



Disproportionate Minority Contact (DMC) to Racial and Ethnic Disparities (RED) in Juvenile Justice: What does it Mean and Does it Matter?

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Youth of color have been overrepresented in the American juvenile justice system/juvenile court since its inception in 1899. Additionally, the court's philosophy has changed over time from a more informal and rehabilitative model to a more formal and punitive model. And minoritized and marginalized youth continue to experience disparate and more severe outcomes than their White counterparts; outcomes that cannot be explained by behavior/legal factors. Moreover, the nation's Juvenile Justice and Delinquency Prevention Act of 1974 was not reauthorized from 2008 to 2018. On December 21, 2018, the JJDPA was reauthorized as the Juvenile Justice Reform Act of 2018 (P.L. 115-385). This article documents racial and ethnic overrepresentation over time, examines the philosophy shifts in juvenile justice and DMC/RED policy changes including the progression from DMC to RED, and provides evidence-based recommendations to reduce RED for all social workers.

Keywords: Racial and Ethnic Disparities (RED), Juvenile Justice, Disproportionate Minority Contact (DMC)

INTRODUCTION

The United States (U.S.) formed its legal system based on England's chancery courts where children were regarded as smaller versions of adults and received the same types of punishment as adults of the time - being whipped, flogged, sent to the stocks, or even executed (Bartollas, 2006). Children were considered the responsibility of their parents. If their parents could not control or discipline their children, the courts assumed responsibility using the philosophy of *parens patriae*, which grants the state power to act in the stead of the child's parents (Siegel & Welsh, 2009). In the 1800s, as the U.S. population grew, families began moving towards urban centers with manufacturing jobs and children were often left to tend to themselves. In 1825, the first House of Refuge was established in New York City to offer wayward children the structure, religion, and discipline that the wealthy, White social activists of the time felt they needed (Siegel & Welsh, 2009). Similar houses of refuge were soon created in Boston and Philadelphia, followed by New Orleans, Cincinnati, Chicago, and St. Louis. But these facilities soon became overcrowded, underfunded, and understaffed. A similar group of wealthy, White women (including Jane Addams, Julia Lathrop, Ellen Henrotin, and Louise Bowen) then advocated for the passage of the Illinois Juvenile Court Act of 1899 to form the first independent court for those younger than 16 who were deemed 'delinquent' in the U.S. (Mennel, 1972; Roberts & Brownell, 1999).

Since 1899, youth of color have consistently been overrepresented in the U.S. juvenile justice system. Overrepresentation means that the percentages of Black, Indigenous, and other People Of Color (BIPOC) in the juvenile justice system are greater than the corresponding percentages of those youth in the general population (Bishop, 2005; Kempf-Leonard, 2007; Leiber, 2002). The Office of Juvenile Justice and Delinquency Prevention (OJJDP) 's racial and ethnic classifications have changed over time, and the progression is noted throughout this article. OJJDP currently uses the following categories to classify youth by race and ethnicity: American Indian (which includes Alaska Native), Asian (which includes Native Hawaiian and other Pacific Islander), Black/African American, Hispanic/Latino, or White (Hockenberry & Puzanchera, 2021).

The OJJDP reports that in 1983, children of color comprised 32% of the juvenile population (10-17 years old) in the U.S. but 53% of youth in secure detention and 56% in juvenile correctional centers (Sickmund et al., 1997; Snyder & Sickmund, 1999). OJJDP Director, Ira Schwartz, testified before the House subcommittee on Human Resources in March of 1987, stating that,

Minority youth now comprise more than half of all the juveniles incarcerated in public detention and correctional facilities in the United States, and despite widely held perceptions to the contrary, there is recent research showing that minority youth do not account for a substantially

disproportionate amount of serious crime. However, minority youth stand a much greater chance of being arrested than white youth, and once arrested, appear to be at a greater risk of being charged with more serious offenses than whites who are involved in comparable levels of delinquency (Oversight Hearing, 1986, p. 73).

