

# AND JUSTICE



# FOR SOME

*Differential Treatment  
of Youth of Color  
in the Justice System*

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NATIONAL COUNCIL ON  
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## EXECUTIVE SUMMARY

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**T**he overrepresentation of people of color in the nation's prisons, particularly African American men and women, has received much attention in recent years. The disproportionate representation of racial or ethnic minorities is also found in all stages of the juvenile justice system.

While public attention has tended to focus on the disproportionate number of youth of color in confinement, this overrepresentation is often a product of actions that occur at earlier points in the juvenile justice system, such as the decision to make the initial arrest, the decision to hold a youth in detention pending investigation, the decision to refer a case to juvenile court, the decision to waive a case to adult court, the prosecutor's decision to petition a case, and the judicial decision and subsequent sanction.

Some have argued that this overrepresentation of youth of color in the justice system is simply a result of those youths committing more crimes than White youth. However, a true analysis is much more complicated. It is not clear whether this overrepresentation is the result of differential police policies and practices (targeting patrols in certain low-income neighborhoods, policies requiring immediate release to biological parents, group arrest procedures); location of offenses (African American youth using or selling drugs on street corners, White youth using or selling drugs in homes); different behavior by youth of color (whether they commit more crimes than White youth); different reactions of victims to offenses committed by White and youth of color (whether White victims of crimes disproportionately perceive the offenders to be youth of color); or racial bias within the justice system. In a meta-analysis of studies on race and the juvenile justice system, researchers found that about two-thirds of the studies of disproportionate minority confinement showed negative "race effects" at one stage or another of the juvenile justice process (Pope, Lovell, & Hsia, 2002).

Unfortunately, research in this area specific to Latino youth is scant. Although there is evidence of disproportionate representation of Latinos in the juvenile justice system, gaps and inconsistencies in the collection and presentation of information on Latinos continue to be a problem. Since many data systems fail to disaggregate ethnicity from race, Latino youth are often counted as "White." As a result, data on the extent to which young people of color are overrepresented in the juvenile justice system are generally underreported in much of the analysis of this issue.

It is clear that youth of color are more likely than others to become involved with the juvenile justice system. Racial or ethnic differences tend to accumulate as youth are processed through the system. This report updates a 2000 report entitled "*And Justice for Some: Differential Treatment of Minority Youth in the Justice System*," published by the National Council on Crime and Delinquency (NCCD) in collaboration with Building Blocks for Youth. It documented "cumulative disadvantage" at the national level. We are indebted to Mark Soler, President of the Youth Law Center, for suggesting that NCCD produce the first report, and for his support throughout the report's assembly. The original report from 2000 was drafted by Eileen Poe-Yamagata and Michael Jones. This update was drafted by Christopher Hartney and Fabiana Silva.

### Arrests

- In 2004, the majority of juvenile arrests were White youth.
- In 2004, African American youth were disproportionately arrested in 26 of 29 offense categories documented by the FBI.

### Referrals to Juvenile Court

- In 2003, the overall majority of cases referred to juvenile court involved White youth.
- African American youth were overrepresented among cases referred to juvenile court.

## Detention

- Although White youth made up 67% of the juvenile court referral population, they made up 60% of the detained population. In contrast, African American youth made up 30% of the referral population and 37% of the detained population.
- Nationwide, in every offense category—person, property, drug, public order—African American youth were disproportionately detained.
- In comparison to White youth, African American youth were overrepresented in the detained population in 45 states.

## Formal Processing

- African American youth were more likely than White youth to be formally charged in juvenile court, even when referred for the same type of offense.
- Although just over half of drug cases involving White youth resulted in formal processing, over three-quarters of drug cases involving African American youth result in formal processing.

## Waiver to Adult Court

- An estimated 6,735 petitioned delinquency cases were waived from juvenile to adult court in 2003.
- African American youth were somewhat more likely to be waived to adult criminal court than White youth. This varied to a degree by offense category.
- For drug cases, White youth were 69% of cases petitioned but only 58% of cases waived to adult court. African American youth charged with drug offenses were 29% of cases petitioned but 41% of cases waived to adult court. Thus, among drug offense cases referred to juvenile court, White youth enjoy an 11% “waiver advantage,” while African American youth carry a 12% “waiver disadvantage.”

## Disposition

- African American youth were overrepresented among cases receiving a disposition of out-of-home placement (commitment to a locked institution). This was true in all offense categories and was most pronounced among drug offense cases.
- Conversely, White youth were more likely than African American youth to be placed on probation.

## Detention and Incarceration in Juvenile Facilities

- Although African American youth are 16% of the adolescent population in the United States, they are 38% of the almost 100,000 youth confined in local detention and state correctional systems. They were overrepresented in all offense categories.
- Youth of color make up the majority of youth held in both public and private facilities.
  - Youth of color, especially Latino youth, are a much larger proportion of youth in public than private facilities, which tend to be less harsh environments.
  - While representing just 34% of the U.S. population in 1999, youth of color were 62% of youth in detention, 66% of youth committed to public facilities, and 55% of youth committed to private facilities.
- Nationwide, youth of color were overrepresented in the detained population at 3.1 times the rate of White youth, among commitments to public facilities at 2.9 times the rate of White youth, and among private commitments at 2.0 times the rate of White youth.
- Overall, custody rates were 4 times greater for African American youth than for White youth. Custody rates for Latino and Native American youth were 1.8 and 2.6 times the custody rate of White youth, respectively.
- In a 1995 study, NCCD found that African American and Latino youth had higher incarceration rates in state public facilities than White youth when controlling for current offense and prior admissions.
  - When White youth and African American youth were charged with the same offenses, African American youth with no prior admissions were six times more likely to be incarcerated in public facilities than White youth with the same background.
  - Latino youth were three times more likely than White youth to be incarcerated.
  - Admission rates to public facilities were seven times greater among African American youth with one or two prior admissions than among White youth in 1993. The admission rate for Latino youth was twice the rate of White youth.
  - African American youth were confined on average for 61 days longer than White youth, and Latino youth were confined 112 days longer than White youth.

## **Incarceration in Adult Prisons**

- In 2002, an estimated 4,100 new admissions to adult prisons involved youth under the age of 18. Three out of four of these youths were youth of color. African American youth accounted for 58% of total admission to adult prisons.
- Overrepresentation of youth of color and underrepresentation of White youth were reported by nearly every state reporting admissions of youth under age 18 to adult prisons in 2002.

## **Accumulated Disadvantage**

From 2002 to 2004, African Americans were:

- 16% of youth.
- 28% of juvenile arrests.
- 30% of referrals to juvenile court.
- 37% of the detained population.
- 34% of youth formally processed by the juvenile court.
- 30% of adjudicated youth.
- 35% of youth judicially waived to criminal court.
- 38% of youth in residential placement.
- 58% of youth admitted to state adult prison.

While “Equal Justice Under the Law” is the foundation of our legal system, and is carved on the front of the U.S. Supreme Court, the juvenile justice system is anything but equal for all. Throughout the system, youth of color—especially African American youth—receive different and harsher treatment for similar offenses. This report documents a juvenile justice system that is “separate and unequal.”

## INTRODUCTION

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There has been growing national concern about the overrepresentation of youth of color (traditionally defined as African Americans, Native Americans, Latinos, Asians, and Pacific Islanders) confined in secure facilities. Research has shown that youth of color, and in particular African American youth, are confined in public correctional facilities at higher rates than White youth.

The disproportionate minority contact (DMC) requirement of the Juvenile Justice and Delinquency Prevention Act (JJDP) of 2002 urges states to improve juvenile delinquency prevention efforts and to reduce the disproportionate number of juvenile members of minority groups in the system. The aim of this requirement is to ensure equal and fair treatment for every youth regardless of race and ethnicity.

Although public attention has focused on the disproportionate number of youth of color in confinement, it is necessary to view the justice system as a process. Representation of youth of color can be examined as a series of critical decision points as youth move through the system. Amendments to the JJDP required states to assess disproportion by systematically identifying the extent of overrepresentation of youth of color at each decision point in the process. This systematic approach views the overall process that creates overrepresentation rather than focusing only on the end result of confinement.

Depending on local practices and traditions, states and communities can differ in the way that they process juvenile law violators. However, a common set of critical decision points—arrest, intake, detention, adjudication, and disposition—have become the basis for research on system overrepresentation of youth of color.

Studies that have found evidence of disproportionate minority confinement typically ascribe its causes to either racial bias against youth of color within the

juvenile justice system or more serious and/or more frequent offenses being committed by youth of color (see Hsia, Bridges, & McHale, 2004). Determining whether either or both of these phenomena are the reason for disparity requires analysis of detailed data on specific offense classifications, criminal history, and other factors used to make decisions. Studies such as this suggest that processing decisions are not racially neutral. Youth of color are more likely than White youth to become involved in the system, and their overrepresentation increases at each stage of the process.

When racial or ethnic differences are found, they tend to accumulate as youth are processed through the system. This “cumulative disadvantage” is reflected in a 1997 report on DMC which found that overrepresentation increased from the point of arrest through other points in the system to the final point of secure juvenile corrections in 31 of 36 states studied (Hamparian & Leiber, 1997). A 2005 report by the Child Welfare League of America compiled evidence of this phenomenon among different ethnic groups (Short & Sharp, 2005). This NCCD report updates a 2000 report entitled “*And Justice for Some: Differential Treatment of Minority Youth in the Justice System*,” published by NCCD in collaboration with Building Blocks for Youth, which documented the cumulative disadvantage African Americans at the national level.

As expected, much of the existing research on DMC has primarily focused on disparity in the processing of youth through the juvenile justice system and the disproportionate confinement of youth of color while under juvenile court jurisdiction. However, with legislative efforts in the past two decades to “get tough” on serious and violent juvenile offending, significant numbers of juveniles are being processed through adult criminal courts. Currently, all states and the District of Columbia allow adult criminal prosecution of juveniles under some circumstances. In addition,



between 1992 and 1997, legislatures in 47 states and the District of Columbia enacted laws that either made it easier to transfer youth from the juvenile justice system to the criminal justice system, that gave criminal and juvenile courts expanded sentencing options, or modified or removed traditional juvenile court confidentiality provisions (Snyder & Sickmund, 1999). Also, the threshold age for processing youth in adult court is less than 18 years in 13 states—in these states, 16- or 17-year-olds are not “waived” but rather automatically considered “adults” and processed in the adult system, regardless of offense type or criminal history.

As a result, the reality of disproportionate numbers of youth of color flowing through the juvenile justice system is no longer just about juvenile court sanctions. It is also about youth of color being too often subjected to adult court processing and incarceration in adult jail and prison, with all of its collateral consequences and obstacles to reentry.

Unfortunately, research in this area specific to Latino youth is scant. Although there is evidence of disproportionate representation of Latinos in the juvenile justice system, gaps and inconsistencies in the collection and presentation of information on Latinos continue to be a problem. Since many data systems fail to disaggregate ethnicity from race, Latino youth are often counted as “White.” As a result, data on the extent to which young people of color are overrepresented in the juvenile justice system are generally underreported in much of the analysis of this issue.

In recent years, there has been a decrease in the number of youth in the juvenile justice system. From 1997 to 2004, juvenile arrests decreased 22%. From 1997 to 2003, referrals decreased 11% and placements in residential facilities decreased 8%. The biggest change occurred in the number of new admissions to state prison; between 1997 and 2002, this number decreased 45%. This signified a large turnaround from previous years. Between 1985 and 1997, the number of youth admitted to state prisons had more than doubled from 3,400 to 7,400. Nevertheless, this

report demonstrates that the overrepresentation of youth of color, particularly African American youth, remains a serious issue. (Puzzanchera, Adams, Snyder, & Kang, 2006; Sickmund, Sladky, & Kang, 2005; Snyder & Sickmund, 2006; Stahl, Finnegan, & Kang, 2006; Strom, 2000).

## METHODOLOGY

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This report presents several sources of data and draws from both original and previously published analysis. Population estimates from the National Center for Health Statistics were obtained through *Easy Access to Juvenile Populations* (Puzzanchera, Finnegan, & Kang, 2006). National estimates of juvenile arrest data derived from the FBI’s Uniform Crime Report (UCR) Program were obtained from *Easy Access to FBI Arrest Statistics, 1994-2004* (Puzzanchera, Adams, Snyder, & Kang, 2006) and *Crime in the United States 2004* (U.S. Dept. of Justice, 2006a). Analysis of juvenile court data was performed using national estimates developed by the OJJDP National Juvenile Court Data Archive and distributed through the data presentation and analysis package, *Easy Access to Juvenile Court Statistics, 1985-2003* (Stahl, Finnegan, & Kang, 2006). The juvenile corrections data came from OJJDP’s Census of Juveniles in Residential Placement (Sickmund, Sladky, & Kang, 2005), the Juveniles Taken into Custody Research Program (DeComo, 1993; Krisberg, DeComo, Rudenstine, & Del Rosario, 1995), and the OJJDP report, *Juveniles in Corrections* (Sickmund, 2004). Analysis presented on juveniles in adult custody was derived from the Bureau of Justice Statistics’ National Corrections Reporting Program, 2002 (U.S. Dept. of Justice, 2006b). Additional information was obtained from OJJDP’s *Juvenile Offenders and Victims: 2006 National Report* (Snyder & Sickmund, 2006).

Generally, “disproportionate minority contact” refers to the differential representation of racial and/or ethnic groups in the juvenile justice system. As described

in *Juveniles in Corrections*, the following terms are often used when examining this issue and are key to understanding its occurrence:

- “Overrepresentation” refers to a situation in which a larger proportion of a particular group is present at various stages within the juvenile justice system than would be expected based on their proportion in the general population.
- “Disparity” means that the probability of receiving a particular outcome differs for different groups. Disparity may in turn lead to overrepresentation.
- “Discrimination” occurs if and when juvenile justice system decision-makers treat one group of juveniles differently from another group based wholly or in part on their gender, race, and/or ethnicity.

In this report, two types of data are presented for each level of involvement in the system. First, data is presented expressing the cumulative nature of disproportionate representation as youth move through successive levels of the system, for example, comparing ethnic proportions of arrests to proportions of referrals. Second, overall data describes each level in relation to the number of youth in the general population.

## ARREST DATA

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**P**olice are typically the first officials of the justice system that a youth encounters. Responses range from a simple warning, to arrest and detention, to transfer to adult court.

At arrest, law enforcement officials decide to either send a case further into the justice system or to divert it, often into alternative programs. In 2003, 71% of all

juvenile arrests were referred to juvenile court, 20% were handled within the department and released, and 7% were referred directly to criminal court. The remaining youth were referred to a welfare agency or another police agency (Snyder & Sickmund, 2006).

United States law enforcement agencies made an estimated 2.2 million arrests of persons under age 18 in 2004 (Table 1). Less than 5% of those arrests were for Violent Crime Index offenses, and an estimated .05% were for murder.

The majority (70%) of those arrests involved White youth. Still, African American youth were overrepresented in most offense categories. Some have argued that this overrepresentation of youth of color in the justice system simply is a result of these youth committing more crimes than White youth. However, a true analysis is much more complicated. It is not clear whether this overrepresentation is the result of differential police policies and practices (targeting patrols in certain low-income neighborhoods, policies requiring immediate release to biological parents, group arrest procedures); location of offenses (youth of color using or selling drugs on street corners, White youth using or selling drugs in homes); different behavior by youth of color (whether youth of color commit more crimes than White youth); differential reactions of victims to offenses committed by White and youth of color (whether White victims of crimes disproportionately perceive the offenders to be youth of color); or racial bias within the justice system. In addition, in a meta-analysis of studies on race and the juvenile justice system, researchers have found that almost three-quarters of the studies of disproportionate minority confinement showed negative “race effects” at one stage or another of the juvenile justice process (Pope, Lovell, & Hsia, 2002).



