

Findings related to racial disparities in Vermont youth justice response, 2018

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Pursuant to the JJDP Act at 34 U.S.C. § 11133(a)(22), states and territories must “address juvenile delinquency prevention efforts and system improvement efforts designed to reduce, without establishing or requiring numerical standards or quotas, the disproportionate number of juvenile members of minority groups, who come into contact with the juvenile justice system.” DMC exists if a specific minority group’s rate of contact at a particular point in the juvenile justice system is different than the rate of contact for non-Hispanic whites or other minority groups.

States achieve compliance with this core requirement when they address DMC through the following: Identification; Development of an action plan; and an Outcome-based evaluation.

- I. **Identify statewide data at research-based points of potential disparity. Data collection must occur for at least four of the five points below. At each data point, your state must provide percent of population data using the most recent U.S. Census data.**

The Vermont annual report and analysis of racial disparity in the youth justice system is based on Chittenden County. This county accounts for 26% of the state population and is the most racially diverse county. The U.S. Census shows a 3% rate of Black youth (aged 10 -17) in Vermont; Chittenden County shows 6% of youth as Black.

Burlington and Winooski are far more racially diverse than the more rural and suburban communities in the county. Most of the delinquent activity is in Burlington, less in Winooski. The Burlington School District (BSD) shows a 14% population of Black students. This is considered a more accurate count of children and youth than the census data.

As Chittenden County numbers ‘drive’ the state numbers in assessing race disparity in youth justice, the hypothesis within this report and based on the numbers is that Burlington is the main driver for the county disparity.

This annual report of race disparity findings in the Vermont youth justice response is based on three years of data in keeping with historic practice and is a means of evening out large fluctuations that may occur within a tiny population.

	Population: only known Black & White youth are considered				
	Black	White	Total	Black	Students of Color
Vermont	4,914	158,620	163,534	3%	
Chittenden County	2,341	36,523	38,864	6%	
Burlington School District		65%		14%	35%

Data sources: U.S. Census;
<https://www.bsdt.org>

Data collection points suggested by OJJDP:

1. Arrest
2. Diversion (filing of charges)
3. Pre-trial detention (both secure and nonsecure)
4. Disposition commitments (secure and nonsecure)
5. Adult transfer

Selected measures for OJJDP reporting, Chittenden County, 2016 - 18:

Chittenden County:	Black	White	total B&W Pop	% Black pop (Chittenden County)*	% black
County Arrest	51	135	186	6%	27%
Diversion (post charge)	1	35	36	6%	10%
Delinquency Petitions	110	241	351	6%	31%
Detention (by police and Woodside)	49	60	109	6%	45%
Adult filing	32	47	79	6%	41%

Data sources

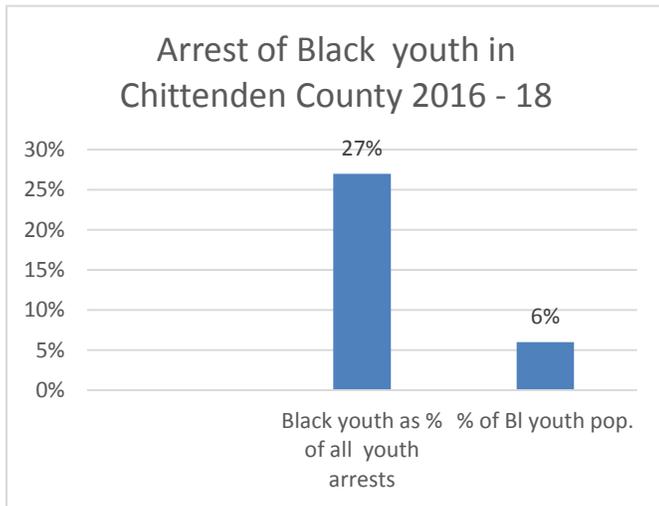
for above chart:

1. County Arrest - Vermont Crime Information Center (*not considered valid; incomplete & old*)
2. Diversion, delinquency petitions, and adult court filings - Court data base
3. Detention - Police & Woodside, Compliance logs, and Woodside records

