

**Can Criminal Justice Be Fair? Emerging Perspectives on Implicit Bias**

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## **Can Criminal Justice Be Fair? Emerging Perspectives on Implicit Bias**

Sarah E. Redfield

### **Overarching Context**

Far too many young people, particularly many of our diverse underrepresented minority students (African American, Hispanic, American Indian-Alaskan Native, Native Hawaiian-Pacific Islander) are going without a high school education and finding themselves on a pathway away from school and into prison, the so-called school to prison pipeline. The disproportionality data all along that pipeline illustrates the problem. There are longstanding differences in academic expectations, proficiency, and achievement (Redfield 2009, NAEP, Digest 2013); there is stark and also longstanding disproportionality in school discipline, in minority contact at nearly every decision point in the juvenile justice system, and ultimately in prisons (CRDC, Skiba 2008, Skiba 2011, OJJDP, NCJJ, Texas Appleseed). [See Appendix 1 for details.]

To change these disproportionalities—the over or under representation of a particular group in comparison to their presence in the population—and the negative impacts they represent requires understanding of how our decision-making biases contribute to these numbers. Understanding implicit bias inherent in unconscious associations, messages, and actions provides an important conceptual basis to understanding and ameliorating the decisions that pave the school to prison pipeline (Gladwell, Banaji & Greenwald, Kahneman, ABA). This understanding can improve our ability to be fair and to succeed in bringing about meaningful change.

### **The disproportionality that mars the education picture is unrelenting.**

\*For U.S. population figures see Figures 1-3.

- A. The achievement gap between Black, Hispanic, and American Indian Alaskan Native (AIAN) students and their White and Asian peers endures. These differences remain evident notwithstanding decades of varied strategies and interventions. So too, the achievement gap between students with disabilities and students without disabilities is longstanding and deep (Eckes, Coleman, Council, Klinger, Harry, NRC, Redfield 2009, Figure 4. Reading Below Basic by Race & Ethnicity4).
- B. Increasingly, concern is expressed about disproportionality in discipline, including suspension and expulsion, and in school-related referral to law enforcement and arrest. Excessive discipline is particularly visited on students in special education, in certain racial and ethnic groups, and among those who identify as lesbian, gay, bisexual or transgender (Figures 7 & 8, CDF, CRDC, Dear Colleague, Carter, Gregory).
- C. Zero tolerance policies have had disproportionate impact, and these policies are generally not found to have made our schools safer or more orderly (APA, Kang-Brown).
- D. Discipline that involves children being removed from instruction carries further negative impact in loss of academic progress and other defeating results (Arcia, Dear Colleague, Losen & Skiba, Fabelo).
- E. Once entered, the school-to-prison pipeline offers few positive exit points (Carter, Piquero). The disproportionality evident in school discipline is also evident in the juvenile justice system (Figures 9-16).

- F. Indeed, concern has been extant, also for decades, about the continued “disproportionate minority contact” in juvenile justice and delinquency matters (National Coalition). As the Juvenile Justice Information Exchange summarizes, “[a]lthough white youth and youth of color commit crimes at similar rates, youth of color are overrepresented at virtually every point of contact with the juvenile justice system” from arrest through juvenile detention and transfer to the adult system (Casey, Juvenile Justice, DMC).
- G. It is likely that low achievement and high disciplinary rates are interrelated, with the frustrations of low achievement playing out as increased potential for aggression (Gregory, Miles). So, too, academic achievement and delinquency and involvement with the criminal justice system are related (Blomberg, Hodges, Glennie, Wang).

## **II. Difference in expectation and the related exercise of discretion are common to areas of education and juvenile justice disproportionality.**

- A. The so-called Pygmalion or expectancy effect has long been known in education (Rosenthal, Sheets). No one rises to low expectations (Chronicle).
- B. Labeling is virtually omnipresent—American, *Limited English Proficiency*, *Emotionally Disturbed*, *Advanced ...* s/he’s a “good kid”; s/he’s from a good family; s/he’s dangerous, s/he’s threatening and insubordinate. And this kind of labeling invokes (unconscious) mental schemas that influence responses and decisions (Redfield 2013, Redfield 2014).
- C. Difference in expectations and engagement (Redfield 2009, Croft, Biernat, Atwater), together with the related depletion they cause (Richeson), underlie the disparities in education and juvenile justice. These differences often arise where students and teachers or personnel are from different groups (Goodman & Redfield, McKown, So, Sleeter, Dee, Figures 2 & 3).
- D. Different expectations are of particular concern to stigmatized groups (van den Bergh). Most susceptible are students in two or more groups (Purdie-Vaughns), for example, students of color who are also students with disabilities (Hettleman).
- E. School discipline records and students’ self-reports show that the concerning differences and disproportion are *not* simply attributable to the stigmatized group behaving “badly” relative to their peers or to socioeconomic factors (Casey, Gregory, McCarthy, Skiba 2002, Wallace, Wehlage).
- F. The exercise of discretion is very likely impacted by the implicit biases of the decision maker (Redfield 2013, Redfield 2014, Wald, Weinstein).
- G. Students understand societal perceptions and turn them inward in what is described as stereotype threat (or stereotype consciousness), a threat which can negatively impact student performance (Steele, Schneider, Pizzaro, McKown). Students also perceive unfairness with similar results (Gregory 2010, Education Alliance).

## **III. The costs of the status quo are great.**

- A. The costs of maintaining the status quo are extraordinarily high for individual students, their families, their communities, and the economy as a whole. These

costs are obvious in the workplace and in the economy.

- B. Research shows that dropouts are “more likely than their peers who graduate to be unemployed, living in poverty, receiving public assistance, in prison, on death row, unhealthy, divorced, and ultimately single parents with children who drop out from high school themselves” (Bridgeland).
- C. The U.S. spends an average of \$12,136 per year per student (Condition), but states’ average per inmate cost is over twice that, \$28,323 (Vera). Juvenile detention costs are even higher at an estimated \$87,981 per year (Justice Policy); in New York State, the cost is estimated to be \$266,000 (JJAG). For New York City, the cost of an inmate is higher than Harvard tuition (NYC Prison). In addition to the direct costs, incarcerating young people may also create conditions, which are not rehabilitative and which are themselves dangerous and lead to litigation that itself is extremely costly (Justice Policy).
- D. Spending more money on incarceration, does not necessarily lead to more or safer results (Justice Policy, AG). Community based programs that keep young people out of the school to prison pipeline and the detention system are both safer and more cost-effective (WSPI, Figure 17).
- E. Some economists have estimated that increasing the high school graduation rate would decrease the crime rate by 10-20% (Belfield, AG).