**Table 1: Juvenile Arrests by Offense and Race, 2004**

Offense charged	Estimated Number of Juvenile Arrests, 2004	White	African American	American Indian	Asian and Pacific Islander
<b>Total Offenses Charged</b>	<b>2,202,000</b>	<b>69.8%</b>	<b>27.5%</b>	<b>1.2%</b>	<b>1.4%</b>
<b>Violent Crime Index</b>	<b>91,020</b>	<b>52.3</b>	<b>45.6</b>	<b>0.9</b>	<b>1.2</b>
Murder and nonnegligent manslaughter	1,100	47.6	50.4	0.6	1.4
Forcible rape	4,220	63.8	34.0	1.4	0.8
Robbery	25,300	35.1	63.1	0.4	1.4
Aggravated assault	60,400	58.8	38.9	1.1	1.2
<b>Property Crime Index</b>	<b>452,200</b>	<b>68.8</b>	<b>28.0</b>	<b>1.4</b>	<b>1.8</b>
Burglary	81,600	70.4	27.3	1.2	1.2
Larceny-theft	323,500	69.6	27.0	1.4	2.0
Motor vehicle theft	39,300	56.9	40.1	1.3	1.7
Arson	7,800	78.7	18.9	1.1	1.4
<b>Nonindex</b>	<b>1,658,700</b>	<b>71.1</b>	<b>26.4</b>	<b>1.2</b>	<b>1.4</b>
Other assaults	249,900	60.7	37.1	1.0	1.2
Forgery and counterfeiting	4,900	77.8	19.7	1.0	1.5
Fraud	7,500	68.9	28.7	1.0	1.5
Embezzlement	1,000	69.0	27.3	1.4	2.3
Stolen property; buying, receiving, possessing	23,300	56.2	41.6	0.9	1.3
Vandalism	103,400	80.1	17.6	1.2	1.1
Weapons; carrying, possessing, etc.	40,500	65.1	32.7	0.8	1.4
Prostitution and commercialized vice	1,800	45.3	52.0	1.0	1.7
Sex offenses (except forcible rape and prostitution)	18,000	72.5	25.6	0.7	1.3
Drug abuse violations	194,000	71.3	27.0	0.9	0.9
Gambling	1,700	12.8	86.1	0.0	1.1
Offenses against the family and children	5,800	78.5	20.0	0.9	0.5
Driving under the influence	19,900	93.5	3.7	1.7	1.1
Liquor laws	130,200	91.7	4.5	2.6	1.1
Drunkenness	16,900	89.4	7.8	2.0	0.8
Disorderly conduct	198,800	61.9	36.2	1.1	0.8
Vagrancy	4,800	76.9	22.0	0.3	0.9
All other offenses (except traffic)	379,000	73.7	23.5	1.3	1.5
Suspicion	600	81.5	17.8	0.7	0.0
Curfew and loitering law violations	137,400	66.3	31.8	0.6	1.3
Runaways	119,300	73.5	21.3	1.6	3.7
Juvenile Population in the U.S.	33,601,158	78%	17%	1%	4%

Note: Because of rounding, the percentages may not add to 100.0.

Sources: Crime in the United States 2004, table 43b (Washington, DC: U.S. Government Printing Office, 2005). Easy Access to FBI Arrest Statistics, 1994-2004 [Online analysis package] OJJDP (2006). Easy Access to Juvenile Populations [Online analysis package] OJJDP (2006).

## JUVENILE COURT PROCESSING

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**M**ost delinquency cases are referred to juvenile court by law enforcement while others are made by parents, victims, schools, and probation officers. At court intake, a decision is made—typically by either juvenile probation or a prosecutor’s office—to dismiss the case, handle the matter informally, or request formal intervention by the juvenile court.

During the processing of a case, a youth may be held in a secure detention facility if this is determined to be in the best interest of the child or the community. While an initial decision to detain may be made by probation or detention workers, a detention hearing must follow (generally within 24 hours) to determine the need for continued detention.

If the case is handled in juvenile court, a petition is filed to either adjudicate or judicially waive the youth to adult court. A delinquency petition results in an adjudicatory hearing in which a juvenile court judge determines the responsibility for the offense after witnesses are called and the facts of the case are presented. A waiver petition results in a judicial hearing involving a review of the facts of the case and a determination of probable cause that the young person committed the act. The court must then consider whether juvenile court jurisdiction should be waived and the case transferred to criminal court.

An adjudication of delinquency is followed by a disposition hearing. At this time a disposition plan is made by probation, and recommendations may be presented to the judge who orders the disposition in the case. Dispositions may include a variety of services and sanctions including probation, residential placement (publicly or privately operated), substance abuse treatment, or other sanctions such as weekend detention, community or victim restitution, or counseling. Transfer to adult court is followed by trial and sentencing in that court.

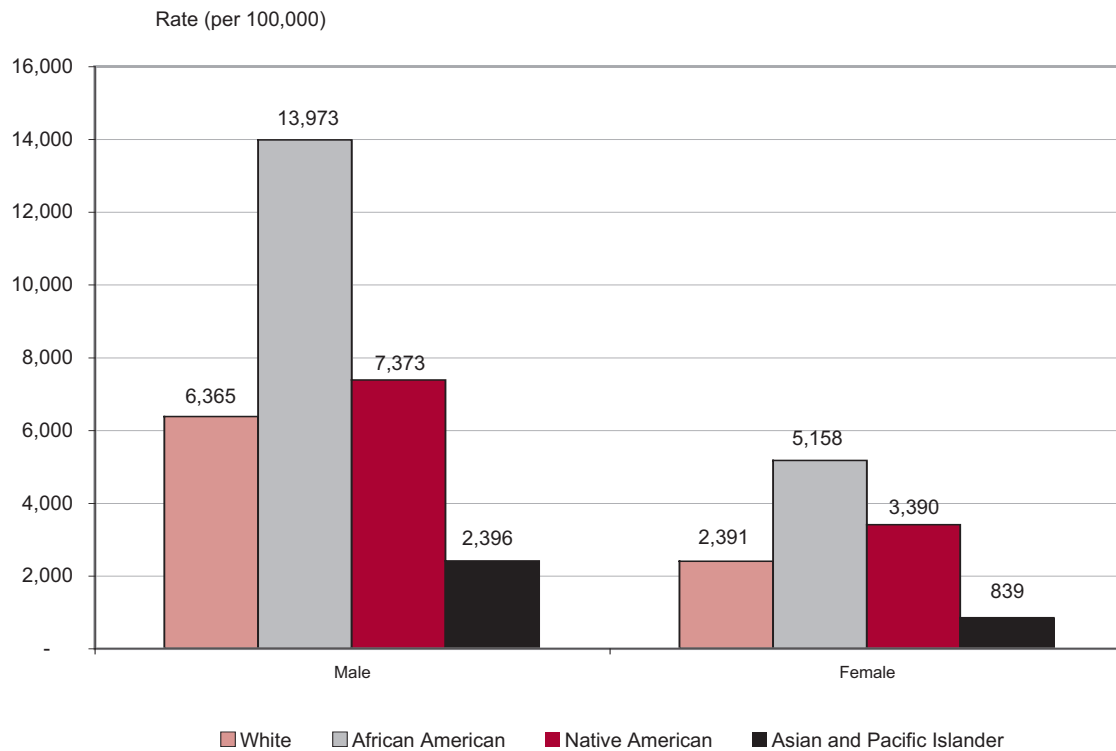
A growing number of states have adopted legislation to exclude certain serious crimes from the jurisdiction of juvenile court and send them directly to adult court or to increase the discretion of prosecutors to directly file certain cases in adult court. In such circumstances, the case commences with charges brought in adult criminal court.

The following sections identify racial disparities as youth are processed through juvenile court, including referral, detention, formal petition, waiver to adult court, and disposition. As stated previously, attempting to explain racial disparity without more detailed data is inappropriate.

### Referrals

After arrest, a decision is made to refer the case to juvenile court or handle it in some other way, such as dismissal or diversion. In 2003, of the estimated 1,628,822 delinquency cases referred to the nation’s juvenile courts in 2003, 67% involved White youth, 30% involved African American youth, and 3% involved youth of other races. Nevertheless, African American and Native American youth were referred to juvenile court at significantly higher rates than White youth. White youth were referred to juvenile court at a rate of 4,431 per 100,000 youth, compared to 9,633 for African American youth and 5,409 Native American youth. Though females were referred to juvenile court at lower rates than males, the pattern of disparate representation remained (Figure 1).

**Figure 1: Rates of Youth Referred to Juvenile Court by Sex and Race, 2003**

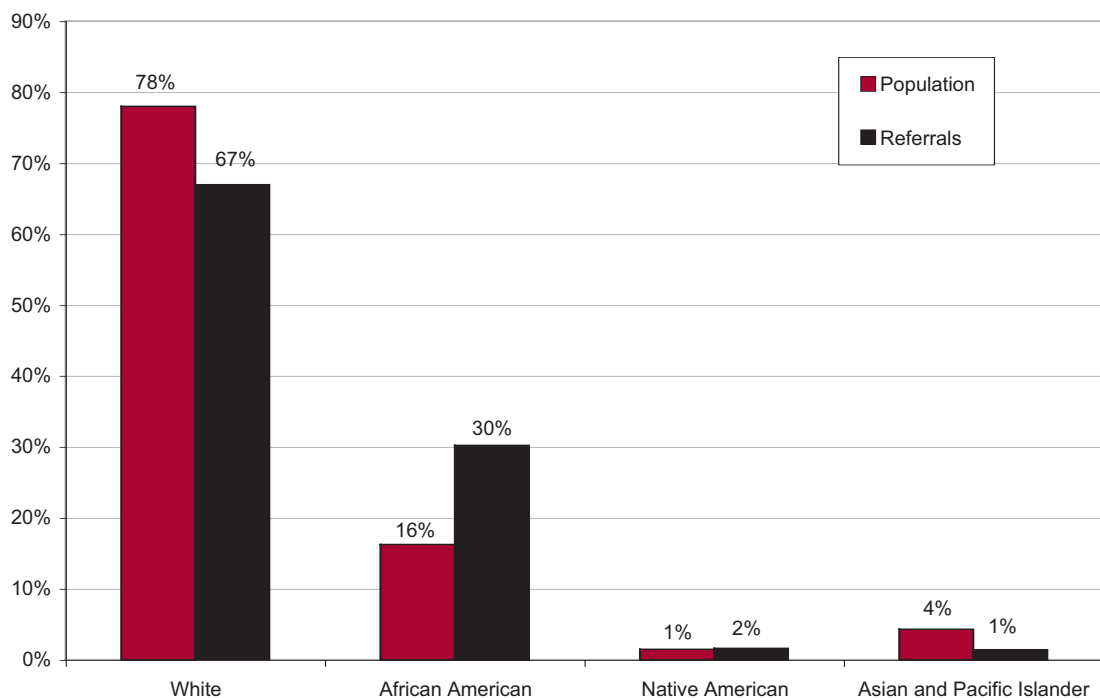


Note: The rate is the number of youth referred to juvenile court, per 100,000 juveniles age 10 through the upper age of jurisdiction in the general population of each state.  
Source: Easy Access to Juvenile Court Statistics, 1985-2003 [Online analysis package] OJJDP (2006). Easy Access to Juvenile Populations [Online analysis package] OJJDP (2006).

Compared to their percentage in the general juvenile population, African American and Native American

youth are overrepresented (Figure 2).

**Figure 2: Racial Proportions of the Juvenile Population and of Referrals to Juvenile Court, 2003**



Sources: Easy Access to Juvenile Court Statistics, 1985-2003 [Online analysis package] OJJDP (2006).  
Easy Access to Juvenile Populations [Online analysis package] OJJDP (2006).

Racial representation varies according to offense type (Table 2). White youth represent a higher percentage of drug offenses (76%) than person offenses (60%); in contrast, African Americans represent a higher per-

centage of person crimes (38%) than drug crimes (22%). Nevertheless, compared to their population figures, White youth are underrepresented and African American youth are overrepresented in every category.

**Table 2: The Offense Profiles of Juvenile Court Referrals by Race, 2003**

	Person	Property	Drug	Public Order
White	60%	69%	76%	67%
African American	38%	28%	22%	30%
Native American	1%	2%	1%	1%
Asian and Pacific Islander	1%	2%	1%	1%
Total	100%	100%	100%	100%

Note: Details may not add to totals due to rounding.

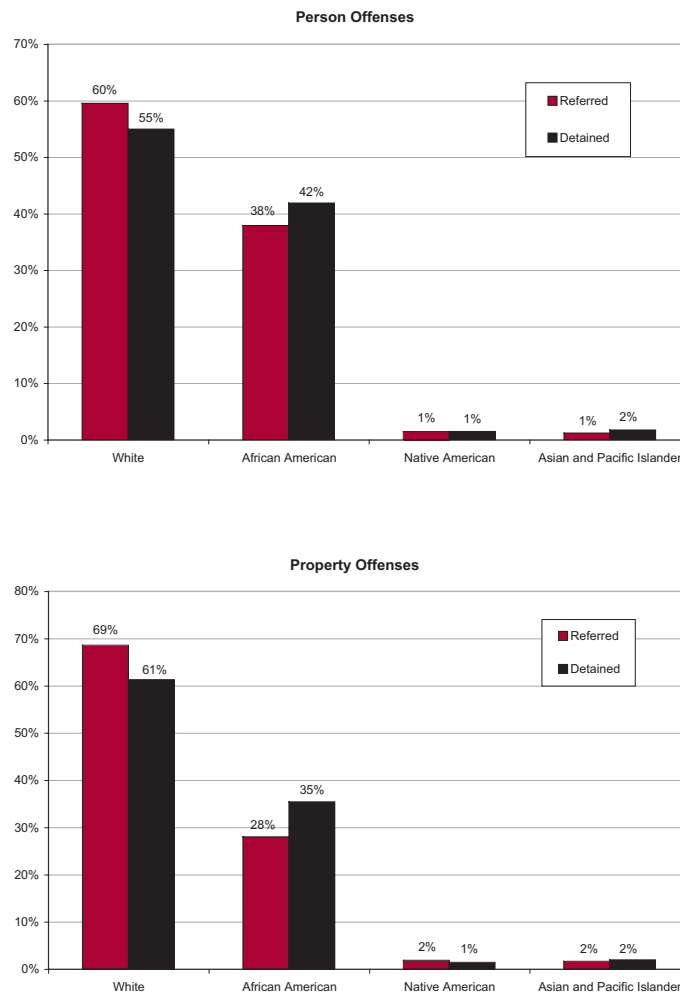
Sources: Easy Access to Juvenile Court Statistics, 1985-2003 [Online analysis package] OJJDP (2006).

## Detention Data

Some youth who are referred to juvenile court are held in detention as their case progresses, usually because of the seriousness of the crime or risk to the community or the youth. An estimated 331,779 delinquent youth were detained in 2003. With respect to their proportion of referrals, White youth were underrepresented while African American youth were overrepresented. While White youth made up 67% of juvenile referrals, they accounted for 60% of detentions. In contrast, African American youth made up 30% of referrals and 37% of detentions.

