



JDAI NEWS

Juvenile Detention Alternatives Initiative Newsletter

April 2020

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For more information about JDAI or to find previous JDAI Newsletters please visit:

[http://www.djj.state.fl.us/research/latest-initiatives/juvenile-detention-alternatives-initiative-\(jdai\)](http://www.djj.state.fl.us/research/latest-initiatives/juvenile-detention-alternatives-initiative-(jdai))

Learn more about the Florida Race Equity Challenge

INFORMATION SESSION
June 3, 2020 at 11:45am

<https://attendee.gotowebinar.com/register/5368491273202792462>

Challenge Begins June 17, 2020



Race, Equity, and Inclusion (REI)

To address the disproportionality in the juvenile justice system, we must begin with an understanding of some basic principles related to race, equity, and inclusion. First, the definition of race and the manner in which it impacts our lives varies from person to person. Second, we must understand the difference between equality and equity. While both aim to promote fairness and justice, the execution of each results in differing outcomes. Equity takes into consideration that not everyone is starting from the same place, therefore we need to treat everyone justly according to their needs.

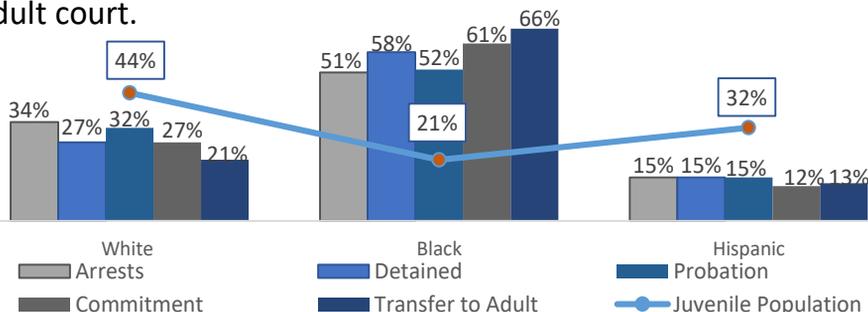
Third, inclusion seeks to ensure all youth, no matter their race, gender, or sexual orientation, like they matter, are supported, and are treated fairly. This newsletter will explore varying aspects of this issue. The hope is to create a society where juvenile justice outcomes can no longer be predicted nor influenced by race or socioeconomic status.

“Race continues to play a defining role in one’s life trajectory and outcomes. A complex system of racial bias and inequities is at play, deeply rooted in our country’s history, culture, and institutions. This system of racialization-which routinely confers advantage and disadvantage based on skin color and other characteristics - must be clearly understood, directly challenged and fundamentally transformed. If our nation is to live up to its democratic ideals-that [ALL] people are created equal and treated fairly-then racial equity and inclusion must be at forefront of how we shape our institutions.”

Race Equity and Inclusion Action Guide on Embracing Equity: 7 Steps to Advance and Embed Race Equity and Inclusion within your organization

Statewide REI Data

In order to identify disparity, you need to start by looking at your data. Let’s look at what the data shows in Florida. The charts below compare the juvenile population with youth arrested, detained, placed on probation, committed, and transferred to adult court.



Data Reflected: FY 2017-2018



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Through the Looking Glass: How youth of color are perceived

Data consistently shows the disproportionality of black youth in the juvenile justice system is very real. Why does it exist? Let's look at a few of the factors that impact the level of disproportionality.

Implicit personal and systematic biases can result in disparities across races. They impact how we see the world, make decisions and communicate. We make unconscious decisions every moment of the day. Those split-second decisions are filtered through a collection of information stored in our brains that has been gained through our experiences and exposure to news, media, people, etc. Thus, policies and practices written and implemented are subject to the perspective of the creator. This means it is possible that well-intended practices/policies can include unintended biases that result in disparate outcomes.

The placement into deeper parts of the juvenile justice system and/or residential facilities relies on a practitioner's determination of a youth's understanding of their actions and risk to the public's safety. A 2014 study found that people generally view black boys as older and less innocent starting at the age of 10¹. A similar study in 2017 found that Americans viewed black girls as less innocent and more mature for their ages starting as early as 5 years old².

School discipline policies allow varying degrees of consequences for similar infractions. While words and phrases like "acting out" or "disruptive" may be used for white students, words like "aggressive," "belligerent," or even "threatening" are more often used for black students to describe the same behavior for exhibited by both. A 2015 study found that schools with larger minority and poor populations are more likely to utilize criminal justice oriented disciplinary actions ahead of the other allowable progressive responses³. This pattern of responses feeds the school-to-prison pipeline.

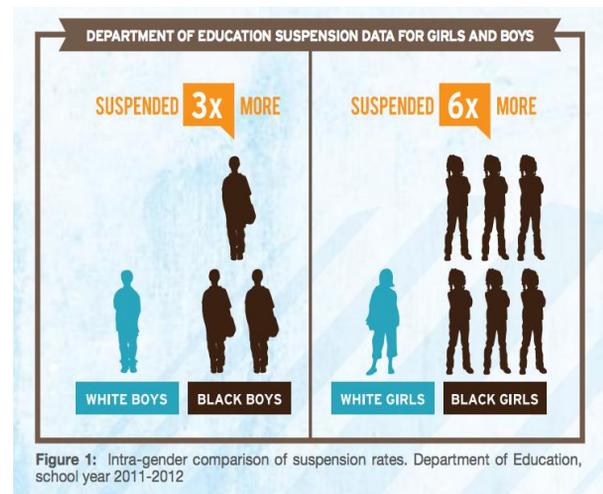


Figure 1: Intra-gender comparison of suspension rates. Department of Education, school year 2011-2012

Is it fair that two youth exhibiting the same behavior receive differing outcomes? While there may be several external factors that lead youth into the juvenile justice system, we must examine the system itself to ensure it does not unintentionally exacerbate the problem. It is important for stakeholders and policy makers to identify and monitor our implicit biases. We must also identify and rectify the well-intended policies/practices that are contributing to the levels of disproportionality in our system. By bringing these issues to the forefront, we can begin to realign our perceptions, practices, and outcomes into a more equitable system for all youth.

