

Judge Seeks Better Future for Troubled Kids

Judge Gary Bastian of Ramsey County District Court has been on the bench 11 years, four of those with the Family Court. And prior to that, he had 18 years of service to Maplewood as both a councilman and mayor.

In those years of public service, he has seen a lot of what works—and what doesn't. And he's optimistic about how the Juvenile Detention Alternatives Initiative (JDAI) will change the future for juveniles who come into contact with the law.

Judge Bastian's involvement with JDAI began more than three years ago, first with attendance at a national conference on the topic, then with a site visit to Portland, Oregon, to learn more about the benefits of the initiative. He is co-chair, with Ramsey County Commissioner Toni Carter, of the JDAI Stakeholders Committee, which gathers the input of all those involved with the JDAI process.

"I have a real interest in government and structure and making things work. For me the JDAI process was one of those unique opportunities

where we have many people at the table asking 'How can we do things better?'"

According to Bastian, the juvenile justice process has always had collaborative elements. However, the JDAI "took what we did before and helped us work toward the goals of reducing number of kids that are detained and of providing meaningful alternatives for them, but still watching public safety."

An important benefit of the JDAI process has been to build more collaboration among the parts of the juvenile justice system

JDAI is still new to the state, but Bastian thinks JDAI is already having a positive impact on youth. "When a kid comes in contact with the Ramsey County system, everyone is asking them the same questions, thanks to the new Risk Assessment Instrument. We now have a framework to make decisions. We're thinking, 'If we hold this child, what does that mean long term?'"

What We Know About Disproportionality

- In 2003, 38% of the United States youth population (ages 10-17) were youth of color, but 65% of the secure detention population was youth of color.
- African American youth are five times more likely to become securely detained than white youth.
- Chances are 1 in 2 for attending college if your parents earn \$96,000 or more. Chances are 1 in 10 for attending college if your parents earn \$50,000 or less.
- In 2007, California will spend \$3.3 billion on its state university system. It will spend three times as much—\$9.9 billion—on its prison system.
- In classes with more than 75% minority students, 31% of teachers have 25 or more students. In classes with less than 10% minority students, only 22% of teachers have 25 or more students.
- In 29 states, African American students are more than twice as likely as White students to be labeled with an emotional and behavioral disorder.
- White youth represent 73% of youth adjudicated delinquent for drug offenses, but only 58% of youth sent away to residential placement for drug offenses. African Americans represent 25% of the youth adjudicated delinquent for drug offenses, but 40% of the youth sent away to residential placement for drug offenses.

From https://secure.lenos.com/lenos/burnsinstitute/bihome/thestate_whatwewknow.asp
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Individuals interested in being nominated to JDAI committees may contact JDAI Coordinators: Earl Ross at earl@culturebrokers.com, 651-266-1859, or Peter Jessen-Howard at Peter.jessen-howard@co.ramsey.mn.us, 651-266-1864.

Committee Works to Reduce Disproportionate Minority Contact

By Sarah Walker, COO 180 Degrees, Inc., and Co-Chair DMC Committee

Since 1973 the rate of youth held in detention has precipitously and dramatically increased. By the early nineties the over-representation of youth of color in detention facilities was the norm, and by the late 1990's, *seven out of ten youth* held in secure confinement were African American, Latino, or identified as minority.

We must work to change this trend. In late spring of this year the Juvenile Detention Alternatives Initiative (JDAI) initiated and coalesced the Disproportionate Minority Contact Committee (DMC) with Judge George Stephenson and myself as co-chairs.

The DMC committee began meeting in April 2008. Partners include representatives from St. Paul Public Schools, the St. Paul Police Department, the County Attorney's Office, Public Defenders, community organizations, and community leaders. Because of the urgency and magnitude of DMC, the committee meets twice monthly.

The mission of the DMC committee is to promote practices that eliminate racial bias from point of intake through discharge based on objective data and a clear understanding of the purpose of detention.

Given that mission, our tasks include collecting and analyzing data by race, ethnicity, culture, and language; identifying key decision points; developing processes; securing leadership and staff support; testing and monitoring practices; and validating the effects.

In determining the mission, lengthy and lively discussion regarding whether the committee would focus on juvenile *contact* or juvenile *confinement* took place. Ultimately, the committee unanimously agreed to focus on contact. That focus means we need to look at the whole system, including initial police contact, school referrals, access to resources and alternatives, out-of-home placement, and re-entry.

