

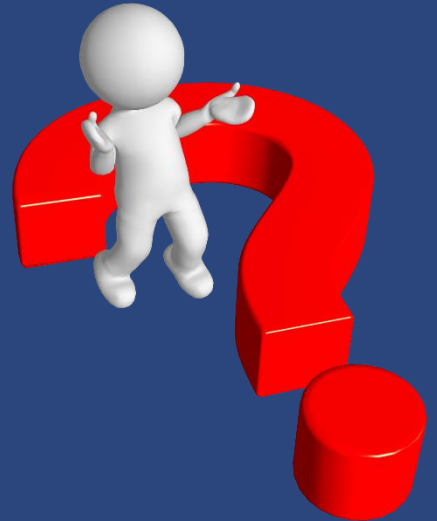
Youth Minority Over Representation In The Fourth Judicial District

Presented by the
Fourth Judicial District Over Representation Committee



Agenda

- I. Who are we? Why are we here?
- II. What is Youth Minority Over Representation (M.O.R.?)
- III. M.O.R in Colorado
- IV. Some possible causes of M.O.R
- V. What we can do to address M.O.R.



I. Who Are We?

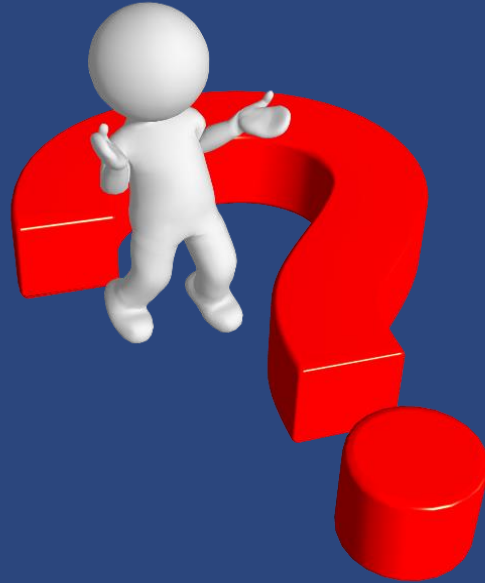
The Minority Over Representation Committee (M.O.R.) of the Fourth Judicial District is a subcommittee of the District's Best Practices Committee for Juvenile Courts.



Why Are We Here?

- **Assess** the existence and causes of disproportionate minority representation in school disciplinary, criminal justice and social welfare programs
- **Engage** providers and clients in a discussion about what they can do to identify and redress the systemic and cultural contributors to disproportionate minority representation.
- **Educate** the public about the existence of disproportionate minority representation in school disciplinary, criminal justice and social welfare programs, and what they can do to attempt to prevent and redress the same

Tiko and Cara...



Participants..

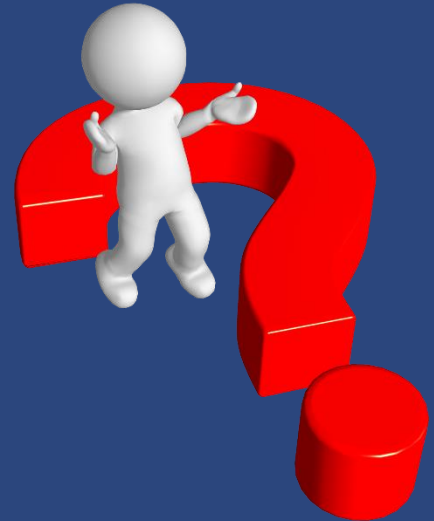
- Name
- Years of GAL practice
- Geographic areas of practice
- Experiences with cultural/class diversity in the U.S.