#### **IV. Implicit Bias contributes to different treatment and disproportionality.**

- A. Explicit attitudes are those evaluations that are deliberately generated and consciously experienced as one’s own. Implicit attitudes reflect learned associations that can exist outside of conscious awareness or control (Redfield 2014).
- B. Implicit bias is defined as “an unconscious (positive or negative) preference we hold based on stereotypes or attitudes that operates outside of our awareness” (Kang).
- C. Part of all human behavior, implicit bias is a “lens through which a person views the world, a lens which automatically filters how a person takes in and acts in regard to information” (Marsh).
- D. We are unlikely to recognize or self-report implicit biases, and even less likely to self-report where we are anxious or where issues are socially loaded such as sexual orientation or race (Pearson, Graham, Amodio 2003).
- E. New research methods, which don’t rely on self-reporting, have inspired an explosion of research on implicit bias. The leading measure is the Implicit Association Test (IAT), Project Implicit available at <https://implicit.harvard.edu/implicit/>.
- F. Under tight time parameters, the IAT measures associative knowledge, that is, those associations and links that cause one concept to be connected or activated by another. These are automatic associations, and they exist in many domains, e.g., a preferred association of women with families and men with careers, a preferred association with a particular racial or ethnic group (IAT, Greenwald 1998).
- G. The underlying theory in this new research is that we will respond more accurately and quickly to associations that fit with our pre-formed mental

templates or schemas, that is, we respond more quickly to acquired associations that are largely involuntary (Greenwald & Krieger, Nosek).

- H. Implicit biases draw on the brain's schema (Greenwald), some of which are helpful—tying our shoes for example, others not—race-biased police shooting for example (Redfield 2013, NAACP, Sen).
- I. Cumulated research on the IAT shows that most Americans respond more quickly to—are implicitly biased toward—European American as compared to African American, toward the abled as compared to the disabled (IAT, Nosek).
- J. Implicit biases influence our decisions and actions (Banaji & Greenwald, Greenwald & Poehlman).
- K. “People may possess associations with which they actively and honestly disagree” (Nosek & Riskind).
- L. Research from physical science supports the social science and recognizes implicit bias and this dissociation (Phelps 2000, Kubota, Amodio 2003).
- M. There is a wealth of literature, including meta-analyses, on the IAT generally and on its relationship to explicit bias and its value as a predictor of same (Banaji & Greenwald, Greenwald & Poehlman, Pettigrew, Amodio).

**V. Group dynamics are also critical to understanding implicitly biased responses.**

- A. “Social cognition research indicates that categorization of and preference for people based on group identity is a normal, fundamental process of the human brain. Our ability to categorize our experience, in fact, is an ‘indispensable cognitive device for understanding, negotiating, & constructing our social world.’” (NJC).
- B. Psychology researchers link culture and decision making: "Decision making is a very private thing, individualized and personal. Yet it has a cultural dimension. The human brain does not acquire language, symbolic skills, or any form of symbolic cognition without the pedagogical guidance of culture and, as a result, most decisions made in modern society engage learned algorithms of thought that are imported from culture” (Donald).
- C. We all are part of cultural groups, and cultural groups are one of the major categorization mechanisms that all humans use. Examples of traits that define cultural groups include race, ethnicity, religion, gender, sexual orientation, national origin, family or professional status, etc. Culture is also described as shared meanings and shared language or representational communications (ABA CJS).
- D. We prefer our own, no matter how we define our own. For example, in a now classic experiment, researchers showed that this group loyalty occurs even if factors that put you in a group are random and arbitrary, that is, the very act of categorization may be enough to create an in-group preference (Tajfel).
- E. We view those in our group as better and more admirable. We view individuals' skills favorably; we consider group members to be more competent, cooperative, confident, independent, intelligent, warmer, more affirming, tolerant, good-natured, sincere, and more concerned with group goals. Those in our ingroup will be more favorably remembered (Perdue, Pettigrew, Levinson, Osborne).

- F. We tend to exaggerate differences between groups and view those in the outgroup as worse. We view outside individuals as not competent, not warm, and threatening; we may view them with contempt or pity (Fiske & Mccrae).
- G. Our automatic group identification is significant; it is easy to see how it can impact a wide range of our behaviors and decisions; think about evaluation, admissions, class participation, engagement, hiring, retention, and promotion, as well as more general decision making. As described previously, we make connections when someone is labeled a certain way—American for example (Atwater, Redfield 2013).
- H. Similarly, the attitudes of one’s group influence an individual group member’s attitudes. When we become aware that our attitudes differ from our groups’ attitudes, our attitudes tend to shift toward the norm of our peer group; this includes influence on our biases (Dasgupta, Bargh).
- I. Interestingly, these dynamics come into play once we make a choice. When we have to choose between two alternatives that are initially equally attractive, after making a decision, we will tend to “evaluate the chosen alternative substantially more positively than the rejected alternative” (Gawronski). This seems to be true expressly and implicitly. Once we choose a student or candidate to have the lead in something, we stick with it and vice versa.
- J. Implicit cognition and group identification give advantages and disadvantages, which are cumulative (Valian, Simpson).

**VI. Micromessaging is another aspect of implicitly biased responses.**

- A. Micromessages, spoken and unspoken, are small, often unknown, often unintended (Rowe).
- B. Micromessages can be affirmative or negative, but whether they are intended or not they have impact on the recipient and others (Rowe).
- C. Like group preference, micromessages are cumulative, that is, there is an accumulation of advantage or disadvantage (Simpson, Redfield 2013, Schmelz), the so-called Matthew-effect: “For whomsoever hath, to him shall be given, and he shall have more abundance; but whomsoever hath not, from him shall be taken away even that he hath.” It is easy to see how a student or young person expected to be and labeled as a good will succeed where the ones expected to be and labeled as trouble-makers will not.

**VII. Debiasing is possible and necessary.**

- A. Over two decades of persuasive research (Greenwald, Banaji & Greenwald, Kahneman, Vendantam), Casey NCSC) from both neuropsychology and neuroimaging (Lieberman) offer a view that departs dramatically from classic regulatory interventions and from the usual enforcement analysis of disparate impact or intent. The research supports instead initiatives that train us to engage in more intentional and mindful reflection to avoid implicit biases at critical decision points.
- B. Research continues to mount as to effective approaches to interrupt and suppress reflexive responses in appropriate situations—debiasing (Devine, Dasgupta 2013, Dasgupta & Asgari).

- C. Implicit biases are malleable, and it is this malleability that offers dramatic opportunities for addressing disproportionality (Dasgupta 2013).
- D. Motivation to be less (implicitly) biased matters (Bartlett).
- E. Becoming aware of implicit biases offers an opportunity to learn to be more reflective about our decisions and to take the intentional mindful steps necessary to debias them (Dasgupta 2013, Dasgupta & Asgari, Sen).
- F. Mindfulness is key. Debiasing is possible where we make categories salient and train ourselves to be conscious of difference and individuate (NJC, Dasgupta, Redfield 2013).
- G. And once debiased, it is likely that our education system will look very different from the disproportional picture it presents today. What is needed is a commitment of resources to appropriate training to this end.