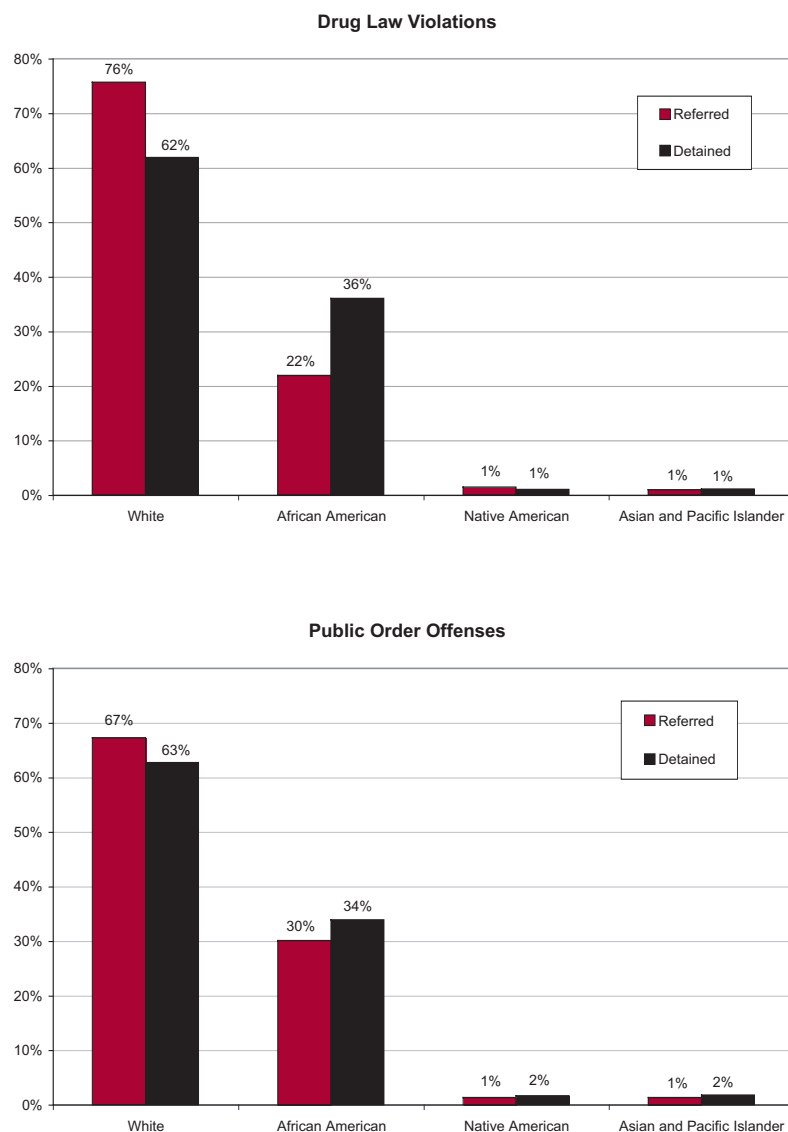
This disparity remained when the referrals and detentions were separated according to offense categories (Figures 3a & 3b). The pattern was most pronounced among drug cases. Drug offense cases involving White youth were 76% of those referred but only 62% of those detained. In contrast, drug offense cases involving African American youth were 22% of those referred but 36% of those detained. In every offense category, a substantially greater percentage of African American youth were detained than White youth.

**Figure 3a: Racial Proportions of Referred and Detained Delinquency Cases, 2003**



Sources: Easy Access to Juvenile Court Statistics, 1985-2003 [Online analysis package] OJJDP (2006).

**Figure 3b: Racial Proportions of Referred and Detained Delinquency Cases, 2003**



Sources: Easy Access to Juvenile Court Statistics, 1985-2003 [Online analysis package] OJJDP (2006).

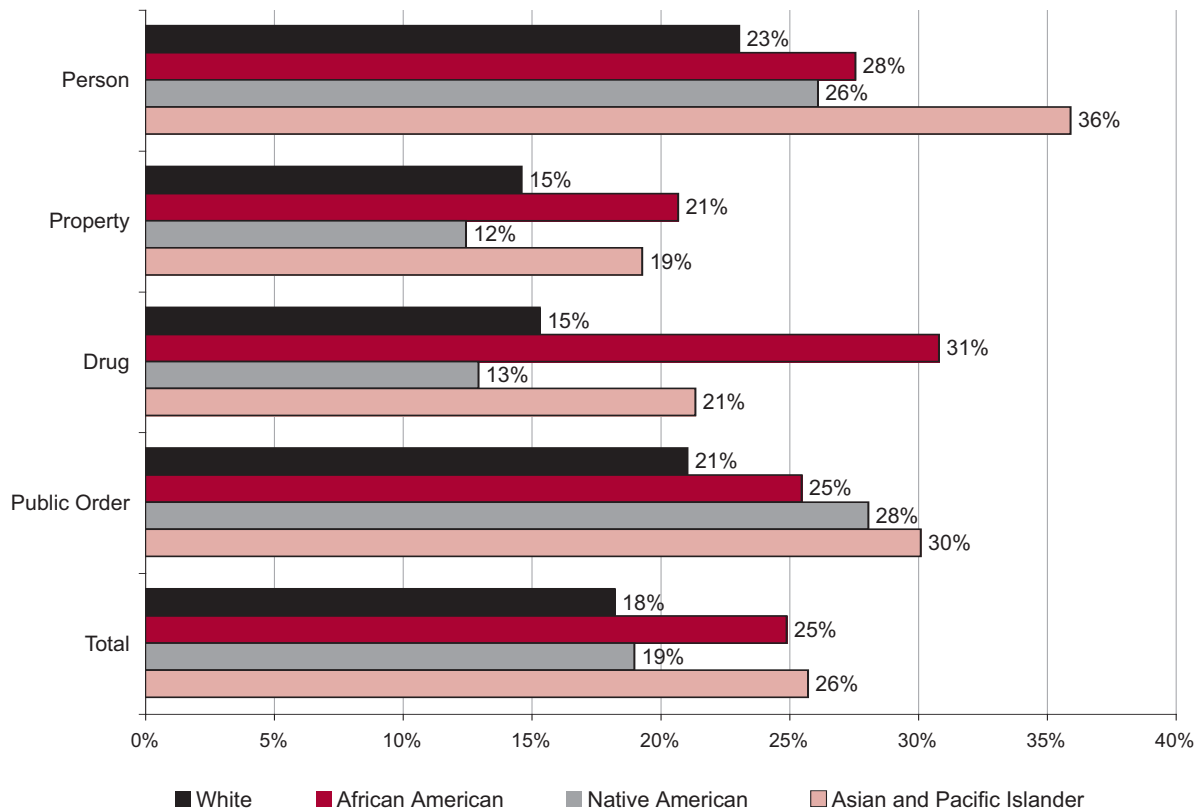
African American youth are more likely than White youth to be detained pretrial, even when charged within the same offense category.

Overall, detention was used more often for referred African American youth (25%) and Asian and Pacific Islander youth (26%), than for referred White youth (18%) (Figure 4). This was true among each of the four

major offense categories as well. For youth charged with comparable offenses—whether person, property, drug, or public order offenses—youth of color, especially African Americans and Asian and Pacific Islanders, were locked up more often than White youth. Cases involving African American youth were more than twice as likely to be detained for a drug offense than White youth (31% and 15%, respectively).



**Figure 4: Percent of Delinquency Cases Involving Detention by Race, 2003**



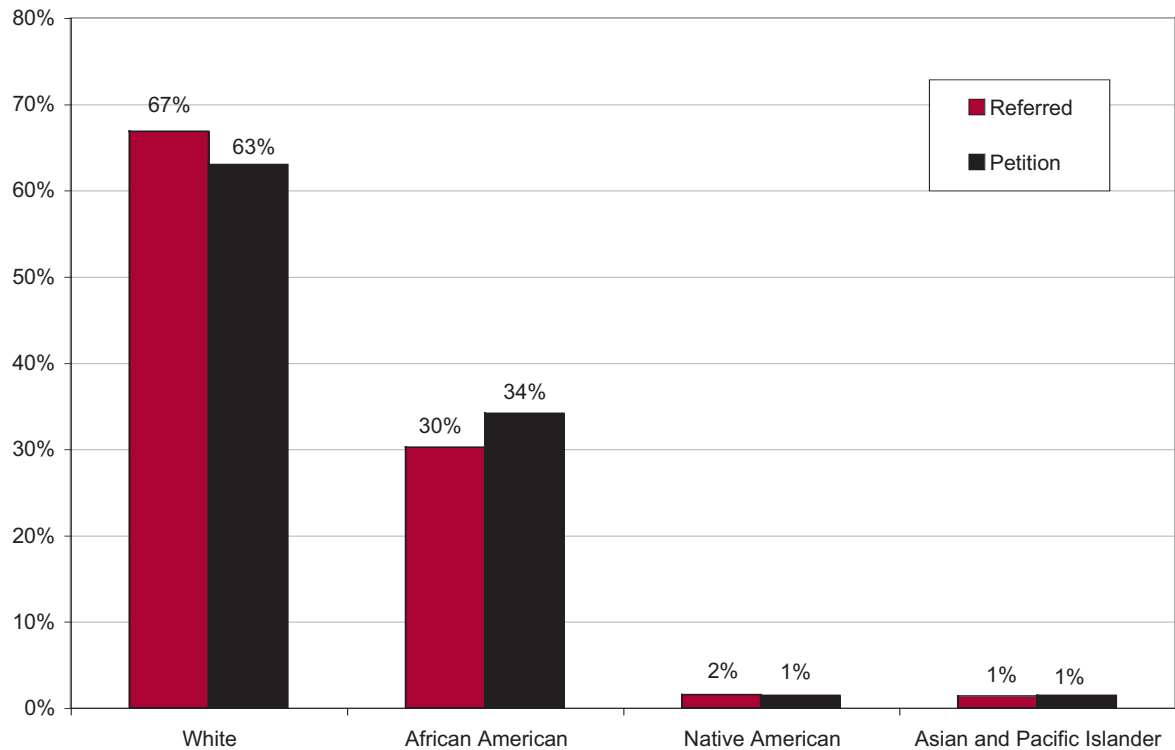
Sources: Easy Access to Juvenile Court Statistics, 1985-2003 [Online analysis package] OJJDP (2006).

### Formal Processing (Petitioning)

About half of referred cases are formally processed in juvenile court. An estimated 928,849 delinquency cases or 57% of all youth referrals were formally processed or petitioned in 2003. Overall, there was little difference between the race proportions of referrals to court and the race proportions of formally

processed cases (Figure 5). The differences that did exist showed a disadvantage for African American youth. Cases involving White youth were 67% of referrals and 63% of petitioned cases, while cases involving African American youth were 30% of referrals and 34% of petitioned cases.

**Figure 5: Racial Proportions of Referred and Petitioned Cases, 2003**



Sources: Easy Access to Juvenile Court Statistics, 1985-2003 [Online analysis package] OJJDP (2006).

The largest difference between the racial proportions of referred and petitioned cases was among drug offense cases (Table 3). In these cases, White youth were a smaller proportion of petitioned than referred

drug offense cases (69% vs. 76%), while African American youth were a larger proportion of petitioned than referred drug offense cases (29% vs. 22%).s

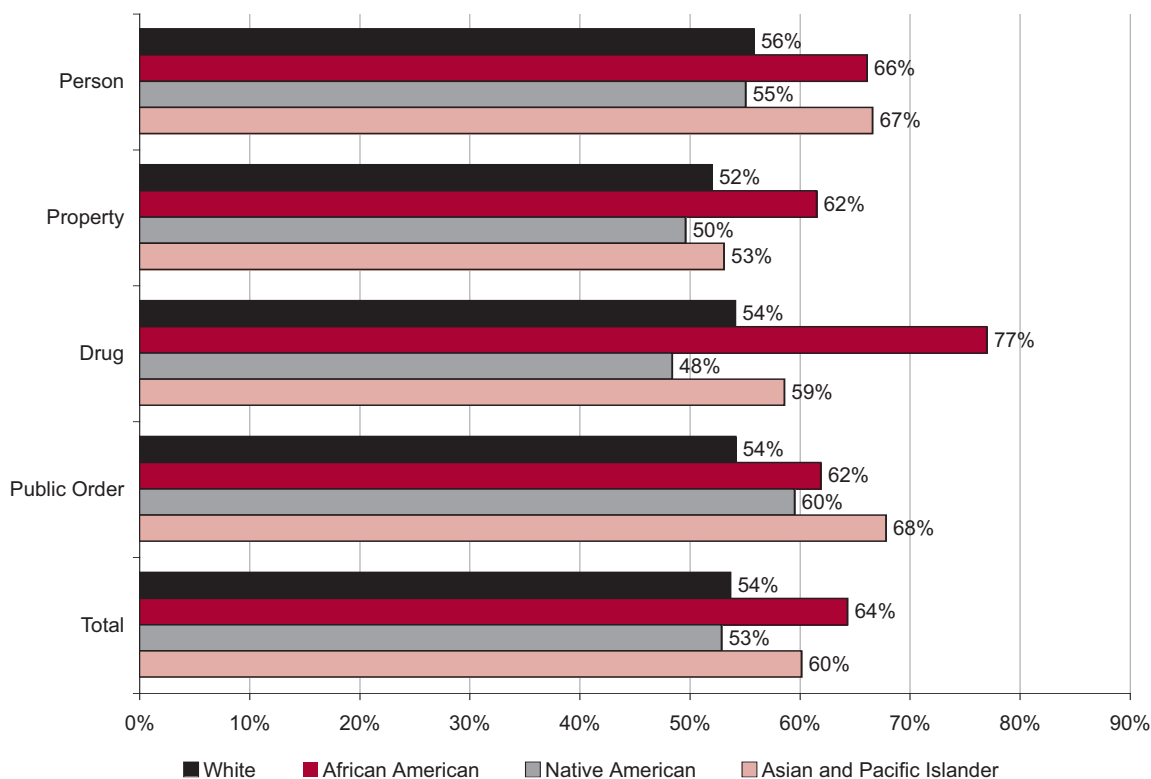
**Table 3: Referred and Petitioned Delinquency Cases, 2003**

	Percent of	
	Referred Cases	Petitioned Cases
<b>Person</b>		
White	60%	56%
African American	38%	42%
Native American	1%	1%
Asian and Pacific Islander	1%	1%
Total	100%	100%
<b>Property</b>		
White	69%	65%
African American	28%	31%
Native American	2%	2%
Asian and Pacific Islander	2%	2%
Total	100%	100%
<b>Drug</b>		
White	76%	69%
African American	22%	29%
Native American	1%	1%
Asian and Pacific Islander	1%	1%
Total	100%	100%
<b>Public Order</b>		
White	67%	64%
African American	30%	33%
Native American	1%	1%
Asian and Pacific Islander	1%	2%
Total	100%	100%
Source: Easy Access to Juvenile Court Statistics, 1985-2003 [Online analysis package] OJJDP (2006).		

Overall, delinquency cases were petitioned more often among cases involving African American youth (64%) and Asian and Pacific Islander youth (60%) than White youth (54%) in 2003 (Figure 6). This was true for each of the four offense categories. The most strik-

ing difference was among drug offense cases. In 2003, about three in four (77%) drug offense cases involving African American youth were formally processed compared to about one-half of cases involving White youth (54%).