II. What is Minority Youth Over Representation?

Over representation of minority youth throughout juvenile systems such as:

- Child Welfare systems
- Law enforcement contacts
- Delinquency and criminal courts
- Educational disciplinary systems

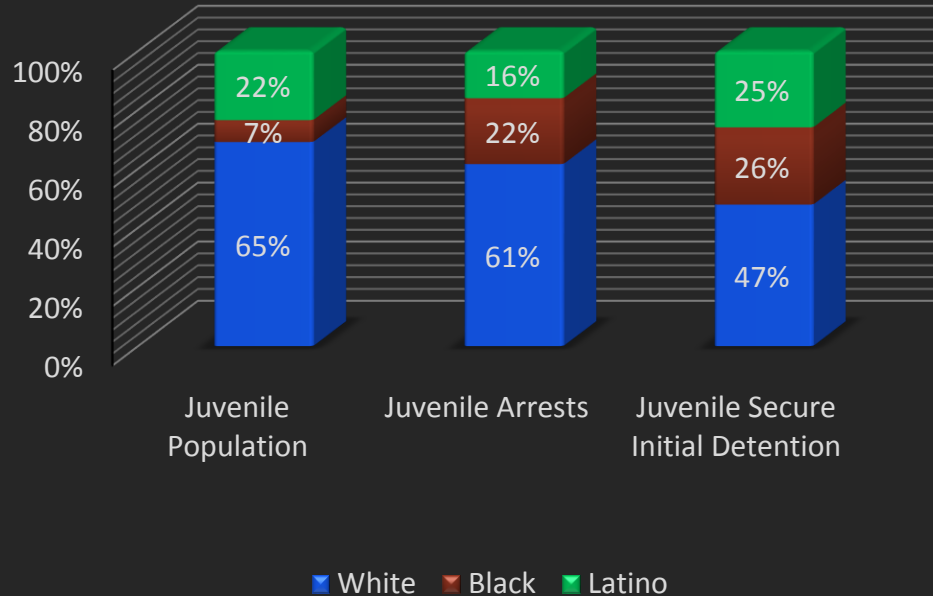


III. M.O.R in Colorado

- Child Welfare
- School Disciplinary Proceedings
- Criminal Systems



EPC **Juvenile Justice** System: 2012-2013



4th Judicial District **Juvenile Justice**

Relative Rate Index

	Hispanic/ Latino	Hispanic/ Latino	Hispanic/Latino	Black/African American	Black/African American	Black/African American
	2012-2013	2013-2014	2014-2015	2012-2013	2013-2014	2014-2015
Juvenile Arrests	0.89	0.77	0.77	3.42	3.63	3.37
Secure Initial Detention	2.15	2.69	2.08	1.61	1.63	1.51
Misdemeanor - dismissed	0.84	0.92	0.74	0.91	0.99	0.94
Misdemeanor – adjudication	1.30	1.22	1.35	1.23	0.72	0.88
Felony – dismissed	0.90	1.01	0.91	0.97	1.03	1.15
Felony – deferred	0.99	0.96	0.43	0.44	0.73	0.44
Felony – adjudication	No RRI provided	No RRI provided	No RRI provided	1.08	1.07	0.98

