

JDAI Core Strategies: Through a Racial Lens

Strategy	What We're Looking For; Why This is Important	What to Review, Observe, and Who to Interview	Major Findings	Best Practice Recommendations
Collaboration	<ul style="list-style-type: none"> ✓ Authority- Is there an official imprimatur that reducing racial disparities is an explicit responsibility of the JDAI collaborative? Has the 'authority' made it clear that the collaborative will work on reducing racial disparities by addressing the JDAI core strategies through a racial lens? ✓ Group Composition- The collaborative should reflect the diversity of the kids and families involved in your juvenile justice system. Do we have the decision makers sitting at the table with the appropriate community representatives? Does the collaborative effort include representatives of the impacted neighborhoods of color? Are civil rights advocates at the table? Are community based service providers at the table? ✓ Organizing the Work- The intentionality and infusion of the racial lens needs to be driven in unison with decision makers and communities of color. Is the current working configuration, e.g., work group, ad hoc committee, working? Is each sub-committee held accountable for contributions to reducing racial disparities? Common challenges are 'work groups' working in a silo, which are expected to 'fix' the problem. ✓ Creating a Safe Place- Are discussions regarding disproportionality undertaken with respect and tolerance? Are the discussions mainly finger-pointing sessions? Are deliberations based upon facts, supported by data, or impressions? Have efforts been made to ensure equal and full participation in the discussions and deliberations? ✓ Forging a Common Agenda- Members of the collaborative, including work group members if relevant, have a common understanding of, and embrace the same agenda: detention as the entry point to the reduction of racial disparities. Members of the collaborative understand that the work entails changing policies and practices under the control of their juvenile justice system. Members of the collaborative reach a consensus on the use of detention in their jurisdiction. A shared value that pre-trial detention should not be used as either punishment or treatment. 			
Reliance on Data	<ul style="list-style-type: none"> ✓ Disaggregating Data by Race & Ethnicity- Base line data of youth ages 10-17, disaggregated by race/ethnicity/gender/geography, should be collected as the foundation to identify the disproportionality and to commence the discussion. This is done by comparing the percentage of youth of color in the juvenile justice system with the percentage of minorities in the general youth population. All ensuing data collection, e.g., admissions by reason, RAI screening, RAI overrides, LOS, ADP, ATD utilization, etc., should be disaggregated by race/ethnicity/gender/geography. Routine management reports present basic utilization statistics by race/ethnicity/gender to enable stakeholders to identify disparities and to assess trends and change policies and practices. ✓ Detention Utilization Studies- One of the first steps in planning for reform is to document how detention is currently used through careful data collection and analysis. A thorough description of recent trends and current practices in detention utilization provides the foundation for the problem identification and analysis, as well as the subsequent development of change strategies. The detention utilization study should provide the collaborative with a quantitative picture of how detention use varies for different categories of youth. ✓ Geo-coding & Community Mapping- Identify the target area(s), that is, the geographic area(s) contributing the highest number of kids in detention. Map the community assets, including community based organizations currently providing services to youth and their families in the target neighborhoods. Identifying the target neighborhoods and mapping community based services will assist in informing strategies for effective and efficient alternatives to detention. 			

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Reliance on Data (cont)	<ul style="list-style-type: none"> ✓ Routine Management Reports- Utilizing data to monitor progress toward reducing racial disparities and disproportionate minority confinement. The JDAI quarterly reports are an example of fundamental management reports. As the data from the reports raise questions, further data queries should be developed to dig deeper and acquire clarity. ✓ Qualitative Analysis- Digging deeper generally leads to going “behind the data” to look at individuals on a case-by-case basis to further inform policies and practices. For example: Who are these groups of kids, kids of color from the target areas? What are their characteristics, needs? ✓ Comprehensive Annual Analysis of Racial Disparities- Is the community informed of the state of racial disparities/DMC on an annual basis in your jurisdiction? Annual reports developed by the system partners helps keep eyes on the prize and promote accountability and transparency. 			
