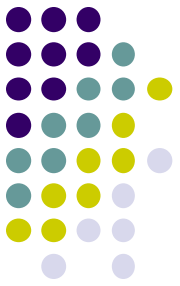


# Addressing Disparity and Disproportionality: Lessons from Child Welfare and Juvenile Justice

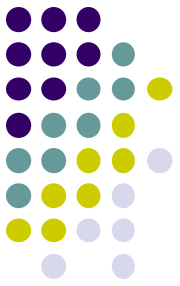


**Shay Bilchik**  
**Georgetown University**  
**Center for Juvenile Justice Reform**

**National Policy Summit on the Elimination of  
Disparities in Mental Health Care**

**June 9, 2009**

# Attribution



- There has been much good work done to reduce the disproportionate representation of youth of color in the juvenile justice and child welfare systems.
- The Office of Juvenile Justice and Delinquency Prevention, the Burn's Institute, the Center for Children's Law and Policy, Chapin Hall, the Race Matters Consortium, the National Center for Juvenile Justice, the Center for the Study of Social Policy and individuals such as Dr. Robert Hill, Dr. Denise Herz and Dr. Joe Ryan have all made significant contributions.
- Much of the material in this presentation comes from this body of work.

# Conceptual Framework

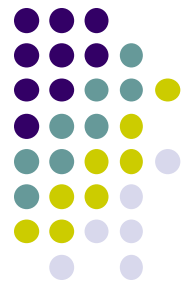
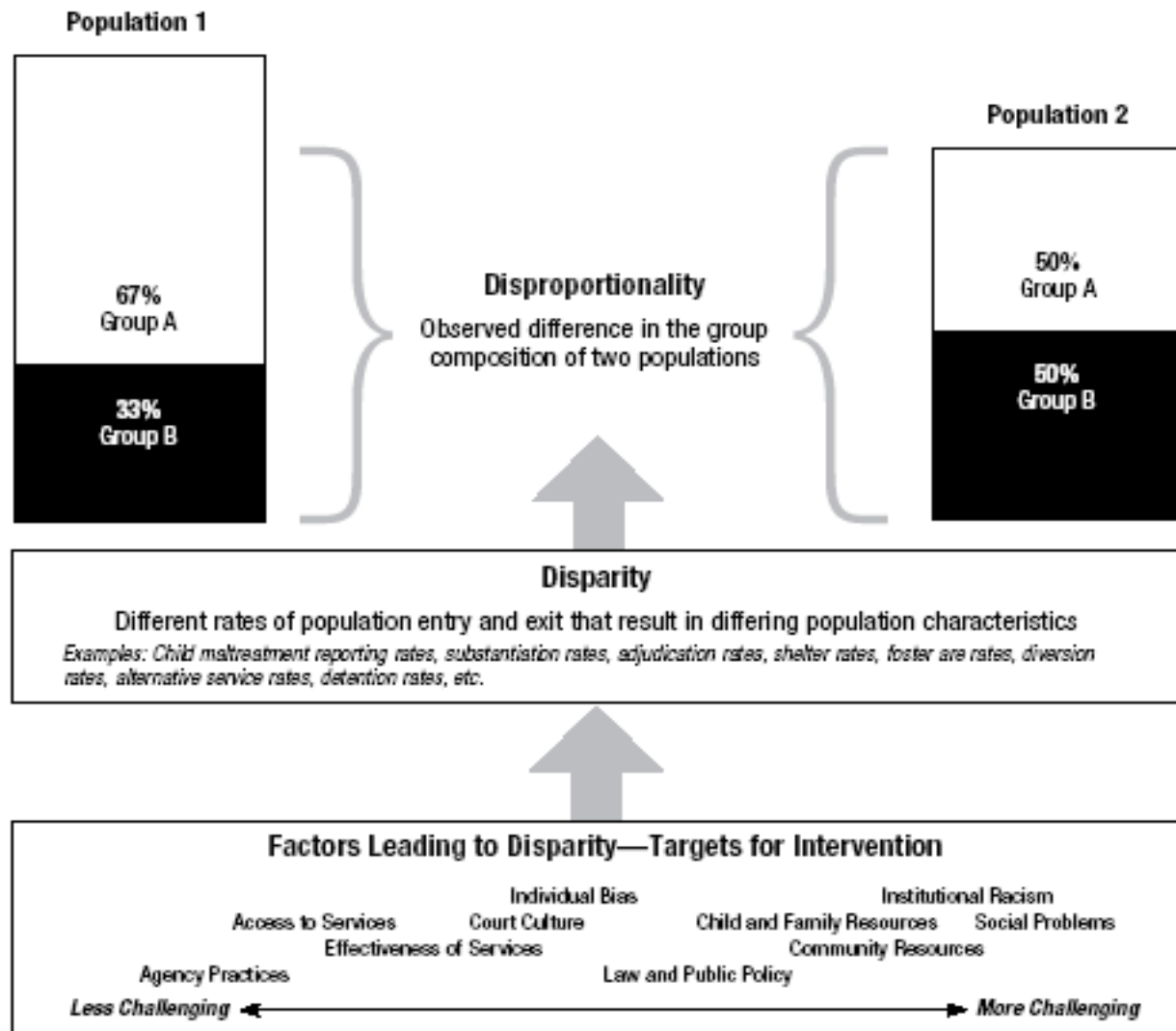
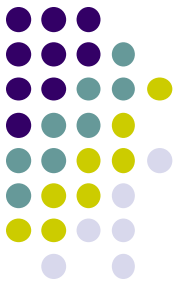


Figure 2: Conceptual Framework



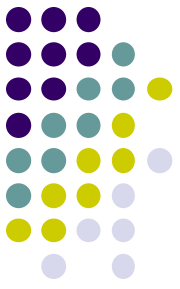
# Disproportionality in the Child Welfare System