### **VIII. Summary Points**

- A. While disproportionality issues have been intransigent, emerging social science and brain research offers a new explanation and direction where change may now be possible.
- B. Until now, people of good faith have, in all good faith, reported their commitment to nondiscrimination and decisions about students that are unbiased.
- C. Now, social science shows us that, despite all good intention, unintended and unconscious biases and group loyalties—implicit bias— may be influencing critical decisions about students in ways of which decisionmakers are often unaware, ways they would neither endorse nor express.
- D. A different approach to disproportionality calls for replacing implicit bias with more intentional and mindful reflection.
- E. Such an approach can change the way we view discipline and sentencing.

### **Overarching Conclusion**

Today, no one would say “Well, as much as we try, we just can’t do anything with those Black boys except send them to the School Resource Officer.” No one would say, “Well she’s like those other Native students, the courts can handle her better than we can.” No, no one would say anything like this. Indeed, most, if not all, of us would never endorse these views, and we do not want to believe anything like these sentiments exists or influences decisions in our public education and juvenile justice systems. But a growing body of research suggests that—without intent, and often without knowledge—we are influenced by unconscious implicit bias, bias of a kind highlighted in these explicit statements. Becoming aware of implicit biases offers an opportunity to learn to be more reflective about our decisions and to take the intentional mindful steps necessary to debias them. And once trained in this approach, it is likely that our education and juvenile justice systems will look very different from the disproportional picture they present today.



## **Quick Recommended Reading / Video List re: Implicit Bias**

### **PowerPoint and training.**

- ABA Criminal Justice Section, Building Community Trust Model Curriculum and Instruction Manual at Unit 2, [http://www.americanbar.org/groups/criminal\\_justice/pages/buildingcommunity.html](http://www.americanbar.org/groups/criminal_justice/pages/buildingcommunity.html).
- ABA Section of Litigation, Implicit Bias Taskforce, Implicit Bias Toolbox, <http://www.americanbar.org/groups/litigation/initiatives/task-force-implicit-bias/implicit-bias-toolbox.html>.

### **Books and articles**

- Mahzarin R. Banaji & Anthony G. Greenwald, *Blindspot: Hidden Biases of Good People* (2013).
- Malcolm Gladwell, *Blink: The Power of Thinking without Thinking* (2007).
- Daniel Kahneman, *Thinking Fast and Slow* (2011).
- Jerry Kang, National Campaign to Ensure the Racial and Ethnic Fairness of America's State Courts, *Implicit Bias - A Primer for Courts* (August 2009), <http://wp.jerrykang.net.s110363.gridserver.com/wp-content/uploads/2010/10/kang-Implicit-Bias-Primer-for-courts-09.pdf>.
- Shawn Marsh, *The Lens of Implicit Bias, Juvenile and Family Justice Today* (Summer 2009), available at [http://www.ncsconline.org/D\\_Research/ref/IMPLICIT%20BIAS%20Marsh%20Summer%202009.pdf](http://www.ncsconline.org/D_Research/ref/IMPLICIT%20BIAS%20Marsh%20Summer%202009.pdf).
- Project Implicit, <https://implicit.harvard.edu/implicit/>.

### **Video**

- ABA Section of Litigation, *The Science and Implications of Implicit Bias* <http://www.americanbar.org/groups/litigation/initiatives/task-force-implicit-bias/implicit-bias-videos.html>.
- California videos, [http://www2.courtinfo.ca.gov/comet/html/broadcasts/6433\\_video.htm](http://www2.courtinfo.ca.gov/comet/html/broadcasts/6433_video.htm).
- Video. *The Lunch Date*, <http://www.youtube.com/watch?v=eputZigxUY8>.



## **APPENDIX 1: FIGURES FOR REFERENCE**

Figure 1. U.S. Juvenile Population

Figure 2. U.S. Teacher Population By Race & Ethnicity

Figure 3. Federal Prison Staffing by Race & Ethnicity

Figure 4. Reading Below Basic by Race & Ethnicity

Figure 5. Graduation Rates by Status

Figure 6. Status Dropout Rate by Race & Ethnicity

Figure 7. Discipline Disproportionality

Figure 8. CRDC Discipline, Referral to Law Enforcement by Race & Ethnicity

Figure 9. Juveniles Arrested by Race

Figure 10. Juveniles by Offense

Figure 11. Juveniles Detained & Placed by Race & Ethnicity

Figure 12. Juveniles in Residential Facilities by Race & Ethnicity

Figure 13. Juveniles Locked/Unlocked Facilities by Race & Ethnicity

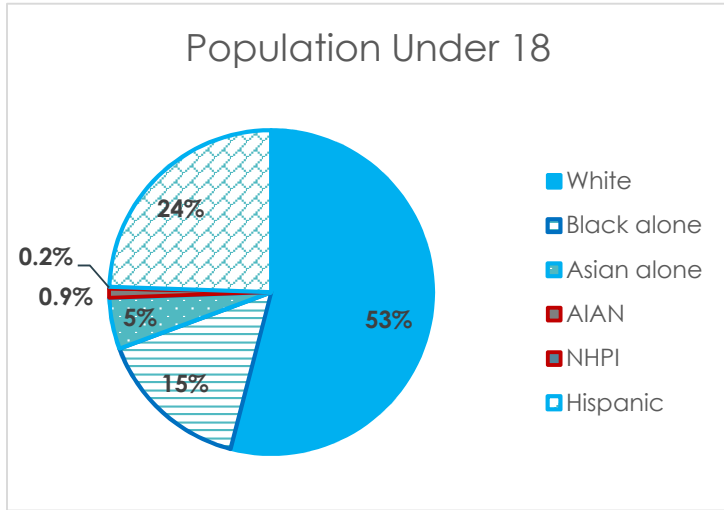
Figure 14. Time Detained by Race & Ethnicity