Those findings have persisted over the decades even though children of color do not commit more crime (i.e., rates of petitions/complaints) or more egregious crime (i.e., the severity of offenses) equivalent to their overrepresentation in the juvenile carceral system (Leiber 2002; Piquero, 2008).

Youth of color were still 32% of the U.S. population under 18 in 1991 but increased in their composition of youth in secure detention facilities at 65% and those in juvenile correctional facilities at 69% (Sickmund et al., 1997; Snyder & Sickmund, 1999). The U.S. demographics then shifted slightly and in 1997, the percentage of BIPOC under 18 years old was 34%, yet they were 62% of the youth in secure detention and 67% of those in juvenile correctional facilities (Snyder & Sickmund, 1999). Juvenile crime rates then peaked in 1997. In 2001, data suggests that youth of color were over-represented in every state reviewed (Roscoe & Morton, 1994), at all nine juvenile justice contact points (arrest through transfer), and were 2.63 times more likely to be detained and 2.64 times more likely to be incarcerated than Whites (Leiber, 2002).

Moreover, until 2005, OJJDP did not disaggregate their data by ethnicity only by race, so Latinx youth were classified into one of their existing racial categories at the time: Asian (included Native Hawaiian and other Pacific Islanders), Black, American Indian (included Alaska Native), or White (Hockenberry & Puzanchera, 2017). As most Latinx youth identify as White, the impact of not disaggregating ethnicity artificially inflates the number of White youth in the system and artificially deflates the number of BIPOC youth in the system. For example, in 2005, the estimated number of delinquency cases involving White youth, including Latinx youth in that figure, is 1,071,100, compared to 806,200 cases when the 264,900 youth who identify as Hispanic/Latinx are classified by their ethnicity (Hockenberry & Puzanchera, 2017).

In 2007, the rate of Black youth charged with delinquency (110.06 per 1,000 Black youth in the population) was more than double the rate of White youth (43.8 per 1,000 White youth) (Puzanchera et al., 2010). Each year between 1985 and 2007 and across all offense categories, Black youth were more likely to be detained than White youth. In 2007 as well, White youth were less likely to have their delinquency cases handled formally (proceeding to juvenile court) (53%) than Black youth (60%), American Indian youth (60%), or Asian youth (59%). For youth who were adjudicated, 29% of Black and American Indian youth received

out-of-home placements compared to 23% for White youth and 24% for Asian youth (Puzzanchera et al., 2010).

In 2014, the delinquency case rate for Black youth (75.1 per 1,000 Black youth in the U.S. population) was almost triple the case rate for White (24.1), Hispanic (25.1), and American Indian youth (27.0) (Hockenberry & Puzzanchera, 2017). From 2005 to 2014, Black and Hispanic youth were more likely to be detained than White youth. And in 2014, for adjudicated youth, 31% of Hispanic/Latinx youth received out-of-home placements, compared to 28% for Black youth, 24% for American Indian youth, 22% for White youth, and 20% for Asian youth (Hockenberry & Puzzanchera, 2017).

The most recent data available from OJJDP suggest that in 2019, the delinquency case rate for Black youth (53.9 per Black youth in the U.S. population) was still nearly triple the rate for White youth (18.3), Hispanic youth (17.6), and American Indian youth (21.5), and was almost 12 times the rate for Asian youth (4.6) (Hockenberry & Puzzanchera, 2021). Despite overall juvenile crime trending down, the proportion of delinquency cases involving Black, Hispanic/Latinx, and American Indian youth increased between 2005 and 2019. In 2019, White youth were less likely to have their cases handled formally (48%) as compared to Black youth (60%), Hispanic/Latinx youth (52%), American Indian youth (56%), or Asian youth (52%). And for that same year, cases involving Black youth and Hispanic/Latinx youth were more likely to result in out-of-home placement (31% each) than cases involving Asian youth (21%), White youth (22%), or American Indian youth (25%). And on October 23, 2019, OJJDP (Hockenberry & Puzzanchera, 2021) reports that:

- For every 100,000 White youth in the U.S., 22 were in detention.
- For every 100,000 Hispanic/Latinx youth in the U.S., 41 were in detention.
- For every 100,000 Black youth in the U.S., 139 were in detention.