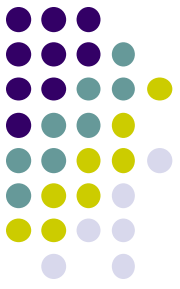
- Research confirms the disproportionate representation of African American children and families in this nation's child protective services systems
- Disparate treatment
  - Higher rates of reporting and referral for investigation
  - Once involved with the system more likely to:
    - Be removed from their homes
    - Spend longer periods of time in out-of-home care
    - Have less access to relevant and helpful social services
  - Stay in care longer and be less likely to be reunified with their families
- Disproportionality is impacted by rates of entry and exit

Source: Bob Hill (2006)

# Reasons for Disproportionality in the Child Welfare System



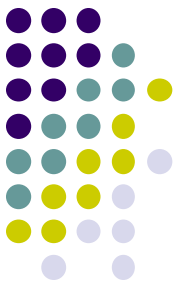
- CSSP conducted an analysis of policies and protocols that impact this problem in Michigan
- The child welfare (and juvenile justice) system is challenged by beliefs that African American children may be better off away from their families
- Family engagement and use of a strength-based approach is a significant challenge for these systems
- The result is the reduction of the full and fair use of risk assessment tools and family group conferencing or team decision-making



# Findings from CSSP Study

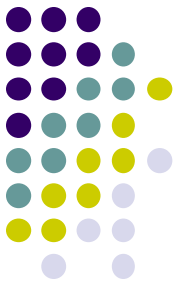
- African American families fail to receive the necessary supports that could prevent or divert their involvement in child protective services
- African American families experience the child welfare system as intrusive and not fair in assessing and valuing their strengths or exploring the least restrictive placement option
- African American youth and families are negatively characterized or labeled by workers
- Inadequate support for African American families and children in helping them to participate in, challenge and negotiate the system
- Inadequate means for African American families and youth to hold the system accountable

# Recommendations Based on CSSP Study



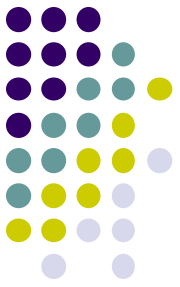
- Recommendations designed to create institutional change that would assure racial equity for children and families who come in contact with the child welfare system
  - Internal leadership capacity
  - Data driven management
  - Case practice model
  - Evaluation of policies
  - Use of risk assessment tools to avoid weighting/scoring bias
  - Fair and equitable provider services
  - External partnerships
  - Role of the Court/legal oversight
- Collaboration between child welfare and juvenile justice systems for dual ward youth

# Child Welfare Practice Responses



- Family to Family Initiative
- California Disproportionality Project
- Minority Youth and Families Initiative
- Breakthrough Series Collaborative
- Race Matters Tool Kit
- Courts Catalyzing Change

# Disproportionality in the Juvenile Justice System



- DMC = Disproportionate Minority Contact with the juvenile justice system
- Formalized as an area of focus in the JJDPJA
- Goals are to:
  - (1) reduce racial and ethnic disparities
  - (2) prevent youth of color from entering and moving deeper into the juvenile justice system, resulting in their disproportionate representation

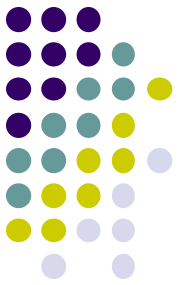


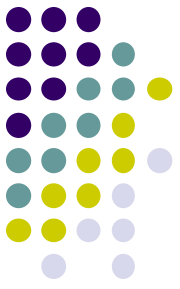
# Why does DMC occur?

- Structural inequalities and inequities in our society
- Differential offending rates
- Location of offenses
- Police responses to crime
- Juvenile justice policies that are fair on their face but have unintended negative consequences
- Conscious or unconscious use of racial/ethnic stereotypes
- Policy based on anecdote or “gut feeling”
- Inertia
- Failure to use data to drive decisions
- Failure to include all stakeholders in policy decisions

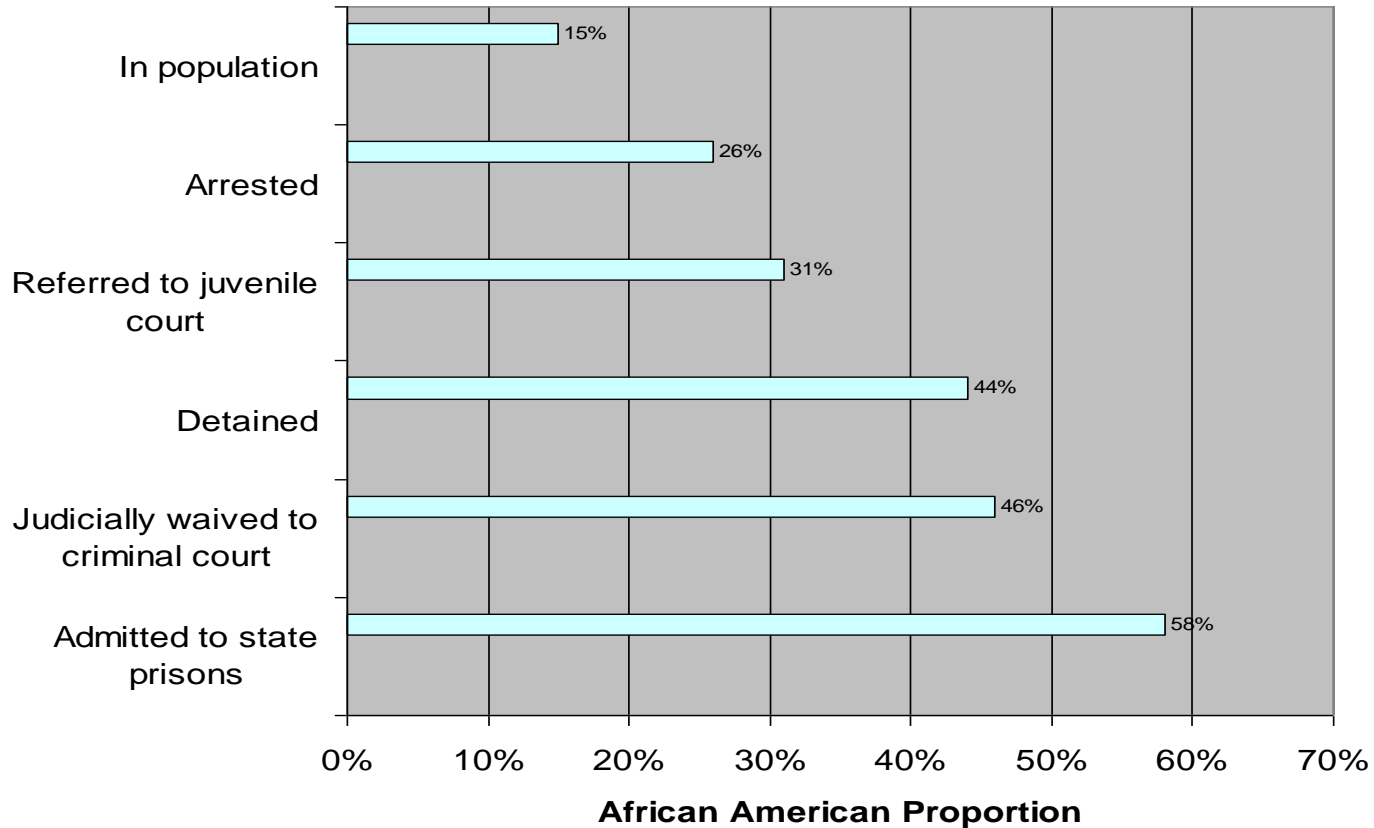
# How is DMC measured?

