



EMBARGOED FOR RELEASE:

June 30, 2009

Contact: Becky Fleischauer

becky@navigatorcommunications.com

484-844-2996

New Legal Force to End Racism in Juvenile Justice and Child Welfare

(WASHINGTON, D.C.) -- A new legal force launched by TimeBanks USA aims to bring the ineffective and expensive rote practice of sending minority youth to confinement to a screeching halt. Using a new legal strategy making it easier to prove intent to discriminate, the TimeBanks Racial Justice Initiative will begin putting judges and their communities on formal notice of the injuries resulting from juvenile confinement practices and of much more effective and affordable alternatives.

The novel legal strategy will be released June 30 in a special, pre-publication release of the University of DC Law Review. The law review article, *An Offer They Can't Refuse: Racial Disparity in Juvenile Justice and Deliberate Indifference Meet Alternatives that Work*, establishes that if judges and other officials are on notice of better alternatives to the disparate practice of incarceration and choose to ignore those alternatives, they will be exhibiting "deliberate indifference" and "intentional disregard" demonstrating intent and can therefore be held accountable for injuries that result from their actions.

For decades, injured parties have had challenges proving intent to discriminate in seeking a legal remedy. Using a series of public hearings across the nation, the TimeBanks Racial Justice Initiative will partner with other organizations to first help judges, government officials, advocates and legislators to avoid litigation and "do the right thing." Public hearings will provide formal notice of the injuries resulting from juvenile confinement practices and of the availability of validated more effective and less expensive alternatives to youth incarceration.

"Through the Racial Justice Initiative, there is now a moral, economic and legal force to compel judges and other officials to choose from an array of proven practices that help, not harm, America's youth," said Edgar Cahn, co-founder, TimeBanks USA and co-author of the journal article – *An Offer They Can't Refuse*.

“The high numbers of youth being incarcerated when there are clearly safer, more effective options is a profound injustice. It is harming youth and our communities and squandering precious resources,” said Cynthia Robbins, noted youth advocate, lawyer and co-author of *An Offer They Can't Refuse*. **“Our message today is that the economic crisis gripping state budgets provides the opportunity to redirect scarce government resources into programs and efforts that work and are much less expensive.”**

Research over the last decade has established that the use of detention facilities for most juveniles is not only an expensive practice but does little to rehabilitate youth, keep them safe or improve public safety. In fact, detention can increase the likelihood that youth will re-offend or re-offend with more serious crimes.

Racial disparities persist in the juvenile justice system with a disproportionate number of minority youth being incarcerated. African Americans, Latino, Native, Asian and Pacific Islanders 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.

Alternatives like the Time Dollar Youth Court used in Washington, D.C., Madison, Wis., and Houston, Texas, among others, work better and are cheaper than incarceration. Conservative estimates set the annual cost of detention at \$50,000 per minor while most community-based programs cost less than one-fourth of that amount.

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 volunteers.

With all these advantages known, officials who still choose traditional detention and confinement for minority youth exhibit “deliberate indifference” or “intentional disregard,” which will constitute intent to discriminate under the new legal doctrine being promulgated this month by the TimeBanks USA Racial Justice Initiative.

“A legal remedy now exists to break through, at long last, the stubborn barriers to eradicating pervasive racism in the juvenile justice and child welfare systems,” said Cahn. **“Despite a long-term and substantial investment of government resources, most jurisdictions have seen virtually no reductions in disparate treatment of minority youth. This ends today. Officials now have two choices: change their practices voluntarily or change them as a result of successful litigation against them.”**

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