Having documented the breadth and depth of racial and ethnic disparities in the juvenile justice system over time, it is important to note again that no study to date has found that BIPOC youth commit more crime or more serious crime at rates that match their overrepresentation (Leiber 2002; Piquero 2008). There are racial/ethnic differences in behavior/offenses, but differential behavior alone (legal factors alone) is not responsible for the current levels of RED in the American juvenile justice system; differential treatment/processing (extralegal factors) also play a significant role (Kempf-Leonard, 2007; McCarter, 2009).

PHILOSOPHICAL SHIFTS IN JUVENILE JUSTICE

Before the formation of the juvenile court in the U.S. in 1899, as noted, houses of refuge were created for children in need of supervision (Mennel, 1972). This was based on the evolving premise that children differ fundamentally from adults and that the two groups should be kept separate to focus on rehabilitation and not become further corrupted by adult offenders (Roberts & Brownell, 1999). During this Houses of Refuge Period (1824-1899), the child's individual needs were weighed most heavily (Faust & Brantingham, 1974; Platt, 1969). Then, the founding philosophy of the juvenile court suggested that 1) children are still developing and are thus, less culpable than adults, 2) the focus of the juvenile system is on treatment and rehabilitation versus punishment, 3) disposition from the juvenile court should be based on the child's circumstances and needs, and 4) the system flow, policies, and procedures should be less complicated than the adult criminal justice system (Siegel & Welsh, 2009) and the Juvenile Court Period extended from 1899 to approximately 1960.

In the 1920s, the courts tried to blend "relaxed, scientifically informed and humane decision making" with "rigorous fact-finding based on time-proven rules, conducted in such fashion that justice would be served to perfect the juvenile court as a socio-legal institution" (Waite, 1921, p. 339). *Parens patriae* was called into question in the 1950s by a constitutionalist argument suggesting that benefits of debatable worth were supplanting children's rights and informal guidelines and judicial discretion were being used to incarcerate children without any semblance of due process (Bartollas, 2006).

The Juvenile Rights Period extended from approximately 1960 to 1980 and was shaped by five significant court cases: *Kent v. the United States*, 383 U.S. 541 (1966) - due process (attorney present during transfer hearings); *In re Gault*, 387 U.S. 1 (1967) - due process (notice of charges, right to an attorney, right to confrontation and cross-examination, privilege to avoid self-incrimination, right to a transcript of the trial record, right to appellate review); *In re Winship*, 397 U.S. 358 (1970) - due process (protection against conviction except upon proof beyond a reasonable doubt); *McKeiver v. Pennsylvania*, 403 U.S. 528 (1971) - denies juveniles to the right to a jury trial; *Breed v. Jones*, 421 U.S. 519 (1975) - double jeopardy, and the passage of the Juvenile Justice and Delinquency Act of 1974 (P.L. 93-415). [Read more about the JJJDA following this section.]

From the mid-1980s to the mid-1990s, the U.S. experienced unprecedented increases in juvenile crime, notably gun violence and homicide (Feld, 1999; Hess & Drowns, 2004) and from 1980 to 2000 came to be called the Crime Control Period. The Reagan administration developed a five-pronged approach to juvenile crime control policy reform: preventative detention, transfer of serious juvenile offenders to adult court, mandatory/ determinate sentencing for juveniles committing violent crimes, increased incapacitation/ confinement for

juveniles, and enforcement of the death penalty for juveniles who commit the most egregious murders (Bartollas, 2006). Scholars suggest that a convergence of structural factors (deindustrialization of U.S. cities, concentrations of poverty, crack cocaine epidemic) with rising juvenile crime rates fanned public fear and founded the political impetus to shift the philosophy of juvenile justice away from rehabilitation and towards punishment (Griffin et al., 1998).