- Overrepresentation





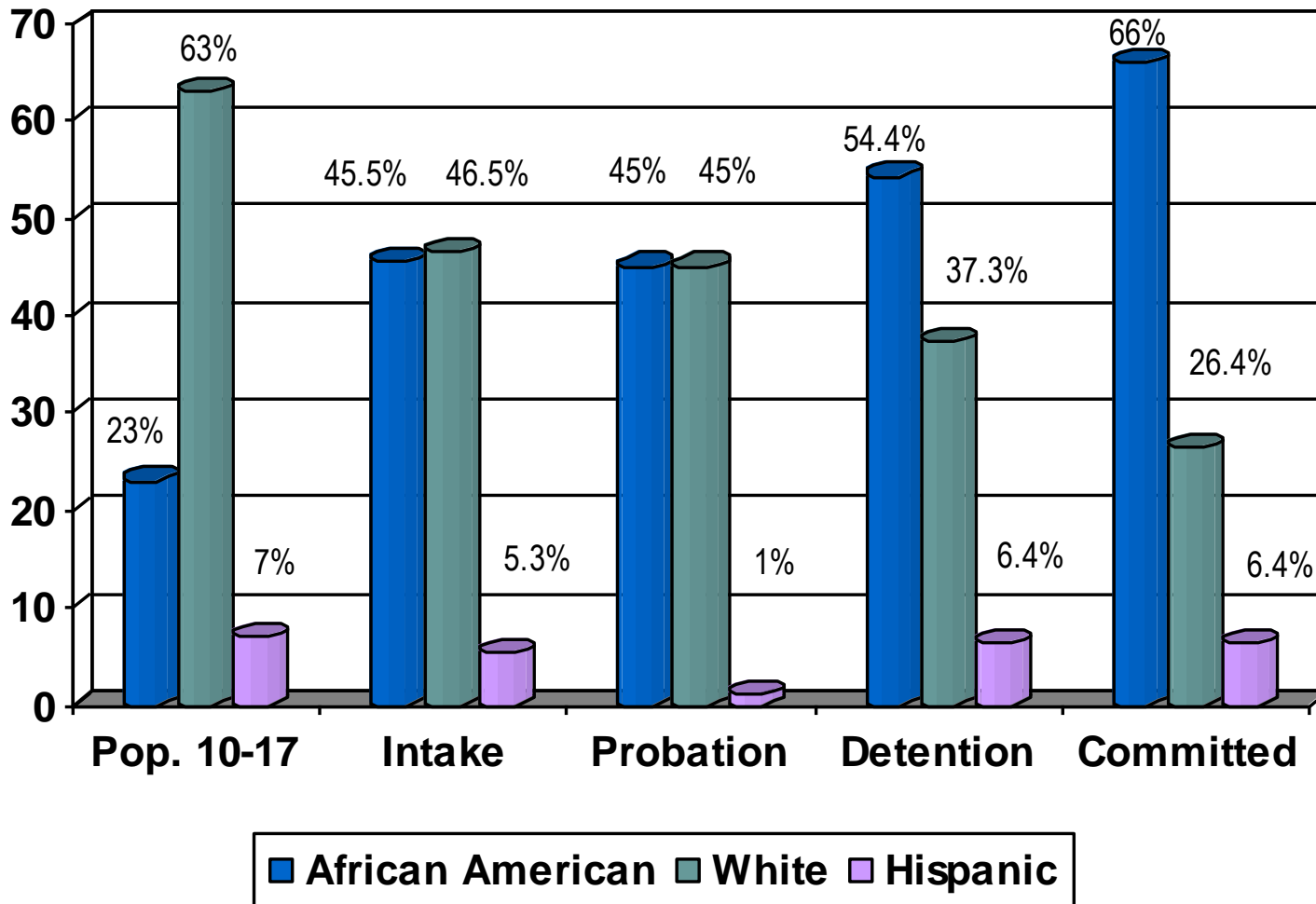
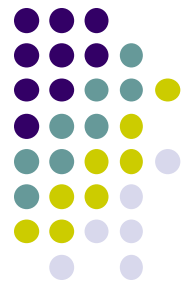
# African American Proportion of Youth



Note: Reflects 1998 population, 1998 arrests, 1997 information on referrals, detentions, petitions, adjudication's, waivers; 1997 residential placements; 1997 state prison admissions.