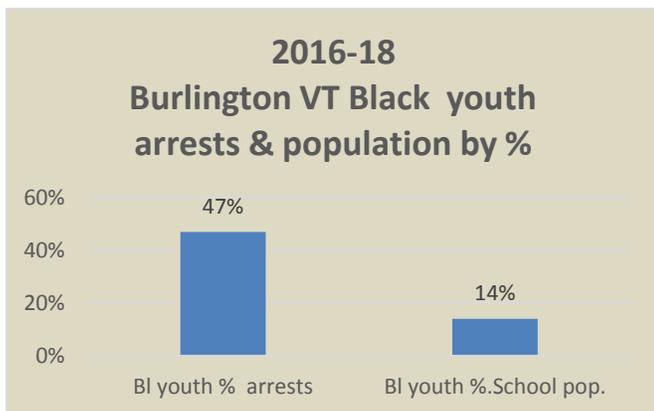
*** REFER TO THE "Vermont data definitions" worksheet for the above data definitions that differ from those proposed by OJJDP.

ARRESTS:

County arrest shows that four – five times the rate of Black youth are arrested proportionate to the County population. This contact point is not considered most accurate or valid. The arrest data from the VCIC database is old and does not show all arrests. There are consistently more delinquency cases filed in court than arrests. There is not a consistent definition of arrest, and the latest reports are old. Burlington alone shows more arrests than the county report. A report of Burlington youth arrests is most accurate.



Data sources: VCIC (VT crime info. Ctr), U.S. Census



Data sources: BPD; BHS

While clearly the disparity is greater in Chittenden County using available data, the Burlington-based data from police and school district is more recent and considered far more accurate. When reviewing data indicators of racial disparities, it is always most illustrative to 'drill down' to a more local, closer view to identify causal factors and remediate.

Burlington shows arrests of Black youth as three times greater than what is equitable with White youth.

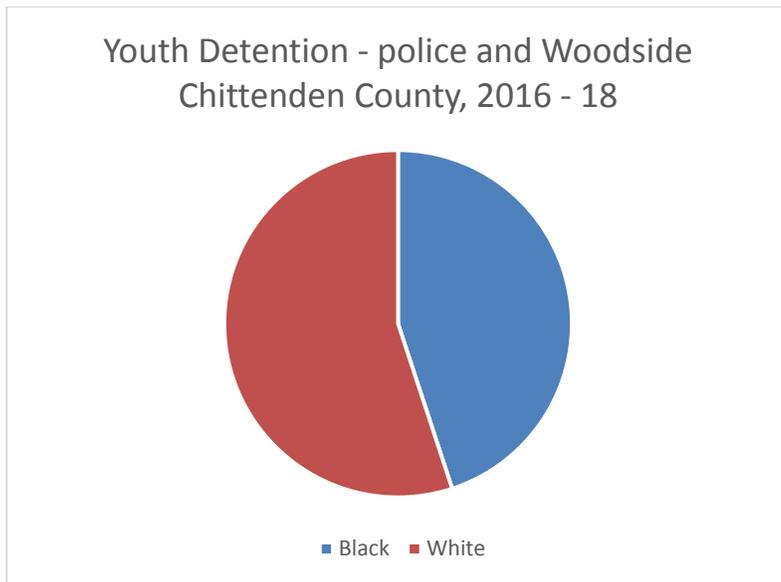
Further analysis of arrests by charge, location, age, and other factors will help to show causal factors. This should be taken up by the DMC Committee during this FFY period.

COURT DIVERSION:

Court Diversion referrals of Black youth account for only 10% of all Court Diversion referrals in the county. (Pre-charge Community Restorative Justice referrals in Burlington are looked at later in this report).

DETENTION BY POLICE AND WOODSIDE

**this is not pre-charge detention, it accounts for all youth detentions – most often, detention is used for youth who are already adjudicated but have violated conditions, as well as pre-adjudicated youth.



