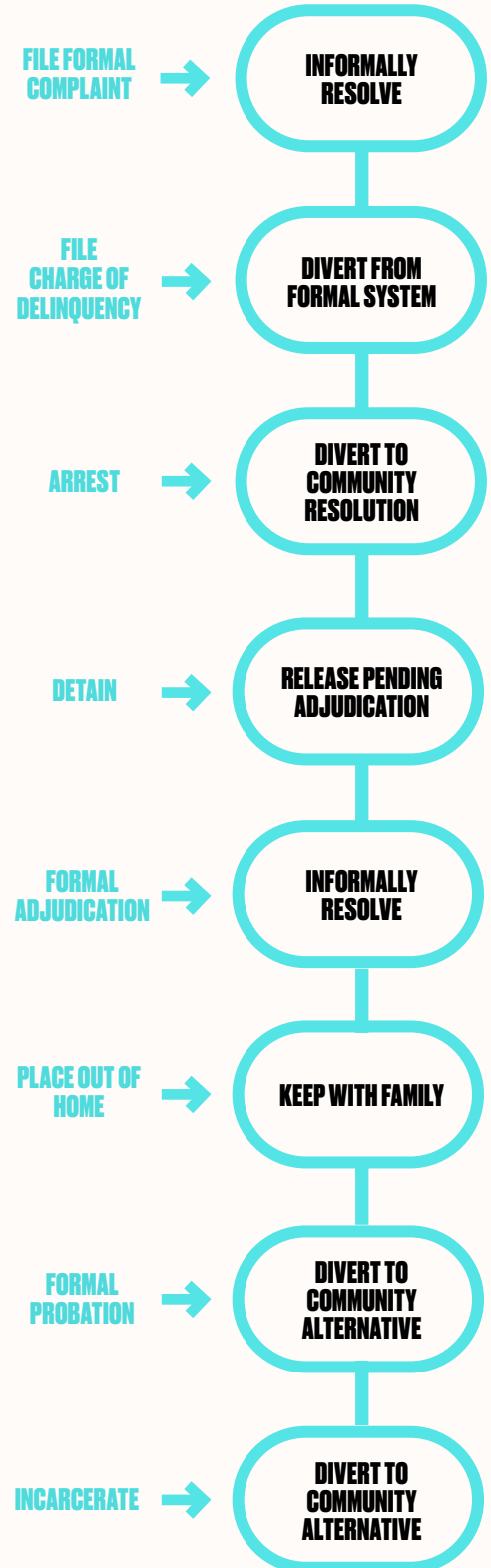
Include people from impacted communities of color when reviewing and analyzing data, and in developing practical responses to reduce disparities. Community members bring lived experience of racism inside and outside of the justice system and also lived experience in navigating justice system processes. They are likely to have insight into the meaning behind various data points, why and how disparities are occurring in practice, and how they may be reduced or eliminated. As discussed in more detail in the chapters on Partnering with Youth and Their Families and Shifting Roles to Communities, it is critical that the representation of community members in this work is meaningful and not token, with feedback actively integrated into analysis and action steps to address identified disparities. Community members should be compensated for their time; shielded from retaliation; and empowered through capacity building training in data collection and analysis, and through outside support from advocates, as needed. Community members should maintain an ongoing role in performance measurement to monitor progress with transformation and ensure accountability. Participatory research groups may allow for detailed review and development of policy solutions by community members.

Change the type of data collected, analyzed and labeled. Historically, the data collected by systems, even those engaged in reform processes, largely seeks to confirm criminality, labeling and measuring young people from a punitive criminal justice framework, often based on a single act. Data analysis centering racial justice and equity should consider young people and families based on the full frames of their lives, including strengths. Making this effort may mean collecting new data where information is not currently recorded by the system; for example, probation or detention intake forms can include other questions about young people's lives, interests, resources and other characteristics. Young people and families sitting on workgroups can assist in making suggestions about how to change the data collected using a racial justice and equity lens.

Review data across system points to understand how early decisions affect youth experiences later in the system, to project the potential consequences of proposed changes to the system, including their racial impact. Changes that may be intended to reduce disparities or be race-neutral, for example, may in practice increase racial disparities, if the effects of those decisions are not fully understood. For example, if young people of color are more likely to be charged with a felony for behavior that results in a misdemeanor charge for white youth, then eliminating detention and incarceration for youth charged with misdemeanors will increase rather than decrease racial disparities. Steps to address disparities in charging practices should be part of the efforts to end detention and incarceration of young people for minor charges.