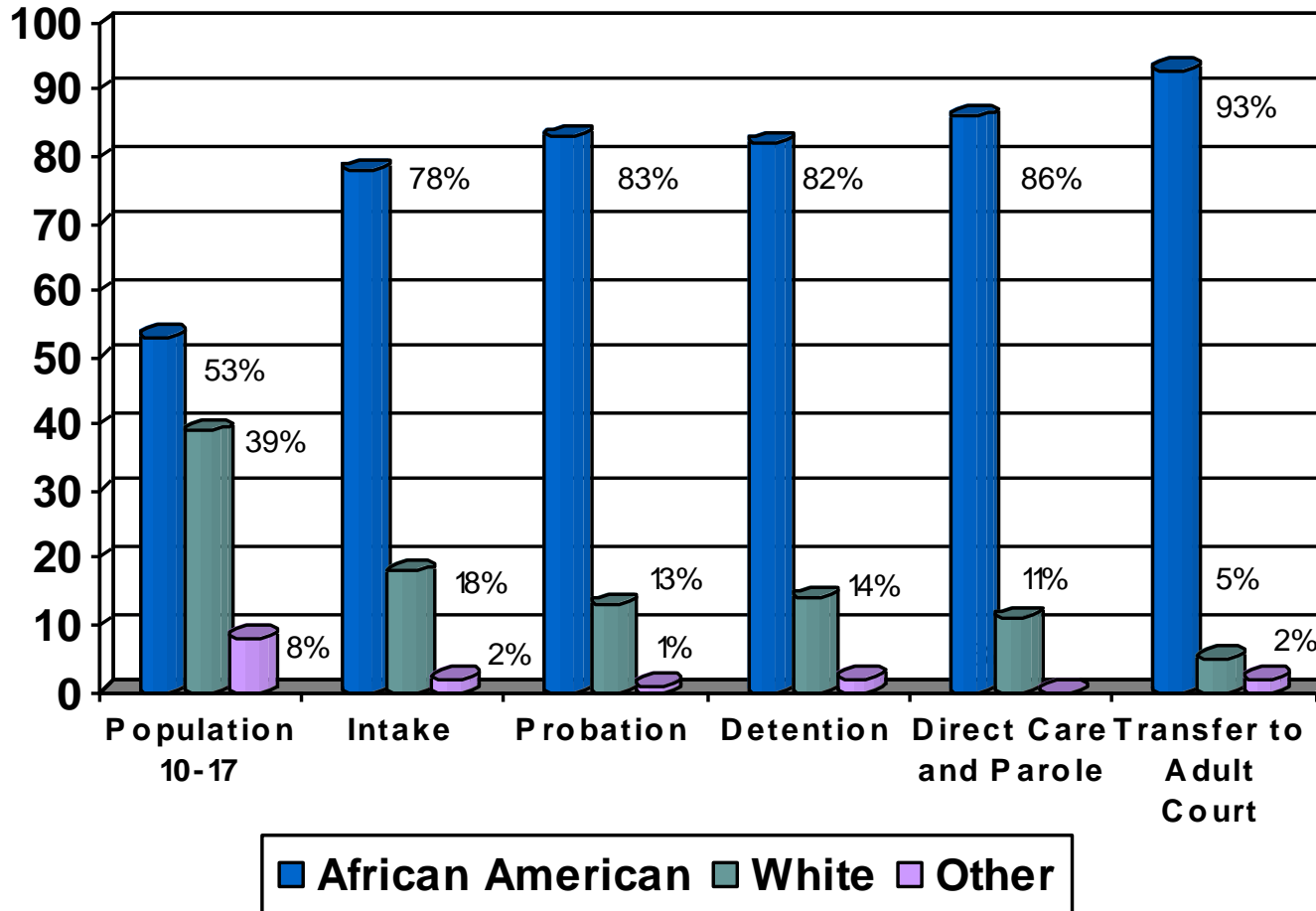
Sources: U.S. Bureau of the Census' *Population Estimates for States by Age, Sex, Race, and Hispanic Origin: 1980-1998*; OJJDP's *Juvenile Arrests, 1998*; OJJDP's *Easy Access to Juvenile Court Statistics: 1988-1997*; OJJDP's *Juvenile Offenders and Victims: 1999 National Report* and BJS's *Profile of State Prisoners Under age 18, 1985-97*.

# Referrals and Dispositions to Each Stage of Virginia's Juvenile Justice System (FY 2007)

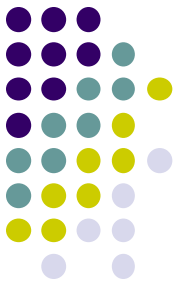


With the exception of the population figures and probation data, percentages reflect FY 2007. Population data represents CY 2006. Probation statistics were taken from current workload data available through Safe Measures.

# Referrals and Dispositions to Each Stage of Norfolk's Juvenile Justice System (FY 2007)



With the exception of the population figures and probation / data and transfer data, percentages reflect FY 2007. Population data was obtained at [quickfacts.census.gov](http://quickfacts.census.gov) and represents CY 2006. Census data does not identify Hispanic as a race. The Hispanic ethnicity (of either race) is represented in 4.4% of Norfolk's population. Probation statistics were taken from November 2008 workload data available through Safe Measures. Detention admissions include all Admissions to Norfolk Juvenile Detention Home (including admissions from other jurisdictions). The data re transfer to adult court reflects CY 2007.

