



The Independent Voice for Kentucky's Children

KENTUCKY
YOUTH
ADVOCATES

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RACE DISPARITIES IN KENTUCKY'S JUVENILE JUSTICE SYSTEM MEASURED Harsher treatment for youth of color found at nearly every stage

Louisville, KY – All youth should have the same opportunity to pay for their mistakes and only face punishment that is proportionate to the offense; however youth of color in Kentucky are more likely to receive harsh outcomes within the juvenile justice system even when they engage in the very same behaviors as their White peers. A report released today by Kentucky Youth Advocates measures the level of disproportionality at key decision-making points within Kentucky's juvenile justice system, with data as recent as 2008. The report finds that not only do youth encounter disparate treatment at each stage, but those disparities are compounded as they move further into the system.

“Research shows that there are few substantial differences in risk-taking behaviors between youth of color and their peers, yet our system treats them differently,” says Terry Brooks, executive director of Kentucky Youth Advocates. “Involvement with the juvenile justice system has a deep impact on the trajectory of a child’s life. By allowing the system to continue in its current fashion we are cutting opportunities short for too many youth of color.”

Disproportionate Minority Contact (DMC) refers to youth of color coming into contact with the juvenile justice system at a higher rate than their White counterparts. Efforts to reduce DMC are not attempts to excuse delinquent behavior by youth of color or accuse decision makers of racial bias. Instead, they are attempts to alter policies and practices necessary to ensuring racial fairness within the juvenile justice system.

Disproportionality can occur when systems are not monitored for their impact on different populations of youth. For instance, we know disproportionality exists in the early stages of arrest and the filing of formal court charges, yet prior arrests and adjudications can be considered when determining a young person’s eligibility for diversion or in determining placement if they are committed to the Department of Juvenile Justice. This practice can compound disproportionality present from earlier stages with decisions that appear objective at face value.

The report measures disproportionality at seven key stages within the system, based on available data from 2007 and 2008. The data range from charges/complaints filed against youth to cases transferred for handling in the adult court system. For each stage it examines how contact with the juvenile justice system among a population of youth increases or decreases at each successive stage in addition to the cumulative effects of disproportionality across the many stages of the juvenile justice system.

Diversion and cases petitioned to court represent two critical stages at the beginning of the juvenile justice process. Youth who are eligible for diversion and successfully complete it can make amends for their actions and avoid a formal court process. The data show African-American and Hispanic youth are significantly less likely to have their cases closed due to successful diversion. Cases are most often petitioned to formal court when a youth is not eligible for diversion, or the County Attorney or judge requests formal processing even when a case is eligible for diversion. Cases petitioned also show African-American and Hispanic youth are more likely to have cases sent to court for formal processing.

Several Kentucky communities have been addressing disproportionality at the local level with the support of the Juvenile Justice Advisory Board's Subcommittee on Equity and Justice for All Youth. Statewide efforts can build on this work and identify areas of concern for the entire state that warrant further examination and change.

"There are many players at various stages within the system of juvenile justice whose policies may be contributing to the racial disproportionality identified in our report. In essence, we need bold leadership among those system players to examine the critical role they play in decreasing disparities," said Brooks. "For example, Kentucky's Administrative Office of the Courts has taken the initiative to analyze their data on successful and unsuccessful diversions in an effort to identify and correct potential causes of disproportionality in the Court Designated Worker Program."

There are a number of actions that should be taken to eliminate the disparities outlined in the report. To begin, system players should assess any instruments used in decision making for unintentional bias. They should also improve data collection to be able to fully and adequately monitor disproportionality. In addition, all players within the Kentucky's juvenile justice system need to ensure that culturally appropriate and evidence-based programs are used with youth.

Media stories on this report are free to run after 12:01 am EDT on Wednesday, September 16, 2009. Access an embargoed copy of the report, ***Opportunities Lost: Racial Disparities in Juvenile Justice in***

Kentucky and Identified Needs for System Change at http://www.kyyouth.org/documents/09brief_DMC_EMBARGOED.pdf.

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Kentucky Youth Advocates is a non-partisan, non-profit, children's advocacy organization. KYA represents a voice for Kentucky's most precious asset – its youth. We believe that Kentucky's youth deserve the opportunities and resources necessary to ensure their productive development and health.