RESOURCES FOR RACIAL JUSTICE AND EQUITY

Below are a few organizations that focus on advancing racial justice and equity:

Color of Change is the world's largest online racial justice organization that leads campaigns to hold corporate and political leaders accountable, in order to create a less hostile work environment for Black America. Additionally, they fund research on systems of inequality and advance solutions to "build real power for Black communities." Their areas of focus include: Criminal Justice Reform, Culture Change, Media Justice, Voting Freedom, Tech Justice, White Nationalism, and Economic Justice.[22]

PolicyLink is a research and action institute working to advance racial justice and economic equity. They are working to promote economic equality and inclusion, create opportunity-rich communities in all neighborhoods, and build power to ensure that all systems and institutions are operating in a just way. [23]

Race Matters Institute works to close racial gaps to ensure child, family, and community well-being. They work with government, nonprofit, and philanthropic organizations to create policies and practices that increase their diversity, equity and inclusion practices in order to advance racial equity. [24]

The Interaction Institute for Social Change seeks to build the "collaborative capacity" in organizations that are working for social justice and equality. They do this by shifting power to challenge the underlying forces that drive inequity in order to guide leaders in overcoming these challenges and creating change.[25]

The Government Alliance on Race and Equity is a network of all levels of government across the US, which are "working to achieve racial equity and advance opportunities for all." [26]

Conduct qualitative reviews of youth experiences to understand nuances in system practice that may go beyond what simple descriptive statistics can reveal. Addressing racial inequities requires understanding the day-to-day lives and experiences of young people and their families as they navigate the youth justice system. Young people, family members, and community leaders serving on workgroups can provide valuable insights into how policies and processes actually play out in their lives. System leaders can collaborate with youth and family councils formed to provide guidance and direction to the youth justice system, to structure opportunities for young people and their families to share experiences that can illuminate the roots of disparities and inequities. Participatory assessments can also be used to survey young people about how they experience bias, discrimination or inequities across the system. Simulations for system leaders of a "day in the life" of a young person of color interacting with the youth justice system can also provide leaders with a real time experience of these inequities and reveal where young people and families are trying their best to navigate the system, and where systems are failing their goals to serve young people and communities.

Analyzing and presenting data on racial and ethnic disparities, together in a workgroup with community members or on a larger scale, is a great place for power sharing to occur. When analyzing data, leaders should think about how this data can be publicly available in the most strategic way possible, such that it acts in dialogue with other systems, empowers community leaders, and acts as a pressure point for system accountability.

RESOURCES FOR LEADERS IMPLEMENTING SYSTEM TRANSFORMATION CENTERED IN RACIAL JUSTICE AND EQUITY

Reviewing and reckoning with past and present inequities is no small task. In order to center equity as a guiding principle of system change, youth justice leaders may employ the expertise of external organizations to help guide conversations between leaders and community members in analyzing and addressing disparities. National and local research centers, universities, advocates, and technical assistance advisors can offer helpful tools and guidance for analyzing and addressing racial disparities in the local justice system and throughout the agency.

The W. Haywood Burns Institute (BI) is a black-led national non-profit with a diverse team of bold visionaries. Always challenging racial hierarchy and the social control of communities of color by the justice sector and other public systems, BI employs strategies and tactics to establish a community-centered approach to transformation that is anchored in structural well-being. BI believes that centering community to establish self-directed solutions is critical to achieving transformational change and better life outcomes.

BI has worked in hundreds of jurisdictions nationally in support of local efforts to eliminate racial and ethnic disparities. Over the years, BI's innovative methodology has evolved to move beyond traditional justice reform, by addressing the longstanding structural inequities with a cross-sector approach to design and achieve structural well-being for all people. BI defines structural well-being as a reimagined system of public policies, institutional and inclusive practices, cultural representations, and other norms that work to strengthen families, communities, and individual well-being for positive life outcomes.[27]

ACTION STEP 4

Review Case Decision-Making Processes for Bias and Implement Tools and Training to Reduce it

Analyzing quantitative and qualitative data is critical to lifting up disparities and inequities active at various points in the system. Given awareness of personal, systemic and structural bias in the youth justice system, it is also critical to go beyond this analysis to look critically at decision-making processes that may in part be driving disparities and inequities.

Case decision processes contain several potential sources of bias and inequity that must be addressed to move toward an equitable and just youth justice system. The judgments of individual decision makers at every step are affected by the personal biases we all carry. Some biases are conscious, and may be explicitly stated, such as a decision maker who believes that single parent families are inherently less able to provide guidance and support to a young person who is troubled. Other biases are outside the awareness of the decision maker, such as an unconscious tendency to see Black youth as older, more threatening or more culpable than their white peers. Whether explicit or implicit, conscious or unconscious, these biases disadvantage young people of color, and expose them to more punitive and restrictive interventions.