**Figure 6: Percent of Delinquency Cases Petitioned by Race, 2003**



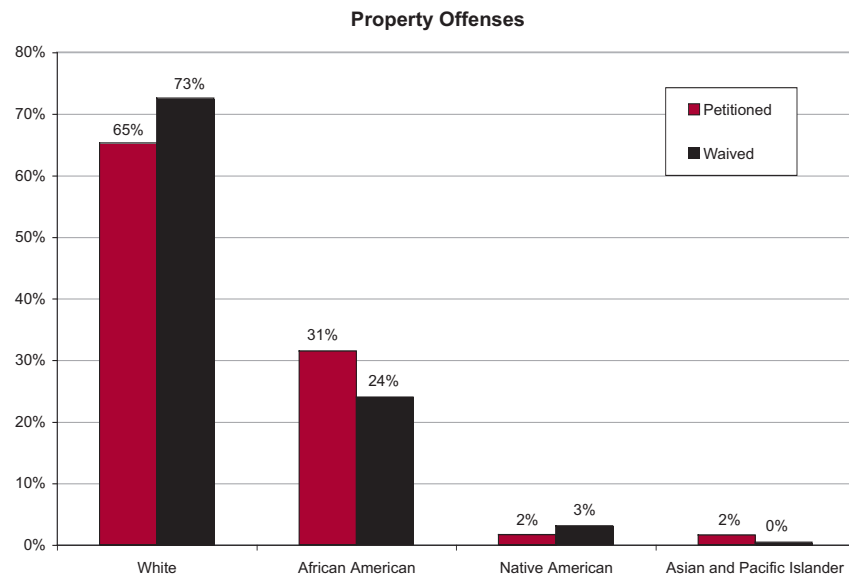
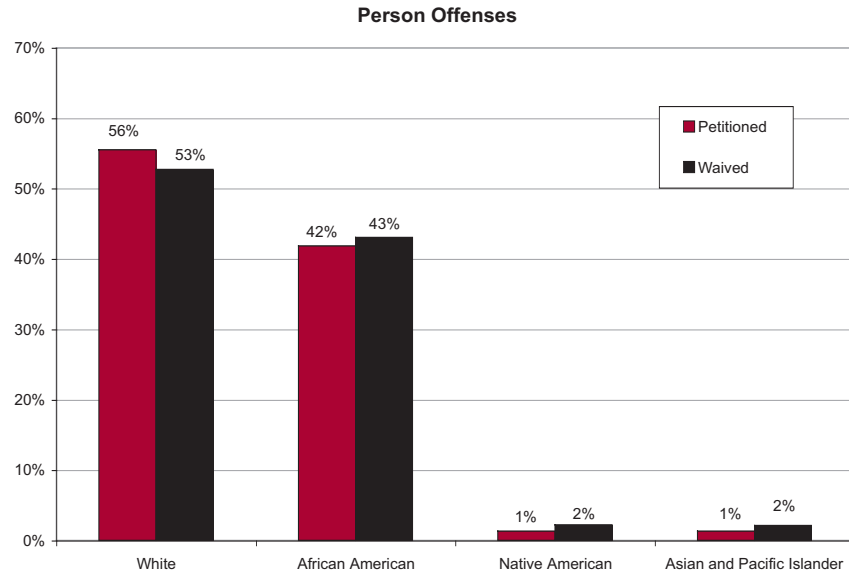
Sources: Easy Access to Juvenile Court Statistics, 1985-2003 [Online analysis package] OJJDP (2006).

### Waiver to Adult Court

Some petitioned juveniles are processed in the adult system instead of the juvenile system, usually because of the seriousness of their crime and their arrest history. An estimated 6,735 petitioned delinquency cases were judicially waived from juvenile to adult court in 2003. This represents less than 1% of all petitioned cases. The racial proportions were fairly similar for petitioned and judicially waived cases. Overall, cases involving White youth represented a slightly smaller proportion of waived cases than of petitioned cases (61% vs. 63%), and cases involving African American youth represented a slightly larger proportion of waived cases than petitioned cases (35% vs. 34%).

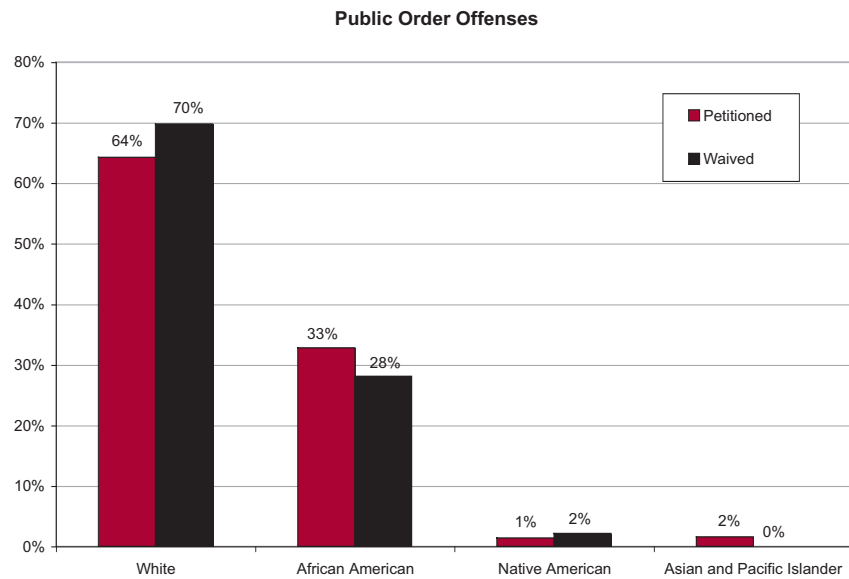
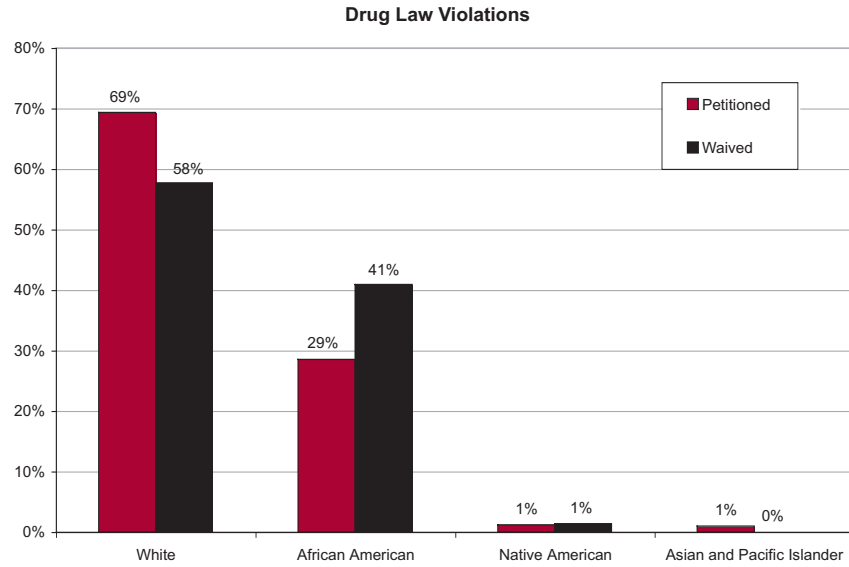
This pattern varied somewhat according to offense type (Figures 7a and 7b). For drug offenses, White youth were 69% of the cases petitioned but only 58% of cases waived to adult court. African American youth charged with similar offenses were 29% of cases petitioned but 41% of cases waived to adult court. On the other hand, White youth represented 65% of property cases petitioned but 73% of property cases waived to adult court. African American youth charged with similar offenses were 31% of cases petitioned but 24% of cases waived to adult court.

**Figure 7a: Racial Proportions of Petitioned and Waived Delinquency Cases, 2003**



Sources: Easy Access to Juvenile Court Statistics, 1985-2003 [Online analysis package] OJJDP (2006).

**Figure 7b : Racial Proportions of Petitioned and Waived Delinquency Cases, 2003**



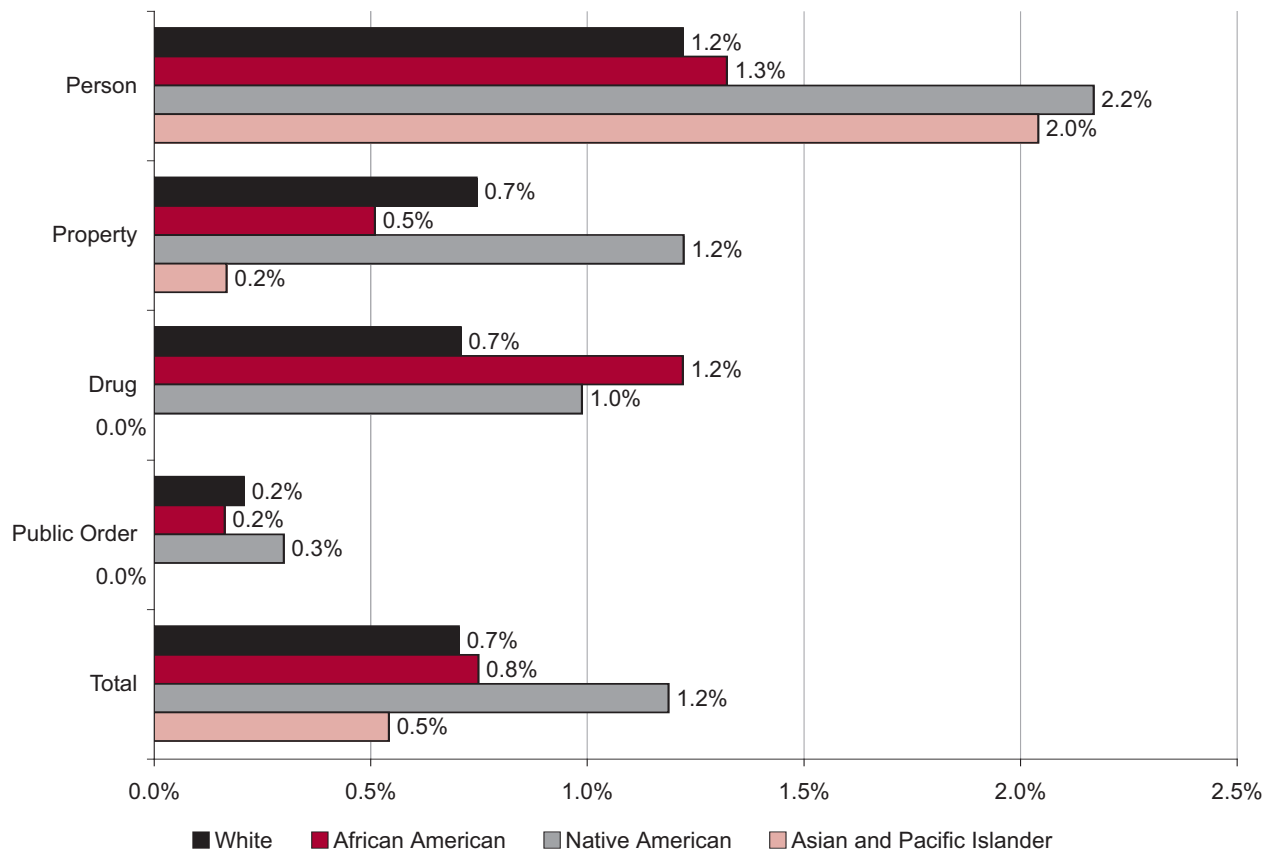
Sources: Easy Access to Juvenile Court Statistics, 1985-2003 [Online analysis package] OJJDP (2006).



The likelihood of waiver among petitioned delinquency cases was slightly greater for African American youth (0.8%) and youth of other races (0.9%) than for White youth (.7%) (Figure 8). Again, the difference between White youth and African American

youth is particularly noticeable for drug offenses. In 2003, 0.7% of the White youth charged with person offenses were waived to adult court, while 1.2% of the African American youth were waived.

**Figure 8: Percent of Petitioned Cases Waived to Criminal Court by Race, 2003**



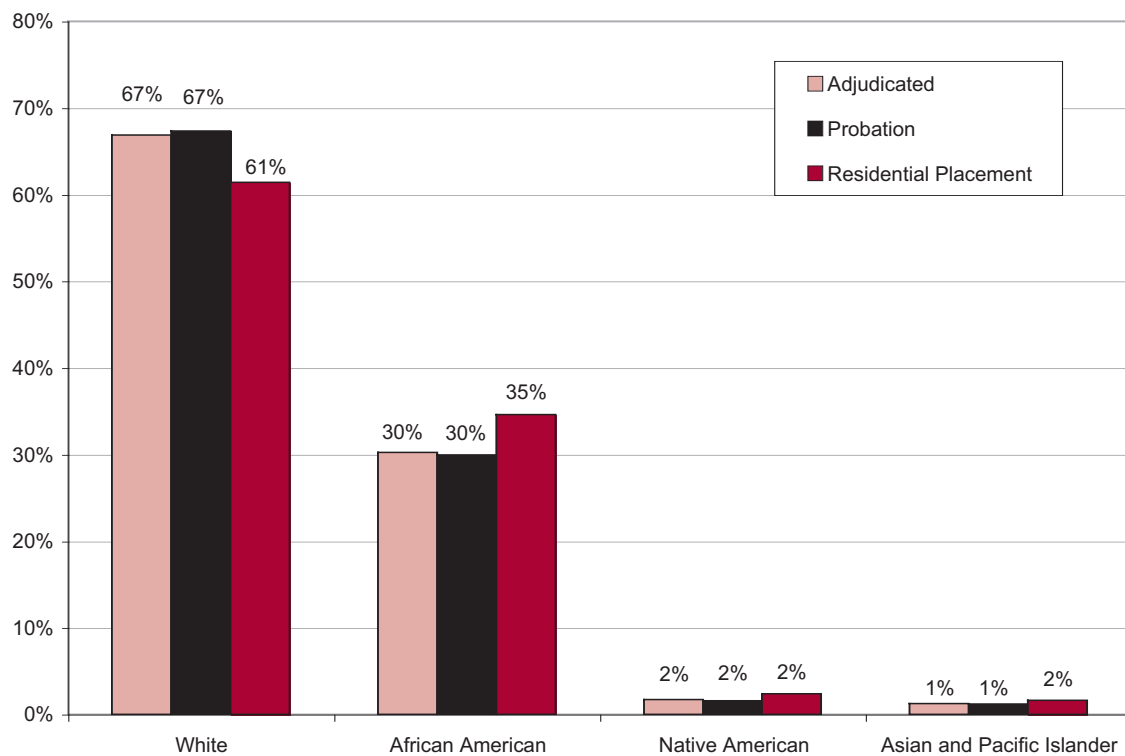
Sources: Easy Access to Juvenile Court Statistics, 1985-2003 [Online analysis package] OJJDP (2006).

## Disposition

For youth adjudicated as delinquent in the juvenile system, the most severe disposition is out-of-home placement in a residential facility. About one in four (24%), or an estimated 143,263 adjudicated cases, received a disposition of out-of-home placement in

2003. Almost two-thirds (62%) of adjudicated cases resulted in a court disposition of probation. With respect to adjudicated cases, White youth were underrepresented among those receiving out-of-home placement (67% vs. 61%) (Figure 9).

**Figure 9: Racial Proportions of Adjudicated Cases Resulting in Residential Placement and Probation, 2003**



Sources: Easy Access to Juvenile Court Statistics, 1985-2003 [Online analysis package] OJJDP (2006).

The reverse was true among African Americans. Cases involving these youth were overrepresented among those receiving out-of-home placement (30% vs. 35%).

Youth of other races represented about the same proportion of adjudicated cases placed out-of-home (4%) and placed on probation (3%).