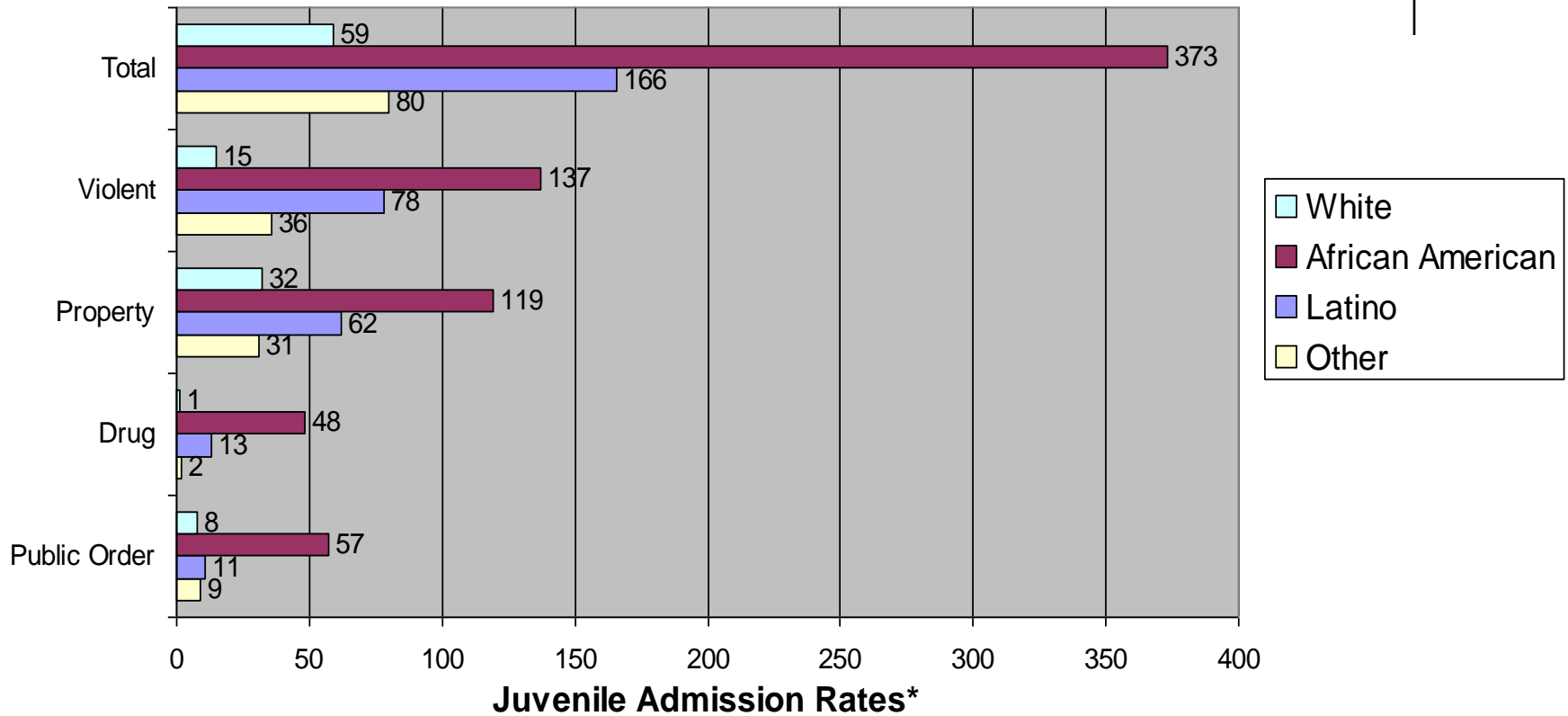


# How is DMC measured?

- Overrepresentation
- Differential (disparate) treatment

# 1993 Admissions Rates\* of Juveniles to State Public Facilities

## Youth With No Prior Admissions\*\*



\*Rates are calculated per 100,000 youth age 10 to the upper age of juvenile court jurisdiction in each state.

\*\* States includes AK, AZ, AR, CA, DE, GA, ID, IL, IN, IA, KY, LA, ME, MD, MA, MN, MS, MO, NE, NH, NJ, NY, ND, OH, OK, OR, SC, SD, TN, TX, UT, VT, VA, WV, WI.

Note: Persons of Hispanic origin may be of any race. White and African American categories do not include youth of Hispanic origin.

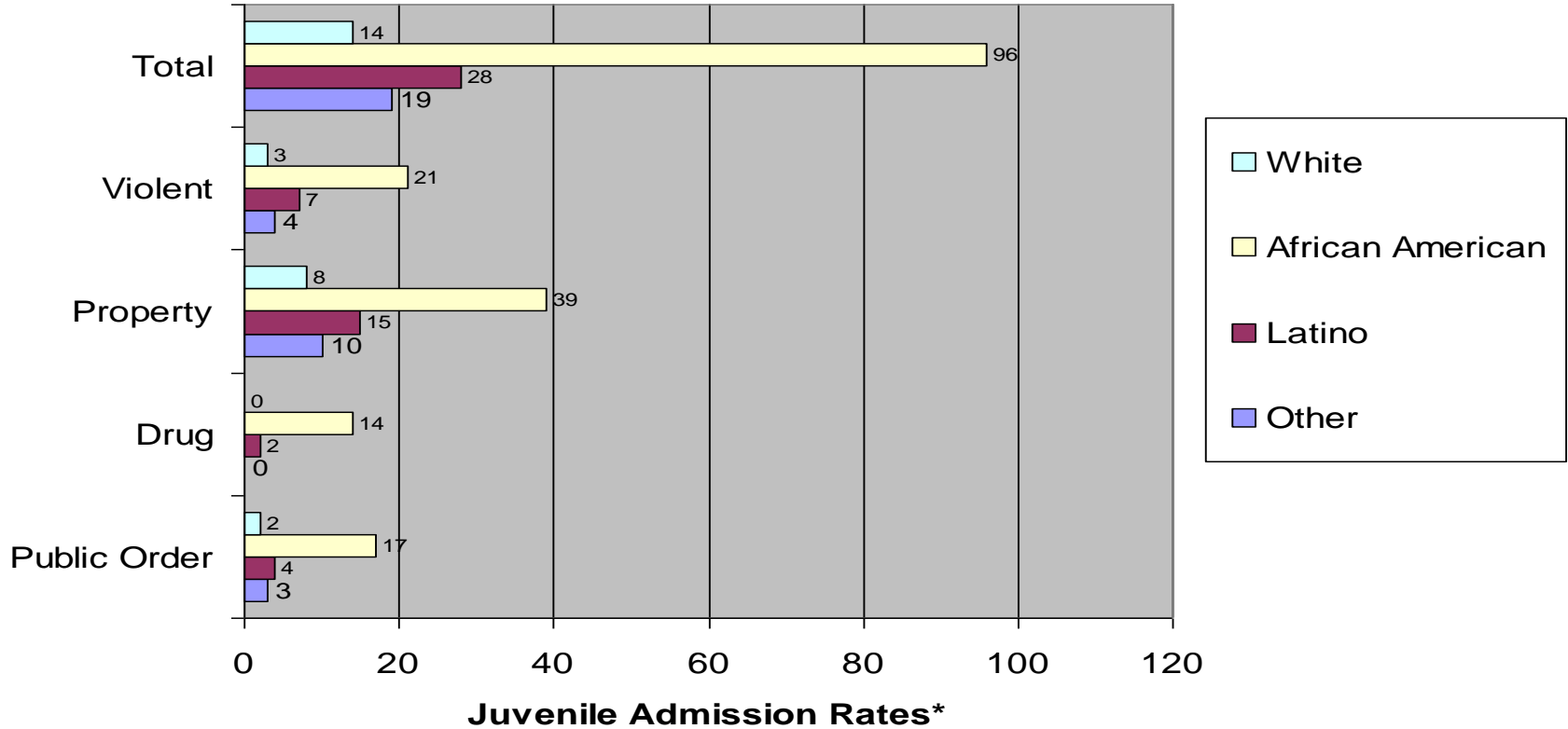
Total contains offenses not shown.

