



Juvenile Justice Issue

The Advocate

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A newsletter on children's issues

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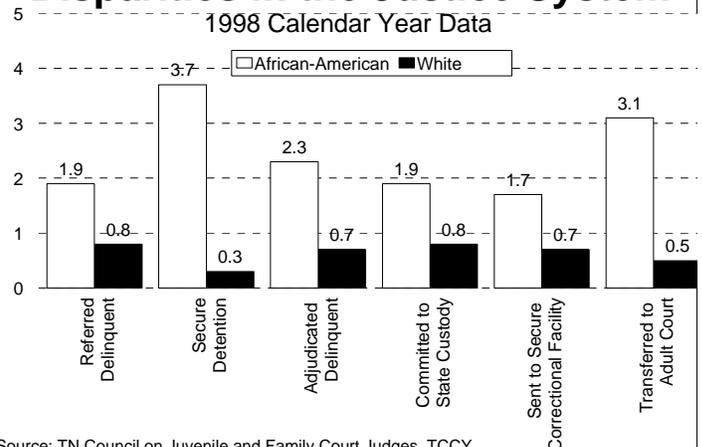
Inequities in JJ System Trouble TCCY Taskforce

Minority youths face higher odds of coming in contact with the juvenile court or with being placed in a residential juvenile justice treatment facility than do White youth. Since these conditions lay the foundation for adult crime, whole neighborhoods have been affected by high levels of incarceration. Research shows that minority youth are over-represented at every stage of the justice system, according to Tennessee statistics and the Justice Policy Institute's "The Color of Justice" analysis of juvenile transfers to adult court in California.

The Disproportionate Minority Confinement Task Force of the Tennessee Commission on Children and Youth is trying to deal with this problem. Addressing this issue is a core requirement of the Juvenile Justice and Delinquency Prevention Act, along with removing children from adult jails, keeping status offenders out of secure facilities, and children in secure facilities separate from adult offenders. The Tennessee Commission on Children and Youth is the state advisory group for Tennessee for the Office of Juvenile Justice and Delinquency Prevention and has the responsibility for meeting these requirements.

- In 1997, 74% of juveniles in secure detention centers in Tennessee were African-American and 25% were White.
- In Tennessee, 75% of juveniles transferred to adult-court were African-American and 25% were White in 1997.

Disparities in the Justice System



Source: TN Council on Juvenile and Family Court Judges, TCCY
Greater than 1 equals over-representation; less than 1 equals under-representation

In 1995 TCCY called together people concerned about this problem to form the DMC Task Force. Since then, a brochure on disproportionate minority confinement or minority over-representation was created and distributed. At the recommendation of the task force, TCCY also created a brochure on the rights and responsibilities of minors. During the past three years, presentations have been held in Jackson and Chattanooga. Local task forces have been functioning in Chattanooga since 1998 and in Madison County.

To identify and describe the problems, TCCY considers children ages 12 to 17 as the group at risk of becoming delinquent and uses their demographics to compare to the data from the juvenile court system. State data are based on information provided by the

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Inequities

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Tennessee Council of Juvenile and Family Court Judges for 1998. These statistics are compared to 1990 Census data. At no point in the process are White youths over-represented, according to Tennessee statewide data.

Referrals. Under Tennessee Law juveniles are not arrested, they are “referred” to juvenile court. Law enforcement officials make 66 percent of the referrals of White youths to juvenile court and 76 percent of those for African-American youths. In both status offenses (actions that are crimes only when committed by minors) and delinquent offenses African-American youths are represented at approximately two times their occurrence in the at-risk population or at a factor of 2.1.

Detention. Upon receiving a referral, a court may choose to place a child in detention if the child meets detention criteria and is in need of protection or may be a threat to the community. In detention, Tennessee African-American youths are represented at nearly four times their representation in the at-risk population.

Adjudications. The family or juvenile court judge or his or her designated referee must determine whether the charge is proven. If it is, the child is adjudicated a status offender or a delinquent. For both offenses, African-Americans are over-represented by a factor of 2.3 or more than two times the expected level.

Disposition. Again, the number of African-American youths committed to state custody over-represents them by a factor of 1.9 or at nearly twice the expected level based on the demographics of the at-risk group in the population. The over-representation is slightly less for African-American youths committed to secure juvenile correctional facilities.