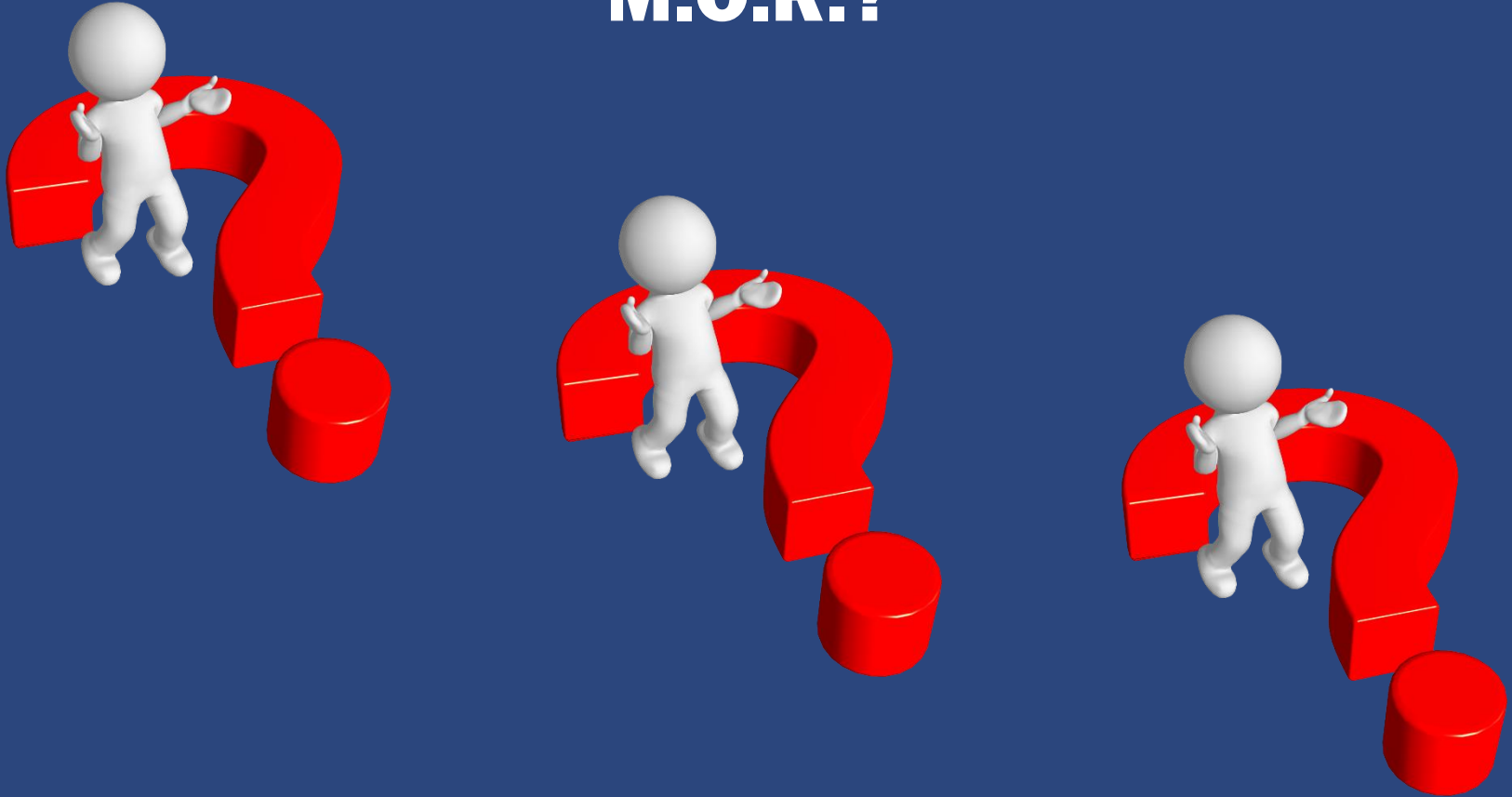
EPC **School** Disciplinary Proceedings & Referrals to Law Enforcement: 2013-2014

School District	% of Students	% of Suspensions (In and Out)	% of Expulsions	% of Referrals to Law Enforcement
2	17%	28%	27%	35% (6 of 17)
3	10%	78%	2% (1 of 6)	12% (2 of 24)
8	13%	20%	20%	0 youth referred
11	7%	13%	16%	0% (0 of 2)
20	3%	41%	15%	0% (0 of 5)
22	3%	3%	0% (0 of 2)	0% (0 of 3)
49	6%	12%	0% (0 of 3)	3% (1 of 38)