Then with the Columbine High School mass shooting in April 1999 and similar events that followed, the national K-12 response further emphasized crime control through the increased use of metal detectors, exclusionary discipline, zero tolerance policies, surveillance cameras, and School Resource Officers (SROs) (Monahan et al., 2014). Yet there is no empirical evidence that SROs have successfully deescalated any active shooter situations. What we do have evidence of is the burgeoning school-to-prison pipeline that resulted since schools with SROs report significantly higher rates of school-based arrests as compared to schools without SROs (McCarter 2017; Theriot 2009).

The current period from 2000 to the present has no moniker. It lacks consensus from forensic social work practitioners and juvenile justice scholars regarding whether the country has transitioned from the Crime Control Period or not. There is, however, a general recognition within social work that when the philosophy of juvenile justice shifted away from rehabilitation and towards punishment, social workers largely left forensic work with youthful offenders (Scheyett et al., 2012). Scholars cite few effective interventions to rehabilitate youthful offenders, philosophical differences between social work and law enforcement/ corrections, and scarce forensic training opportunities and field placements provided in schools of social work (Ivanoff et al., 1993) as the reasons they largely left juvenile and adult criminal justice in the 1990s-early 2000s. An indication that we may be moving about of the Crime Control Period points to the reauthorization of the JJDP; a significant return of social workers to forensic fields; the burgeoning recognition of the impacts of mass incarceration; racial and ethnic disparities in carceral systems; micro, mezzo, and macro trauma; police brutality; and thus, the overall need to promote smart decarceration (Kim et al., 2020; Pettus-Davis & Epperson, 2015; Scheyett et al., 2012) while eliminating racism (Teasley et al., 2021).

THE JUVENILE JUSTICE AND DELINQUENCY PREVENTION ACT OF 1974

To create a unified national program to oversee juvenile delinquency prevention, the Juvenile Justice and Delinquency Prevention Act (JJDP) was enacted in 1974 (P.L. 93-415). The JJDP was initially authorized for three years and oversaw a budget of \$350 million that provided for formula and block grants. Three mandates were listed in the Act that states had to meet to be eligible for the funds: (1) discontinue holding juvenile status offenders in secure detention or

confinement (Deinstitutionalization of Status Offender (DSO requirement); (2) create separate confinement facilities for youth, to protect juveniles and guard them against further corruption by adult offenders; and (3) in situations where children must be placed in an adult facility, state placements must maintain sight and sound separation such that the youthful offenders could not be held next to adult cells, share dining rooms, or any other common spaces (P.L. 93-415).

In 1980, the JJDPDA was amended with a valid court order exception to the DSO requirement, a mandate that juveniles be removed from adult jails and lock-ups within five years from the date of enactment and created an independent Office of Juvenile Justice and Delinquency Prevention (OJJDP). Title IV created a new program for Missing and Exploited Children Program added to the Act in 1984. In 1988, Congress amended the JJDPDA to assess and address the disproportionate number of minoritized youth in secure juvenile confinement (disproportionate minority confinement (DMC)). DMC was elevated to the fourth core requirement in 1992, which added a financial penalty (25% of each state's Formula Grant allocation) that could be withheld from states found not to be in compliance with the DMC core requirement (P.L. 102-586). That same reauthorization established Title V to address gender bias, authorize funding for challenge activities, and provide incentive grants for local delinquency prevention programs. OJJDP measures compliance for DMC through five sustained efforts. First, states must identify the extent to which DMC exists. Second, if it does exist, they must assess the reasons/ contributors. Third, states must develop an intervention plan to address the identified causes, and fourth, they must evaluate the effectiveness of their strategies to address DMC. The final step is to monitor the trends over time (OJJDP, n.d.; Pope et al., 2002). Yet few states have progressed beyond the first two steps (FACJJ, 2006; Willison et al., 2010).