These trends were true in all offense categories and were especially notable among drug offenses (Table

4). In 2003, 73% of adjudicated drug offense cases involved a White youth, while White youth were 58% of drug offense cases resulting in out-of-home placement and 75% of cases resulting in formal probation. In contrast, 25% of drug offense cases involved an African American youth while African American youth were 40% of adjudicated drug offense cases resulting in out-of-home placement and 22% of drug offense cases receiving formal probation.

**Table 4: Adjudicated Cases Resulting in Probation and Residential Placement, 2003**

	Percent of cases		
	Adjudicated Delinquent	Placed on Probation	Residential Placement
<b>Person</b>			
White	59%	62%	56%
African American	38%	36%	40%
Native American	2%	1%	2%
Asian and Pacific Islander	1%	1%	2%
Total	100%	100%	100%
<b>Property</b>			
White	69%	69%	64%
African American	28%	28%	32%
Native American	2%	2%	3%
Asian and Pacific Islander	1%	1%	2%
Total	100%	100%	100%
<b>Drug</b>			
White	73%	75%	58%
African American	25%	22%	40%
Native American	1%	1%	2%
Asian and Pacific Islander	1%	1%	1%
Total	100%	100%	100%
<b>Public Order</b>			
White	68%	68%	65%
African American	29%	30%	31%
Native American	2%	2%	2%
Asian and Pacific Islander	1%	1%	1%
Total	100%	100%	100%

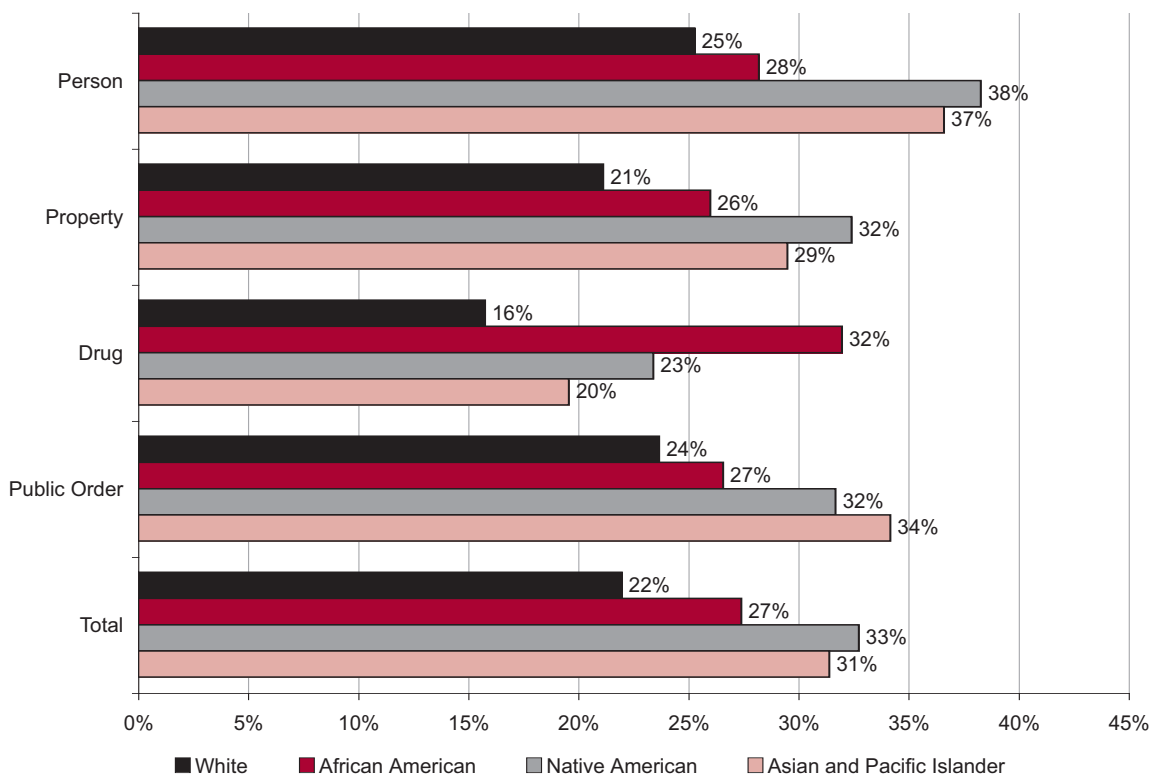
Note: Details may not add up to a hundred due to rounding.

Source: Easy Access to Juvenile Court Statistics, 1985-2003 [Online analysis package] OJJDP (2006).

Adjudicated cases involving White youth were less likely to result in out-of-the-home placement in 2003 (22%) than were cases involving African American youth (27%) or youth of other races (32%) (Figure 10).

Among youth charged with similar crimes, in every offense category, youth of color were more likely to be placed out of home.

**Figure 10: Percent of Adjudicated Delinquency Cases Placed Out of the Home by Race, 2003**

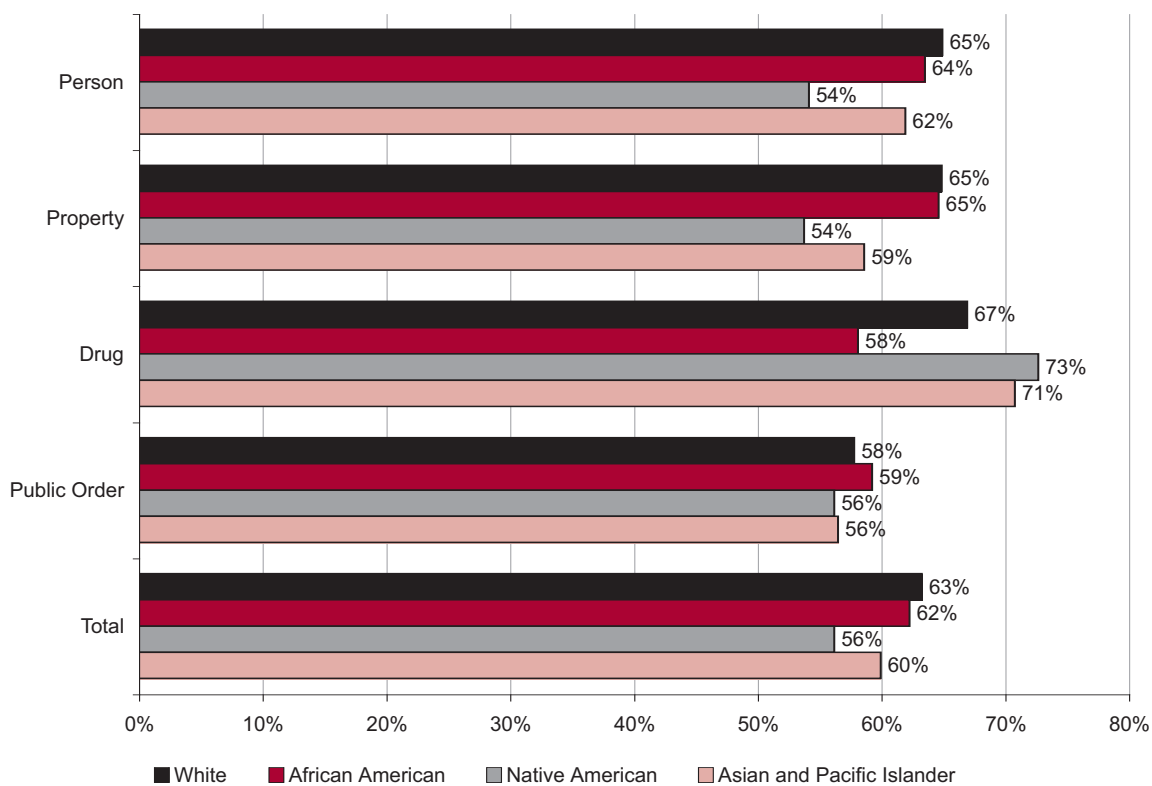


Sources: Easy Access to Juvenile Court Statistics, 1985-2003 [Online analysis package] OJJDP (2006).

Adjudicated delinquency cases involving White juveniles (63%) were generally more likely to result in formal probation than were cases involving either African American youth (62%) or youth of other races (58%) in 2003 (Figure 11). The difference in the

likelihood of probation was most pronounced among adjudicated drug offense cases. In 2003, 67% of adjudicated drug offense cases involving White youth resulted in probation compared to 58% of cases involving African American youth.

**Figure 11: Percent of Adjudicated Delinquency Cases Placed on Probation by Race, 2003**



Sources: Easy Access to Juvenile Court Statistics, 1985-2003 [Online analysis package] OJJDP (2006).

### The State Perspective: *Detention*

In 2003, the youth of color detention rate was greater than that for White youth in the majority of states.

For African American youth, the relative rate index is as high as 47.0 (Table 5). In the case of Latino youth compared to White youth, the ratio is as high as 11.5.

#### Relative Rate Index

The relative rate index is the standard put forth by OJJDP for measuring DMC. It is used to compare the rates of racial and ethnic groups to the White rate and can be used to compare rates throughout the juvenile justice continuum. For instance, a ratio greater than 1.0 of the African American detention rate to the White detention rate indicates that African American youth are overrepresented in detention when compared with White youth.

**Table 5: Indices of Overrepresentation of Youth in Detention by Race/Ethnicity as Compared to White Youth, 2003**

	White	African American	Latino	Native American	Asian and Pacific Islander
U.S. total	1.0	4.5	2.3	2.7	0.8
Alabama	1.0	3.4	0.6	--	--
Alaska	1.0	2.3	--	6.7	2.0
Arizona	1.0	2.0	1.4	0.9	--
Arkansas	1.0	3.1	0.9	--	--
California	1.0	6.0	2.0	1.5	0.7
Colorado	1.0	4.7	2.1	1.9	0.7
Connecticut	1.0	8.9	5.9	--	--
Delaware	1.0	8.2	4.0	--	--
District of Columbia	1.0	7.5	7.8	--	--
Florida	1.0	2.8	0.4	--	0.1
Georgia	1.0	3.1	1.5	--	0.6
Hawaii	1.0	--	--	--	0.6
Idaho	1.0	--	2.5	--	--
Illinois	1.0	7.2	1.9	--	0.3
Indiana	1.0	4.3	1.1	2.0	--
Iowa	1.0	6.3	2.1	4.2	1.3
Kansas	1.0	7.5	2.2	--	1.0
Kentucky	1.0	6.2	1.1	--	--
Louisiana	1.0	2.6	0.3	--	0.6
Maine	1.0	--	--	--	--
Maryland	1.0	3.1	4.8	7.6	0.3
Massachusetts	1.0	9.1	4.3	--	2.6
Michigan	1.0	5.3	2.5	2.1	--
Minnesota	1.0	9.6	2.6	15.6	3.1
Mississippi	1.0	3.3	--	--	--
Missouri	1.0	7.8	2.5	--	--
Montana	1.0	--	--	4.4	--
Nebraska	1.0	11.5	1.7	3.6	1.6
Nevada	1.0	3.5	1.2	0.7	0.4
New Hampshire	1.0	10.4	--	--	--
New Jersey	1.0	14.9	4.2	--	0.2
New Mexico	1.0	5.8	1.6	0.3	--
New York	1.0	6.8	1.8	3.9	1.0
North Carolina	1.0	4.4	1.0	1.9	0.8
North Dakota	1.0	21.2	11.5	2.6	--
Ohio	1.0	4.5	1.3	--	0.3
Oklahoma	1.0	3.6	1.2	1.7	--
Oregon	1.0	5.9	1.0	4.7	1.2
Pennsylvania	1.0	6.9	4.8	--	1.0
Rhode Island	--	--	--	--	--
South Carolina	1.0	2.4	5.5	2.8	2.2
South Dakota	1.0	47.0	10.4	3.9	9.0
Tennessee	1.0	4.2	3.3	--	--
Texas	1.0	3.6	2.0	--	0.2
Utah	1.0	6.5	3.9	3.1	2.9
Vermont	1.0	--	8.3	--	--
Virginia	1.0	5.5	2.4	--	1.0
Washington	1.0	3.4	1.0	2.8	0.9
West Virginia	1.0	5.9	2.5	--	--
Wisconsin	1.0	18.4	3.9	--	1.8
Wyoming	1.0	12.0	2.4	2.0	--

Note: The custody rate is the number of juvenile offenders in detention on October 22, 2003, per 100,000 juveniles age 10 through the upper age of jurisdiction in each state. U.S. totals include 1,398 youth in private facilities for whom state of offense was not reported and 124 youth in tribal facilities. "--" indicates that the state reported too few youth in the category to calculate a reliable rate. Persons of Latino origin may be of any race. Racial categories (e.g. White youth) do not include youth of Latino origin.

Source: Census of Juveniles in Residential Placement 1997, 1999, 2001, and 2003 [machine-readable data files]. OJJDP (2005). Easy Access to Juvenile Populations [Online analysis package] OJJDP (2006).



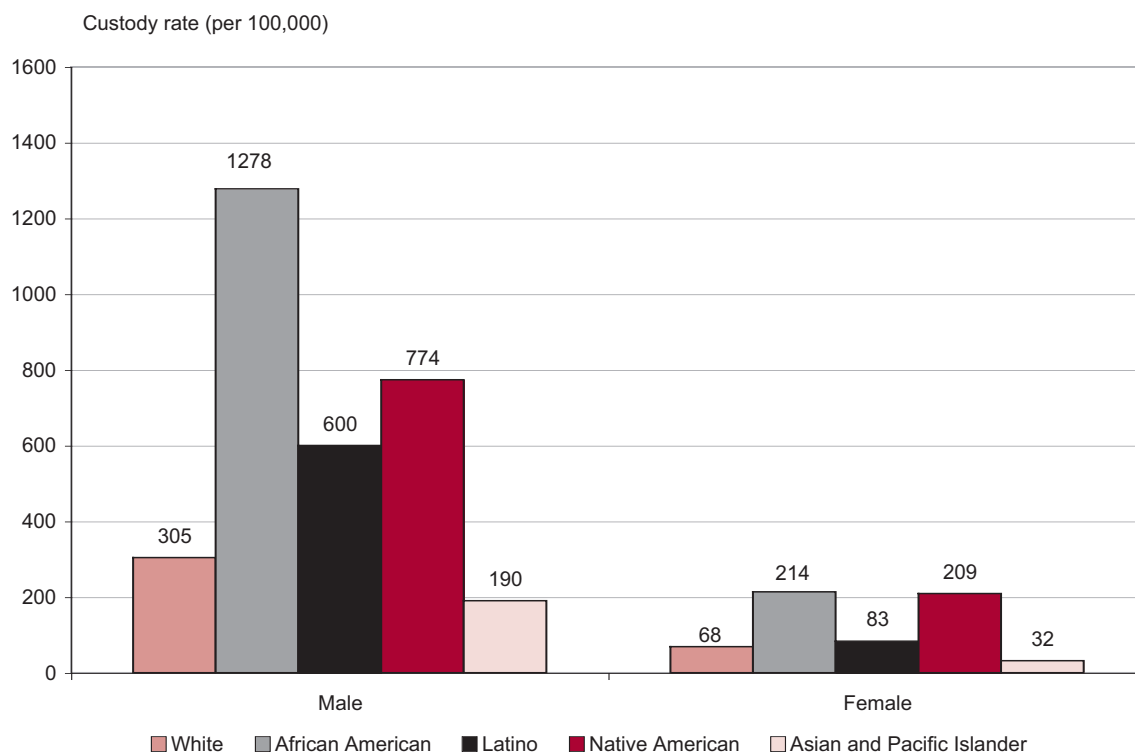
## INCARCERATION IN JUVENILE CORRECTIONS

### The National Perspective

According to the Census of Juveniles in Residential Placement, as of October 22, 2003, there were 96,655 youth in juvenile facilities prior to adjudication or committed to state juvenile correctional facilities following adjudication. In 2003, White youth represented 62% of youth in the general population, compared

to 39% of youth in the detained population. In contrast, African American youth represented 16% of youth in the population, and 38% of youth in residential placement. African American, Latino, and Native American youth all had higher residential custody rates than White youth in 2003 (Figure 12).

