Racial and Ethnic Disparities in the Juvenile Justice System

Youth of color are disproportionately represented in Oregon’s Juvenile Justice System at all points of contact, from referral to juvenile departments by law enforcement, to placement in secure Oregon Youth Authority (OYA) facilities, resulting in increased likelihood of these youth dropping out of school, becoming homeless, unemployed and imprisoned. The Youth Development Council is a federally-mandated State Advisory Group overseeing the issues of juvenile justice and delinquency prevention and mandated to monitor and mitigate disproportionate representation of minority youth in Oregon’s Juvenile Justice System.

The purpose of the Juvenile Justice System under Oregon Revised Statute (ORS) 419C.001 is to protect the public and reduce juvenile delinquency, and to provide fair and impartial procedures for the initiation, adjudication and disposition of allegations of delinquent conduct.

Relative Rates Indexes indicate disproportionalities at key decision points in the juvenile justice system:

The extent of disproportionalities varies by jurisdiction, racial/ethnic group and the points of contact within the juvenile justice system. Disparities are best mitigated at a local community level wherever found.

Reliable statistics are difficult to find, partially because they often rely on youth disclosing this information about themselves. LGBTQ youth may hide their gender identities and sexual orientation out of fear of reprisal from justice system officials, family members or friends.

Key Findings

1. The extent of disproportionalities varies by jurisdiction, racial/ethnic group and the points of contact within the juvenile justice system. Disparities are best mitigated at a local community level wherever found.

2. Crossover youth cases are difficult to identify in the absence of a required protocol for information-sharing between child welfare and juvenile justice systems.

3. The needs of girls must be addressed by increasing the use of gender- and culturally-responsive, trauma-informed, and developmentally appropriate approaches.

4. Reliable statistics are difficult to find, partially because they often rely on youth disclosing this information about themselves. LGBTQ youth may hide their gender identities and sexual orientation out of fear of reprisal from justice system officials, family members or friends.
Referral Rate Trends

The rate of referrals for both white and African American youth has been declining, particularly since a high point in 2006 and 2007, however the RRI has been declining slowly. That gap in referral rates seems to persist, leading to questions such as whether there are differences in referral rates between communities (and local law enforcement agencies) within the state, whether prevention resources are appropriately distributed and accessed, and whether alternatives other than arrest and referral are evenly available and accessed. A similar pattern and conclusion applies to referral rates for Native American youth. As the referral rate for white youth showed a continuous decline from 2006 through 2015, the referral rates for Native youth rose slightly in 2010, 2012, and 2014. [1]

Racial and Ethnic Disparities and the School-to-Prison Pipeline

The American Civil Liberties Union (ACLU) defines the school-to-prison pipeline as "...policies and practices that push our nation’s schoolchildren, especially our most at-risk children, out of classrooms and into the juvenile and criminal justice systems, prioritizing incarceration over education."

The ACLU identified the following as factors in the pipeline:

- inadequate school resources
- zero tolerance policies
- increased reliance on law enforcement to maintain discipline
- disciplinary alternative schools
- court involvement and juvenile detention. [2]
Girls in the Juvenile Justice System: Circumstantial Delinquency

According to national OJJDP data, nearly 30% of juveniles arrested are girls and their share of arrests, detention and court cases has steadily increased over the past two decades. Girls of color and girls living in poverty are more likely to become victims of violence, including physical and sexual abuse. They are typically nonviolent and pose little or no risk to public safety. [4]

Crossover Youth: Those Caught in Multiple Systems

Crossover youth are young people who are known to both the child welfare and juvenile justice systems. Research indicates that compared with other youth in Oregon’s juvenile justice system, crossover youth (those who are or have also been in the child welfare system) are more likely to be non-white (either African American or Native American), despite the fact that the majority of the population under age 18 in Oregon is white. The proportion of females is higher than in other juvenile justice groups; the age of first contact is markedly younger, the number of referrals is higher, the proportion with serious criminal allegations is higher and the proportion with intensive dispositions involving restrictions on their liberty is higher. These youth—all of whom have been victims of child maltreatment—are also at much greater risk of multiple involvements with the juvenile justice system [5][5]

Mental Health and Juvenile Justice

Nationally, it is estimated that 70% of youth in the juvenile justice system meet the criteria for at least one mental health disorder. In Oregon, statewide statistics about how many youth come into the juvenile justice system with a mental health disorder are not available. The majority of youth in crisis with mental or behavioral health needs who are referred to the juvenile justice system are not systemically screened for mental health issues upon entry into the system, nor are crisis and residential treatment beds readily available. As a result, current detention centers and state secure facilities for incarcerated youth are experiencing higher rates of mentally ill youth within their confines, yet are not designed for youth with serious mental health issues. [6]

Lesbian, Gay, Bisexual, Transgender, Queer or Questioning (LGBTQ) Youth and the Juvenile Justice System

LGBTQ youth face many of the same everyday challenges related to growing up as their heterosexual peers. But they also face additional obstacles related to their sexual orientation and gender identity, which heterosexual youth may not experience. Available research has estimated that LGBTQ youth represent 5% to 7% of the nation’s overall youth population, but they compose 13% to 15% of those currently in the juvenile justice system. [7]

Many LGBTQ youth in the juvenile justice system were arrested for committing non-violent survival crimes such as prostitution and shoplifting, and were likely living on the streets at the time of the offense.
Evidence-Based and Emerging Practices in Juvenile Rehabilitation and Delinquency Prevention

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) maintains a Model Program Guide to help practitioners in the selection of the most relevant evidence-based interventions for a particular group of youth exhibiting specific delinquent behavior.

Positive Youth Development (PYD): an intentional, pro-social approach that engages youth within their communities, schools, organizations, peer groups, and families in a manner that is productive and constructive.

Developmentally Appropriate Services: Takes an in-depth look at evidence on adolescent development and on effective responses to adolescent offending (National Research Council, 2012).

Trauma-Informed Care: Realizes the widespread impact of trauma and understands potential paths for recovery; recognizes the signs and symptoms of trauma in clients, families, staff, and others involved with the system; responds by fully integrating knowledge about trauma into policies, procedures, and practices; and seeks to actively resist re-traumatization.

Culturally Relevant Services: Native Americans, African Americans, and other racial/ethnic groups have traditionally experienced historical, cultural, and inter-generational trauma, including racism, warfare, and other assaults such as banning traditional languages and healing practices.

Tribal Best Practices: An effort documenting cultural and traditional Native American teachings that are effective in prevention and treatment in the behavioral health field, substituting these practices for state-mandated evidence-based practices that were not tested on Native populations, particularly those living on tribal reservations, and thus were not the most effective tools in meeting the unique needs of this population.

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Return on Investment

According to Oregon Youth Authority information, the cost to house a youth in close custody at a Youth Correctional Facility is over $200 a day, the cost per bed at the Oregon Department of Corrections is about $80 a day, and the cost per bed at the Oregon State Hospital is almost $700 a day. Intervening early will reduce costs and increase the likelihood for youth to become successful and productive members of their communities.

Youth Development Council Recommendations

The Youth Development Council recommends making targeted community investments in culturally-specific and gender-specific best practices in the main areas of concern. This will in turn prevent deeper involvement with the system and improve outcomes for the most vulnerable youth in Oregon. All child-serving systems should agree to a common set of principles by which young people and families are treated, engaged and encouraged to participate.

Works Cited

[3] The ODE searchable database