1 Goff, P., Jackson, M., Di Leone, B., Culotta, C., and DiTomasso, N. (2014). The Essence of Innocence: Consequences of Dehumanizing Black Children.

2 Epstein, R., Blake, J., and Gonzalez, T. (2017). Girlhood Interrupted: The Erasure of Black Girls' Childhood.

3 Crenshaw, K., Ocen, P., and Nanda, J. (2015). Black Girls Matter: Pushed Out, Overpoliced and Underprotected.; Ramey, D. (2015). The Social Structure of Criminalized and Medicalized School Discipline.

Join the Florida Race Equity Challenge to explore these issues further.

Information Session Registration: <https://attendee.gotowebinar.com/register/5368491273202792462>



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LGBTQ in Juvenile Justice

Disproportionality challenges in the juvenile justice system go beyond race alone. LGBTQ stands for Lesbian, Gay, Bisexual, Transgender, Queer/Questioning. Individuals that identify as LGBTQ are subject to ostracization that defies the bounds of their families, communities, and society at large. A combination of bullying, familial rejection and homelessness have all contributed to the disproportionality of LGBTQ youth in the juvenile justice system. LGBTQ and Gender Nonconforming/Transgender youth are overrepresented in juvenile justice at twice their presence in the general population.¹

Nationwide, 3.2% of boys and 39.4% of girls in detention facilities self-identify as LGBTQ. Of this population, 85% are youth of color³. Oftentimes, these youth are committing survival crimes that lead to their system involvement. This means that many LGBTQ youth that are system-involved may be forced to return to crime to provide basic needs like food and shelter if we do not address the underlying issues.

One of the largest studies² of LGBTQ youth in the United States found that:

- 33% felt their family was not accepting of their identity
- 29% felt there was no adult in their life they could discuss problems with
- 42% of youths felt their community was not accepting of their identity
- Only 21% felt there was a resource available to help them as an LGBTQ person

One of the first clear steps that juvenile justice stakeholders need to take is to coordinate with the education and child welfare systems to prompt comprehensive and coordinated efforts to protect LGBTQ youth. Additionally, ensuring that professionals across these fields are receiving training and continuing education on this population is vital to ensuring these youth are supported and treated with respect. The juvenile justice system and its partners must continue to make strides towards inclusion, understanding, and protection of the LGBTQ youth in our care.

¹Irvine, Angela, and Canfield, Aisha. 2017. "Reflections on New National Data on LGBTQ/GNCT Youth In the Justice System." *LGBTQ Policy Journal at the Harvard Kennedy School, Volume VII, 2016-17*.

²Human Rights Campaign, (2012). Growing up LGBT in America. *HRC Youth Survey Report Key Findings*.

³Wilson, B. D., Jordan, S. P., Meyer, I. H., Flores, A. R., Stemple, L., & Herman, J. L. (2017). Disproportionality and disparities among sexual minority youth in custody. *Journal of Youth and Adolescence, 46*(7), 1547-1561.

If you'd like to explore this topic more and discuss ways to create a more inclusive system, join the Florida Race Equity Challenge. Information Session Registration:

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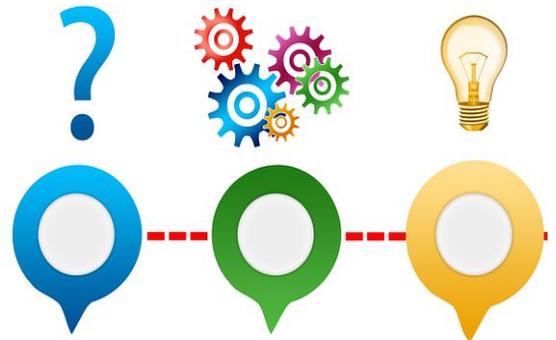
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LETTER FROM A COORDINATOR

Greetings Reader:

Thank you for reading our April 2020 JDAI Newsletter. We hope and pray that you, your family, and colleagues are staying safe and healthy. There is no doubt that the COVID-19 pandemic has brought tragedy and a new normal. It has highlighted and forced a closer examination of racial equity in our society as it relates to the health care systems and the criminal justice system, in particular the juvenile justice system.

With the recent COVID fears, many parts of the juvenile justice system were reevaluated and modified practices/policies were created to implement ways to respond to youth behaviors without compromising accountability. These changes occurred without an increase in arrests or violations of supervision. But how might these changes impact disproportionality rates? As we emerge from COVID and consider that lessons learned, let's begin to ask the following questions:



1. How many local jurisdictions reconsidered the type of youth they believed necessary to be detained?
2. How many kids in secure detention or commitment programs were released to community supervision/services and/or deemed not to pose a risk to public safety?
3. How many law enforcement agencies reconsidered the type of offenses or supervision violations that required arrest and transport for screening?
4. How many courts had more intensive conversations with youth and families to determine if placement in secure detention was necessary?
5. Which practices/policies implemented as a result of COVID-19 should become the "new normal"?

Within the response of these questions, we may find initial steps to moving toward a more equitable system. Let's begin the exploration together.

~A JDAI Coordinator