**Figure 12: U.S. Residential Custody Rates by Sex and Race/Ethnicity, 2003**

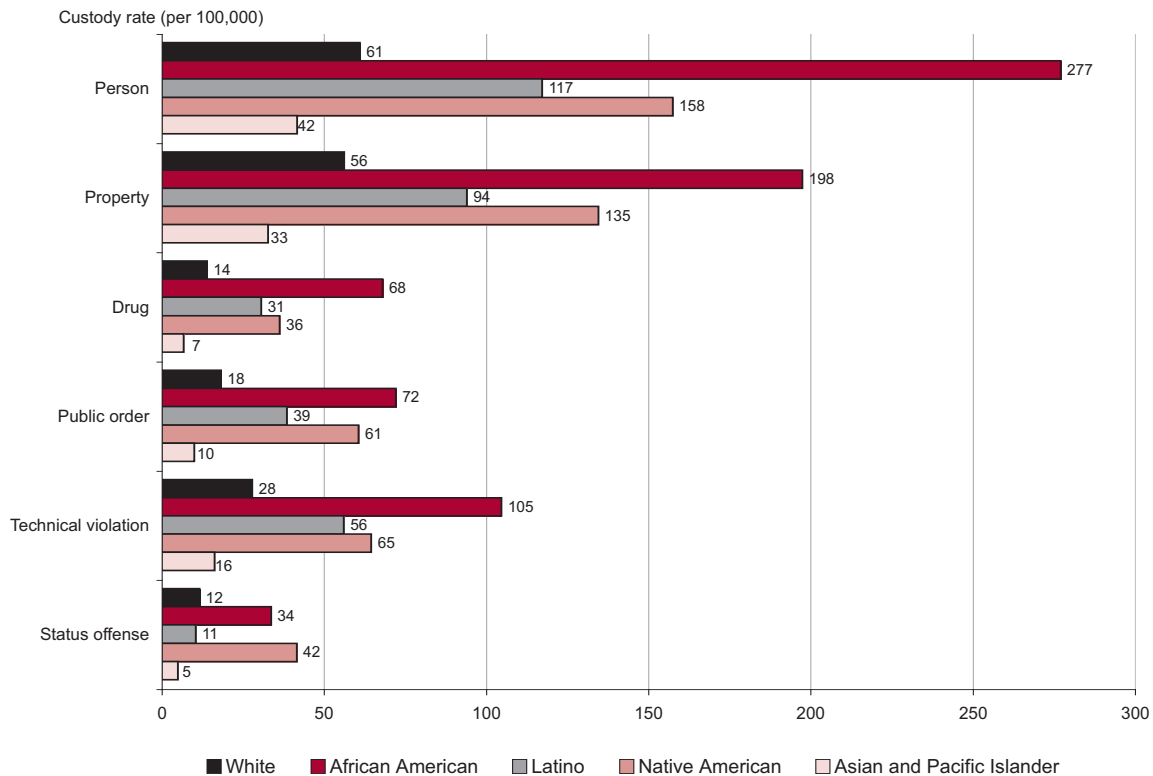


Sources: Easy Access to Juvenile Court Statistics, 1985-2003 [Online analysis package] OJJDP (2006).

The rates for African American, Latino, and Native American youth remained higher than those for White youth in custody when offense type was

taken into account, with the exception of Latinos in status offense (Figure 13).

**Figure 13: Rates of Juveniles to Residential Placement by Types of Offenses and Race/Ethnicity, 2003**



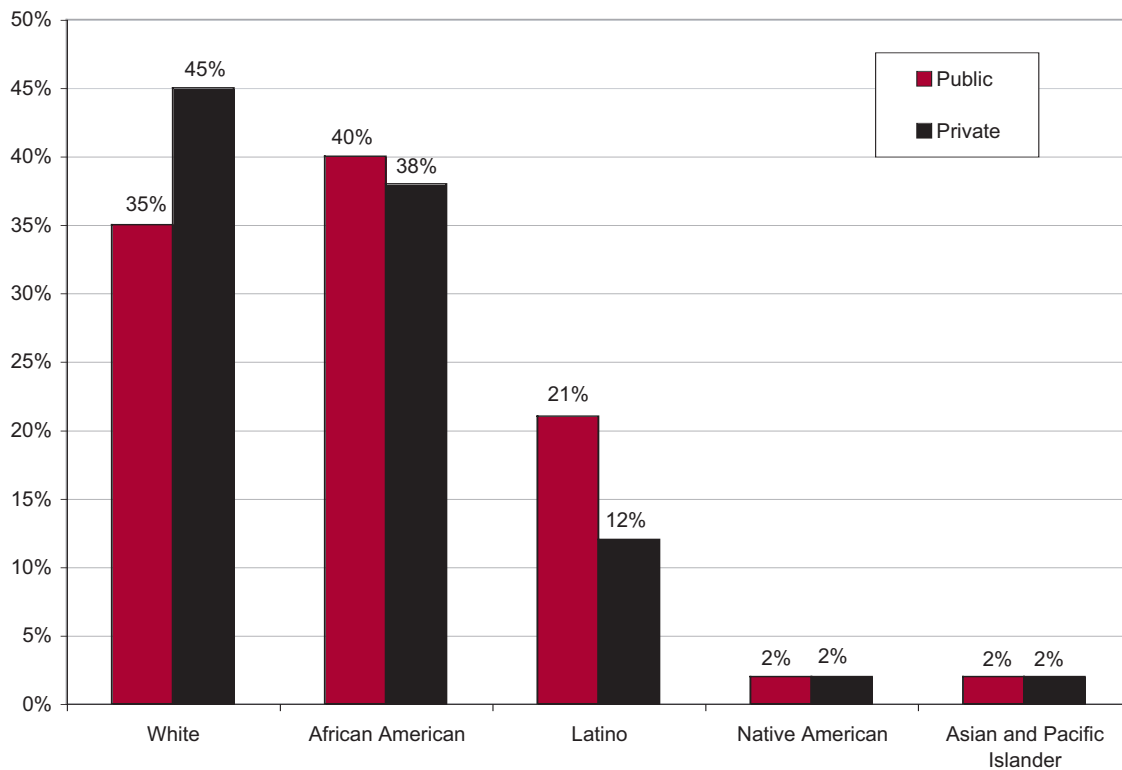
Note: The custody rate is the number of juvenile offenders in residential placement on October 22, 2003, per 100,000 juveniles age 10 through the upper age of jurisdiction in the general population of each state. Persons of Latino origin may be of any race. Racial categories (e.g. White youth) do not include youth of Latino origin.

Source: Census of Juveniles in Residential Placement 1997, 1999, 2001, and 2003 [machine-readable data files], OJJDP (2005), and Easy Access to Juvenile Populations [Online analysis package] OJJDP (2006).

**Public vs. Private Facilities.** Public juvenile facilities are typically locked local detention facilities or locked state correctional institutions. Private juvenile facilities are often less restrictive and less like prison. In 1999, the last year for which data is available, youth of color represented a greater proportion of the total juveniles in public (65%) than private (55%) facilities.

In contrast, White youth accounted for 35% of youth in public facilities and of youth in private facilities. Among Latinos, the proportion of detained and committed youth in public facilities was almost double the proportion in private facilities (21% vs. 12%) (Figure 14).

**Figure 14: Racial Proportions of Juveniles in Public and Private Residential Placement, 1999**

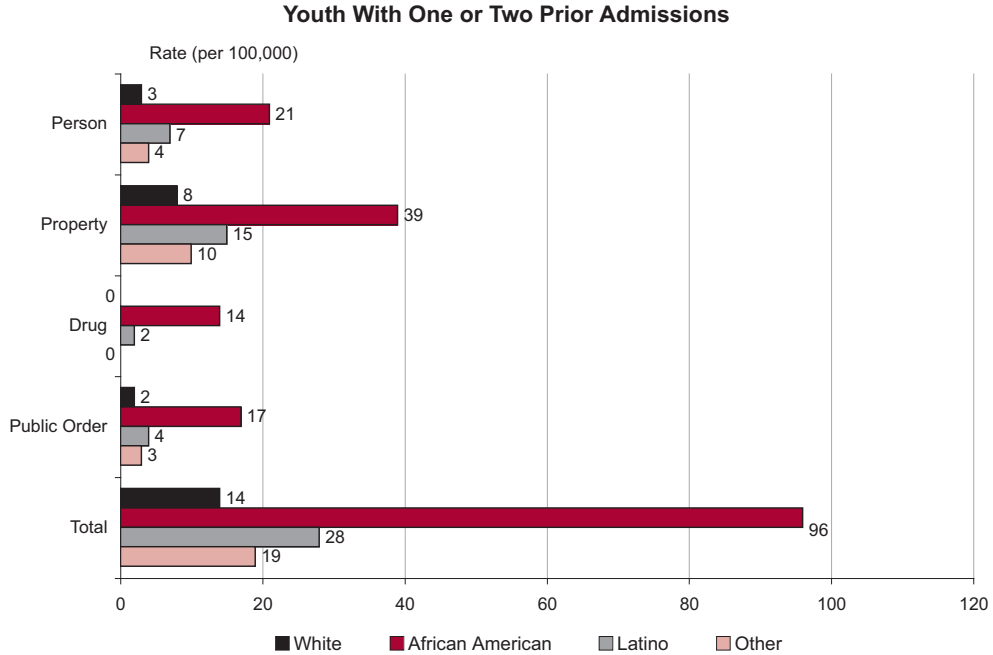
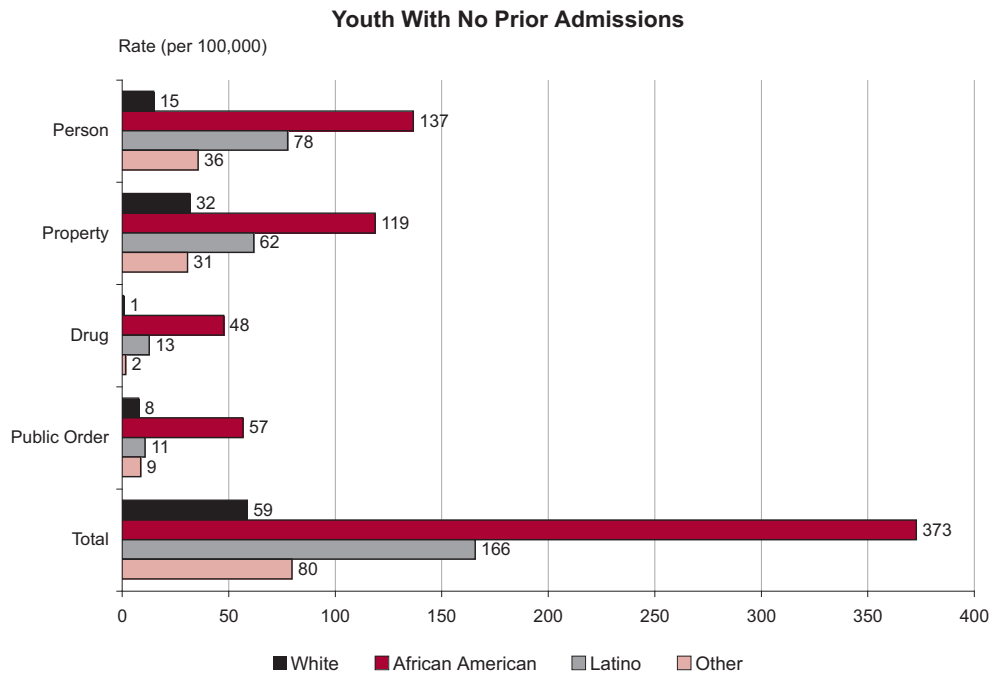


Note: Persons of Latino origin may be of any race. Racial categories (e.g. White youth) do not include youth of Latino origin.  
Source: Sickmund, M. Juveniles in Corrections. OJJDP (2004).

***Incarceration Characteristics.*** A 1995 study by the National Council on Crime and Delinquency found that admission rates to state public facilities were much higher for African American youth and Latino youth with no prior admissions than for comparable White youth (Krisberg, DeComo, Rudenstine, & Del Rosario, 1995). This was also true for youth with one or two prior admissions, in all offense categories. The data required to update this study are not available. Overall, the admissions rate to state public

facilities for youth with no prior admissions was six times higher for African American than White youth (373 and 59) and 3 times higher among Latino than White youth (166 and 59) in 1993 (Figure 15). Among youth with one or two prior admissions, the overall admissions rate for African American youth exceeded the White rate by a factor of 7 (96 and 14) and the admissions rate for Latino youth was twice the rate of White youth (28 and 14).

**Figure 15: 1993 Admission Rates of Juveniles to State Public Facilities**

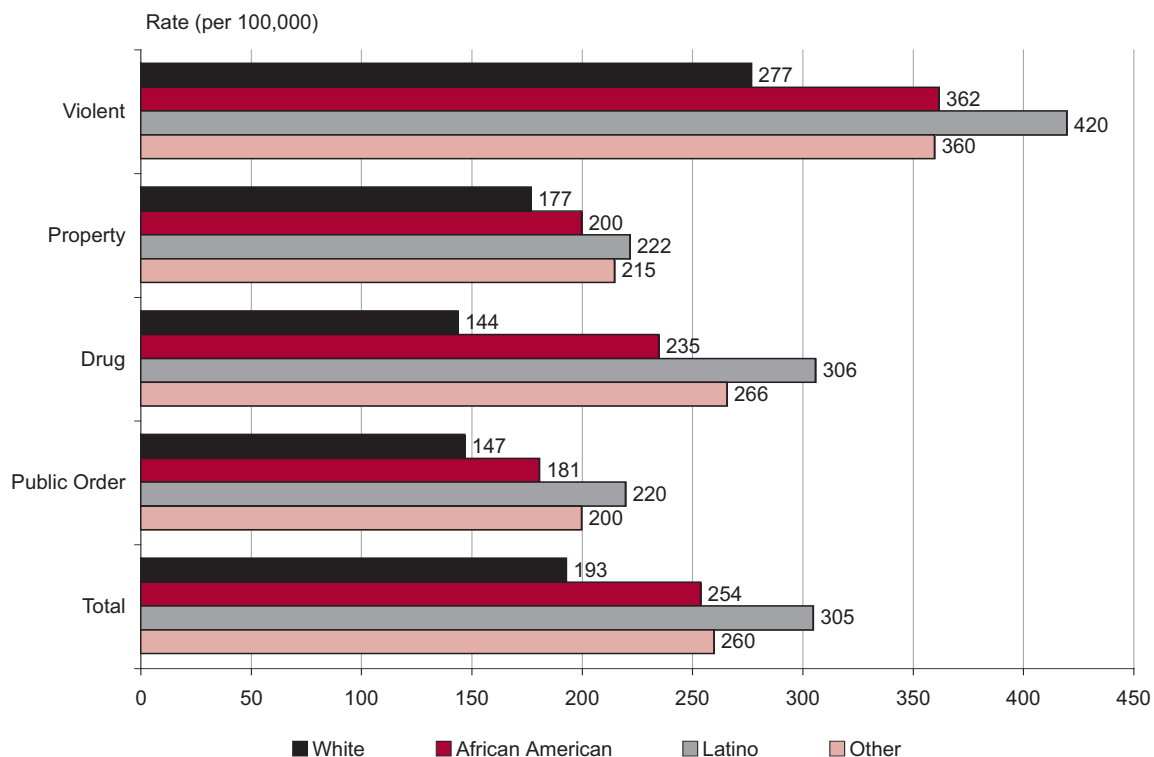


Note: Rates are calculated per 100,000 youth age 10 to the upper age of juvenile court jurisdiction in the general population of each state. States include AK, AZ, AR, CA, DE, GA, ID, IL, IN, IA, KY, LA, ME, MD, MA, MN, MS, MO, NE, NH, NJ, NY, ND, OH, OK, OR, SC, SD, TN, TX, UT, VT, VA, WV, WI. Persons of Latino origin may be of any race. Racial categories (e.g. White youth) do not include youth of Latino origin.  
Source: The Juveniles Taken Into Custody Research Program (1995). OJJDP.