Source: *The Juveniles Taken Into Custody Research Program: Estimating the Prevalence of Juvenile Custody Rates by Race and Gender*. National Council on Crime and Delinquency (1993).



# 1993 Admissions Rates\* of Juveniles to State Public Facilities

## Youth With One-to-Two Prior Admissions\*\*



\*Rates are calculated per 100,000 youth age 10 to the upper age of juvenile court jurisdiction in each state.

\*\* States includes AK, AZ, AR, CA, DE, GA, ID, IL, IN, IA, KY, LA, ME, MD, MA, MN, MS, MO, NE, NH, NJ, NY, ND, OH, OK, OR, SC, SD, TN, TX, UT, VT, VA, WV, WI.

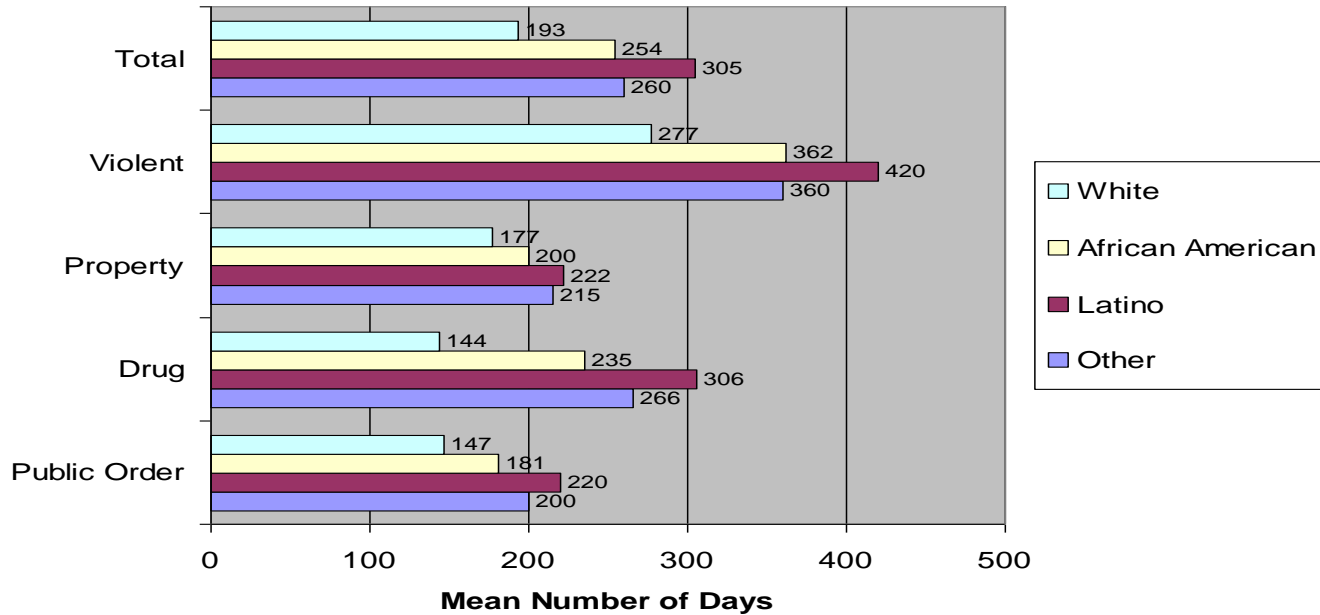
Note: Persons of Hispanic origin may be of any race. White and African American categories do not include youth of Hispanic origin.

Total contains offenses not shown.

Source: *The Juveniles Taken Into Custody Research Program: Estimating the Prevalence of Juvenile Custody Rates by Race and Gender*. National Council on Crime and Delinquency (1993).



## 1993 Youth Mean Lengths of Stay in State Public Facilities



\*Rates are calculated per 100,000 youth age 10 to the upper age of juvenile court jurisdiction in each state.

\*\* States include AK, AZ, AR, CA, DE, GA, ID, IL, IN, IA, KY, LA, ME, MD, MA, MN, MS, MO, NE, NH, NJ, NY, ND, OH, OK, OR, SC, SD, TN, TX, UT, VT, VA, WV, WI.