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Factors Contributing to DMC

Family Dynamics

- Instability in the home;
- Single-parent household/loss of parental control;
- Lack of appropriate role models;
- Negative peer pressure.

Education

- Low academic achievement;
- Dropout rate;
- Cultural sensitivity/competency among educators;
- Accountability.

Economics/Social

- Unemployment;
- Lack of economic development;
- Crime and violence;
- Substance abuse;
- Lack of hope about the future;
- Lack of community-based, culturally competent programs.

Criminal Justice System

- Law enforcement policing strategies;
- Racial/ethnic issues in the judicial system;
- Bias/racism.

Compiled by Xavier Hampton

National Statistics. In an examination of California arrests, the Justice Policy Institute found that non-White youths arrested for violent offenses were two times more likely to be sent to adult court than White youths. Other studies have found that minority youths are treated more harshly by the justice system than White youths with similar criminal records. Even though minority youths are 2.7 times more likely than White youths to be arrested for a violent felony, they are 3.1 times more likely to be transferred to adult court and sentenced to prison.

Transfers to Adult Court. One of the highest levels of over-representation in Tennessee juvenile courts is in the number of transfers to adult court, where the factor is 3.1.

Nationally, disproportionate numbers have also been

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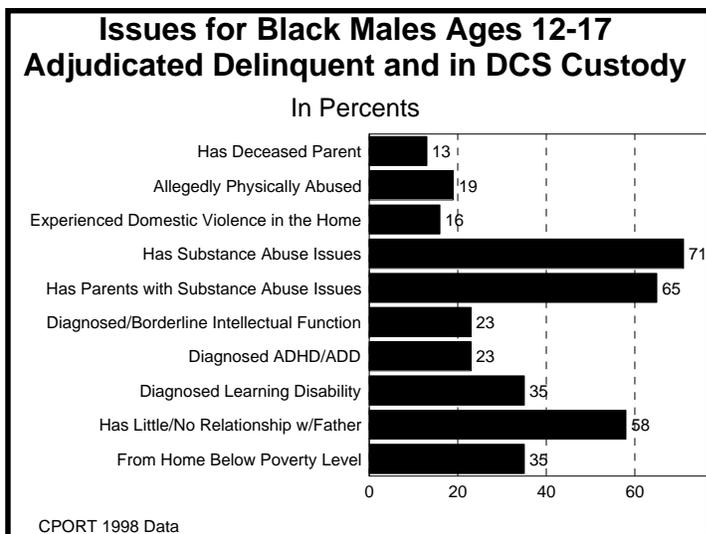
found in the number of juveniles transferred to adult court. Most of the decisions to charge a juvenile as an adult (85 percent) were not made by judges with court hearings. Minority youths, particularly African-American youths, were over-represented and received differential treatment at several stages of the process, especially in cases involving drug offenses and public order offenses, according to a report released in October. The report that found that in the 2,584 cases in 18 of the largest court jurisdictions in the country during first half of 1998, 82 percent of the cases of juveniles transferred to adult court involved minority youths. Drug cases were filed against African-American youths at five times the rate of White youth (17 percent and 3 percent, respectively).

The Justice Policy Institute found that despite the transfer of a large number of its juveniles to adult court since 1981, Florida has the second highest overall violent crime rate in the United States. Its violent juvenile crime rate is 72 percent higher than the national average. A 1996 study found that youths transferred to adult court in Florida were one-third more likely to have additional offenses than those kept in the juvenile system.

Children in adult jails and prisons are five times more likely to be raped, twice as likely to be beaten by prison employees and 50 percent more likely to be attacked with a weapon than youths in the juvenile system, reports the Justice Policy Institute. The suicide rate of children in adult jails is 7.7 times higher than that of youths in juvenile detention centers.

Youth Training Centers. The Tennessee Department of Children's Services (DCS) operates four youth development centers and group homes and other programs. Only one of these centers had alcohol and drug treatment, according to its 1999 annual report.

Many recent TCCY publications and information about the agency can be downloaded from the agency website at www.state.tn.us/tccy. Please contact us at fdelk@mail.state.tn.us to let us know what you think of the website and to recommend additional features.



During 1998-99, DCS provided community intervention services to 1,252 youths who might have been committed to state custody because of delinquency. The program was successful in 82 percent of the cases.