In January of this year the JDAI-DMC initiative created and implemented the Risk Assessment Instrument (RAI) for all youth brought to detention on a new charge. Since the introduction of the RAI the number of youth held in Ramsey County Detention has steadily declined. Although the total number of all youth has declined, the proportion of youth of color held in detention has actually increased. While the implementation of the RAI is a tremendous accomplishment,

the question of how and why racial disparities persist remains. Unfortunately, reducing racial disparity in detention remains elusive not only for Ramsey County, but for most of the jurisdictions engaged in JDAI throughout the country. Members of the committee are working to change this through some of the following steps:

- ◆ Requesting to review data at all points of interaction in the justice system. Judge Stephenson has even agreed to allow an independent review of dispositions over which he presides.
- ◆ Reviewing data on disorderly conduct referrals from the schools.
- ◆ Meeting with high school principals to present information on the initiative and on school referrals.
- ◆ Attending juvenile probation staffing; talking with community corrections staff.
- ◆ Attending the JDAI national conference.
- ◆ Disaggregating data and requesting data on warrants and probation violations.
- ◆ Presenting and representing the initiative on Hmong Radio, KFAI Radio, and at numerous community meetings.



Sarah Walker

The JDAI initiative is an evidence-based, data driven initiative. Getting good data takes time, requiring data sharing among multiple systems.

The DMC committee meets on the 2nd Thursday of every month from 5:30 p.m. to 7:00 p.m. at the YWCA of St. Paul. We invite your participation and input. For more information about the committee and its work, please contact me at sarahw@180degrees.org.

Voices...from the field

Senator Mee Moua, District 67 Chair, Minnesota State Senate Judiciary Committee

I'm very proud of what Ramsey, Hennepin, and Dakota Counties have been able to do. When it comes to youth, the members of the juvenile justice system in those counties are the engines of innovation. They are hard at work to improve the ways we help youth who come into contact with the system. This began with their collaboration to obtain the JDAI grant from Annie E. Casey Foundation, and the early results are very exciting.

From frontline workers all the way to the bench, there's a growing recognition that the current statewide system is not working well in all circumstances. As one friend put it, we've been using a one-size-fits-all approach to dealing with troubled youth, when what we need is a system that can respond to each child as an individual. Yet, we need to find a way to do that accurately, efficiently, effectively, and rapidly. JDAI is our path to those results. It will help us get the greatest impact and positive results for children and families.

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JDAI is one year into full implementation. I'm very interested to see how the goals are reached. It is early to have results, but the initial implementation is exciting. And, from my perspective at the Legislature, this excitement extends beyond the three counties where JDAI is being implemented. I am sure that what we learn will inform how we can make similar improvements in other counties. I have also heard excitement about the process from other organizations across the state that interact with children and youth.

In conversations with the Legislature, probation officers, courts, youth, and parents, it is clear that our current system of dealing with youth has been a revolving door. JDAI is an opportunity to stop the revolving door and help Minnesota's youth do better. It is a way to use our resources and expertise smarter, and to reach far better outcomes.

JDAI across Minnesota

Locally, JDAI has taken effect in Ramsey County, Hennepin County, and Dakota County. Early signs of success are good. Are there good options for it to expand across the state?

Not all counties are suited for JDAI in its current form, according to Maurice Nins, Disproportionate Minority Contact Coordinator and Compliance Monitor for the State of Minnesota. Population is a key factor affecting whether JDAI is suitable for a given community. Some counties don't have a juvenile detention facility, so they send juveniles to a regional one. Some counties have relatively few detentions annually, so JDAI will not work for them. And JDAI deals with full system reform, which may not fit all Minnesota counties.

However, there may well be adaptations of JDAI that could work across the state. The full JDAI model has an eight-pronged approach: 1) collaborative planning, and decision making among the agencies that deal with youth; 2) bringing data systems up to date and using them to make decisions; 3) developing alternatives to juvenile detention; 4) reducing case delays; 5) eliminating racial disparities; 6) using data to address special detention cases; 7) changing the conditions of confinement so it is more positive; and 8) making sure that

there is a race-neutral, fair screening tool.