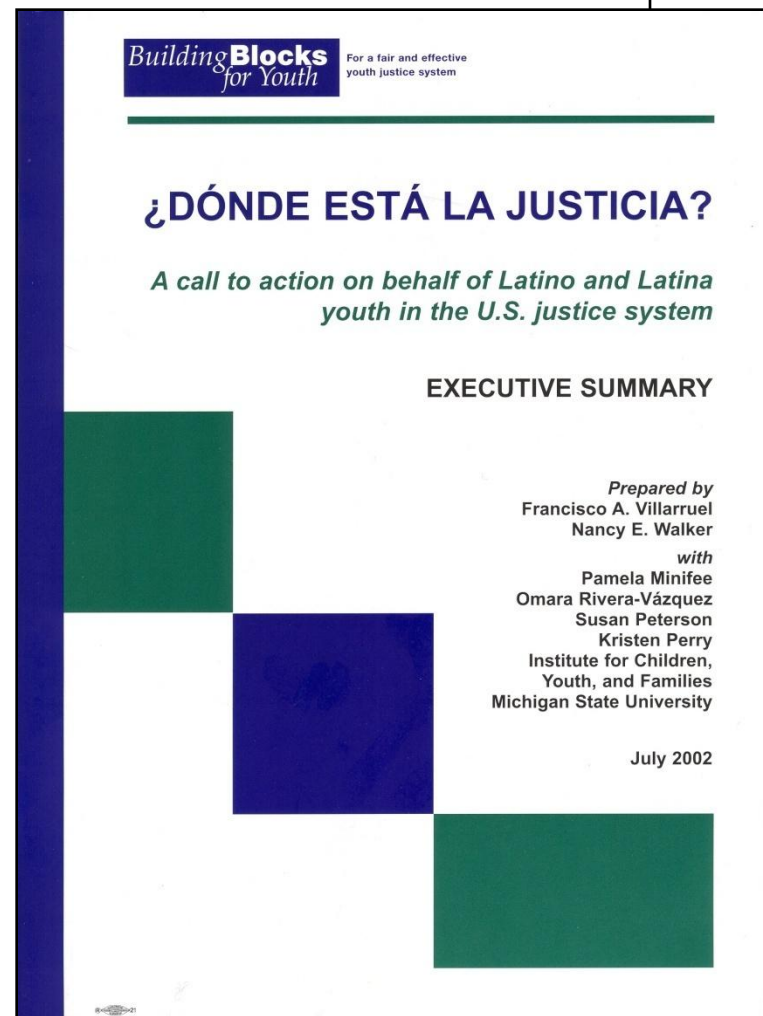
Note: Persons of Hispanic origin may be of any race. White and African American categories do not include youth of Hispanic origin.

Total contains offenses not shown.

Source: *The Juveniles Taken Into Custody Research Program: Estimating the Prevalence of Juvenile Custody Rates by Race and Gender*. National Council on Crime and Delinquency (1993).

# Findings regarding Latino youth

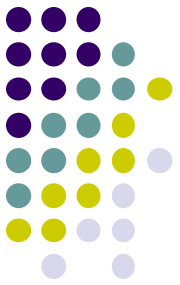
- Latino youth are significantly overrepresented in the justice system
- Data collection mechanisms are inadequate
- Significant undercounting
- Failure to separate race from ethnicity
- Lack of adequate bilingual services
- Lack of culturally competent staff





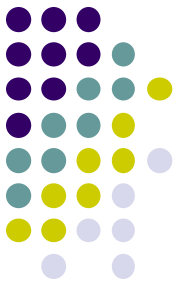
# Language Capability

- 11.7% (22 youth) needed a translator (either for themselves or for their parent)
- 13.3% (25 youth) had a parent who preferred Spanish
- 0.5% (1 youth) had Spanish forms on file



# How is DMC measured?

- Overrepresentation
- Differential (disparate) treatment
- Relative Rate Index (RRI)



## Allegheny County, 2000-2002

### Summary of Black to White Relative Rate Ratios

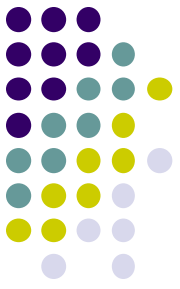
The "relative rate index" (RRI) is a way to compare processing rates of youth of color to white youth. If the rate for youth of color is identical to that of white youth, the relative rate index is "1."

	Arrest	Referral	Informal	Detention	Petitioned	Adjudicate	Probation	Placement	Waiver
<b>Both Genders</b>									
For all offenses	2.8	5.5	0.8	1.8	1.1	0.9	1.2	1.7	--

"--" indicates that there were too few cases to calculate reliable rates.

The data analysis presented here was prepared by the National Center for Juvenile Justice.

# Juvenile Justice Practice Responses



- Juvenile Detention Alternatives Initiative
  - Front “door”
  - Detention criteria
  - Detention alternatives
  - Case flow management
  - Data management
- W. Haywood Burns Model for System Change and Leadership
  - Develop oversight body of all stakeholders
  - Closely map juvenile justice process from first contact
  - Identify gaps in the data and improve data availability and accuracy
  - Analyze data at all stages of the juvenile justice system
  - Identify specific decision points where racial or ethnic disparities exist or there is unnecessary juvenile justice involvement
  - Create interventions to reduce disparities or unnecessary involvement
  - Monitor implementation

# Crossover Youth Research in Los Angeles County



- Partnership with California State University at Los Angeles, University of Illinois, LA County Children's Court, and Children's Law Center of LA
- Content Areas:
  - Profile of youth involved in both systems
  - Investigate issues of DMC
  - Placement effects
  - Subsequent pathways through juvenile justice

# Covariates



- Maltreated youth are at greater risk for delinquency and have higher delinquency rates than non-maltreated children
- The factors that play a role in this relationship include:
  - Placement Instability
  - Age at Time of Maltreatment
  - Social Bonds
  - Race
  - Gender