Eliminating Bias in Detention Admission Screening	<ul style="list-style-type: none"> ✓ Objective Criteria & Instruments- Collaborative development of a race and gender neutral objective detention admission screening instrument based on risk. The admission screening instrument should be scrutinized to eliminate opportunities for disparate decisions by creating an objective instrument free of racial bias. We're looking to control the front gates in an objective and equitable manner; including minimizing the “dumping” of kids of color by other institutions such as schools and mental health. ✓ Bias in Statutory Criteria- Examine your jurisdictions statutory detention criteria for any bias and whether the criteria are mandatory or discretionary. This examination should include which factors must be taken into consideration to detain and deducing that which is not prohibited. Having determined what is not prohibited, consider collaborative efforts to develop local detention criteria to reduce the number of kids of color brought to the front gate. ✓ Testing for Unintended Bias from Screening Tools- Assess the admission screening instrument and its impact on kids of color. The screening scores and overrides should be consistently monitored for disparate application and nuances that can reveal unintended biases. The risk-based detention screening instrument should not add unfair risk point for kids of color. For example: points for being a “gang associate” tend to penalize our kids for living in the disinvested neighborhoods where youth of color and their families have long been segregated; limiting release to parent(s) only and not considering extended family members or a responsible adult. ✓ Multilingual, Multicultural Intake Staff- Eliminating barriers to returning a youth home. Intake staff that speak and understand the language spoken by our youth and families to facilitate the release of youth in a more timely fashion. Along this same vein, implementing intake procedures 24/7. Intake staff who value, recognize and appreciate one's race and culture and its significance and role in the lives of youth and families. ✓ Quality Controls- The development of protocols for the implementation of the admission screening instrument. Leadership providing swift and consistent oversight for compliance of the protocols and with the application and scoring of the admissions screening instrument as well as monitoring overrides. Monitoring for consistency and equity in the application of the admission screening instrument by intake staff. 			

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Eliminating Bias in Detention Admission Screening (cont)	<ul style="list-style-type: none"> ✓ Use of Overrides- Collecting data to determine if kids of color are being overridden in a disparate manner. What are the override criteria? What are the reasons for the overrides? Do patterns emerge in the criteria invoked for the override relative to youth of color? For instance, criteria that allows for an override if “parent, guardian or responsible relative refuses to take custody.” Collecting this information will assist in informing strategies for changes in policies and practices relative to the particular override criteria. Monitoring for consistency and equity in the application of the admission screening instrument by intake staff. If one worker, for example, is overriding the RAI at a significantly higher rate than other workers or at a significantly higher rate for kids of color, the pattern should be identified and addressed immediately. ✓ Automatic Detention Cases- Collecting and analyzing the data to determine who the youth of color are who fall into this category. Conducting a qualitative analysis to determine their needs to inform changes in policies if necessary, e.g., warrants, and policies that will promote detention alternatives. Monitoring the data to ensure that the automatic detention category is not disparately being applied to youth of color. 			
Culturally Competent Alternatives to Detention Programming	<ul style="list-style-type: none"> ✓ Identifying Target Populations- The ATD should serve kids who otherwise would be detained. Is the target population based on risk level, e.g., RAI score, or status, e.g., VOP's? Collect and monitor data informing which kids are being referred to ATD. Are youth of color treated disparately in referrals to ATD? Conduct a qualitative analysis of the target population to determine the needed intervention necessary to inform responsive ATD. ✓ Program Design- Programs that respond to the needs and circumstances of our youth of color. Good ATD programs are relationship based, not technology based. Successful ATD programs include partnerships with community based organizations to provide the appropriate and cultural & racial relevant and responsive interventions. Pre-adjudication ATD are intended to ensure court appearance and minimize re-arrest risk. Post-adjudication programs will typically feature more treatment interventions (e.g., counseling) and sanctions. The ATD is limited in duration of purpose---don't create a purgatory that will set kids up for failure. Does supervision include face-to-face contact? Is the level of supervision based on risk? ATD that offer more than one level of alternative. Collect data on entry to and exits from the programs. Collect data on the rate of referrals by RAI scores to Electronic Monitoring Programs (EMP). Is there an over reliance on the use of EMP with kids of color? Collect data to monitor terminations/failures. Is there a high failure rate of kids of color by a particular program? Conduct a qualitative analysis to determine reasons for failure to inform needed program changes or enhancement and development of ATD. Does the program have a “no reject” policy? ✓ Service Providers- Community based organizations that provide cultural/race relevant and appropriate services. Do current service providers have the capacity and are they appropriate, to work with our kids? ✓ Location & Access- Programs that are located in the neighborhoods where our youth and families reside. Programs that are accessible to the youth, e.g., getting to the program isn't going to pose a hazard to the youth's safety. Accessing and partnering with community based organizations that are in the neighborhoods already working with, and touching upon the lives of our youth and their families. 			