In a more dispersed county, not all of these elements can be addressed; some may not apply. However, notes Nins, there's a "second track" of JDAI that may well fit across the state. This might include the following features of JDAI:

- Collaboratively creating and adopting a locally developed, race-neutral assessment tool (the Risk Assessment Instrument or RAI).
- Adopting best-practice conditions for health and mental health care for juveniles who are detained, so that a young person's medical conditions are discovered at screening and efforts are made to ensure continuity of care should the juvenile be placed in a detention facility.
- Linking youth who come in contact with the juvenile justice system to mentors and other who can support them and promote their success.
- Ensuring that people who staff the facilities have training and supervision consistent with the principles of JDAI.
- Addressing the conditions of confinement to reduce the risk of return. This includes improvements in food, sanitation, noise, lighting, and living space so that the space feels appropriate for juveniles.

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(For more on the Risk Assessment Instrument, or RAI, see the last issue of JDAI News online at www.ramseyjdai.org)

Everyone knows jail isn't good for kids

Says Bastian, “Everyone knows jail isn't good for kids. Now we have a program that looks at the needs of public safety and the needs of kids. The needs of Hmong kids, Hispanic kids, African American kids, urban kids, suburban kids are all different.” Bastian explains that JDAI has provided a process to begin developing alternatives that fit youth from different communities—and are supported by those communities. Those alternatives are still in development as JDAI rolls out. A difficult issue for the court system is Minnesota's nation-leading problem of disproportionate minority

contact, called DMC by insiders. This means that children of color are detained or incarcerated out of proportion to their population. Bastian thinks the JDAI ultimately will have an impact on this issue as well. “DMC is a hard nut to crack. We have to look at what we've institutionalized—judges, police, probation, schools, everyone. We have to ask, ‘What have we done to wind up with disproportionate minority confinement?’ We've now got a process to determine how this is happening.”

Stakeholder involvement is critical to reducing Minnesota's problem of disproportionate confinement. Bastian noted that the schools are one stakeholder group where communication can make a big difference. “We talk to schools to make sure that kids with ‘felony mouth’ (kids who use lots of angry, foul language) don't get put in detention simply because

of the way they talk,” Bastian says.

“Our schools have a deep problem. We have high school kids not reading at their grade level. They can't do their assignments because of that. So they get embarrassed and angry. They act out and need to be removed from class so other kids can keep learning. Our schools are figuring out a way to train teachers and schools to deal with these kids in ways that reduce their entry into the juvenile justice system.”

Schools are one stakeholder group where communication can make a big difference

Already, JDAI is having an impact. In Ramsey County, the daily detention population has dropped dramatically over the first nine months since the new risk assessment instrument was deployed. “We have a new way of doing



Judge Gary Bastian

business that means we won't be putting as many kids into juvenile detention. And if we don't put them in the first time, it means we probably won't see most of them again,” says Bastian.

“For this to work, we're going to need to come up with good alternatives—places where these kids can be safe, learn, keep up with school, get a meal, get mentored. Places where they can learn the skills that will keep them from coming back into the juvenile process and eventually the adult justice system. That's what I believe is great about JDAI—it will see our kids through to a productive adulthood.”

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Statewide, several initiatives are possible and some actions have been taken. The JDAI model was presented to the 9th Judicial District, which represents the northern, rural Minnesota counties of Cass, Beltrami, Hubbard and Itasca. These counties have two neighboring reservations, Red Lake and Leech Lake. JDAI has been approached as a means to address the disproportionate minority

contact for American Indian youth in their systems. In addition, St. Louis County, which provides detention services for three surrounding counties in northern Minnesota, is interested in JDAI; they've had a readiness assessment consultation with the W. Haywood Burns Institute. St. Louis County's disproportionate minority confinement is significant among American Indian youth. Finally, Minnesota's Juvenile Justice Advisory

Committee (JJAC) has set aside funds to contribute to detention reform efforts for outstate Minnesota counties.

Nins says that while JDAI is receiving increased attention in the Twin Cities Metro region, it is still not well known statewide. In addition, the resources to follow up on statewide implementation of JDAI are limited. However, word of the dramatic reduction in juvenile detention in the participating JDAI

counties (Hennepin, Dakota, and Ramsey) has attracted the interest of counties that see the potential to improve their juvenile justice outcomes while saving money. The next applications of JDAI may involve adaptations by clusters of counties wishing to collaborate to gain the long-term benefits JDAI offers.