To address the various sources of bias that lead to disparate decision-making, leaders can take the following action steps:

- **Examine patterns in case-level decisions to locate sources of implicit bias**, including a thorough baseline and trend analysis of the case decision-making processes and outcomes in each part of the system. Specifically, case decisions should be reviewed to examine whether frontline staff are making decisions that are aligned with policy, and consistent across race and ethnicity, gender, sexual orientation or identity, class, community and other factors. For example, analysis of data in one state revealed that young people with relatively minor misdemeanor charges were frequently detained, prosecuted and placed out of home. This kind of analysis can reveal

prosecuted and placed out of home. This kind of analysis can reveal specific decision makers or decision points that are outliers in effecting disparate treatment of youth of color. In-depth case reviews of a sample of young people detained and incarcerated can allow for individualized and deeper examination of why certain patterns in decision making occur and how decision processes play out for individual youth and their families. Young people, family members, and representatives of community organizations are essential to the review of case files and patterns of decision making, as their experience and point of view may provide unique insight into identifying the influence of subjective biases.

Consider establishing validated, structured risk and needs assessment tools at key decision-making points to limit the influence of bias by individual youth justice decision makers. These tools assess an individual young person's level of presented risk and need, based on objective measures reviewed across cases such as age, prior arrests and/or adjudications, seriousness of the presenting charges and so on. This approach has been widely credited with reducing variation in decision-making patterns among individual judges, probation officers and other frontline decision makers. Young people, families, and community representatives are key contributors in developing a new risk and needs assessment instrument, as they bring direct understanding of the factors that are relevant to risk and need as well as how the inclusion of certain factors may produce bias. As discussed in the *Tips for Systems Leaders* spread on the next page and further in the chapter on *Case Decisions*, however, risk assessment instruments can sometimes contribute to more systemic and structured biases, as they often include items and weightings that disproportionately impact young people of color.

Any formal and informal tools and decision guides considered should be assessed for their potential impacts on racial equity and justice. This includes examining patterns in the ratings for each item to look for patterns by race, gender, income, community and so on, as well as expert reviews to ensure cultural competence. Young people and their families will offer invaluable insights into how the tools may include built-in biases. Recent research on an alternative approach to creating risk assessment instruments through analysis of large data sets suggests opportunities to eliminate the structural biases found in many tools that were developed by consensus among "experts" or stakeholders.[28]

A CAUTION ON THE IMPLEMENTATION OF RISK ASSESSMENTS TO REDUCE BIAS IN DECISION-MAKING

Although long-touted as a promising approach to reducing racial bias among justice system decision-makers, risk assessment instruments may in practice exacerbate systemic racism through a number of mechanisms, including: incorporating racist assumptions, reflecting political-trade-offs, and failing to account for the racism of existing system policies and decision-makers. It is critical that these potential issues are considered before implementing new risk assessments to guide decision making in youth justice systems:

Problematic and racist assumptions

The tools used to assess risk and need may include items or weightings that disadvantage young people of color based on racist assumptions. For example, they may reflect assumptions about single parent families, or communities where young people of color live, or the influence of family members who have been involved with the justice system.

Political trade-offs.

Tools developed through consensus among stakeholders such as law enforcement, prosecutors, judges, probation officers and correctional officials commonly reflect negotiated trade-offs driven by assumptions and beliefs that do not reflect research or other data. For example, a young person charged with a sexual offense, regardless of severity, may receive a very high risk score given the political nature of that offense, despite decades of research findings that youth with these types of charges are among the least likely to reoffend, with recidivism rates below 7%.[28]

TIPS FOR SYSTEM LEADERS

Failure to account for effects of racist system practice and structural disadvantage.

Tools may appear to be objective and based on empirical data, yet nevertheless contain items and scoring systems that fail to account for systemic racism. For example, tools may factor in prior arrest(s); yet prior arrests may also reflect a higher concentration of police presence, higher level of surveillance, and lower levels of diversion in communities where young people of color live.

False positives.

Risk assessment instruments may appear to correlate roughly with future involvement with law enforcement: in the aggregate, young people who are subsequently charged with another offense may have been more likely to be assigned a high risk score. Closer review of the data, however, reveals a tendency toward "false positives"—that is, rating a young person as high-risk who does not go on to commit another offense. Such false positives are more likely to be applied to young people of color.

Subjective biases.

Even very structured risk and needs assessment tools rely on subjective judgments by decision makers, which are heavily influenced by implicit and sometimes explicit biases. For example, research on decision-making biases of probation officers and other case managers demonstrates a pattern of harsher judgment applied to young people of color despite identical facts. Options to over-ride risk assessment tool recommendations open doors to another potential source of subjective biases. ∎

✓ **Provide implicit bias or anti-racism training to all frontline workers and other decision-makers to reduce racialized subjective judgments.** The evidence supporting the efficacy of this strategy is mixed, however, and given the scope and scale of potential harm to young people, more fundamental changes are necessary.[29]

✓ **Re-distribute power and authority over decisions to a broader set of stakeholders,** including youth and families, by implementing Team Decision Making. Managed by a trained facilitator, this strategy brings multiple perspectives to the table, including those of the affected young person and family, reducing the power of individual decision-makers who may bring implicit biases.