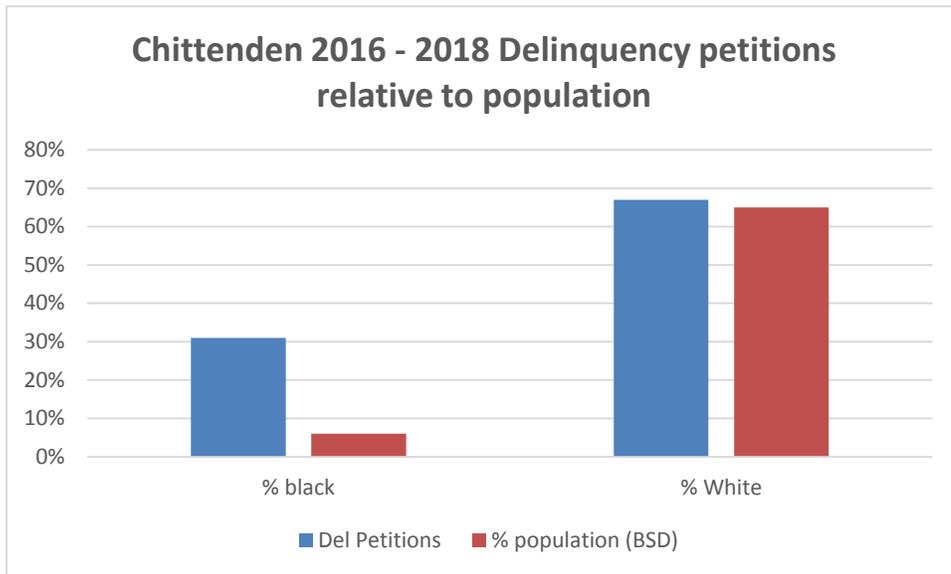
Source: compliance logs & Woodside records

As in arrests, Black youth, who make up 6% of the Chittenden County population account for nearly ½ or (45%) of the county-wide detentions. This is more than 8 times the rate of detentions that would be considered equitable for those youth.

DELINQUENCY PETITIONS RESOLVED

Chittenden Family Court relative to county youth population, 2016 - 2018:

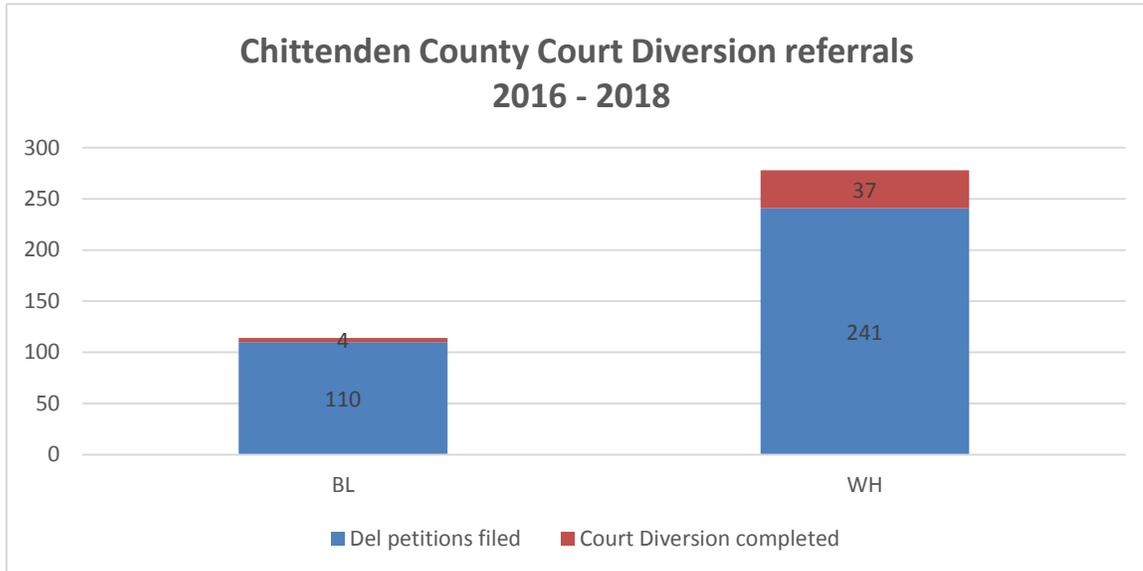
Black youth account for 31% of all delinquency petitions in the 3-year report period. This is *five times* the rate expected for the county. White youth had delinquency petitions filed at a rate in line with their proportion of the population.