Figure 15. Relative Rates Juvenile Justice

Figure 16. Juveniles in Residential Custody Disproportionality

Figure 17. Lowered Detention Lowered Violence

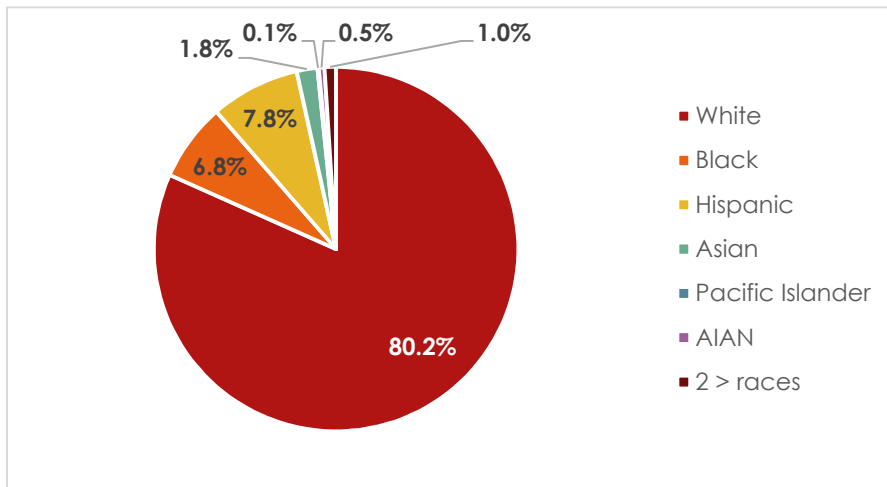
**FIGURE 1. U.S. JUVENILE POPULATION<sup>1</sup>**



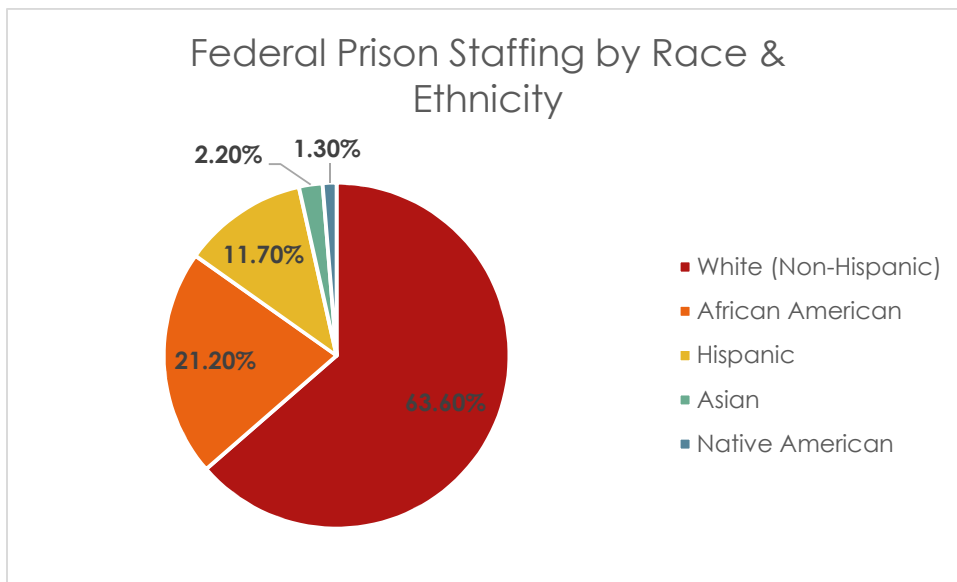
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<sup>1</sup> U.S. Census, Families and Living Arrangements, C3. Living Arrangements of Children Under 18 Years/1 and Marital Status of Parents, by Age, Sex, Race, and Hispanic Origin/2 and Selected Characteristics of the Child for All Children: 2012, <<https://www.census.gov/hhes/families/data/cps2012C.html>> (last visited 4/19/2014); The Annie E. Casey Foundation, KIDS COUNT, Working Paper: The Changing Child Population of the United States: Analysis of Data from the 2010 Census (November 2011), <http://www.aecf.org/~media/Pubs/Initiatives/KIDS%20COUNT/T/TheChangingChildPopulationofth> (for AIAN NHPI numbers 2010).

**FIGURE 2. U.S. TEACHER POPULATION BY RACE & ETHNICITY<sup>2</sup>**



**FIGURE 3. FEDERAL PRISON STAFFING BY RACE & ETHNICITY<sup>3</sup>**



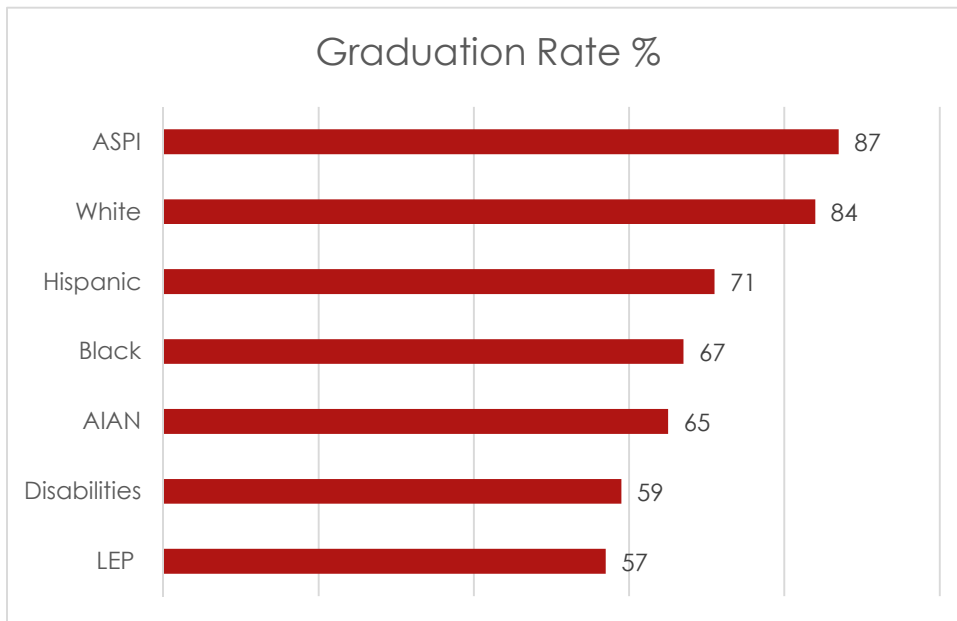
<sup>2</sup> Nat'l Ctr. for Educ. Statistics, U.S. Dep't of Educ., Digest of Education Statistics tbl. 209.10, Number and percentage distribution of teachers in public and private elementary and secondary schools, by selected teacher characteristics: Selected years, 1987-88 through 2011-12 (2013), available at [http://nces.ed.gov/programs/digest/d13/tables/dt13\\_209.10.asp](http://nces.ed.gov/programs/digest/d13/tables/dt13_209.10.asp).

<sup>3</sup> Federal Bureau of Prisons, Staff Ethnicity/Race (22 February 2014), [http://www.bop.gov/about/statistics/statistics\\_staff\\_ethnicity\\_race.jsp](http://www.bop.gov/about/statistics/statistics_staff_ethnicity_race.jsp).