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Alternatives to Detention Programming (cont)	<ul style="list-style-type: none"> ✓ Language & Culture- Program staff that have the skills set and values to meet the youth's language and cultural needs. Eliminate barriers, posed by staff's language limitations that hamper the youth's success on the ATD. Principles that acknowledge that "culturally responsive" also include understanding and tolerance of "youth culture." ✓ Staffing & Services- Staff who relate, and are responsive to, the needs and circumstances of youth of color and their families. Staff who appreciate the culture of youth and who want to work with our youth and help them succeed. Staff who have an awareness and understanding of the dynamics of the neighborhoods where our youth and their families reside. Staff who look like our children and live in or around the same neighborhoods as our youth and families. Activities and services that value and honor the race/ethnicity/culture of the youth and their families. Are activities and services designed as a "one shoe fits all," or designed to respond to individual needs? Are services designed to build upon the strengths of our youth and their families? Are there cultural and relevant racial competency trainings for staff? Is the programs physical environment reflective of the clientele's race/ethnicity/culture? ✓ Results Based Accountability- Assess current ATD for effectiveness, efficiency, and responsiveness. Does the ATD affect bed displacement of kids of color? Whether the ATD is provided for solely by system folks or in partnership with community based organizations, results/outcomes must be established and monitored. Measurable results for pre-adjudication ATD include minimizing re-arrest and failure to appear (FTA). Contractual agreements between system agencies and community based organizations that specify expected results and define success. Agreed upon data collection and methodology, e.g., FTA, re-arrest, successful completion, LOS. 			
Equalizing Case Processing	<ul style="list-style-type: none"> ✓ Analysis of Decision Points- Each of the juvenile justice system partners map the decision making points relevant to their discipline, that touch upon our children's lives as they "process" through the system. Collect data relative to each of the decision points and analyze for biased and/or disparate treatment. Some examples of specific decision points: the District Attorney measuring all of their filing decisions and processes by race/ethnicity/gender; the Public Defender measuring requests for continuances, e.g., reasons, frequency, by race/ethnicity/gender; the probation department's recommending or opposing ATD. Monitor decision point data for trends. Monitor for disparities in arresting charge vs. actual charge filed vs. resulting adjudication. ✓ Examining "Race Effects" Throughout Case Processing- Develop an initial mapping of your jurisdictions case processing, including time frames for each of the case processing "steps." Collect the data to determine any disparate treatment based on race/ethnicity/gender. Utilize the data to inform changes in policies and practices. ✓ Minimizing Unnecessary Delay- Critical examination of case processing with an eye to reveal unnecessary delay for kids of color which contribute to longer lengths of stay in detention. Efficient court and placement system with short lengths of stay in detention. Measure length of stay by race/ethnicity/gender to inform changes in policies and practices. Dedicated staff/expeditor assigned to monitor the status of detained youth and identify any disparities. Examine for and reduce delays that can result in pushing kids into detention, e.g., delays leading to FTA, resulting in the issuance of a warrant in turn resulting in detention. 			