According to a Building Blocks for Youth fact sheet, in 1995 minority youth made up more than 68 percent of the incarcerated population in the nation's youth training schools – the most restrictive environment – but only 32 percent of the general youth population. White youth make up 66 percent of the general youth population and 37 percent of incarcerated youth population.

Legal Representation. White youths were twice as likely as African-American youths to be represented by private counsel, according to the study of transfers to adult court. Youth represented by private counsel were more likely to be transferred back to juvenile court and less likely to be convicted.

School Discipline Factors. Many experts suggest that the time for intervention is before the child reaches the juvenile justice system. The Civil Rights Project at Harvard University links the disparities in the juvenile justice system to disparities in the application of discipline in schools.

In Tennessee during the 2000 school year, the rate of suspension for African Americans was double that of

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White students; 11 percent of African-American students or more than one in 10 were suspended, even though, according to the Tennessee Youth Risk Behavior Survey in 1999, reports of participation in fights were equal for both races. Rates of going armed (16 percent for African-Americans and 20 percent for White youths) were different enough to be significant.

Education Week suggests that the problem may not stem from racism. Perhaps increased suspensions and other ineffectively punitive discipline that increase the disconnect between students and school are used more by inexperienced teachers, who tend to be placed in inner city or disadvantaged schools. Predominately

Prevention Strategies to Combat DMC

Community-Based/Early Prevention Efforts

- Youth considered or identified as at-risk need mentors, tutors, after school programs, and counseling
- Anti-violence/culturally specific youth programs

Family dynamics: "It takes a village to raise a child."

- Counseling and help for parents;
- Programs that provide parenting skills

Education

- School-based programs that target at-risk behaviors
- Parent and teacher education programs
- Training on cultural competency/sensitivity/diversity
- Accountability for academic achievement

Programs for Youth

- Value diversity in every aspect of organization
- Create an environment that welcomes ethnic minorities
- Hold programs accountable for achieving certain outcomes with youth;
- Diversify workforce
- Culturally competent screening to identify risks and problems;

Transition from correctional facility to community

- Engage community in supporting youth returning to the community
- Employment/educational/vocational opportunities.

Compiled by Xavier Hampton, TCCY

How do we address the problem

- Equitable treatment;
- Meaningful delinquency prevention programs;
- Training system participants and educating policymakers;
- Cultural sensitivity and competency training;
- More objective decision-making criteria throughout the system;
- Changes in juvenile justice processing policies and procedures;
- Fairer allocation of limited system resources and programs;
- Better juvenile justice data systems;
- Better monitoring of the operation of the system;

Compiled by Xavier Hampton, TCCY

African-American and Hispanic school districts are also more likely to have zero tolerance policies and policies addressing violence. The lack of resources in these schools also contributes to the problem. Students who are bored because they are not being challenged academically are more likely to act out.

However, according to the report, "Opportunities Suspended," "Regardless whether the disparities are intentional or unintentional, the numbers are nonetheless alarming."

The report also discusses the use of vague categories. It looks at South Carolina where, although the number of children punished for possessing a weapon was equally divided between White and African-American, many more minority than White students were charged with the vaguer "disturbing schools" and "threatening school official" categories. The report also faulted zero tolerance and punitive discipline policies with making students cynical about the justice system.

Other Causes. The Coalition for Juvenile Justice also suggests that stressful social and economic conditions may predispose minority children to develop mental illnesses and to be less likely to be treated for them, contributing to their disproportionate representation in juvenile detention centers. In addition, Tennessee

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Inequities

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statistics for 1998 show that 50 percent of African-American males were living in a mother-only headed household at the time of referral to juvenile court, compared to 32 percent for White males.

Substance Abuse Issues. The disparity between White and minority youth is especially great in the area of drug offenses, although the National Household Survey of Drug Abuse found that overall drug use by White and minority individuals is similar. Although African-American youths accounted for 57 percent of all charges in the Building Blocks for Youth study, they made up more than 85 percent of drug charges and 74 percent of public order charges.

