

Fact Sheet

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## Ending Racial Disparity in Juvenile Justice

### Problem

It is undeniable - racial disparity persists in the juvenile justice system with a disproportionate number of minority youth being incarcerated.

- Latino, Native, Asian, Pacific Islanders, and African Americans are 35% of the U.S. youth population but comprise 65% of all youth who are imprisoned preadjudication.
- On average, African American and Latino juveniles are confined, respectively, 61 and 112 days longer than white youth.
- Research shows that incarcerating youth does not make us safer—in fact, it undermines public safety. Detention often propels a youth in a direction that leads to behaviors responsible for the recidivism rates of 50% to 80% for incarcerated youth. Incarcerating delinquent youth in close proximity to one another promotes the development of antisocial behavior.
- Incarcerated youth typically do not receive the education or healthcare they need.
- Despite a long-term and substantial investment of government resources, most jurisdictions have seen virtually no reductions in disparities in treatment of minority youth.

### Solution

There is a better way. Alternatives exist that work better and are cheaper than incarceration.

- The annual cost of detention can average around \$50,000 per minor while most community-based programs cost less than one-fourth that amount.
- In Washington, D.C., The Time Dollar Youth Court (TDYC) provides alternative youth peer sentencing to first-time juvenile offenders in the District of Columbia, providing a constructive means of instilling respect and responsibility for self and others. The recidivism rate for Youth Court participants is 9% for those who successfully completed the Youth Court Diversion Program (as opposed to 30% for those in the D.C. area who were not referred to Youth Court).
- Youth Court programs across the nation experience immediate returns on investment. Even in programs with only two years of operation, more than 80% of the youth offenders have completed their sentences successfully. In 30% of the participating programs, 1 in 5 youth offenders returns to the program as a volunteer.

### Call to Action

Using a new legal doctrine to be released June 30 in a major law review article, the TimeBanks USA Racial Justice Initiative will begin putting judges and their communities on formal notice of the injuries resulting from juvenile confinement practices and of the availability of much more effective and affordable alternatives.

- The University of the District of Columbia Law Review article, *An Offer They Can't Refuse: Racial Disparity in Juvenile Justice and Deliberate Indifference Meet Alternatives that Work*, establishes a new definition for “intent to discriminate” that will

give officials two choices: change their practices voluntarily or change them as a result of successful litigation against them.

- Any continuation of current practices will represent an informed and deliberate choice to continue inflicting injury in lieu of better alternatives. As such, there is ample basis for alleging and proving “deliberate indifference” or “intentional disregard.”
- Through the threat of litigation and actual litigation, the Racial Justice Initiative represents a breakthrough in eradicating the racism that pervades the juvenile justice and child welfare systems.
- Through the Racial Justice Initiative, there is now a moral, economic and legal force underway to compel judges and other officials to choose from an array of proven practices that help (not harm) America’s youth.