Source: VT Court Data base and U.S. Census population

COURT DIVERSION COMPLETIONS:

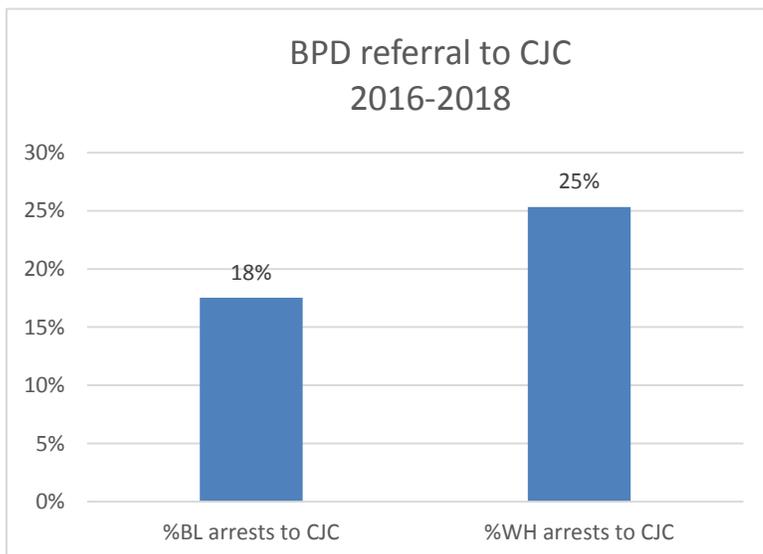
Only 4% of delinquency petitions on Black youth were referred to Court Diversion, compared to 15% of petitions on White youth. (This county is a low Court Diversion user for all youth; more youth cases are processed in community justice options.)



VT Court data base

COMMUNITY JUSTICE / RESTORATIVE JUSTICE RESPONSE – PRE-CHARGE CITY OF BURLINGTON

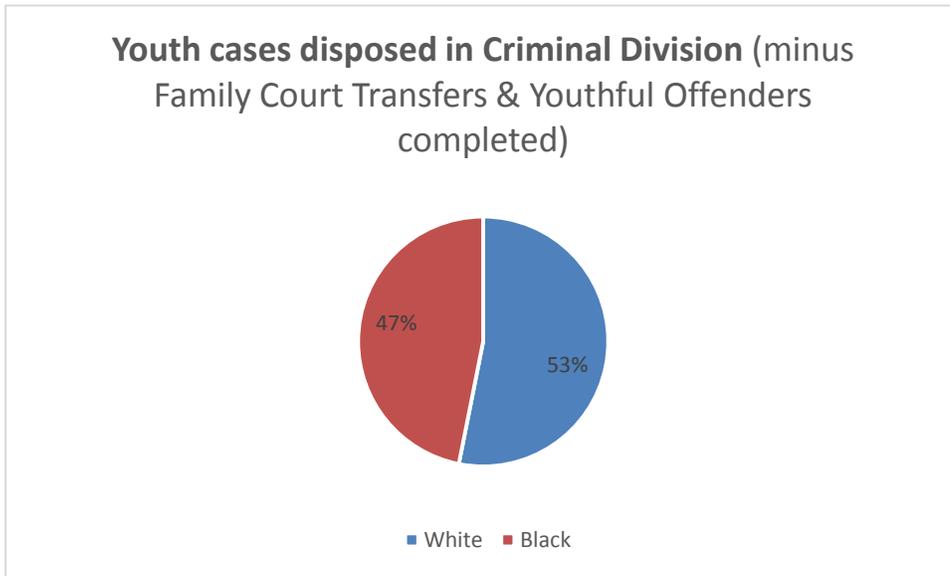
The rates of Community Justice referrals by race is the most equitable decision point within this report. This is a police decision by authority of the State's Attorney. It is the lowest level of intervention in the justice system.



Source: BPD

**Chittenden County
ADULT TRANSFER / DIRECT FILE:**

The chart below shows that the rate of Black youth whose cases are processed in the adult Criminal Court rather than the Family Court is *eight times* greater than expected for the population. As in arrests, cases transferred to or filed directly in Criminal Division is about half White and half Black.