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Equalizing Case Processing (cont)	<ul style="list-style-type: none"> ✓ Ensuring Equal Access & Due Process- The administration of justice that is responsive to the circumstances of youth of color and their families. Court facilities in close proximity and accessible to families. Multi-lingual court personnel, including courtroom interpreters, to minimize barriers for youth of color and their families. Defense counsel knowledgeable of, and experienced in, juvenile law. Defense counsel who want to represent our youth of color and who understand the circumstances of our youth of color. Sufficient number of public defenders to support the case load. A fair and honest rate of pay for appointed counsel. Ensure that youth are represented by counsel at every stage of the proceedings. Monitor for waivers of counsel by youth and eliminate such policies and practices. Monitor for disparities in adjudicatory outcomes for kids of color. ✓ Consistency & Equity- Ensuring that kids who are similarly situated are treated in an equitable manner from courtroom to courtroom in your jurisdiction. A determined and intentional commitment to equitable and consistent treatment of kids of color that reflect the principals of JDAI. 			
Race & "Special" Detention Cases	<ul style="list-style-type: none"> ✓ Data Analysis- Are there disparities in case status by race/ethnicity? Often, kids of color are more likely to have warrants, be charged with VOPs, etc. If disparities are found statistically, are there policy or practice reasons for these? Do youth of color have longer lengths of stay? This is especially likely in the pending placement group; what causes these differences? What are the reasons for warrants, VOPs and delayed placements? For example, are most warrants for FTA? Most VOPs for positive drug tests? ✓ Warrant Reduction Strategies- Are FTA rates high; at first appearance? High FTA rates often include many unintentional absences. Is there a court notification system? FTA can be reduced simply by reinforcing notification of court dates. (Similar gains can be made viz. VOPs by decreasing likelihood that youth miss visits with probation.) Are warrant cases screened with RAI? Many warrant cases pose low public safety risks (after all, the kid was not detained in the first instance), but "automatic" detention policies often mean that risk is never assessed. Is there a differential warrant policy? Do judges indicate whether individual warrants must be detained, or is there simply a blanket policy. ✓ Violations of Probation- How are conditions of probation established; are they too numerous? If there are lots of unnecessary conditions, it is easy to violate youth. Are detained VOP cases equally distributed across staff? Differences between probation officers in use of detention for VOPs indicates that the underlying policies do not structure decisions or control for individual idiosyncrasies. Are graduated sanctions available as alternatives? Systems ought to have options short of detention that are based upon seriousness of the violation, etc. Is there court policy requiring court intervention for technical violations? Can the department handle routine violations administratively? What do we know about the quality of probation supervision generally? In some systems, for example, high caseloads typically mean ineffective case management which, in turn, leads to youth "failures", negative results that might be avoided through improved supervision. 			