In 2002, the Act was reauthorized for six years. The 2002 amendments required states to prioritize their formula and block grant allocations to evidence-based programs and changed the DMC language from disproportionate minority confinement to disproportionate minority contact. This language change not only acknowledged that the overrepresentation of children of color in the juvenile justice system occurs in contact points before incarceration, but it also shifted some of the blame from the youth and his/her/their family to recognize that systemic influences are also affecting racial and ethnic disparities. The 2002 amendments applied to JJDPDA grant programs through the fiscal year 2007/08, but the JJDPDA would not be reauthorized again until 2018.

On December 21, 2018, the JJDPDA was reauthorized for five years through the Juvenile Justice Reform Act of 2018 (P.L. 115-385). Significant changes in the Juvenile Justice Reform Act include amendments to the core requirements, including strengthening the decarceration of status offenders (with additional valid court order exceptions); extending the sight and sound separation requirement to juveniles who are tried as adults; and revising DMC (disproportionate minority contact) to RED (racial and ethnic disparities) in

juvenile justice and requiring that states not only identify RED but also take steps to reduce RED. Little has been written about the intent of this language change. Still, scholars note that ‘racial and ethnic disparities’ is more precise terminology since there are jurisdictions in which youth of color comprise the statistical majority (Villarruel et al., 2002). Forensic practitioners and racial justice advocates also contend that the term minority indicates a less powerful or less-than position and thus should be changed, and naming ethnicity, amplifies the experiences of additional groups, including Latinx youth (Sotto-Santiago, 2019).

Additional provisions in the Juvenile Justice Reform Act of 2018 that do not apply directly to the core requirements include eliminating certain restraints on pregnant juveniles while in custody; supporting the educational progress of youth in the justice system by requiring compliance with Part A of Title I of the Elementary and Secondary Education Act of 1965; implementing strategies to screen for, identify, and document human trafficking in the U.S.; and detailing State Advisory Group membership (experts in adolescent development, mental health, and substance abuse; representatives from victim/witness advocacy groups; individuals who are or have been under the jurisdiction of the juvenile justice system (Section 223(a)(3)).

EVIDENCE-BASED RECOMMENDATIONS FOR ADDRESSING RED

So, what are racial and ethnic disparities in juvenile justice? RED in juvenile justice refers to the overrepresentation of youth of color in the justice system. RED in juvenile justice means unnecessary entry into the justice system and/or more severe consequences for justice-involved youth of color compared to their White counterparts. RED in juvenile justice results from differential behavior, processing, treatment, and outcomes for youth in juvenile justice based on their race/ethnicity. These differences are based in conscious and unconscious differential treatment (explicit/implicit bias) at the individual and system levels, legislation that appears fair but has unintended consequences for youth of color, differential opportunities for prevention and treatment, and the failure to use data to drive decisions. What can be done to address RED in juvenile justice? Integrating and synthesizing the extant literature promotes the following five evidence based-recommendations: train juvenile justice professionals, improve juvenile justice data, avoid juvenile justice system contact, develop culturally-informed and trauma-informed as well as gender-specific services, and implement accountability mechanisms.

Train Juvenile Justice Professionals

Significant research suggests that stakeholders' perspectives and explicit/implicit bias shape how justice is administered (Staats et al., 2017). Studies on traffic stops, jury selection, sentence delivery, and police use of force, for example, found that

most study participants demonstrate a pro-White and anti-Black bias (Baumgartner et al., 2018; Eberhardt, 2019; Kahn et al., 2016; Levinson et al., 2014; Smith & Levinson, 2012). Race Matters for Juvenile Justice simply suggests that how a problem - RED in juvenile justice - is solved depends on how it is defined (McCarter et al., 2017). Their Charlotte Model uses a foundational race analysis as the education that allows law enforcement, school officials, social workers, judges, youth, and their families to share a common language and understanding of the causes and contributors of racism which are at micro, mezzo, and macro levels (McCarter et al., 2017). The JJRA provides training and technical assistance to state and local court staff, judges and magistrates, and related judicial personnel to effectively carry out the core requirement of the JJDPA, including reducing racial and ethnic disparities in juvenile justice (P.L. 115-385).