**FIGURE 4. READING BELOW BASIC BY RACE & ETHNICITY<sup>4</sup>**



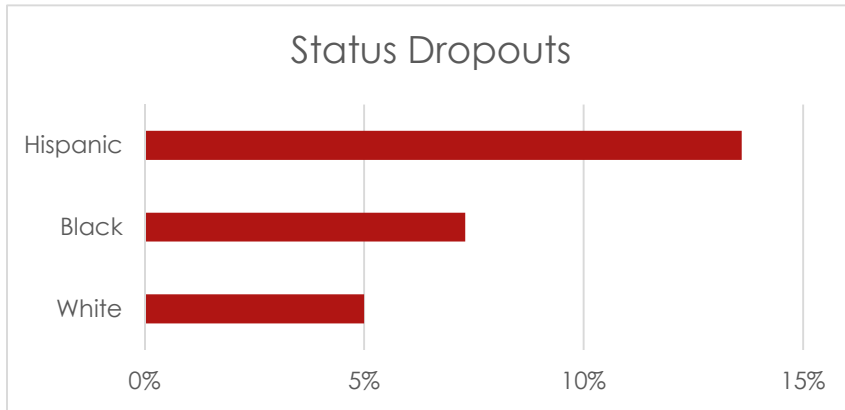
**FIGURE 5. GRADUATION RATES BY STATUS<sup>5</sup>**



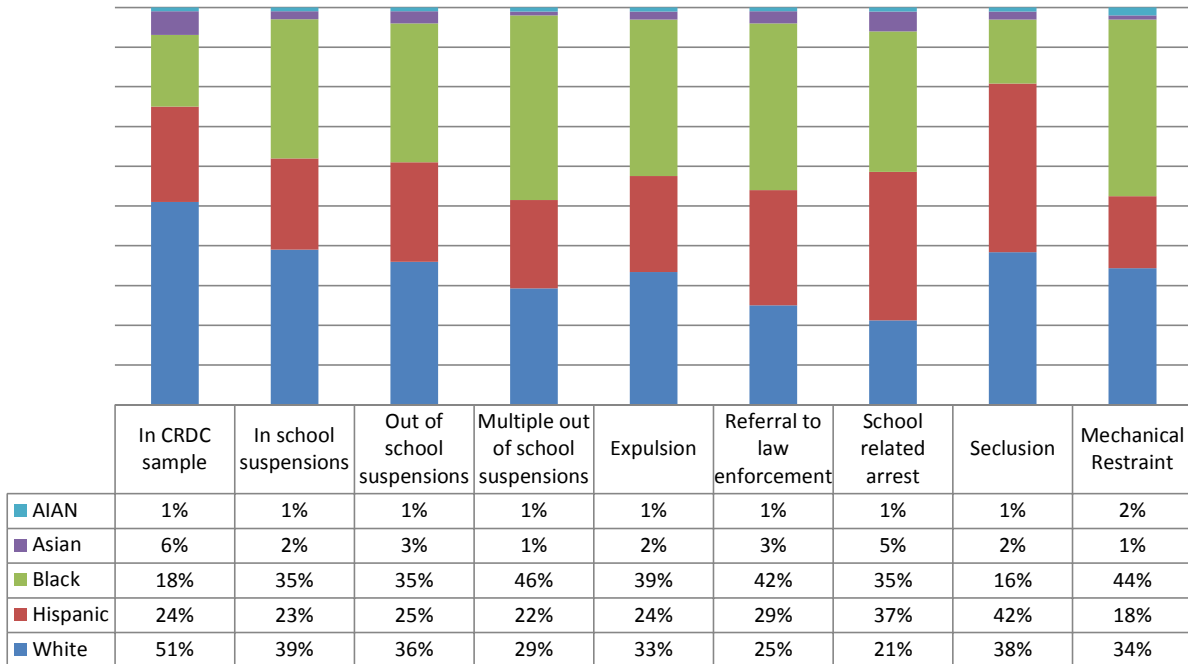
<sup>4</sup> Nat'l Ctr. for Educ. Statistics, U.S. Dep't of Educ., Digest of Education Statistics tbl. 221.20, Percentage of students at or above selected National Assessment of Educational Progress (NAEP) reading achievement levels, by grade and selected student characteristics: Selected years, 1998 through 2013 (2013), available at [http://nces.ed.gov/programs/digest/d13/tables/dt13\\_221.20.asp](http://nces.ed.gov/programs/digest/d13/tables/dt13_221.20.asp).

<sup>5</sup> Marie C. Stetser & Robert Stillwell, Nat'l Ctr. for Educ. Statistics, U.S. Dep't of Educ., tbl. 1, Public high school 4-year adjusted cohort graduation rate (ACGR), by race/ethnicity and selected demographics for the United States, the 50 states, the District of Columbia, and other jurisdictions: School year 2010-11 (2014), <http://nces.ed.gov/pubs2014/2014391.pdf>.

**FIGURE 6. STATUS DROPOUT RATE BY RACE & ETHNICITY<sup>6</sup>**



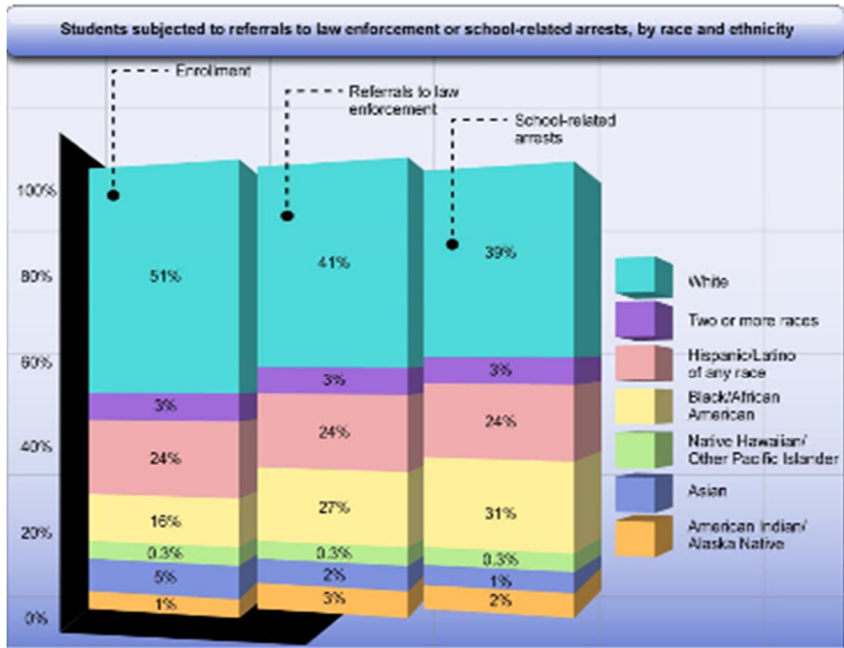
**FIGURE 7. DISCIPLINE DISPROPORTIONALITY<sup>7</sup>**



6 Nat'l Ctr. for Educ. Statistics, U.S. Dep't of Educ., Digest of Education Statistics, tbl. 128, Percentage of high school dropouts among persons 16 through 24 years old (status dropout rate), by sex and race/ethnicity: Selected years, 1960 through 2011 (2012), [http://nces.ed.gov/programs/digest/d12/tables/dt12\\_128.asp](http://nces.ed.gov/programs/digest/d12/tables/dt12_128.asp). "Status' dropouts are 16- to 24-year-olds who are not enrolled in school and who have not completed a high school program, regardless of when they left school. People who have received GED credentials are counted as high school completers. All data except for 1960 are based on October counts. Data are based on sample surveys of the civilian noninstitutionalized population, which excludes persons in prisons, persons in the military, and other persons not living in households. Race categories exclude persons of Hispanic ethnicity except where otherwise noted." Id.

