

Racial Disparities Widen for Maryland's Youth

Local Coordinators Explain How Maryland Can Provide Equal Opportunity

Executive Summary

African-American youth in Maryland are being arrested at a much higher rate than white youth, and this gap has widened considerably, according to new data obtained and analyzed by Advocates for Children and Youth. The study also includes the results of extensive interviews with Disproportionate Minority Contact coordinators across the State who identified specific strategies to divert youth into early intervention services.

Background

Disproportionate Minority Contact (DMC) is an issue that is plaguing juvenile justice systems across the country. Last summer, Kids Count data from the Annie E. Casey Foundation showed that nationally, youth of color are in custody at 3 times the rate of white youth. In Maryland, that rate is even higher. Youth of color are in custody at 4 times the rate of white youth.¹ Similar disparities exist at every decision-making point in the juvenile justice system, from arrest to placement.

With targeted attention, this problem can be overcome. Accordingly, state and federal resources are being used in Maryland to fund local DMC initiatives and staff in Baltimore City and Anne Arundel, Baltimore, Montgomery, and Prince George's Counties.

This issue brief examines the first decision-making point: arrest. It analyzes the most recent arrest data. Based on interviews from several DMC coordinators in Maryland, it then focuses on solutions.

Measuring Disparity

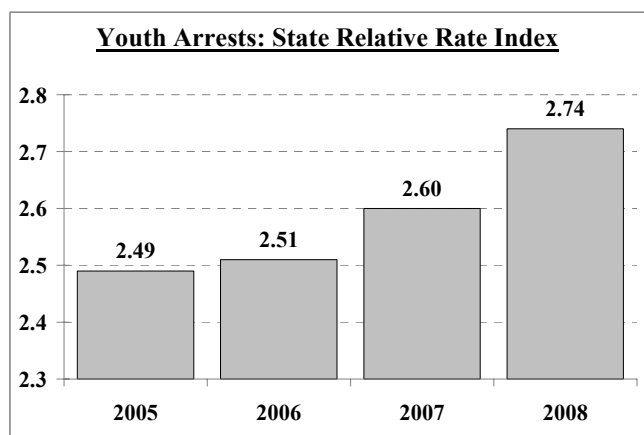
Relative Rate Index (RRI) is a tool used to determine exactly at which points in the justice system disparities occur. To calculate the RRI, the arrest rate for African-American youth is divided by the arrest rate for White youth. The arrest rate is calculated by dividing the number of arrests for each group by the population of that group.

An RRI greater than 1 indicates that African-American youth are more likely than white youth to

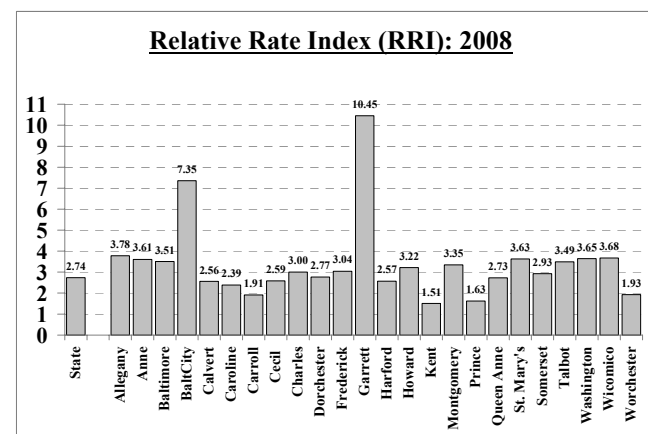
be arrested. An RRI of less than 1 would indicate that African-American youth are less likely than white youth to be arrested.²

Worsening Trend in Maryland

The chart below shows that the disparity in juvenile arrests in Maryland is worsening. Since 2005, the RRI has gone from 2.49 to 2.74, for an increase of 0.25 or 25-percentage points. The widening is accelerating.³



The chart below reveals that every county in Maryland has disparities in juvenile arrests.



² National Disproportionate Minority Contact Databook: www.ojjdp.ncjrs.gov/ojstatbb/dmcd/index.html.

³ Arrest data is provided by Maryland State Police. Population data is provided by Puzzanchera et al, "Easy Access to Juvenile Populations: 1990-2007" (2008):

<http://www.ojjdp.ncjrs.gov/ojstatbb/ezapop/>.**

¹ See www.aecf.org/MajorInitiatives/KIDSCOUNT.aspx.

Causes and Solutions

The DMC Coordinators suggest that the growing youth arrest racial disparity is not the result of more delinquency in African-American communities, but that there are other factors that contribute to the disparity.⁴ Causes include lack of or the inability to access resources that address early indicators of future delinquency, failures of teachers and school personnel to distinguish between delinquent behavior and acting-out behavior that is linked to underlying educational problems, and law enforcement practices.

Accessible Services

According to the coordinators, diversion programs offer alternatives to arrest and prosecution for youth that commit misdemeanors such as shoplifting, trespassing, and theft or status offenses, i.e., activities that would not be a crime if committed by an adult such as running away or truancy. When offered, diversion services are successful at reducing re-arrests and keeping youth from moving further through the juvenile system. Services offered by diversion programs can range from homework help to individual and family counseling.

While each county has initiatives to reduce disparities, the coordinators agree that more must be done to develop additional programs and to make the programs more readily available and accessible to the youth and families that need them. This includes ensuring that referral and selection criteria for services are not unrealistic or over-burdensome, such as requiring signatures from both parents even when a child resides with one parent.

Culturally Competent Responses

Coordinators consistently raised the issue of teachers and law enforcement misinterpreting actions and behaviors by youth as a cause for DMC. Some suggest that because police have greater presence in communities of color, this automatically leads to more arrests that are driven by officers' perceptions and broad discretion in determining who to arrest.

In the school setting, coordinators suggest that disparities in teachers' and administrators' handling of incidents that lead to suspensions, expulsions, and in worst case scenarios, arrests, contribute to disparities in the juvenile justice system. In each of the coordinator's local jurisdictions, African-American students are

more likely to be suspended than are White students, thereby creating a possible correlation between school-based behavior and juvenile arrests.⁵

Opportunities for Successful Diversion

Linking Youth with Diversion Options: Montgomery County

A juvenile case manager works with the local police and health departments to engage families with youth who: (1) have been charged with a delinquent offense, may be eligible for diversion, and have not responded to the initial letter from the police department; and/or (2) have been referred to diversion programs but have not enrolled or remained participants in the program.

Youth Empowerment Services Initiatives: Anne Arundel County

YES is a diversion program for status offenders and first-time, non-violent offenders ages 12-18. The program operates from two sites in collaboration with faith-based community organizations and offers homework assistance, creative recreational activities, and individual, family, and group counseling.

Recommendations

1. Diversion services must be developed that are accessible—both geographically and financially—to families and youth who would otherwise be arrested.
2. Specialized training is needed to aid teachers and other school staff in distinguishing between delinquent behaviors and acting-out behavior related to educational issues and providing students with appropriate support services that prevent school-based arrests.
3. Cultural competency training and coaching that introduce officers to community residents, organizations, services, and cultural characteristics of the neighborhoods they are policing is needed in order to enhance community-police relations and increase knowledge of available services that prevent juvenile arrests.

⁴ Research supports this conclusion. See Campaign for Youth Justice, *Critical Condition: African-American Youth in the Justice System* (2009); W. Haywood Burns Institute, *Adoration of the Question* (Dec. 2008).

⁵ Advocates for Children and Youth, *School Suspensions Fall, But Racial Disparities Remain Large* (Jan. 2009). **The 2008 population figures are estimates based on the average population change between 2003 and 2007.