

OP-ED: House and Senate Committees Gut Funding to Reduce Racial and Ethnic Disparities in the Juvenile Justice System



This past week, the House and Senate Appropriators approved substantial reductions in juvenile justice funding, including critical funding to reduce racial and ethnic disparities in the juvenile justice system. The House bill contains only \$20 million for all states to implement Title II of the Juvenile Justice and Delinquency Prevention Act. The Senate bill recommends \$50 million. Both are well below the president's proposed \$70 million.

We shouldn't let them make these cuts and here's why:

The Juvenile Justice and Delinquency Prevention Act (JJJPA) was established in 1974 to provide federal standards for the custody and care of youth in the juvenile justice system. Title II of the law, which articulates core protections for system-involved youth to help states ensure young people are treated fairly and humanely, was updated more than 20 years ago with the "Disproportionate Minority Confinement" (DMC) provision. This provision requires that states, as a condition of receiving federal funds, identify and address the disproportionate confinement of youth of color in the juvenile justice system.

In the most recent JJJPA reauthorization more than a decade ago, the term "confinement" was changed to "contact," emphasizing the racial and ethnic disparities faced by youth

of color at all points in the juvenile justice system. “DMC is a critical issue in the juvenile justice system because it is an issue of basic fairness,” says national expert Mark Soler, Founder and Executive Director of the [Center for Children’s Law and Policy](#).

The DMC provision was added to Title II of the law and later refined because of the evidence of huge disparities in the treatment of youth of color in the juvenile justice system. For example, African-American youth make up only 17 percent of the nation’s total youth population, but African-American youth constitute 30 percent of the youth arrested nationwide and 62 percent of all youth in the adult criminal justice system. Latino and Native American youth experience similar unfairness within the juvenile justice system. Latino children, the fastest-growing segment of the American population, represent 23 percent of all children under the age of 18.

At the same time, Latino youth are 40 percent more likely than white youth to be admitted to adult prison. Finally, Native American youth receive harsher sentences, with a 50 percent higher likelihood than white youth to receive out-of-home placement or to be placed in the adult system.

“Having an over-representation of young people of color in confinement means that those young people’s life outcomes are seriously diminished,” says James Bell, one of the nation’s leaders on efforts to reduce racial and ethnic disparities and Founder and Executive Director of the [W. Haywood Burns Institute](#). “And that is why we as a society should care mightily about this.”

These facts are often undermined by a false impression that youth of color commit more crime than white youth. That is simply not true. Results from self-report surveys indicate that white youth are in fact significantly more likely than youth of color to use drugs and alcohol, sell drugs, and

engage in minor theft. Although white youth admit high drug use, African-American youth are twice as likely to be arrested and detained and as a group account for 87 percent of all youth tried in adult court for drug offenses.

The JJDPA's DMC provision has ensured funding to every state to reduce these stark racial and ethnic disparities. There are promising efforts in a number of states. Take, for example, the [Juvenile Detention Alternatives Initiative](#) (JDAI) and the [Models for Change](#) (MfC) project, which have shown that disparities can be reduced when stakeholders work effectively together. The federal Title II JJDPA funds have been a major funding source in these efforts.

Congress' proposed funding cuts come in the aftermath of the U.S. Department of Justice (DOJ) Civil Rights Division's three-year investigation into the operations of the Juvenile Court of Memphis and Shelby County Tennessee and found extensive racial disparities in the treatment of African-American children: African-American youth are twice as likely as white youth to be recommended for transfer to adult court. Of the 390 transfers to adult court in 2010 in Tennessee, approximately one half were from Shelby County, and all but two of the total children transferred were African-American.

The DOJ investigation highlights the need to redouble efforts nationally to do more, not less, to reduce racial and ethnic disparities. The federal juvenile justice funds are crucial to the success of these efforts around the country.

If the House and Senate Appropriations Committees prevail, funding for the JJDPA, including the DMC provision, will be substantially cut at a time when those resources are so clearly needed.

Congress must step up and preserve, not gut, federal funding to reduce racial and ethnic disparities in the juvenile justice system. All of our youth deserve more.