✓ **Make case decisions with all useful and relevant information possible about young people and their families.** In practice, decisions can vary widely based on whether all relevant information is available. Yet court, probation and other staff charged with gathering information are often overloaded, with high caseloads and competing priorities. They can easily miss important information about the youth and family and potential resources that could support keeping the youth in the community. Case level reviews assessing the role of bias should include young people and families for their perspective and should consider this issue. Reforms can suggest the collection of additional information by probation and other staff as needed (such as youth and family strengths, resources and other circumstances) to more fully inform decisions.

✓ **Periodically re-assess the system's decision-making processes** to determine if they support positive outcomes and practice, and based on these periodic reviews, make changes as needed.

TEAM DECISION-MAKING

Team Decision Making (TDM) is a collaborative approach developed by the Annie E. Casey Foundation that helps child welfare agencies decide whether a child can stay with their family or needs to be removed for their safety.[30] The approach uses meetings facilitated by skilled, trained professionals before a child has been removed from their home. Additionally, the TDM approach encourages parents to involve all supportive adults from the child's life in the meetings.

According to an evaluation done by Child Trends on two sites in Missouri, TDM meetings allow child welfare workers to make more informed decisions that are truly in the best interest of the child. Additionally, their findings show that families that had TDM meetings were less likely to have children removed from the home, and the impacts are consistent across race and ethnicity.[31] This is important to note when looked at through the context of the racial disparities of the child welfare system, and the foster care-to-prison pipeline, as well as implications for its use in youth justice settings or by community organizations.

Similar to TDM, the Family Group Conferencing Model was developed and used in New Zealand. This approach uses Restorative Justice principles as an alternative to incarceration for youth, and is used in both the pre-adjudication and post-adjudication stages of youth justice systems there. It gives youth, their families, and communities a way to come together with law enforcement and victims of harm to find the best solution to a situation. Additionally, it allows the youth who have committed harm to take accountability for their actions in order to move toward lasting, positive change.[32, 33]

System leaders should maintain workgroups to regularly analyze data on decisions at every point in the system to identify disparate patterns based on race, ethnicity, gender, class, etc. Young people, family members and community members should maintain an ongoing role in assessment to monitor progress with transformation and ensure accountability.

Take leadership in working to eliminate structural racism in other parts of the youth justice system that are seemingly beyond one actor's control. Sometimes, youth justice system leaders may feel overwhelmed by racial and ethnic disparities across the system, and point the finger at disparities that happen upstream before youth arrive at their decision point. However, given the authority and power invested in system leaders, these leaders have the responsibility to advocate and stand for systemic change—and specifically, the elimination of racism—in the youth justice system as a whole.

ACTION STEP 5

Reduce Racial Disparities in Staffing and Redistribute Power and Authority Within Youth Justice Systems Using a Diversity, Equity, and Inclusion (DEI) Framework

In addition to examining and addressing biases among decision makers, centering racial justice and equity calls for re-examination of the leadership and staff of these systems, a rebalance of authority within these systems to people of color, and training and culture change across the system to reorient all staff to shared values, norms and a vision that puts racial justice and equity the center of transformation. Traditionally, as with other large systems in the United States, the leadership of youth justice systems has been largely dominated by the most advantaged group—white men—with fewer leaders of color and women leaders with decision-making power. Reducing racial and ethnic disparities among staff and leadership of youth justice systems by hiring and investing decision-making authority in people of color is a critical step in transforming youth justice systems with racial equity at the

center. Retraining all staff, including anti-racism and implicit bias training, and engaging culture change work across the system will be essential to a true organizational shift that centers racial justice and equity among staff across and at all levels of the system.

Key action steps for leaders include:

- **Examine inequities within staff operations.** For instance, do executive staff and supervisors reflect the broader staff population and diverse backgrounds, perspectives, and experiences? How closely does the composition of leadership and staff reflect the background of people most impacted by the system—young people and families from communities of color? Are there efforts to recruit, retain, and promote people of color or others traditionally underrepresented within law enforcement and youth justice agencies? Is there a confidential avenue for staff to express grievances about discrimination in the workplace, and mechanisms for review and accountability to address and combat potential patterns of misconduct? These and other questions can guide a systemic review of human resources practice guided by a racial justice and equity lens.