Nationally, Hispanic and White students responding to the Youth Risk Behavior Survey (YRBS) were significantly more likely than African-American students (2.2 percent) to report lifetime cocaine use, and Hispanic students (15.3 percent) were significantly more likely than White students (9.9 percent) to report drug-taking behavior. Overall, Hispanic and White students (11.3 percent and 10.3

percent, respectively) were significantly more likely than African-American students (1.7 percent) to report lifetime methamphetamine use. In Tennessee's YRBS use of cocaine was reported at 5 percent for African-Americans and 10 percent for White youths. However, although the difference wasn't statistically significant, African-American youth reported marijuana use at a higher rate than White youth. Nationally, differences in marijuana use were not found significant.

In 1985, prior to the mandatory minimum terms for imprisonment instituted by the federal Anti-Drug Abuse Acts of 1986 and 1988, the average drug sentence for African Americans was 6 percent longer than the average for Whites. After the laws were implemented the difference increased to 93 percent. These laws also set the mandatory sentences established for possession of crack cocaine at 100 times higher than those for powder cocaine. Crack cocaine tends to be the form most used by African-Americans, while powder cocaine is more frequently used by Whites. In 1995, the U.S. Sentencing Commission recommended changes in the law, but Congress has not made these changes.

TCCY Disproportionate Minority Confinement Task Force

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Southwest CSA
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Community Planning Services
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Juanita Veasy

Black Children's Institute
Nashville

National Group Recognizes Tennessee-Based Agency's Efforts on Behalf of Children

Youth Villages, a Memphis-based non-profit corporation, is recognized in *Handle With Care: Serving the Mental Health Needs of Young Offenders*, the annual report of the Coalition for Juvenile Justice. The report was released at an event in Nashville on Dec. 5.

Robert Pence, coalition president, alluded to the difference between the then unresolved election and the concerns for mentally ill youth, saying, "The other story (the election) will be resolved soon, the story we are going to tell isn't going to be resolved soon."

Although the report said that rarely do juvenile facilities provide appropriate and adequate care, the family-focused Multi-Systemic Therapy (MST) program used by Youth Villages, which they call Intercept," has a record of preventing juvenile rearrest by from 25 percent to 75 percent and of decreasing the need for out-of-home placement by from 47 percent to 64 percent.

Clifford, a teen, and Jared, who started in the program at age 3, and their families reported about how the program helped them.

Fifty to 75 percent of young offenders incarcerated nationwide are estimated to have a diagnosable mental

Resources

And Justice for Some Youth Crime, Adult Time, 1234 Massachusetts Ave., NW, C1009, Washington, DC 20005, (www.buildingblocksforyouth.org).

The Florida Experiment: An Analysis of the Impact of Granting Prosecutors Discretion to try Juveniles as Adults and The Color of Justice: An Analysis of Juvenile Adult Court Transfers in California, Justice Policy Institute, (202) 737-7270, (www.cjcj.org).

An Analysis of Juvenile Court Practices in Selected Counties, Tennessee Bureau of Investigation's Crime Statistics Unit, July 1999.

Tennessee Department of Children's Services Fiscal Year 1998-1999 Annual Report.

Tennessee Council of Juvenile and Family Court Judges 1999 Annual Statistical Report, 710 James Robertson Parkway, 1st Fl., Nashville, 37243-0810, (615) 741-3980, dlewis5@mail.state.tn.us.



Commission co-chair Sharon Massey introduces Robert Pence and Elisabeth Rukeyser, commissioner of the Tennessee Department of Mental Health and Developmental Disabilities.

health disorder, according to the report, yet the U.S. justice system is not equipped to treat or even identify them. "One in five of all children, in or out of the juvenile justice system will, at some point, need help to contain and manage strong emotions or severe emotional stress," Pence said. "One in every two children in confinement has a diagnosable mental illness."

The Coalition for Juvenile Justice is an organization of the Office of Juvenile Justice and Delinquency Prevention state advisory groups.

The Advocate is published by the Tennessee Commission on Children and Youth as an information forum on children's issues. The Tennessee Commission on Children and Youth, an independent state agency, serves as an advocacy agency and information resource for planning and coordination of policies, programs, and services on behalf of the state's children and youth. The 21-member Commission, appointed by the governor, works with other agencies and with regional councils on children and youth in each development district to collect information and solve problems in children's services. To receive *The Advocate*, contact Fay L. Delk, Publications Editor, Tennessee Commission on Children and Youth, 710 James Robertson Parkway, 9th Floor, Nashville, TN 37243-0800. Phone: (615) 741-2633. Fax No.: (615) 741-5956.