- All probation staff at the New York City Department of Probation complete cultural competency training in order to better interact and connect with youth and their families in a manner that "embraces an 'acceptance' of the community in which the [youth] resides" (NYC – Dept. of Probation, 2009).

Improve Juvenile Justice Data

Efforts to address RED in juvenile justice continue to be foiled by states' inability to consistently and comprehensively collect, analyze, and disseminate their data. In 2006, the Federal Advisory Committee on Juvenile Justice (FACJJ) reported that "several states have not been able to conduct adequate research on DMC, due in part to the conceptual understanding, data collection, and analysis skills necessary" (FACJJ, 2006). The same report notes that data collection systems in most states are not standardized across the state and/or do not interface easily (FACJJ, 2006). The first step is to have youth self-identify their identities and then for the jurisdictions to disaggregate their data using those demographics.

In 2019, OJJDP changed the Title II application process to reduce the required number of contact points from nine to five citing that this change "streamlined" the process by using the "five [contact points] that research supports as the most critical" (OJJDP, n.d., para. 2). Yet, forensic social workers and justice researchers contend that this reduction of data collection points is in response to significant federal funding cuts to budgets for OJJDP and that data should continue to be collected at all nine contact points to best address RED in juvenile justice (Tamilin et al., 2019).

- In 2009, using improved data collection strategies, the state of Connecticut was able to identify the most disparate juvenile justice decision/contact points and assess their related strategies for those contact points. They found that youth of color were transferred to adult court at significantly higher rates and

implemented training for all prosecutors to understand RED and their role in reducing disparities (Richetelli et al., 2009).

Objective structured decision-making tools can help intake staff and practitioners make less biased recommendations. But decision-makers also need to recognize the cumulative and disproportionate disadvantage for marginalized youth in juvenile justice. Basing decisions on criteria such as "prior failure to appear, current charges, and previous violations of conditions of release" (NJJN, 2014) can further disadvantage already marginalized youth (Donnelly, 2019).

- In 2008, Rapides Parish, Louisiana developed and instituted a structured detention screening instrument to help law enforcement officers and juvenile justice staff make more objective detention decisions and recommendations. Findings from their jurisdiction study in 2010 suggest that the screening instrument significantly reduced the proportion of African-American youth being detained (DMC, 2010).

The JJRA directs states to ensure that their programs and practices for system-involved youth are evidence-based, yet scholars contend that policymakers and practitioners need more empirical evidence to base decisions and interventions (Cabaniss et al., 2007; Kempf-Leonard, 2007).

Avoid Juvenile Justice System Contact, Whenever Possible

Preventing juvenile justice system contact minimizes the effects of labeling (youth identifying themselves as criminals; Becker, 1963; Rausch, 1983), interrupts and redirects emergent delinquency (Sullivan et al., 2007), connects youth with more appropriate services (e.g., substance abuse and mental health services; Andrews & Bonta, 2010), and reduces the likelihood that youth build additional pro-delinquent connections and antisocial attitudes (Loeb et al., 2015). With the passage of Senate Bill 823, the state of California (CA) began closing its youth prisons in the fall of 2020. And in July 2021, the state started phasing out their Division of Juvenile Justice (DJJ) by stopping the transfer of youth to the state's three remaining youth lock-ups instead of keeping and treating youth in smaller settings in or closer to their communities. The National Juvenile Justice Network suggests that providing community-based alternatives reduces the number of youth of color detained or confined after adjudication (NJJN, 2014). However, as forensic practitioners and scholars learned from the Juvenile Detention Alternative Initiative (JDAI), reducing youth detention is an excellent first step, but decarceration alone does nothing to reduce racial and ethnic disparities and may even exacerbate them.