# Investigating Group Home Effects in Child Welfare

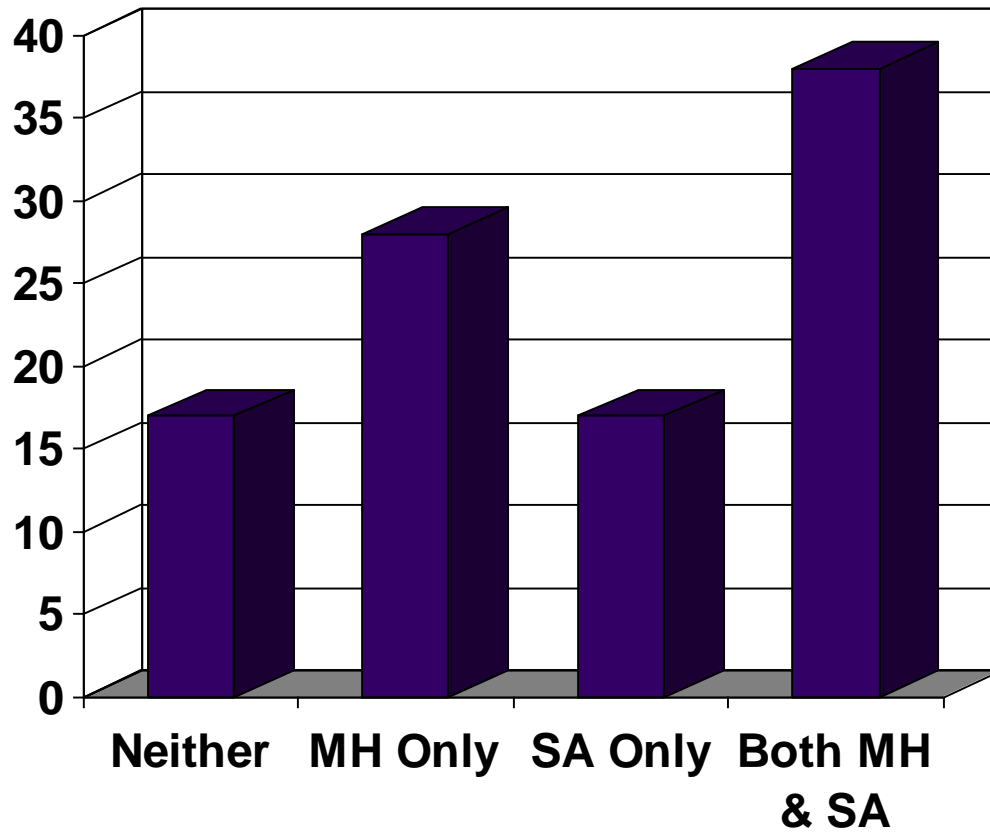
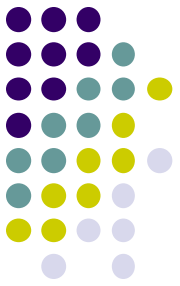


8,226 matched (PSM) individuals

Placement Type at Time of Arrest	
Foster Care	54%
Group Home	40%
AWOL	4%
Other (home visit, shelter)	2%

- Adolescents in group homes are 2.5 times more likely to be arrested
- 40% of all arrests occur while the child is in the group home
- Group home youth more likely to have person related offense
- Group home youth more likely to have threat related offense

# Mental Health and Substance Abuse Problems

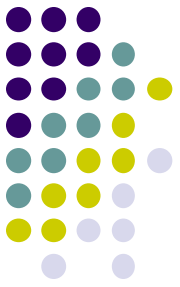


# Key Difference Between the Three Systems



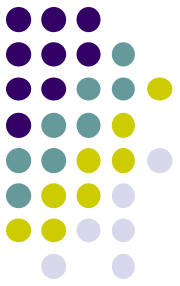
- Disparities in treatment contribute to minorities being driven INTO the child welfare and juvenile justice systems
- Disparities in treatment contribute to minorities being kept OUT OF the mental health system

# Lessons Learned from Child Welfare and Juvenile Justice



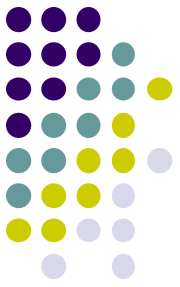
- Stakeholder groups need to be involved
- Mobilization of political leadership
- Change of organizational culture
- Transparency
- Data driven management
- Information sharing/multisystems integration
- Assessment tools
- Partner in developing community & family resources
- Accountability
- Legal oversight
- Investment in research and evaluation
- Development of a practice model

# Correlation of Reasons for Disparities Among All Three Systems



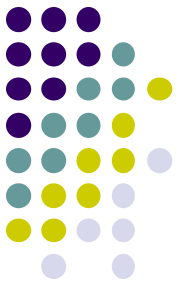
- Poverty
- Availability of and Access to Services
- Lack of Staff Diversity & Culturally Competent Practice
- Individual, Structural and Institutional Racism

# How to Use Lessons from CW & JJ to Address Reasons for Disparity in Mental Health



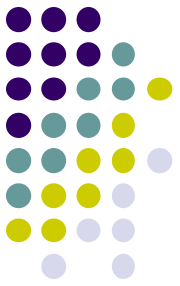
- Poverty
  - Mobilization of political leadership
  - Partner in developing community & family resources
  - Investment in research & evaluation

# How to Use Lessons from CW & JJ to Address Reasons for Disparity in Mental Health



- Availability of and Access to Services
  - Mobilization of political leadership
  - Information sharing/multisystems integration
  - Coordination of financing strategies
  - Partner in developing community & family resources
  - Investment in research & evaluation

# How to Use Lessons from CW & JJ to Address Reasons for Disparity in Mental Health

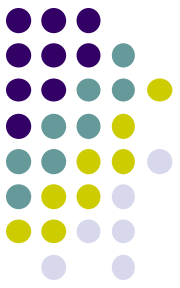


- Lack of Staff Diversity & Culturally Competent Practice
  - Change in organizational culture
    - Recruitment and retention
  - Assessment tools
  - Accountability
  - Development of a practice model

# How to Use Lessons from CW & JJ to Address Reasons for Disparity in Mental Health



- Individual, Structural and Institutional Racism
  - Development of a practice model
  - Assessment tools
    - Analysis of data
  - Partner in developing community & family resources
  - Accountability
  - Invest in research and evaluation



# How should we define success?

- Collaboration among stakeholders, with a coordinating body
- Collection and analysis of data
- Development of interventions based on data analysis
- Monitoring and evaluation of implementation
- Reduction in disproportionality and disparate treatment so there is more proportionate representation in each system of care and in the access to and delivery of services

# Addressing Disparity and Disproportionality: Lessons from Child Welfare and Juvenile Justice



**Shay Bilchik**  
**Georgetown University**  
**Center for Juvenile Justice Reform**

**National Policy Summit on the Elimination of  
Disparities in Mental Health Care**

**June 9, 2009**