Source: State court data base

II. Develop an Action Plan.

1. What do your DMC numbers tell you about your jurisdiction?

The data presented is informed by qualitative information as well as quantitative and has been reported in several years of DMC reports. Highlights:

- The state population is small and small changes can create disproportionate impacts. The number of non-white residents is small; the number of non-white children is greater. Three-year cohorts of data are always used in order to a) provide enough raw data to be workable, and b) avoid some of the ups and downs that can occur year to year.
- Data is poor. 25% of court data has no race recorded, thus the data in the report and analysis is based on known White and Black youth only.
- State and county arrest data from the central repository is not timely or accurate. Burlington City data is.
- The combination of data and qualitative information from decision-makers and service providers leads to focus on 1 city - Burlington. Qualitative information further directs current efforts to new American youth and families as most affected by the disparities found.
- Burlington shows significant race disparity in arrest.
- County-based referrals to court, Court Diversion, and Precharge Diversion, Detentions, and Adult Transfers are all decisions that rest with law enforcement – police and prosecutor.
- The jurisdiction selected is the well-resourced community in the state relative to all types of service provision.

2. What would success in DMC reduction look like for your state?

- State data and change at the state level would be driven by Chittenden County / City of Burlington and will change when Burlington makes change.
- A small city adjacent to Burlington, also a refugee resettlement community, does not appear to have the same disparities. The presumed success of Winooski in diverting youth from the justice system should be thoroughly assessed this year in conjunction with Burlington.
 - What processes are different?
 - Why are disparities in referrals not apparent in Winooski?
- Expanding the re-invigorated DMC / RED Committee to key decision makers or service providers beyond appointed members of the SAG is occurring this year. Local youth and service providers, and police leadership are first to join the committee. We intend inclusion of school and other community members moving forward.
- The DMC/RED Committee is interested in working with the targeted school district to know more about their beginning decline in suspensions of BL boys.
- It is important for parents to be informed and involved. Many new American parents in Burlington have reported that they are not informed when their children are suspended, arrested, or petitioned to court. This language barrier must be addressed as long as we know that youth are part of a family and not autonomous decision-makers.

3. How much do you want to reduce DMC next year?

The state SAG, Agency, and associated staff and advisors want to eliminate DMC.

4. Is that reasonable? If yes, why?

A goal of 30% reduction at all points would be ambitious but proposing less fuels the continuation and acceptance of systemic racial bias and inequity.

5. What do you need from OJJDP to be successful with your plan?

- a) The 2020 plan will require Hispanic ethnicity data. That data is not available in Vermont. Race data is collected by law enforcement via officer-determined identification. This national law enforcement standard of visual identification should be changed at the federal level in order for states to access ethnicity. Local law enforcement will not make change until federal partners request or demand same.
- b) Dissemination of best practices in what works to reduce race disparity at arrest.
- c) Research effective race disparity reductions across systems but especially at the entry point to systems. Disseminate & train the field.

6. What safeguards will you put in place to ensure that as you work to reduce DMC, you are still protecting the public, holding youth accountable, and equipping youth to live crime-free, productive lives?

The State youth justice system is one part of a justice system that works to protect the public by holding offenders accountable, equipping them to acquire and use skills that will help them to engage in pro-social and productive lives, become engaged with pro-social aspects of the communities where they live, and restore victims as much as possible. Some of the premises that promote this public safety:

- a) Restorative Justice (RJ) is effective in restoring victims and holding offenders accountable and is used throughout the systems as much as possible. Engaging with volunteers and staff of RJ programs helps to connect youth with positive adults that support further positive relationships and reduce the shame and ostracism from community that can occur for those who offend.
- b) The ‘formal’ youth justice response based in the Family Court and Child Welfare System aims to be developmentally responsive. Youth ‘probation officers’ focus case plans on youth and family strengths and resources more than on negative behaviors. At the same time, the probation plan is targeted to eliminating criminogenic behavior. Positive youth development is a key aspect for any youth to become a productive and engaged citizen.
- c) Prevention of racial and ethnic disparities is most important in creating public safety.
 - a. Until people of non-white races feel they are treated equally in all aspects of community – school, police, health, services, and all institutions, they are not fully equipped to participate in the creation of fair and safe neighborhoods.
 - b. Until the youth justice system is truly fair and equitable, no youth, family, or citizen can be assured that justice is served.