- **Implement a department for Diversity, Equity, and Inclusion (DEI)**, with leadership empowered to reexamine and rewrite human resources hiring, training and supervision policies. A vision that centers racial justice and equity must include a re-visioning of staff composition to more closely reflect the people most directly impacted by the system.

- **Implement anti-racism and implicit bias training for all youth justice system leadership and staff.** It is critical that all staff who remain in youth justice systems are made as aware as possible about their unconscious racism and implicit bias, and take concrete steps to address those biases and prevent them from negatively impacting young people of color. Beyond this training, it will be necessary to engage a significant organizational culture change process, including working with staff to re-establish shared values and norms, and a vision for the new youth justice system that centers racial justice and equity in its transformation. This work will be covered in more detail in the chapters on *Developing a Shared Vision for Transformation* and *Culture Change*.

**ACTION
STEP 6**

Apply a Racial Justice and Equity Lens to Efforts to Reduce Youth Prison Populations, Reform System Practice, and Replace Prisons with Services in Impacted Communities

The chapters on *Reducing the Number of Young People Incarcerated*, *Reforming System Practice*, and *Replacing Prisons with Services in Communities* set out strategies for reducing the footprint of the system and replacing prisons and other punitive control measures with services that are led and provided by impacted communities of color. Many of these strategies are also targeted to reduce racial and ethnic disparities and inequities in the system. In some cases, however, strategies intended to improve practice may inadvertently increase disparities through unintended consequences of well-intentioned reforms.

Centering racial justice and equity in this work ensures that these priorities are front and center when planning and implementing system transformation. Key action steps, covered in greater detail in the chapters noted above, include:

- ✅ **Consider the impact on youth of color when taking measures to reduce the pipeline of young people into the youth justice system,** including decriminalizing minor offenses, limiting the offenses for which young people can be detained or incarcerated, and relying on civil citations rather than court-imposed sanctions for certain offenses. Reviewing patterns of enforcement and prosecution will reveal racial disparities in responses to minor offenses, such as school disturbances, minor drug offenses, criminal mischief, and disturbing the peace. Statutory or procedural changes that limit the offenses for which young people can be detained or incarcerated may reduce admissions but increase racial disparities and inequities. In some jurisdictions, law enforcement and prosecutors have responded to such limits by upgrading minor offenses to more serious charges, with disparate impact on young people of color. Moving from court-imposed sanctions to civil citations may worsen racial disparities if the citations carry fees and fines rather than more restorative justice responses.

Ensure that expanded diversion opportunities are widely available and targeted to communities of color with high numbers of arrests. Examine race and ethnicity data for diversion policies and programs to ensure that they are administered equitably and consistently. If well implemented, Team Decision Making can help by engaging families, community organizations and young people themselves as part of the diversion process.

Eliminate the use of detention and incarceration as a sanction for technical violations of probation. Compared with white youth, young people of color often have more obstacles to meeting these technical conditions, including: a lack of family resources to pay fees, fines and restitution; a lack of transportation to attend counseling or other programs; and under-performing schools that fail to engage young people, leading to attendance issues. Replacing sanction-based conditions of probation with incentive-based opportunities can address the racial disparities and inequities that result from an overuse of incarceration for technical violations.[34] Other relevant probation reforms likely to benefit young people of color if implemented equitably include diverting all young people with minor offenses from the system and replacing standardized conditions of probation with individualized goals, consistent with the developmental stage and particular circumstances of the young person. Diverting low-risk youth from probation supervision will avoid unnecessary controls and sanctions for most young people of color on probation. Moving from standardized conditions to individualized goals will reduce the odds that a young person of color will face placement for failing to abide by a condition unrelated to the original offense.

Eliminate reliance on institutional incarceration as a placement for youth with mental health, child welfare or housing problems, and partner with other system leaders to create more integrated pathways of care. Young people of color are more likely than their white peers to be committed to incarceration or other institutions when they face these issues. They are less likely to have access to high quality, home-based mental health interventions, and more likely to have had multiple placements in the child welfare system, which can lead the youth justice system to conclude that the more restrictive options available are the only options for these youth.

Due to the long history of racist housing policies, youth of color are also more likely to have families with limited housing options who are unable to provide adequate shelter and care when they are ready to exit the child welfare or youth justice systems.

To integrate the systems that deeply impact youth and families, youth justice system leaders should develop working partnerships with their counterparts in other public systems, as well as nonprofit organizations, advocates, and youth and families themselves. Families and youth impacted by multiple systems must navigate a bewildering and exhausting web of requirements, forms and services. System leaders should work with families and community providers to co-design an integrated approach that supports family strengths and responds holistically to their needs.