Ratios of **DHS Referrals** in Top Five Colorado Counties: 2010-2014

	2010-11		2011-12		2012-13		2013-14	
	Black	Latino	Black	Latino	Black	Latino	Black	Latino
Colorado	2.31	1.35	2.26	1.35	2.20	1.40	2.26	1.41
El Paso	2.13	1.27	2.31	1.31	2.07	1.30	2.30	1.28
Denver	3.46	1.72	3.03	1.56	3.09	1.74	2.94	1.66
Larimer	2.83	1.87	2.64	1.93	2.15	1.84	1.97	1.96
Jefferson	4.06	2.05	4.45	1.95	3.63	2.09	3.32	2.12
Arapahoe	2.51	1.19	2.36	1.20	2.50	1.41	2.46	1.27

IV. What Are Some Possible Causes of M.O.R.?



Poverty Statistics

- 39% of Black children in Colorado live in poverty.
- 31% of Hispanic children in Colorado live in poverty.
- 9% of White, non-Hispanic children in Colorado live in poverty.
- Between 2000-2008, the number of children living in poverty in Colorado grew faster than anywhere else in the nation, disproportionately affecting minority children.

Poverty Described

- How do you describe poverty? What words or images come to mind when you hear the word “poverty”?
- What exposure have you had to poverty?



Poverty Defined

- *Poverty*: “the extent to which one does without resources.”
- *Generational Poverty*: 2-3 generations of poverty in a family, which creates a cycle of poverty where the family members have nothing to compare it to.
- *Situational Poverty*: poverty that results from a particular event (e.g., a death, fire, and/or a divorce).

Adapted from *Bridges Out of Poverty*, Dr. Ruby Payne.

One Effect of Poverty

The vast majority of parents who come into the child welfare system are reported for neglect.

Neglect is typically related to poverty. Examples include:

- Homelessness;
- Lack of proper nutrition, medical care, child care, educational resources, supports; and/or
- Untreated mental health/substance abuse issues.

Poverty

Poor women who go to hospitals to have birth are:

- more likely to be **drug-tested**,
- less likely to have treatment options to **prevent removal** of her children, and
- more likely to have her children **removed**.



Bias

Definition: “an inclination of temperament or outlook; especially: a **personal and sometimes unreasoned judgment.**”

Merriam-Webster.com.

Types: **explicit** or **implicit** bias.

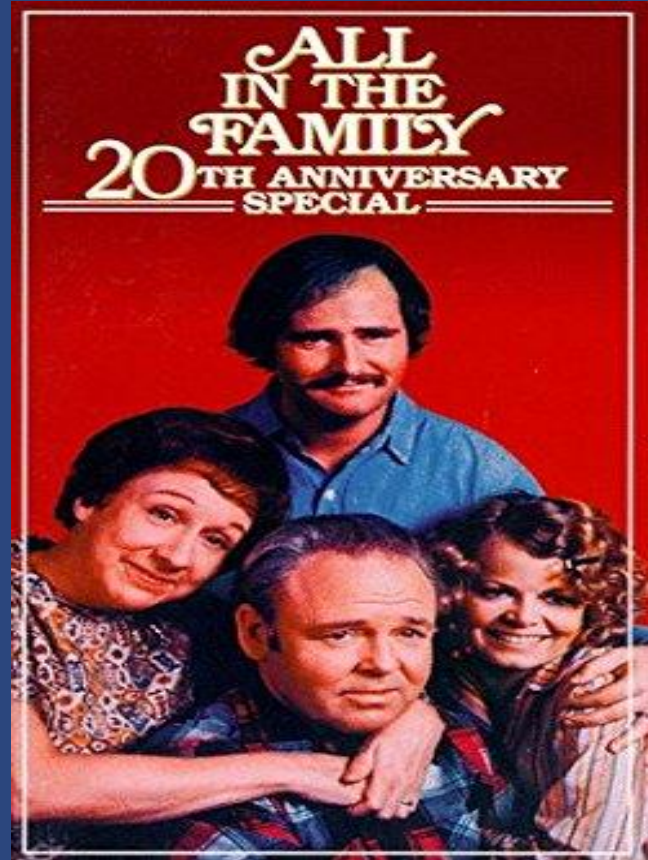
Question: What is the difference between explicit and implicit bias? Can you provide an example?