7 CRDC Data, Adapted from Civil Rights Data Collection (March 2012) <http://ocrdata.ed.gov/Downloads/CMOCRTheTransformedCRDCFINAL3-15-12Accessible-1.pdf>.

**FIGURE 8. CRDC DISCIPLINE, REFERRAL TO LAW ENFORCEMENT BY RACE & ETHNICITY<sup>8</sup>**

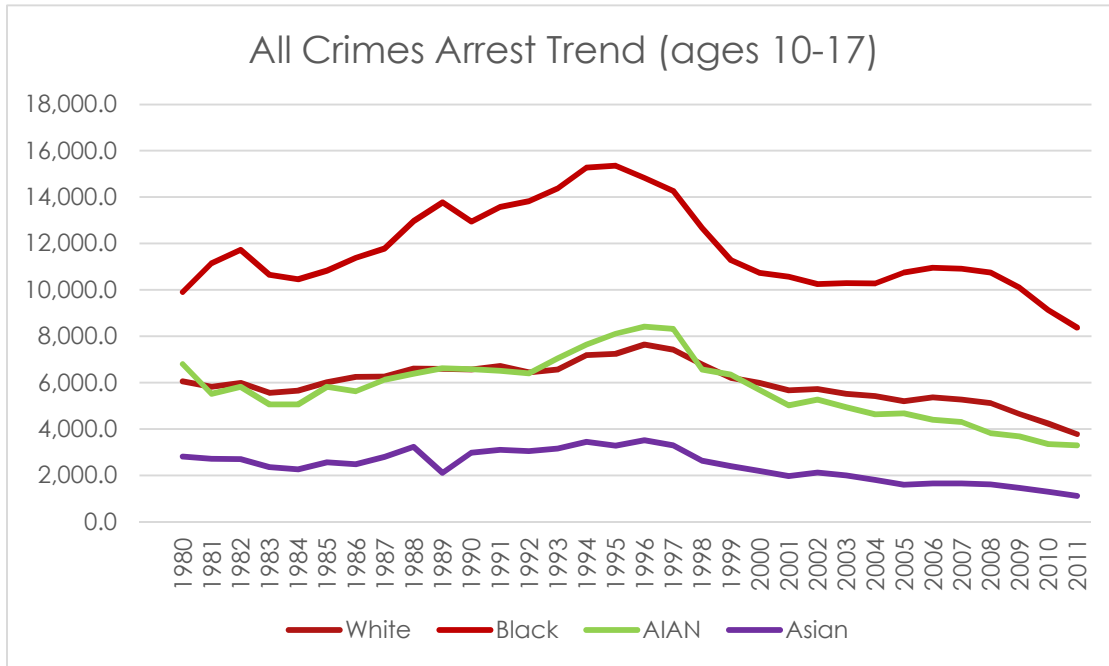


NOTE: Detail may not sum to 100% due to rounding. Totals are 49 million students for overall enrollment, 260,000 students referred to law enforcement, and 92,000 students subject to school-related arrests. Data on referrals to law enforcement represents 98% of schools and data on school related arrests represents 94% of schools in the CRDC universe.

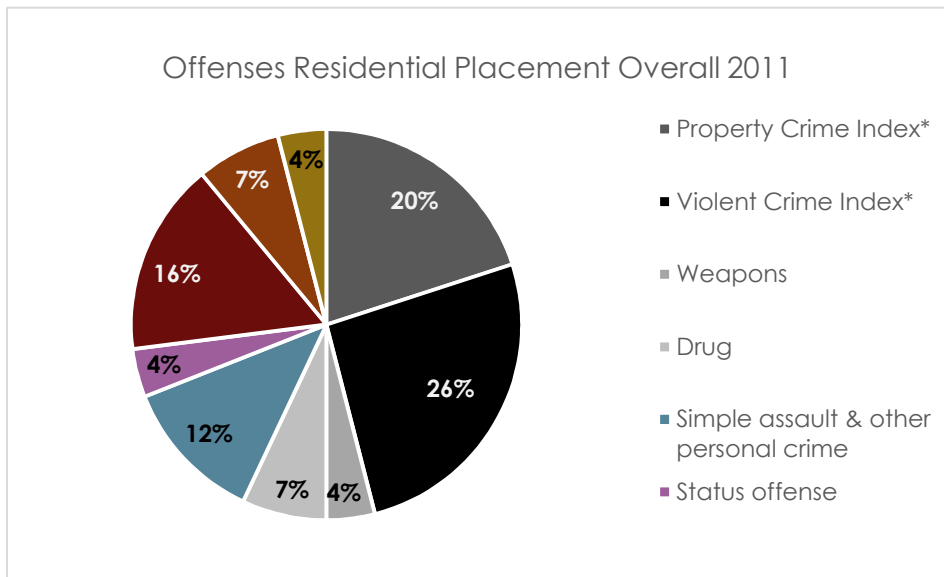
SOURCE: U.S. Department of Education, Office for Civil Rights, Civil Rights Data Collection, 2011-12.

8 CRDC, Data Snapshot Issue Brief #1, School Discipline 6 (March 21, 2014), <http://ocrdata.ed.gov/Downloads/CRDC-School-Discipline-Snapshot.pdf>.