In 1993, Latino youth were in custody on average 112 days more than White youth. African American youth were in custody on average 61 days more than White youth. While the average lengths of stay in public facilities were higher for youth of color than White youth across all offenses, it was particularly

dramatic for drug offenses. On average, the length of stay for Latino youth admitted for a drug offense was double the length of stay of White youth (306 days vs. 144 days) (Figure 16). Similarly, African American youth admitted for a drug offense were held longer than White youth, on average 235 days vs. 144.

**Figure 16: 1993 Youth Mean Lengths of Stay in State Public Facilities**



Note: 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. Total contains offenses not shown. Persons of Latino origin may be of any race. Racial categories (e.g. White youth) do not include youth of Latino origin.

Source: The Juveniles Taken Into Custody Research Program (1995). OJJDP.

In addition, the range in the length of stay above the median was also greater for non-Whites than Whites (Krisberg, DeComo, Rudenstine, & Del Rosario, 1995). For example, among the top 25th percentile of cases involving a violent offense and no prior admissions, the length of stay for Latino youth ranged from

625 to over 1,400 days compared to between 400 and 900 days for White youth. Among the top 25th percentile of cases involving a drug offense and no prior admissions, the length of stay for Latino youth was between 500 and 1,100 days compared to between 200 and 400 days for White youth.

## The State Perspective

In 1999, although they represented just 34% of the U.S. adolescent population, youth of color represented 62% of youth in detention, 66% of youth committed to public facilities, and 55% of youth committed to private facilities.

The custody rate is the number of juvenile offenders in residential placement on October 22, 2003, per 100,000 juveniles age 10 through the upper age of

jurisdiction in the general population in each state. A ratio of the youth of color custody rate to the White custody rate greater than 1.0 indicates that youth of color are overrepresented in custody when compared with White youth. This overrepresentation of youth of color is clearly seen among each of the placement types in most states (Table 6).

**Table 6: Indices of Overrepresentation of Youth of Color in Custody, 2003**

	Ratio of youth of color rate to white rate				Ratio of youth of color rate to white rate		
	Committed				Committed		
	Detained	Public	Private		Detained	Public	Private
U.S. total	3.1	2.9	2.0	Missouri	6.4	2.9	5.5
Alabama	3.1	2.7	1.9	Montana	3.7	2.8	3.5
Alaska	5.2	3.1	3.4	Nebraska	5.5	4.9	2.5
Arizona	1.3	2.0	1.0	Nevada	1.7	1.5	1.2
Arkansas	2.5	2.8	3.1	New Hampshire	2.3	3.5	0.6
California	2.2	2.7	1.3	New Jersey	8.0	8.8	6.6
Colorado	2.5	2.6	1.3	New Mexico	1.6	2.3	2.6
Connecticut	6.9	3.5	4.1	New York	3.7	6.6	1.8
Delaware	7.4	5.7	5.6	North Carolina	3.6	4.6	1.0
District of Columbia	8.7	—	0.5	North Dakota	5.5	7.4	3.8
Florida	1.6	1.2	1.7	Ohio	3.9	3.8	2.9
Georgia	2.8	4.4	1.5	Oklahoma	2.2	2.7	1.3
Hawaii	0.6	6.6	—	Oregon	2.0	1.5	1.2
Idaho	2.1	2.4	0.8	Pennsylvania	5.9	6.6	7.4
Illinois	4.3	2.7	1.8	Rhode Island	—	3.6	2.6
Indiana	3.3	3.6	1.5	South Carolina	2.5	3.4	2.3
Iowa	3.8	4.6	2.9	South Dakota	7.9	4.2	6.0
Kansas	4.0	4.0	3.1	Tennessee	4.0	2.8	3.6
Kentucky	5.0	4.0	3.0	Texas	2.3	2.0	2.4
Louisiana	2.4	4.5	2.4	Utah	3.9	2.4	1.3
Maine	1.6	2.0	0.0	Vermont	2.7	0.0	0.0
Maryland	3.2	3.2	2.7	Virginia	4.4	3.7	5.7
Massachusetts	5.6	5.1	4.7	Washington	1.6	1.7	2.0
Michigan	4.4	1.3	3.7	West Virginia	4.5	2.8	4.6
Minnesota	6.9	4.6	4.9	Wisconsin	10.3	6.3	3.6
Mississippi	3.0	3.2	—	Wyoming	2.9	2.6	2.0

Note: The custody rate is the number of juvenile offenders in residential placement on October 22, 2003, per 100,000 juveniles age 10 through the upper age of jurisdiction in the general population of each state. U.S. totals include 1,398 youth in private facilities for whom state of offense was not reported and 124 youth in tribal facilities.

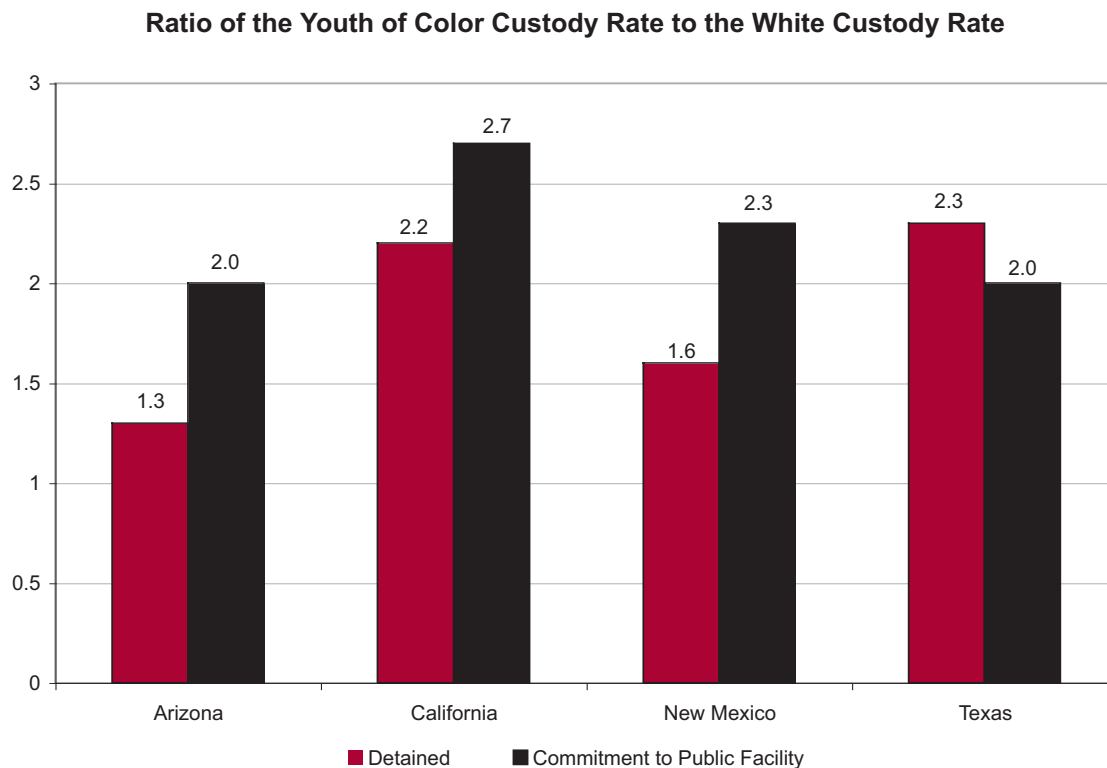
Source: *Juvenile Offenders and Victims: 2006 National Report*. OJJDP (2006).



Ratios for detained placements of over 5.0 were found in Alaska, Connecticut, Delaware, District of Columbia, Kentucky, Massachusetts, Minnesota, Missouri, Nebraska, New Jersey, North Dakota, Pennsylvania, South Dakota, and Wisconsin. Ratios for public commitments of over 5.0 were found in Delaware, Hawaii, Massachusetts, New Jersey, New York, North Dakota, Pennsylvania, and Wisconsin. For private commitments, ratios of over 5.0 were found in Delaware, New Jersey, Pennsylvania, South Dakota, and Virginia.

Among states with the highest number of Latino youth in the general population—Arizona, California, New Mexico, and Texas—youth of color were over-represented in both detained and committed populations (Figure 17). The youth of color to White youth ratio for detained youth in custody ranged from 1.3 to 2.3, while commitments to public facilities ranged from 2.0 to 2.7.

**Figure 17: Indices of Overrepresentation of Youth of Color in Custody in Arizona, California, New Mexico, and Texas, 2003**



Note: In 2003, Latino youth represented 35% of youth ages 10-17 in Arizona, 43% in California, 50% in New Mexico, and 40% in Texas. The custody rate is the number of juvenile offenders in residential placement on October 22, 2003, per 100,000 juveniles age 10 through the upper age of jurisdiction in each state.

Source: Adapted from Juvenile Offenders and Victims: 2006 National Report. OJJDP (2006).

**Table 7: Residential Custody Rates by State and Race/Ethnicity, 2003**

State	Custody rate (per 100,000)				
	White	African American	Latino	Native American	Asian and Pacific Islander
U.S. total	190	754	348	496	113
Alabama	235	586	368	0	73
Alaska	177	339	0	896	206
Arizona	223	579	363	199	72
Arkansas	142	468	200	0	108
California	217	1,246	448	425	140
Colorado	268	1,150	396	646	112
Connecticut	105	669	316	672	36
Delaware	128	1,029	413	0	0
District of Columbia	347	683	698	0	0
Florida	355	973	186	195	81
Georgia	142	500	237	127	59
Hawaii	62	199	44	0	111
Idaho	250	725	463	747	328
Illinois	120	589	144	113	14
Indiana	316	1,188	381	417	0
Iowa	242	1,337	520	1,025	117
Kansas	213	1,320	364	318	187
Kentucky	133	653	113	0	76
Louisiana	202	663	151	269	90
Maine	149	182	188	492	0
Maryland	98	319	326	450	22
Massachusetts	111	811	522	172	160
Michigan	169	602	231	287	27
Minnesota	156	1,149	400	1,712	280
Mississippi	75	246	60	155	0
Missouri	159	690	287	93	87
Montana	188	418	482	588	0
Nebraska	214	1,529	447	1,682	194
Nevada	289	958	332	405	152
New Hampshire	144	579	197	0	0
New Jersey	51	795	203	153	15
New Mexico	153	823	105	212	0
New York	138	712	261	205	45
North Carolina	106	332	77	195	45
North Dakota	235	1,384	747	1,240	0
Ohio	207	916	296	87	71
Oklahoma	196	673	239	343	48
Oregon	291	1,075	314	870	181
Pennsylvania	139	1,207	639	246	329
Rhode Island	192	1,425	188	735	409
South Carolina	201	567	453	193	143
South Dakota	310	3,199	1,449	1,575	873
Tennessee	143	507	251	0	79
Texas	194	771	327	139	18
Utah	258	951	564	558	324
Vermont	71	0	341	0	0
Virginia	143	715	273	0	71
Washington	200	770	207	607	155
West Virginia	229	953	567	775	0
Wisconsin	143	1,389	226	580	282
Wyoming	507	3,035	947	1,285	0

Note: The custody rate is the number of juvenile offenders in residential placement on October 22, 2003, per 100,000 juveniles age 10 through the upper age of jurisdiction in the general population of each state. U.S. totals include 1,398 youth in private facilities for whom state of offense was not reported and 124 youth in tribal facilities. Persons of Latino origin may be of any race. Racial categories (e.g. White youth) do not include youth of Latino origin.

Source: Census of Juveniles in Residential Placement 1997, 1999, 2001, and 2003 [machine-readable data files]. OJJDP (2005). Easy Access to Juvenile Populations [Online analysis package] OJJDP (2006).

Across the nation, 190 White youth were in residential placement on October 22, 2003, for every 100,000 youth in the population compared to 754 African American youth, 348 Latino youth, 496 Native American youth, and 113 Asian and Pacific Islander youth (Table 7).

The most notable differences between the custody rate of White youth and others is seen in New Jersey, where custody rates for youth of color are over 8 times, and custody rates for African Americans are over 15 times, the rate for White youth. The custody rates of African Americans in Wisconsin and South Dakota are both about ten times that of White youth.

<b>Table 8: Likelihood of Commitment to State Public Facilities by Age 18</b>					
<b>State</b>	<b>All</b>	<b>White</b>	<b>African American</b>	<b>Latino</b>	<b>Other</b>
Ohio	1.55	0.83	6.53	1.2	0.26
Virginia	1.2	0.57	3.51	0.38	0.35
Missouri	1.08	0.74	3.32	na	0.39
Tennessee	1.07	0.7	2.6	na	0.24
Wisconsin	1.07	0.46	7.66	2.78	2.86
Louisiana	0.87	0.25	1.91	0	0.2
North Dakota	0.85	0.64	2.13	4.1	3.44
Texas	0.85	0.72	2.52	0.93	0.03
Utah	0.79	0.73	8.32	2.4	1.03
Iowa	0.73	0.62	4.54	1.85	1.17
Illinois	0.67	0.37	2.04	0.81	0.06
California	0.69	0.69	2.66	0.88	0.18
New Jersey	0.69	0.23	2.98	0.86	0.12
New York	0.69	0.35	2.2	1.18	0.11
New Hampshire	0.65	0.62	4.91	2.41	0.44
Massachusetts	0.56	0.28	2.73	1.68	1.95
<p>Note: Latino youth are also counted in the White and African American race groups in this analysis. The other race category is a composite of youth identified as Native American, Asian American, other, or unknown racial background.</p> <p>Source: <i>The Juveniles Taken Into Custody Research Program: Estimating the Prevalence of Juvenile Custody Rates by Race and Gender</i>. National Council on Crime and Delinquency (1993).</p>					

According to a 1993 study by the National Council on Crime and Delinquency, in states for which data was available, African American youth were almost always more likely than White or Latino youth to be taken into state juvenile corrections custody by age 18 (Table 8). More specifically, the State Juvenile Corrections System Reporting Program (SJCSRP) identifies these prevalence rates as the estimated proportion of the at-risk population of youth who are

likely to be committed to the custody of state juvenile corrections systems by age 18. Latino youth were generally more likely than White youth to be taken into state custody by age 18. Among reporting states, prevalence rates were estimated to be highest for African American youth in Utah (8.32), Wisconsin (7.66), and Ohio (6.53). The data required to update this study are not available.