✓ **Strengthen case planning and case management processes to reduce or eliminate biased decision making** and ensure detailed review and consideration of each youth and family's unique circumstances, strengths and opportunities. Superficial and biased assessments increase the odds that young people of color will be placed in more punitive and restrictive programs, including institutional incarceration. Biased assumptions about families of color can be reinforced by the failure to meaningfully engage parents and other relatives in the case planning process. Ensuring youth and their families are central to case planning can reveal strengths and resources that reduce biased decision making and strengthen plans for success in the community. Intensive review of each youth's circumstances can uncover strengths that may otherwise have been overlooked, as well as newly available services and supports in the community.

✓ **Target resources to communities of color historically impacted by the justice system when expanding community-based alternatives to detention and incarceration.** Too often, systems tend to see communities of color as a source of problems rather than supports and are biased toward removing youth to separate them from perceived negative influences. These systems fail to recognize, much less tap into, the strengths and resources of these communities. Building out a full continuum of services and supports in the community provides an alternative array of responses that can

take the place of youth prisons. To ensure equity and justice, these services and supports must be available, accessible and effective for young people of color and their families, and deeply rooted within communities of color. Ensuring that all young people have similar, effective alternatives can give decision makers confidence that incarceration or other congregate care placement is unnecessary.

Alternatives created by the system are often solicited from providers outside of impacted communities and can feel irrelevant to their day-to-day experiences. System leaders should work closely with young people, their families and community providers to co-design services and supports that fit best with their needs. Services that are not experienced as relevant to the greatest concerns of young people and their families will be ineffective at best and potentially harmful. To improve engagement and outcomes, systems should invest in community services that have established credibility with young people and families, while supporting those services in improving results and building evidence of effectiveness.

When developing continua of care, systems should create opportunities for smaller, grassroots community organizations to apply and acquire funding to provide services. Purchasing and contracting processes tend to favor larger organizations with capacity to respond to RFPs and experience managing the challenges of implementation and sustainability. These larger organizations rarely have deep ties to the communities most heavily impacted by the justice system, and often find it difficult to connect and engage with young people and families from those communities. These processes limit opportunities for smaller community-based organizations to compete for funds to support their programs, and result in a dearth of services for youth in their own communities. Alternatively, systems can create more equitable application processes, including accessible RFPs, support for grassroots organizations in the application process, and capacity building for organizations selected to provide services.

**ACTION
STEP 7**

Reinvest and Shift the Balance of Power to Communities Impacted by the System

Both the criminal and youth justice systems have contributed to disinvestment in communities of color and have functioned as obstacles to economic development and self-determination in those communities. First, these systems have consigned large numbers of youth and young adults to incarceration and other forms of state supervision and control. Experience with the justice system, especially incarceration, irreparably diminishes the economic prospects for these youth and young adults, with reduced education, employment and opportunity to build wealth. They become less likely to form stable, economically secure families, and their children start out life lacking the advantages that come with adequate income and other resources, repeating the cycle of harm. In communities heavily impacted by incarceration, the cumulative effects of these economic roadblocks constrain the odds of security and success for the entire neighborhood.

As leaders work to close prisons and shrink the footprint of the youth justice system, reducing expenditures on punitive incarceration and other control measures that have disempowered communities of color along with corresponding reinvestment in these communities is a fundamental matter of racial justice and equity, and core component of true system transformation. This work is covered in greater detail in the chapter on Refinancing. Key steps to reinvesting and shifting power to communities include:

✅ **Complete an assessment of the needs, strengths and circumstances of young people in the system, and resources and gaps in the community.** Based on this assessment, leaders and partners can identify gaps in the existing system of services and supports, and places for reinvestment in communities. In-person interviews, focus groups and meetings with community-based organizations will provide a much more nuanced understanding of youth needs than can be achieved through data analysis alone. System leaders should ask young people and their families directly what they need and want. Leaders should begin by asking young people recently or currently in custody: "What would it take (or have taken) to develop a community-based intervention that would serve

out-of-home or out-of-community placement?" Answers are likely to address both systemic improvements—e.g., better decision making, less bias toward incarceration, more effective case management, a broader array of diversion or service options—and increased or enhanced services in the community through reinvestment.

Based on the results of the assessment, work with partners to develop proposals for expanding community-based continua of services, supports and opportunities. Each jurisdiction should match its continuum to the needs and preferences of its communities. Leaders may be tempted to move directly into issuing RFPs for generic programs or inviting evidence-based programs to replicate their models quickly. This type of hasty implementation can miss the opportunity to co-design solutions with communities that will be more relevant and effective in addressing their needs than larger programs disconnected from impacted neighborhoods. With the greatest awareness of their own needs, and the resources available in their communities, young people and families with lived experience share valuable insight to inform how money should be spent. Reinvestments should be targeted to reversing inequities resulting from incarceration, and involve broad networks of services and supports for young people and families, including preventative positive youth development supports, education, post-secondary training, pipelines to employment, housing, and supports for formerly incarcerated people.