**FIGURE 9. JUVENILES ARRESTED BY RACE<sup>9</sup>**



**FIGURE 10. JUVENILES BY OFFENSE<sup>10</sup>**

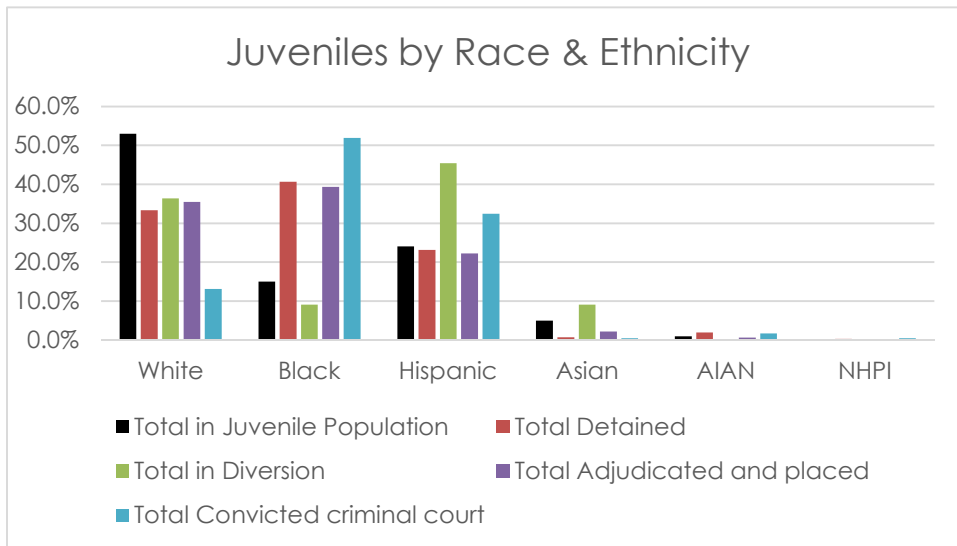


<sup>9</sup> Nat'l Center for Juvenile Justice, Juvenile Arrest Rates by Offense, Sex, and Race (1980-2011), JAR\_2010.xls (Feb. 25, 2014). [http://www.ojjdp.gov/ojstatbb/crime/excel/JAR\\_2011.xls](http://www.ojjdp.gov/ojstatbb/crime/excel/JAR_2011.xls) (Hispanic not included in this data set.) For definitions of each of these points of contact, see id. At Table 1.

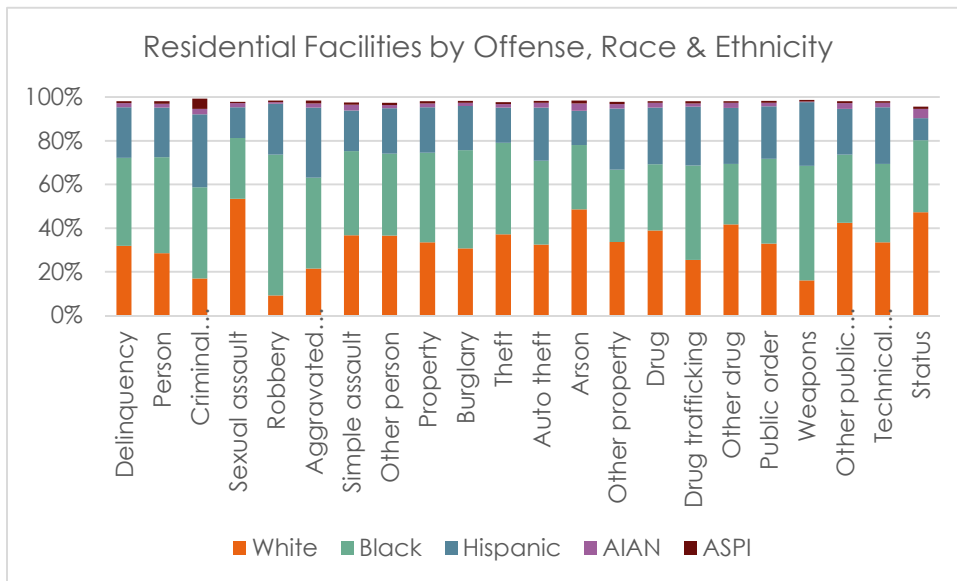
<sup>10</sup> Melissa Sickmund et al., Easy Access to the Census of Juveniles in Residential Placement (2013), available at <http://www.ojjdp.gov/ojstatbb/ezacjrp/>. Violent property: Includes burglary, theft, auto theft, and arson. Violent Crime: Includes criminal homicide, violent sexual assault, robbery, and aggravated assault. Technical: Includes violations of probation, parole, and valid court order. Status: Includes running away, truancy, incorrigibility.



**FIGURE 11. JUVENILES DETAINED & PLACED BY RACE & ETHNICITY<sup>11</sup>**



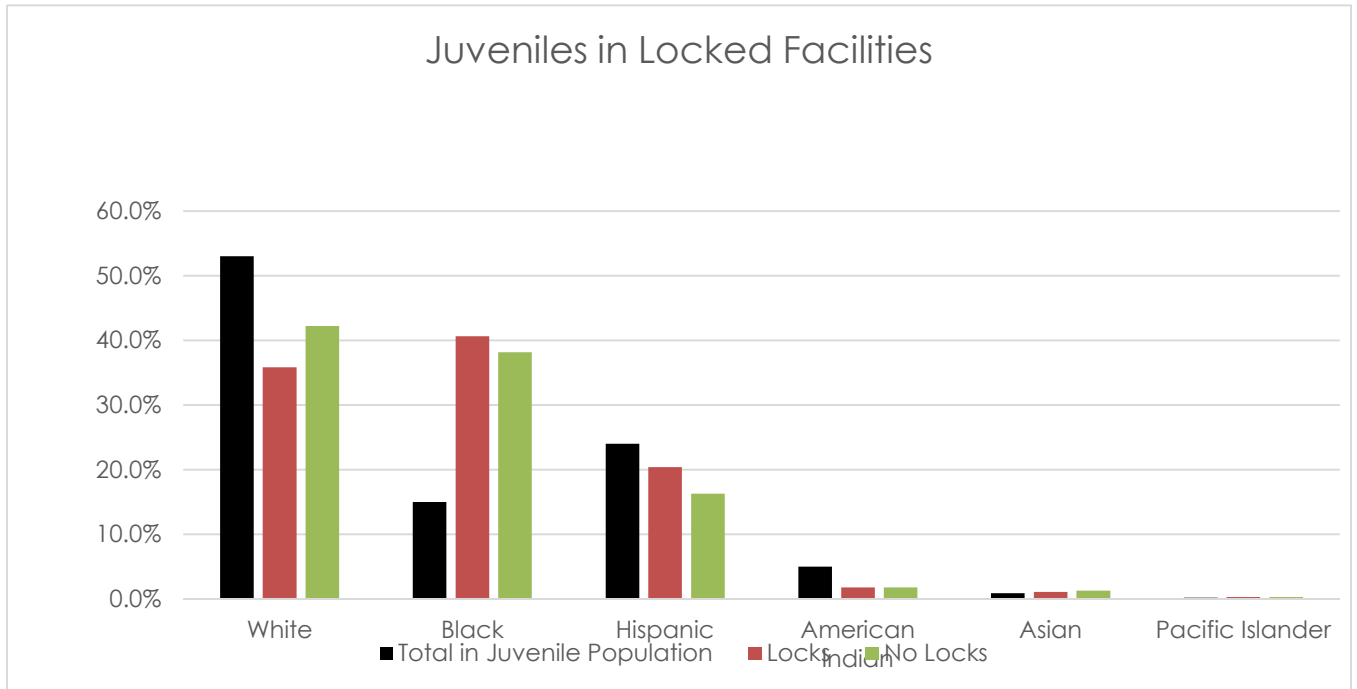
**FIGURE 12. JUVENILES IN RESIDENTIAL FACILITIES BY RACE & ETHNICITY<sup>12</sup>**