## INCARCERATION OF YOUTH IN ADULT CORRECTIONS

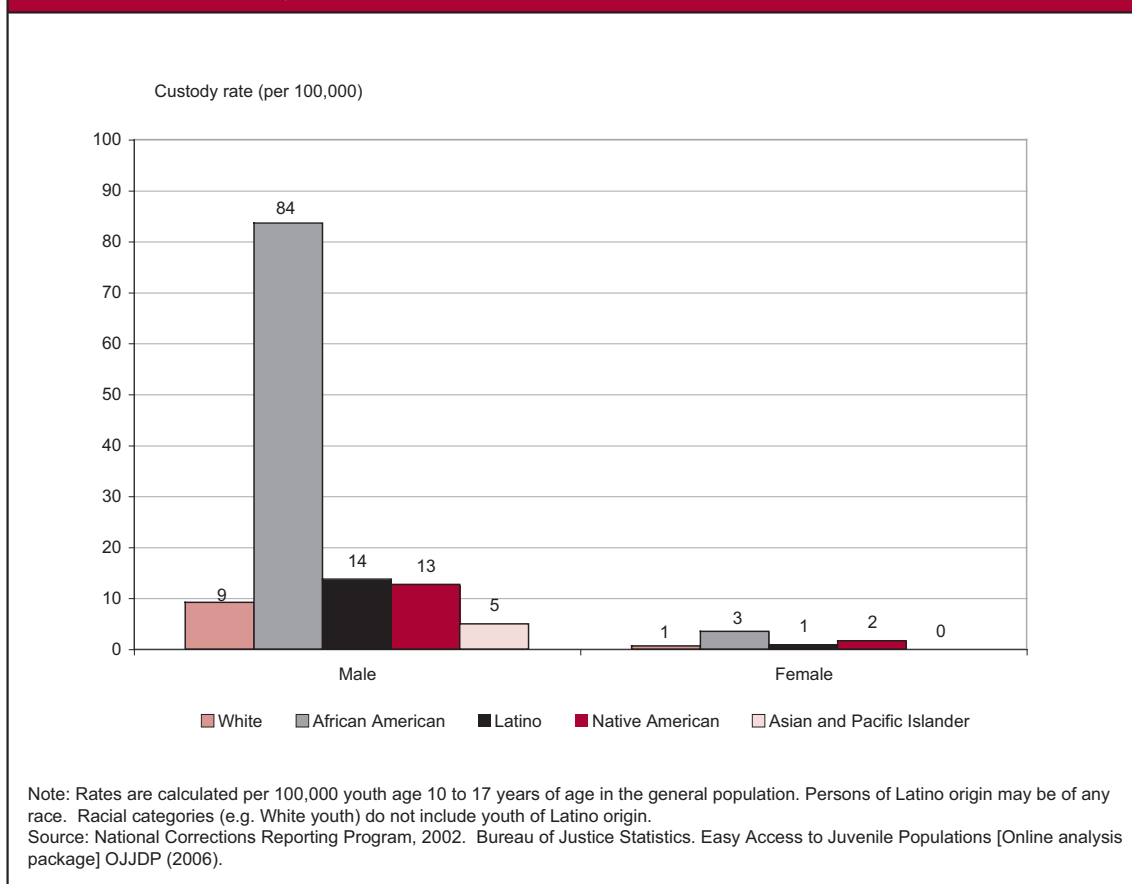
Legislative changes in the past twenty years have enabled prosecutors and juvenile court judges to send more youth into the adult criminal justice system or to automatically exclude youth charged with certain offenses from the jurisdiction of the juvenile court. As a result, a significant number of youth are being sentenced to adult correctional facilities, such as state and federal prisons and county jails. While the “sight and sound separation” provisions of the Juvenile Justice and Delinquency Prevention Act prohibit youth under juvenile court jurisdiction from being within “sight or sound” of adult inmates, it does not cover youth under the jurisdiction of adult criminal court. Therefore, youth prosecuted as adults can be incarcerated with adult inmates in jails and prisons.

### The National Perspective

Nearly three out of four youth admitted to adult state prisons in 2002 were youth of color.

An estimated 4,100 youth under the age of 18 were admitted to the nation’s state prisons in 2002. The majority (73%) of these new commitments were youth of color; 58% were African American, 10% were Latino, and 5% were youth of other races. As such, African American, Latino, and Native American youth had significantly higher prison admissions rates than White youth (Figure 18).

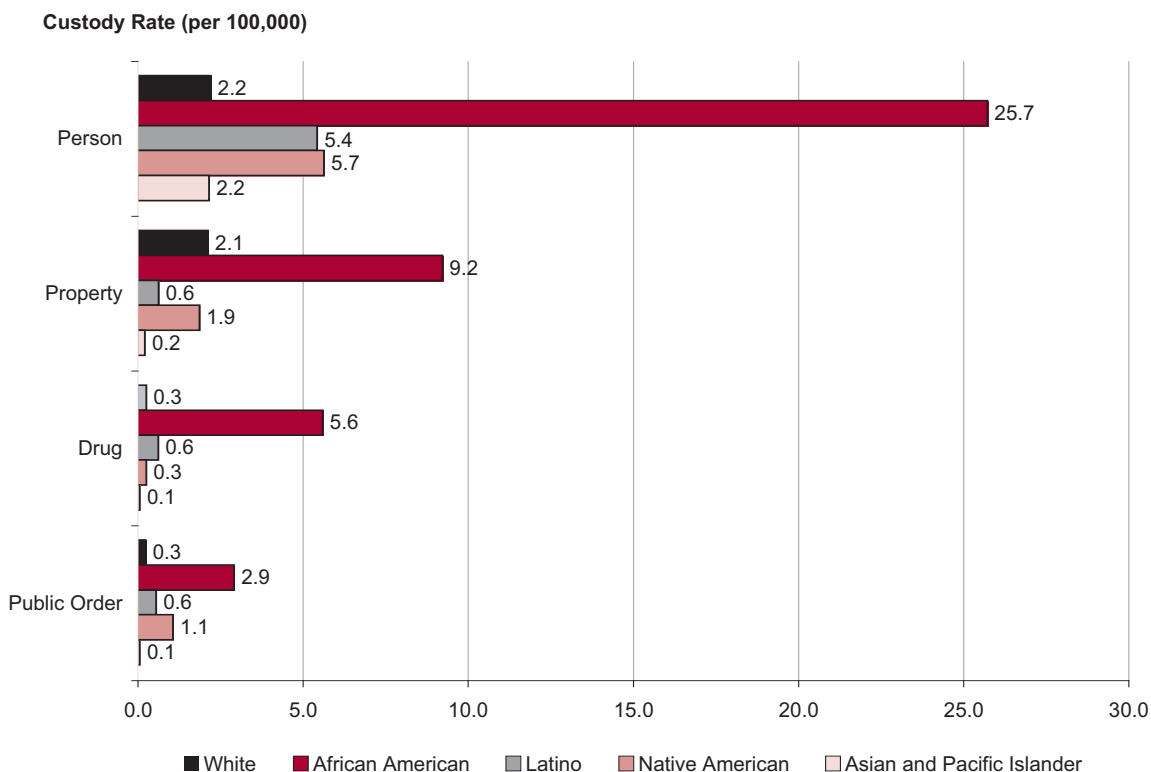
**Figure 18: Youth in Adult Prison: Rates of New Commitments to Prison by Sex and Race/Ethnicity, 2002**



The prison admissions rates of Africa American, Latino, and Native American youth remained higher

than the White youth rate throughout all offense types (Figure 19).

**Figure 19: Youth in Adult Prison: Rates of New Commitments to Prison by Offense and Race/Ethnicity, 2002**



Note: Rates are calculated per 100,000 youth age 10 through 17 years of age in the general population. Persons of Latino origin may be of any race. Racial categories (e.g. White youth) do not include youth of Latino origin.

Source: National Corrections Reporting Program, 2002. Bureau of Justice Statistics. Easy Access to Juvenile Populations [Online analysis package] OJJDP (2006).

### The State Perspective

Differences in the rate of new commitments of youth to prison varied considerably among states. Nevertheless, African American youth had consistently higher rates

of prison admissions than White youth. Other racial/ethnic group showed great overrepresentation in select states (Table 9).

**Table 9: Youth in Adult Prison: Rates of New Prison Commitments by State and Race/Ethnicity, 2002 (per 100,000 youth)**

	White	African American	Latino	Native American	Asian and Pacific Islander	Total
United States	5	44.1	7.4	9.2	2.5	11.8
Alabama	8.5	41.5	0	0	0	18.9
Alaska	15.5	73	0	20	0	17.5
Arizona	0	0	0	0	0	0
Arkansas	11.4	59.9	0	0	0	20.8
California	1.5	19.3	7.1	3.3	1.9	5.4
California Youth Authority	0.4	6.4	2.1	0	1.5	1.7
Colorado	3.6	46.1	17.6	21.3	7.9	9.1
Connecticut	0	0	0	0	0	0
Delaware	0	0	0	0	0	0
District of Columbia	0	0	0	0	0	0
Florida	8	67.6	8.6	0	0	20.9
Georgia	7.6	32.5	10.8	37.2	0	16.7
Hawaii	0	0	0	0	1.2	0.8
Idaho	0	0	0	0	0	0
Illinois	7.6	74.7	15.5	0	0	21.4
Indiana	0	0	0	0	0	0
Iowa	13	81	0	0	0	14.5
Kansas	0	0	0	0	0	0
Kentucky	0	2.3	0	0	0	0.2
Louisiana	5.6	33.2	0	0	0	16.4
Maine	0.7	0	0	0	0	0.7
Maryland	3.6	53.7	0	0	0	20.1
Massachusetts	0	0	0	0	0	0
Michigan	6.7	46.8	5.8	0	4.2	13.8
Minnesota	1.6	20.4	9	28.9	7.2	3.7
Mississippi	18.1	59.6	19.4	0	0	36.5
Missouri	14.5	40.3	11	0	0	18
Montana	0	0	0	0	0	0
Nebraska	5.2	49.7	12.9	75.5	0	9.2
Nevada	6.4	8.5	22.7	0	0	10.6
New Hampshire	2.1	0	28	0	0	2.7
New Jersey	0.5	14.5	5.3	0	0	3.5
New Mexico	0	0	0	0	0	0
New York	2.2	41.2	13.4	0	0	11.7
North Carolina	16.5	100.5	33.1	36	12.1	40.7
North Dakota	0	0	0	16.7	0	1.4
Ohio	4.9	42.1	3	0	0	10.7
Oklahoma	4	14.5	6.7	8.3	0	5.7
Oregon	16.3	142.6	11.3	26.8	14	19.2
Pennsylvania	1	19.6	8.9	0	3.7	3.9
Rhode Island	0	0	0	0	0	0
South Carolina	30	100.7	33	0	0	56.4
South Dakota	2.6	96.5	0	7.5	0	4.3
Tennessee	2.7	17.3	0	0	0	5.8
Texas	4.2	29.3	0	0	0	9.7
Utah	3.4	0	0	0	0	2.9
Vermont	0	0	0	0	0	0
Virginia	1.3	25.6	6.7	0	0	7.5
Washington	5.8	60.7	15	0	10.8	9.8
West Virginia	0	0	0	0	0	0
Wisconsin	8.1	154.6	50.8	109.6	16.4	24.4
Wyoming	0	0	0	0	0	0

Note: Rates are calculated per 100,000 youth age 10 to 17 years of age in the general population. This table reflects the racial/ethnic proportions of youth in adult prisons when race/ethnicity is known. Data was missing for admissions in California (1%), Georgia (1%), Maryland (1%), New York (2%), and Ohio (3%). Persons of Latino origin may be of any race. Racial categories (e.g. White youth) do not include youth of Latino origin.  
Source: National Corrections Reporting Program, 2002. Bureau of Justice Statistics. Easy Access to Juvenile Populations [Online analysis package] OJJDP (2006).

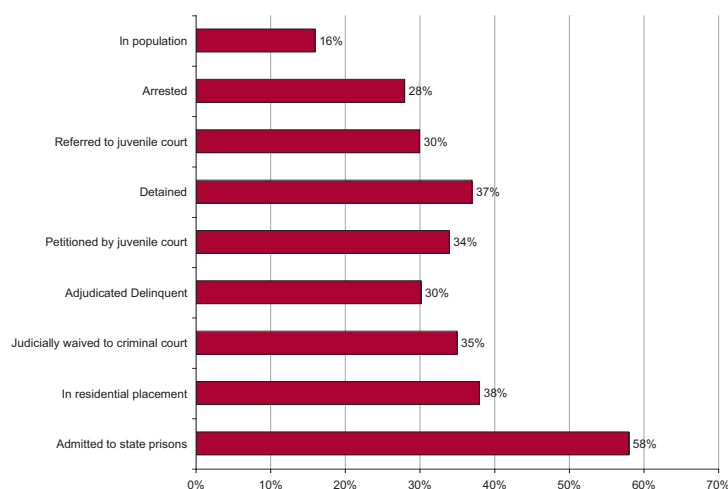
## CONCLUSION

Historically, the most punitive and restrictive sanction facing youth charged with a criminal offense involved court-ordered placement in a residential facility, particularly public training schools. These facilities emphasized rehabilitative programming. The recent past, however, has revealed growing movement away from the early juvenile court's original goals of diversion and treatment towards punishment, accountability, and (presumed) public safety. In addition, state legislatures are increasingly moving away from case-specific decisions to transfer juveniles to criminal court in favor of

transfer decisions based on the offender's age or offense seriousness.

As the blurring of the line between juvenile and criminal court increases, so does the likelihood that these trends will disproportionately affect youth of color. Already, African American juveniles are overrepresented with respect to their proportion in the population at every decision point in the process (Figure 20). Despite the drop in admissions of youth to state prisons in the last few years, African Americans remain the most overrepresented at that stage of the continuum.

**Figure 20: African American Proportion of Youth**



Note: Reflects 2003 population, referrals to juvenile court, detentions, petitions by juvenile court, waivers, residential placement; 2004 arrests; and 2002 admissions to state prisons.  
Sources: Crime in the United States 2004, table 43b (Washington, DC: U.S. Government Printing Office, 2005). Easy Access to FBI Arrest Statistics, 1994-2004 [Online analysis package] OJJDP (2006). Easy Access to Juvenile Populations [Online analysis package] OJJDP (2006). Easy Access to Juvenile Court Statistics, 1985-2003 [Online analysis package] OJJDP (2006). Census of Juveniles in Residential Placement 1997, 1999, 2001, and 2003 [machine-readable data files]. OJJDP (2005). National Corrections Reporting Program, 2002. Bureau of Justice Statistics.

### African Americans were:

- 16% of youth.
- 28% of juvenile arrests.
- 30% of referrals to juvenile court.
- 37% of the detained population.
- 34% of youth formally processed by the juvenile court.
- 30% of adjudicated youth.
- 35% of youth judicially waived to criminal court.
- 38% of youth in residential placement.
- 58% of youth admitted to state adult prison.

While “Equal Justice Under the Law” is the foundation of our legal system, and is carved on the front of the U.S. Supreme Court, the juvenile justice system is anything but equal for all. Throughout the system, youth of color—especially African American youth—receive different and harsher treatment. This is true even when White youth and youth of color are

charged with similar offenses. This report documents a juvenile justice system that is “separate and unequal.”

It is time for a nationwide effort to identify the causes of this differential treatment of youth of color and a concerted campaign to provide a fair and equal justice system for our youth.

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