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Race & "Special" Detention Cases (cont)	<p>✓ Pending Placement Cases- Do placement options reflect diversity of client population? Are they culturally competent? If placements are not available for non-English speaking youth, for example, they will languish as staff look for a program that can communicate with the clients. Similarly, culturally incompetent programs will surely have higher failure rates as youth abscond or get frustrated and alienated. What are program policies regarding rejection of referrals or termination of clients? Contract conditions can reduce pending placement cases simply by ensuring that referred clients are accepted or by limiting the numbers of youth getting recycled because of unnecessary ejection from programs. Is there effective dispositional planning? Many places have long pending placement lists because they are uncreative or rigid in their approach to crafting individualized dispositions. Does the placement process delay release? If placement paperwork is not prepared in a timely way, or only sent to one program at a time, days will be wasted. Are there intensive home-based services available? Over-reliance on out-of-home placements is often the result of limited non-residential program options.</p> <p>✓ Effectiveness of Counsel- Does counsel take steps to reduce likelihood of warrants, or to clear old warrants? Defense lawyers can reduce clients' jeopardy of detention for FTA simply by taking steps to ensure their clients appear in court as scheduled. Do staff reflect the racial/ethnic composition of detained youth? Detainees are more likely to be able to communicate, feel safe, etc. if the staff reflect them. Similarly, staff biases are less likely to manifest themselves when staff are more diverse. Of particular importance, do non-English speaking youth have staff with whom they can communicate? Do staff routinely receive diversity training? If we want staff to do their jobs in culturally competent ways, they may need training and consistent reinforcement. Are staff efforts to perform work in culturally sensitive and competent ways routinely reinforced? If we want staff to act in certain ways, or reflect certain values, management should create incentives for such behavior (or disincentives for its opposite). Does counsel have capacity to do effective dispositional advocacy? In many places, the defense fails to offer the court non-residential alternatives that could minimize pending placement backlogs. Similarly, failure to advocate for appropriate conditions of probation increases odds that violations will occur. Does counsel challenge VOPs? Detention use in VOP cases can be avoided if counsel presents a case against the allegations or the detention. Does counsel review "special" detention cases internally or participate in system case reviews? Placement cases languish absent prodding to expedite arrangements. Warrants may be cleared and set the stage for renewed applications for release. These developments are more likely if there is a structured review process, either in counsel's office or by the system generally.</p>			

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Conditions of Confinement	<ul style="list-style-type: none"> ✓ Staff Competencies- Do staff reflect the racial/ethnic composition of detained youth? Detainees are more likely to be able to communicate, feel safe, etc. if the staff reflect them. Similarly, staff biases are less likely to manifest themselves when staff are more diverse. Of particular importance, do non-English speaking youth have staff with whom they can communicate? Do staff routinely receive diversity training? If we want staff to do their jobs in culturally competent ways, they may need training and consistent reinforcement. Are staff efforts to perform work in culturally sensitive and competent ways routinely reinforced? If we want staff to act in certain ways, or reflect certain values, management should create incentives for such behavior (or disincentives for its opposite). ✓ Facility Programming- Does facility offer culturally appropriate programs? Failure to celebrate relevant holidays, or to give equal attention to various racial or ethnic groups will create an us/them environment. Are there faith-related resources that reflect diversity of religion? Whether for formal services or individual counseling, the diversity of faiths ought to be accommodated by the detention programs. <ul style="list-style-type: none"> ✓ Health & Hygiene Supplies- Are products familiar to different racial/ethnic groups available? Differences across groups need to be accommodated lest minority groups be forced to use "foreign" supplies. ✓ Access & Visitation- Are youth able to see their lawyers? Detained youth should be able to contact their lawyers by phone and there must be private space for consultations. Can youth call home? Facilities need to provide opportunities for youth to call home (collect) in order to maintain contact. Are visitation policies sufficient to maximize likelihood of contact between youth and family members? If visitation days and times are restrictive, kids are less likely to maintain effective contact with family and will be more likely to be depressed, etc. ✓ Food- Does food service reflect diversity of detainees? ✓ Discipline, Restrictions & Restraints- Is the use of various disciplinary actions, including loss of privileges, room restrictions and placement in restraints equal across racial and ethnic groups? Is there a sufficiently detailed and observed set of due process protections in place? Is there an accessible, genuine grievance process available to detained youth? Do youth of color experience more incident write-ups or infractions? ✓ Overall Climate- Do youth of color feel safe in facility? Do youth of color feel respected in facility? Does housing tend to segregate youth by race/ethnicity? Are there tensions and hostilities across racial and ethnic groups? 			