Estimate the likely costs of services and supports necessary to replace institutional incarceration, including short-, medium- and long-term costs. Based on the needs assessment and working with young people, their families and communities, leaders should develop plans for the community-based continuum, including estimates of the capacity needed for each service, support and opportunity type.

Explore alternative financing structures that encourage and reward the development of an effective and robust community-based, family-focused, youth-centered continuum of care, support and services. Explore opportunities to pool funds across systems and existing budget siloes—including youth justice, child welfare, mental health and education—to provide a comprehensive approach to service planning and case management and amplify the power of reinvestment.

NEXT STEPS

Below is a high-level summary of next steps to take in your jurisdiction to center racial justice and equity in your system transformation process:

✓ **Assess racial and ethnic disparities of the current system, and progress in centering racial justice and equity by reviewing the indicators** on pages 10-12, above.

✓ **Center racial justice and equity in a shared vision for a youth justice system.** Establish a workgroup of system leaders, staff, and impacted communities of color to develop a shared vision for a new youth justice system. Learn as much as possible about harms that have been done, and provide space for those who have been harmed to share their experiences. Include explicit language committing the system to racial justice and equity in vision statements.

✓ **Publicly acknowledge the harm and disparate impact of the system on young people of color in order to build public will for transformation.** Publicly name the harms that have been done, and commit to accountability in addressing them. Build public will to support racial justice and equity. Provide data and examples of ways that young people of color are at particularly high risk of harm from the system. Publicly acknowledge the evidence of systemic racism embedded in policies and practices, and commit to corrective action.

✓ **Analyze data at every system point to identify racial disparities and guide transformation.** Analyze data on practice at every point in the justice system process. Disaggregate data by race, ethnicity, gender and community to uncover patterns of inequitable policy and practice. Include people

from impacted communities of color to analyze data and develop practical responses to reduce disparities. Change the type of data collected, analyzed and labeled to reflect the full life experiences of impacted youth and families. Use data to project the potential consequences of proposed changes to the system, including racial impact.

Review case decision-making processes for bias and implement tools and training to reduce it. Determine whether and how racial equity is affected by current case decision processes. Working with young people, their families, and community representatives, examine patterns in case-level decisions to locate sources of implicit bias, including a baseline and trend analysis of case decision-making processes and outcomes in each part of the system and in-depth case reviews. Consider the merits of validated, structured risk and needs assessment tools at key decision-making points; work with youth, families, and communities to assess potential tools for impact on racial equity and justice. Provide implicit bias or anti racism training to frontline workers and other decision makers to reduce subjective judgments. Re-distribute authority over decisions to a broader set of stakeholders, including youth and families, by implementing Team Decision Making.

Reduce racial disparities in staffing and redistribute power and authority within youth justice systems using a diversity, equity and inclusion (DEI) framework. Examine inequities within staff operations. Create an office or a department for Diversity, Equity and Inclusion (DEI), with leadership empowered to reexamine and rewrite human resources hiring, training and supervision policies. A vision that centers racial justice and equity must include a re-visioning of staff composition to more closely reflect the people most directly impacted by the system and a comprehensive culture change process for staff at all levels to implement it.

Apply a racial justice and equity lens to efforts to reduce youth prison populations, reform system practice and replace prisons with services in impacted communities. To that end leaders should:

- Eliminate racial disparities while reducing overall youth prison populations and reduce the pipeline of young people who are touched by the youth justice system.

- Eliminate racial disparities while reducing overall youth prison populations and reduce the pipeline of young people who are touched by the youth justice system.

- Eliminate racial disparities in response to minor offenses and ensure policy changes that limit the offenses for which young people can be detained or incarcerated do not lead to upgrading minor offenses to more serious charges, with disparate impacts on young people of color.

- Ensure that expanded diversion opportunities are widely available and targeted to impacted communities, and that they are administered equitably and consistently.

- Eliminate the use of detention and incarceration as a sanction for technical violations of probation; replace sanction-based conditions of probation with incentive- based opportunities.

- Eliminate reliance on institutional incarceration as a placement for youth with mental health, child welfare or housing problems.

- Foster partnerships with other public systems to develop integrated and effective supports for young people and their families.

- Strengthen case planning and case management resources to ensure a detailed review of the circumstances of each young person and family.

- Expand community-based alternatives to detention and incarceration; target resources to impacted communities of color.