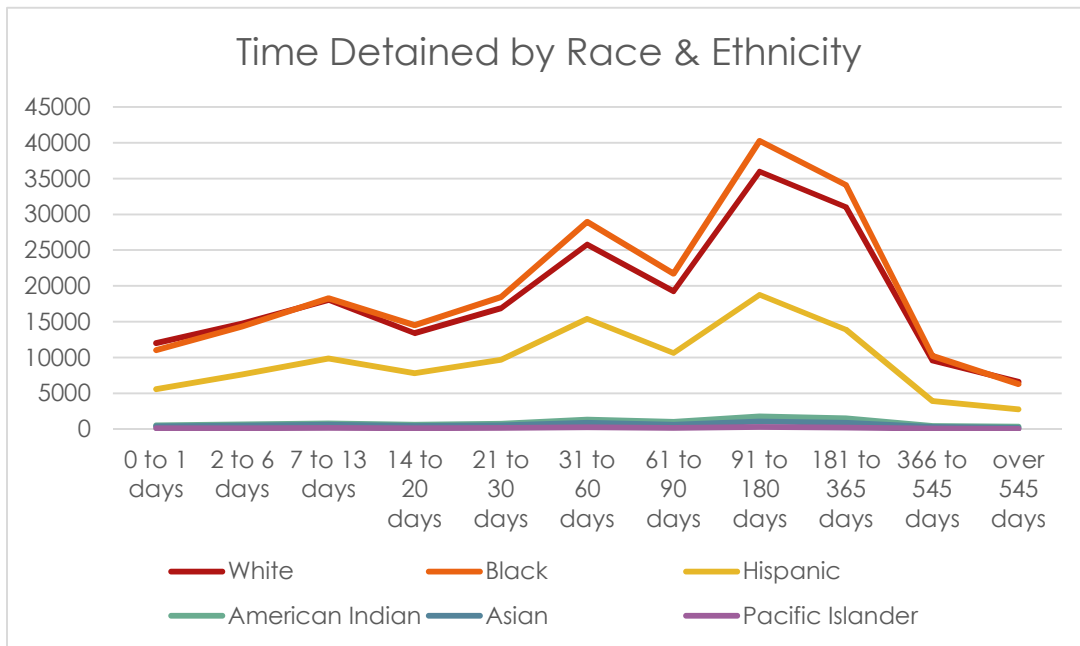
11 OJJDP, Census of Juveniles in Residential Placement Databook, Placement Status Detail by Race, Age 12 or younger, 13, 14, 15, 16, 7, 2011.

12 OJJDP, Census of Juveniles in Residential Placement for 2011, Race/ethnicity profile of juvenile offenders in residential placement, 2011, <http://ojjdp.gov/ojstatbb/corrections/qa08205.asp?qaDate=2011>.

**FIGURE 13. JUVENILES LOCKED/UNLOCKED FACILITIES BY RACE & ETHNICITY<sup>13</sup>**



**FIGURE 14. TIME DETAINED BY RACE & ETHNICITY<sup>14</sup>**



13 OJJDP, Juvenile Databook, Locks by Race.

14 Juvenile Databook, Days Since Admission.

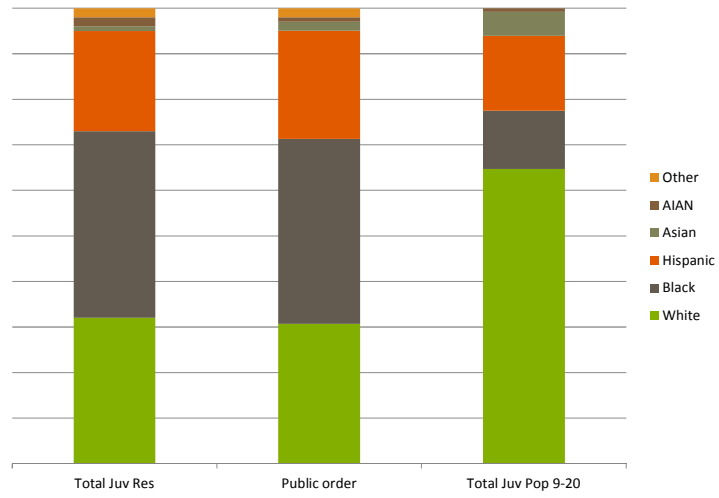
**FIGURE 15. RELATIVE RATES JUVENILE JUSTICE<sup>15</sup>**

RELATIVE RATES	Minority	Black	AIAN*	AHPI**
Arrest	1.7	2.2	0.9	0.3
Referral	1.1	1.1	1.2	1
Diversion	0.7	0.7	0.8	0.9
Detention	1.2	1.2	1.4	1.1
Petitioned	1.2	1.2	1.1	1.1
Adjudicated	0.9	0.9	1.1	0.9
Probation	1.2	1.2	1	0.9
Placement	0.9	0.9	1	1.1
Waiver	1.2	1.2	1.3	0.4

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**FIGURE 16. JUVENILES IN RESIDENTIAL CUSTODY DISPROPORTIONALITY<sup>16</sup>**



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FIGURE 17. LOWERED DETENTION LOWERED VIOLENCE<sup>17</sup>

**Top 10 States that lowered the number of youth in juvenile justice facilities from 1992 to 2006.** Seven of the 10 states that reduced the number of youth in juvenile justice facilities also saw drops in the total number of violent offenses reported to law enforcement.

State	Percent change in number of youth in juvenile facilities	Percent change in total number of violent offenses reported	Percent change in number of property offenses reported
Louisiana	-57%	-20%	-30%
Mississippi	-41%	-32%	-18%
New Mexico	-39%	-15%	-27%
Washington	-34%	-11%	-7%
Maine	-34%	2%	-11%
Wisconsin	-33%	13%	-11%
Tennessee	-33%	8%	-2%
Georgia	-27%	-3%	-6%
Connecticut	-27%	-23%	-25%
Maryland	-26%	-12%	-20%
<i>Average</i>	-35%	-9%	-16%
<b>US Total</b>	<b>-12%</b>	<b>-13%</b>	<b>-14%</b>

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