The JJRA promotes community-based alternatives to detention and recommends improving screening, diversion, assessment, and treatment for mental health and substance abuse needs; family engagement in design and delivery of treatment and services; and comprehensive services and supports for youth that can demonstrate a positive impact on reducing recidivism. The JJRA furthers that community-based alternatives can protect public safety and produce better outcomes for youth with less cost (P.L. 115-385).

- Between 2002 and 2010, Rock County, Wisconsin began six new community-based supervision programs that included substance abuse services, Aggression Replacement Therapy, and a weekend/evening report center. They report 35% fewer youth of color held in out-of-home placements for probation violations and a 30% reduction in the average daily population of African-American youth in secure detention (DMC, 2011).

Develop Culturally-Informed and Trauma-Informed as well as Gender-Specific Services

Cultural and language barriers impede many families of color involved in the juvenile justice system, as they make it more difficult for youth to participate in the court process, limit their ability to understand rules and regulations and make it more difficult for them to succeed in community-based programs (NJJN, 2014). All youth and their families should have equal access and opportunity to communicate and understand in a way that is effective culturally and linguistically (Villaruel et al., 2019).

- In Santa Cruz County, California, juvenile justice staff noted that members of Latinx community described feeling marginalized by the justice system. This created "precarious and mutually suspicious relationships" as many immigrant families did not completely understand the policies and practices of the justice system and were further isolated by language differences. Under the Reclaiming Futures project, Santa Cruz County provided multicultural training for juvenile justice staff working with Latinx youth and families. The training consultant included Latinx families in the process to alter treatment approaches for Latinx youth, and the county also hired translators to assist families navigate the court process. Willison et al. (2010) report that the training and resultant changes increased family members' ability to participate in the justice process and advocate for their children.

The JJRA recognizes the impact of exposure to violence and trauma on youth development and behavior and encourages states to ensure that programs and practices designed to address the needs of system-involved youth are trauma-

informed. The JJRA defines trauma-informed as "understanding the impact that exposure to violence and trauma have on a youth's physical, psychological, and psychosocial development; recognizing when a youth has been exposed to violence and trauma and requires help to recover from the adverse impacts of trauma; and responding in ways that resist retraumatization" (P.L. 115-385). Recent studies suggest that almost all youth held in detention facilities (90%) have experienced some type of trauma (Abram et al., 2004; Ford et al., 2008; Ford et al., 2012). And the experience of trauma increases the likelihood that youth engage in delinquent and violent behaviors and the likelihood of lifetime contact with either the juvenile or adult criminal justice system (Day et al., 2013; Rapp, 2016).

- In 2009, the Florida Department of Juvenile Justice and the National Association of State Mental Health Program Directors discussed centering trauma-informed care as a statewide initiative. In July of that same year, the collaborative shared their commitment to interrupt the trauma cycle and to provide treatment services with the state's Children and Youth Cabinet. According to the FL DJJ, "By providing Trauma-Informed Care, we have an opportunity to impact the lives of children like never before. We will be undergoing a paradigm shift in how we provide treatment services. Staff will no longer be asking "what's wrong with you," but instead "what happened to you?" This shift is based on the premise that many of the children and families in the juvenile justice system come from lives filled with trauma, abuse, violence, and fear." (Florida DJJ, n.d.)