Bias

<https://youtu.be/hcL7kh-bBm8>

(6:45-9:03)



Bias

Justice Henderson M. Somerville:

- Born in Virginia March 23, 1887;
- Died September 15, 1915;
- Founded University of Alabama Law School;
- Appointed Alabama Supreme Court 1880; and
- Reformed laws for mentally disabled.



Bias

“The evil tendency of the crime (of adultery or fornication) is greater when committed between persons of the two races....its result may be the amalgamation of the two races, producing a mongrel population and a degraded civilization, the prevention of which is dictated by a sound policy affecting the highest interest of society and government.” *Pace & Cox v. State*, 69 Alabama 231, 233 (1882) (Justice Henderson M. Somerville)



Bias

U.S. Supreme Court, *Loving v. Virginia*, June 12, 1967



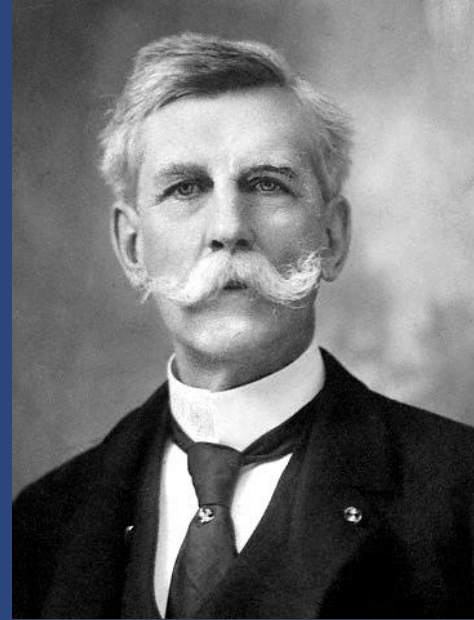
“Under our Constitution,
THE FREEDOM TO MARRY, or not
marry, a person of another race
resides with the individual and
cannot be infringed by the State.”

Bias

Justice Oliver Wendell Holmes

(1841-1935)

His writings and jurisprudence have shaped discussions on the nature of law, and his opinions have been much studied for their intellectual content and style.



Bias

“We have seen more than once that the public welfare may call upon the **best citizens** for their lives. It would be strange if it could not call upon those who already **sap the strength of the State for these lesser sacrifices... in order to prevent our being swamped with incompetence.** It is better for all the world if, instead of waiting to **execute degenerate offspring for crime or to let them starve for their imbecility,** society can prevent those who are manifestly unfit from continuing their kind. . . . **Three generations of imbeciles are enough.**” *Buck v. Bell*, 274 U.S. 200 (1927). Emphasis added.

Bias

- Were Justices Somerville and Holmes **bad people**? If not, what factors led them to the regrettable results in *Pace* and *Buck*?
- How might **prior experiences** influence **professional judgement**?



Bias

Presented Problem: vague laws (such as “reasonable efforts”) and regulations create too much room for individual biases to play a role in decision-making processes.

Proffered Solution: ACWA (American Child Welfare Act):

- Define reasonable efforts in the law.
- Provide judicial guidelines to provide more consistent application of reasonable efforts.

The Vanishing of the African-American Family: “Reasonable Efforts” and Its Connection to the Disproportionality of the Child Welfare System, Stephanie Ledesma.



Bias

Once Again, Presented Problem: vague laws and regulations create too much room for individual biases to play a role in decision-making processes.

Question: What are areas in which we see this problem play out in our cases?



V. What **Have We Done** and/or What **Can We Do** to Address M.O.R?

- As an *individual* - in your cases?
- As a *part of something bigger* - in your systems and communities?
- What *supports* do you have and/or desire?



Thank you!

Questions / Thoughts?