- Ensure that procurement and contracting processes support smaller, community-led organizations in competing for funding to provide services

Reinvest and shift the balance of power to communities impacted by the system. Complete an assessment of the needs, strengths and circumstances of young people experiencing the system, and resources and gaps in the community. Work with community partners to develop proposals for expanding community-based continua of services, supports and opportunities. Focus reinvestments on reversing inequities that have resulted from incarceration, including reinvestment in broad networks of services and supports for young people and families. Estimate the likely costs of services and supports necessary to replace institutional incarceration, explore alternative financing structures and opportunities to pool funds across systems that support young people and families. ■

CHAPTER RESOURCES

Race equity and inclusion action guide. **VISIT LINK ↗**

Structural racism and youth development. **VISIT LINK ↗**

Racial and ethnic disparities. **VISIT LINK ↗**

Adultification, anger bias, and adults' different perceptions of Black and White children. **VISIT LINK ↗**

Race is real, but it's not genetic. **VISIT LINK ↗**

Juvenile records: Misconceptions, stigma, and principles of juvenile record protection. **VISIT LINK ↗**

A new report shows how racism and bias deny black girls their childhoods. **VISIT LINK ↗**

What is racial equity? United Way of the National Capital Area. **VISIT LINK ↗**

Measuring Racial Discrimination. Washington, DC: The National Academies Press. **VISIT LINK ↗**

Racial disparities in youth commitments and arrests. **VISIT LINK ↗**

ENDNOTES

1   See the Sentencing Project _fact sheet_ on Latinx disparities.

2   Rovner, J. (2021, July 15). _Black disparities in youth incarceration_. The Sentencing Project.

3   Sickmund, M., Sladky, A., & Kang, W. (2021). _Easy access to juvenile court statistics: 1985-2019_. Office of Juvenile Justice and Delinquency Prevention.

4   In addition to the disparities between the number if Native youth in the justice system compared to their percentage in the general population, it is worth noting that they are three times more likely to be detained or committed than their white peers, and declines in placement have been slower for youth of color, including native youth.

5   Office of Juvenile Justice and Delinquency Prevention. (2020, November 16). _OJJDP statistical briefing book_.

6   Rovner, J. (2021). _Disparities in Tribal Youth Incarceration_, The Sentencing Project

7   Ridolfi, L., Menart, R., & Villa, I. (2020, August). _California youth face heightened racial and ethnic disparities in division of juvenile justice_.

8   Criminal Justice Statistics Center. (2020). _Juvenile justice in California_.

9   Rovner, J. (2016, April 1). _Racial disparities in youth commitments and arrests_ The Sentencing Project.

10   American Psychological Association. (2014, March 6). _Black boys viewed as older, less innocent than Whites, research finds_ [Press release].

11   Lockhart, P. R. (2019, May 16). _A new report shows how racism and bias deny black girls their childhoods_. Vox.

12   Cooke, A. N., & Halberstadt, A. G. (2021). _Adultification, anger bias, and adults' different perceptions of Black and White children_. _Cognition and Emotion_, 35(7), 1416–1422.

13   See _CCI's report on disproportionality in diversion_.

14   Martinez, H. (2022, January 7). _What is racial equity?_ United Way of the National Capital Area.

15 Race Forward. (n.d.). *What is racial equity? Understanding key concepts related to race*.

16 See The W. Haywood Burns Institute.

17 See Policy Link Mission Statement.

18 See Race Matters Institute Approach.

19 See Columbia Justice Lab Mission Statement.

20 Hughes-Shaw, M., Sroka, N., & Traxler, V. (2020, September 2). *Youth of color disproportionately represented in the justice system*. Cronkite News.

21 Holmes, M. (2021, June 28). *Juvenile records: Misconceptions, stigma, and principles of juvenile record protection*. Coalition for Juvenile Justice.

22 See Color of Change About page.

23 See Policy Link About page.

24 See Race Matters Institute *About* page.

25 See Interaction Institute for Social Change About page.

26 See the GARE website.

27 See W. Haywood Burns Insitute *What We Do* page.

28 Read more in Juveniles Adjudicated for Sexual Offenses: Fallacies, Facts, and Faulty Policy from the Temple Law Review.

29 Jones, P., Schwartz, I., D.Schwartz, Obradovic, Z., & Jupin, J. (2006). Risk classification and juvenile dispositions: What is the state of the art? *Temple Law Review*, 79, 461–498.

30 For futher discussion see National Center for Youth Law Implicit Bias Report.

31 See *Team Decision Making: Key Resources for Assessing Child Risk and Safety*. Anne E. Casey Foundation.

32 See *Team Decision Making Fact Sheet*. Child Trends.

33 See Youth Justice Family Conferences. Oranga Tamariki Ministry for Children.

34 McElrea, F.W.M. (1998). The New Zealand Model of Family Conferences.

TAKING ON TRANSFORMATION