Juvenile crime has been declining since the late 1990s, yet the proportion of juvenile crime committed by girls is increasing (Hockenberry & Puzanchera, 2021). That said, it is important to note that few juvenile justice jurisdictions document gender identity beyond a cis-gender male/female binary nor do they document sexual orientation. Despite emergent evidence suggesting that gender-expansive, trans*, lesbian, gay, bisexual, queer, and questioning youth are also overrepresented in school discipline and juvenile justice complaints (Irvine & Canfield, 2016; Majd et al., 2009). And, often, statistics on 'girls' may simply reflect female-presenting youth who have been misidentified at one or more contact points along the juvenile justice system. Moreover, research suggests that justice-involved girls typically are not detained or incarcerated for offenses that threaten public safety instead many are detained on a biopsychosocial need – such as a reaction to relationship or family violence, trauma, forced prostitution or human trafficking, and/or mental health and substance use challenges (Baglivio et al., 2014; Sherman & Balck, 2015; Teplin et al., 2015).

Leve and colleagues argue that intersectional identities, including gender, need to be considered in juvenile justice service provision (Leve et al., 2015). And the JJRA agrees. Language in the 2018 reauthorization identifies a new program area as those addressing the needs of girls in or at risk of entering the juvenile justice system (P.L. 115-385).

- The Oregon Juvenile Crime Prevention Advisory Committee adopted a policy requiring counties to ensure that services be culturally appropriate and gender-specific. The committee commissioned the Office of Minority Services within the Oregon Youth Authority to design training and technical assistance for counties on cultural competency and gender-specific programming (Willison et al., 2009).

Implement Accountability Mechanisms

For decades, forensic social work practitioners and juvenile justice scholars have been writing about "Promising Practices." Still, when the foundation or grant-funded special project ends, RED in juvenile justice continues. The FACJJ's 2006 Annual Report (2006) contends that "evaluation of DMC [RED] efforts and monitoring of DMC [RED] trends must be ongoing," and without sustained and targeted RED resources, states are unable to continue to collect and analyze these data to establish trends. The JJRA now requires states not only to identify but also to take steps to reduce racial and ethnic disparities in juvenile justice and requires states to post their final state plans on their public websites 60 days after the plans are finalized (i.e., have received final approval from OJJDP) (Section 223(a)). These steps build transparency and accountability in a system that has previously lacked both.

The JJRA also includes language detailing membership requirements for State Advisory Groups, including individuals currently or previously served by the juvenile justice system. The National Juvenile Justice Network recommends that including justice-involved youth in the process will bring ideas, knowledge, energy, and urgency to the work and their involvement could build reciprocity, accountability, and trust within our communities (NJNN, 2014). RMJJ agrees, adding that juvenile justice policy reform focused on addressing RED needs to be a collaborative effort between juvenile justice-involved youth, juvenile justice stakeholders, community members, organizers, advocates, and activists (McCarter et al., 2017).

IMPLICATIONS/CONCLUSION

Regardless of the prevailing philosophy or terminology used to describe the phenomenon, the proportion of youth of color who come into contact with the juvenile justice system still exceeds the proportion of youth of color in the general population. But whether or not the U.S. continues in the Crime Control Period or moves towards racial equity with juveniles largely depends on whether forensic social workers stay at the table or leave (as they have previously). To date, the reauthorization of the Juvenile Justice and Delinquency Prevention Act has been haphazard. With the Act's reauthorization in December 2018, practitioners and scholars only have until 2023 to decide their commitment. The Juvenile Justice

Reform Act provides a solid segue for forensic social work to reduce racial and ethnic disparities in juvenile justice by:

- Training other professionals in cultural competence, social justice, and anti-racism/racial equity policy and practices
- Bringing our critical race analysis to improve data collection, analyses, and dissemination
- Collaborating with child welfare, education, and community-based programs to keep youth out of the system
- Developing, implementing, providing, and evaluating culturally-informed, trauma-informed, and gender-specific services
- Modeling and facilitating trust, transparency, reciprocity, and accountability with all juvenile justice stakeholders

As Eldridge Cleaver said, "There is no more neutrality in the world. You either have to be part of the solution, or you're going to be part of the problem." And, as Ibram X. Kendi suggests, it is not enough to claim that we and our systems are not racist; instead, we must instead, work to make both anti-racist.

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