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Staff Changes at TCCY

TCCY has had a number of changes during the past few months.

Field Operations: Lisa Lund is the new regional coordinator for the Mid-Cumberland Region, and Kim McGehee has taken on the responsibilities for the Northwest Region. The Northwest Regional Office is now located in the CSA Offices in Union City and has a new telephone number, (901) 884-2630.

Juvenile Justice: Michael Cash, Ron King, and Zanira Whitfield have joined Director Debrah Stafford in the Juvenile Justice Division. Sherry Smith and Julia Hamilton have moved to the Department of Finance and Administration, which has taken over some of the grant monitoring tasks for state agencies.

Kids Count: Brian Grove has joined the Kids Count program as a statistical analyst, and Debbie Wynn, as a legislative specialist. Debbie previously served as the regional coordinator for the Mid-Cumberland Region. Pam Brown is the director of the Kids Count Program.

Ombudsman: Gerald Papica and Richard Kennedy now serve as ombudsmen for children in state custody. The Ombudsman Office can be reached by calling (615) 532-1688, (615) 741-2633, and (800) 264-0904.

Children's Advocacy Days Planned

March 13 and 14 have been selected as the dates for the 13th Annual Children's Advocacy Days. With a theme of "Healthy Children," this event is an opportunity for regional council members and child advocates to share their knowledge and experience with legislators.

In addition to training and legislative information about the legislative agenda and the legislative process, TCCY will present the Youth Excellence Award for youths in contact with the juvenile justice system, Jim Pryor Child Advocacy Award, and the TCCY media award. For more information, contact your TCCY regional coordinator or Scott Ridgway at (615) 741-2633.

Compilation of Laws

The Tennessee Compilation of Laws on Children, Youth and Families, published by the Tennessee Commission on Children and Youth, is available to attorneys who represent families and children in juvenile court, service providers, and others who need to have detailed legal information at their fingertips. If you are in one of those categories and have not received a copy of the compilation, please contact your regional coordinator. If you do not regularly need detailed legal information about children and families, you will be able to access this information on the TCCY website in the near future (www.state.tn.us/tccy).

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Meetings and Events

Council Activities

Memphis/Shelby

Feb. 28, Quarterly meeting, Prevention and the Seriously Emotionally Disturbed Youth, tba

March 22, Spring Conference, 2001: A Youth Odyssey, University of Memphis Fogelman Center

April 1, Juvenile Justice Conference, tba

Northeast

Jan. 26, Sensitivity Training, tba

Feb. 9, Quarterly Meeting, Johnson City, 10 a.m.

March 30, Special Needs for Special Children, tba

April 27, Child Watch project in Greene County, tba

Southwest

Feb. 16, Council Meeting, "Locking 'Em Up: The Juvenile Detention Option," tba

May 4, Quarterly Meeting, tba

Upper Cumberland

Feb. 27, Quarterly Meeting, Best Practices, Sensitivity Training, Cookeville, tba

Commission Meeting

March 1-2, Nashville, tba

C-PORT Review Schedule

Feb. 12-16 Hamilton County Region. Exit Conference: Feb. 23

March 5-9, Southwest Region, Exit Conference: March 16

April 2-6, Southeast Region. Exit Conference: April 20

Contact (615) 741-2633 for more information

Children's Advocacy Days

March 13, 1 p.m., and March 14, 9 a.m. Nashville. Contact (615) 741-2633.

Special Events

Jan 24, 1 p.m., Training on Title 33 Mental Health Rule Revisions, State Office Building, 540 McCallie Avenue, Chattanooga

March 18-21, National Council of Juvenile and Family Court Judges Conference, University of Nevada, Reno. Contact (775) 784-6012

March 26-28, Tennessee Conference on Social Welfare Spring Training Conference, Loews Vanderbilt Plaza, Nashville. For more information, contact (615) 353-8000 or tcswn@nash.tds.net

April 2-6, CWLA National Child Welfare Data Conference, Washington, D.C.

April 4-6, CWLA Effective Supervisory Practice, Nashville, (202) 942-0335

For more updated information on TCCY and child advocacy events, see the TCCY Web Events Calendar at www.state.tn.us/tccy/events.html.



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