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Specific Strategies to Reduce Racial Disparities	<ul style="list-style-type: none"> ✓ Formulate a Vision & Goals- Determined leadership! No specific strategy seems more important than the tangible commitment of system leaders to racial justice. System leaders make reduction of racial disparities in detention their priority and use both their formal and informal authority to focus agency strategies to reduce DMC. System leaders engaging staff in the development of a vision establishing the reduction of racial disparities fundamental work. Establishing measurable objectives that are within the control of each partner's respective system/discipline. ✓ Establish Formal Structures to Keep Eyes on the Prize- Intentionality! Intentionality! Intentionality! Ensure that technical changes are transformed to "adaptive changes." Establish the organizational infrastructure to sustain system changes. For example: developing and implementing an RAI is a technical change. However, if the infrastructure, e.g., training, protocols, monitoring the data, quality control, etc., are not developed, addressed and adhered to, then the change has not been "adapted," the change will slip into the status quo. Keeping all eyes on the prize requires intentionality. ✓ Build Ties to Communities of Color- Successful efforts to reduce racial disparities and DMC includes communities of color at the table. This isn't an issue that white people are going to solve on their own without the unique perspectives of people of color impacted by policies and practices. Relinquishing power to meaningfully engage and promote the unique perspectives and lens' brought by people of color. Promoting system accountability and transparency. Building allies with communities of color to effectively reduce racial disparities and DMC. ✓ Diversify System Workforce- Establish measurable goal to establish a workforce reflecting the demographics of our children and families. A multi-cultural and gender relative workforce whose values reflect the principles of detention reform and the reduction of racial disparities and DMC. Key positions have bi-multilingual staff. ✓ Create New or Utilize Current Capacities in Key Neighborhoods- Engaging non-traditional partners/CBO's who are already working with our children and families in their neighborhoods. Commitment to, and assisting in, developing the capacities of CBO's to partner in efforts to reduce unnecessary and inappropriate detention, including disproportionality. Informed by the quantitative and qualitative data developed relative to assessing ATD, create ATD in key neighborhoods where our kids of color and their families reside. ✓ Conduct Cultural & Relevant Racial Competencies- Ongoing system training to develop staff cultural and relevant racial competencies. Implementation of cultural and racial competence standards by all of the juvenile justice departments. ✓ Develop Objective Tools for Key Decision Points- Key decisions, not just the decision to detain, are supported by objective tools. These decision points should be identified from the mapping of the decision points of all system partners; "peeling the onion" at each point to determine how the decision impacts kids of color. Tools are the solutions to the disparities uncovered at any decision point. Examples of objective tools include: detention criteria developed in partnership with law enforcement; customer surveys that identify service barriers; clear criteria without racial bias for assignment to intensive caseloads; clear criteria for removal from intensive caseloads; partnering with cultural and racial relevant CBO's to improve success rates of kids in pre-and post-adjudication services; multi-/lingual/cultural/racial intake officers to facilitate the youth's release from detention. 			

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Specific Strategies to Reduce Racial Disparities	<ul style="list-style-type: none"> ✓ Improve Defender Services- Defense counsel knowledgeable of, and experienced in, juvenile law. Defense counsel who want to represent our youth of color and who understand the circumstances of our youth of color. Sufficient number of public defenders to support the case load. A fair and honest rate of pay for appointed counsel. Ensure that youth are represented by counsel at every stage of the proceedings. Monitor for waivers of counsel by youth and eliminate such policies and practices. Recognition by defenders of their role in policy reform, exposing abusive practices in detention, the overuse of detention, overcrowding, DMC, and disparities in case processing and outcomes for kids of color. On going training in defense advocacy of juveniles. ✓ Stop “Dumping” of Youth from Other Systems- School administrators/decision makers and key mental health personnel must be at the table and actively participate in reaching a consensus as to the use of detention and the implementation of JSAI strategies. Reach a common understanding that it is harmful to our children, and illegal, to provide for their health and mental health needs by detaining them. Develop a ‘system of care’ to leverage resources and provide comprehensive services to our children outside of detention. Minimize school as the entry point into detention by stopping the criminalization of school based behaviors. Eliminate responsibilities that have been transferred from schools to the juvenile justice system. STOP opening the front door to detention so readily. ✓ Include Communities of Color in Decision Making- It’s not enough to build ties with communities of color, they must be included in, and have an equal voice in the decisions necessary make change. Communities of color are at the table providing their unique perspectives in the decision making process. 			