



W. HAYWOOD BURNS INSTITUTE

COALITION FOR JUVENILE JUSTICE 2019 NATIONAL RACIAL AND ETHNIC DISPARITIES CONFERENCE

**A TIME FOR ACTION: COMBATING RACIAL AND ETHNIC
DISPARITIES THROUGH INCLUSION, EQUITY, AND RESPECT**

NOVEMBER 20, 2019

SCOTTSDALE, ARIZONA



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JUSTICE REFORM MUST TRANSCEND JUSTICE

“The persistent and seeming intractable nature of race and ethnicity in the justice apparatus presents significant dangers for communities of color. Genuine and lasting solutions for change require deep dives into the local institutional and community cultural norms that affect each local justice apparatus. It is in this space beyond data that the BI’s new agenda is engaging.”

- James Bell

After decades of racial justice reform efforts, BI works with multi-sector collaboratives to address these 4 persistent barriers to advancing racial justice...



1 Negotiating the principle that justice is **colorblind and race-neutral** thereby negating the necessity to address policies and practices that reflect racialized social control.

3 Government is not structured to promote flexible **cross-sector responses** to complex human services problems that involve public safety.

2 Investment in communities that most populate the justice sector is outside the justice sector’s purview. **Disinvestment** is a structural issue that is larger than the justice sector can handle alone.

4 It is very difficult for elected and appointed officials to **share power** with each other and communities most in need of human service interventions.



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THE FRAMEWORKS

Harm Reduction Framework:

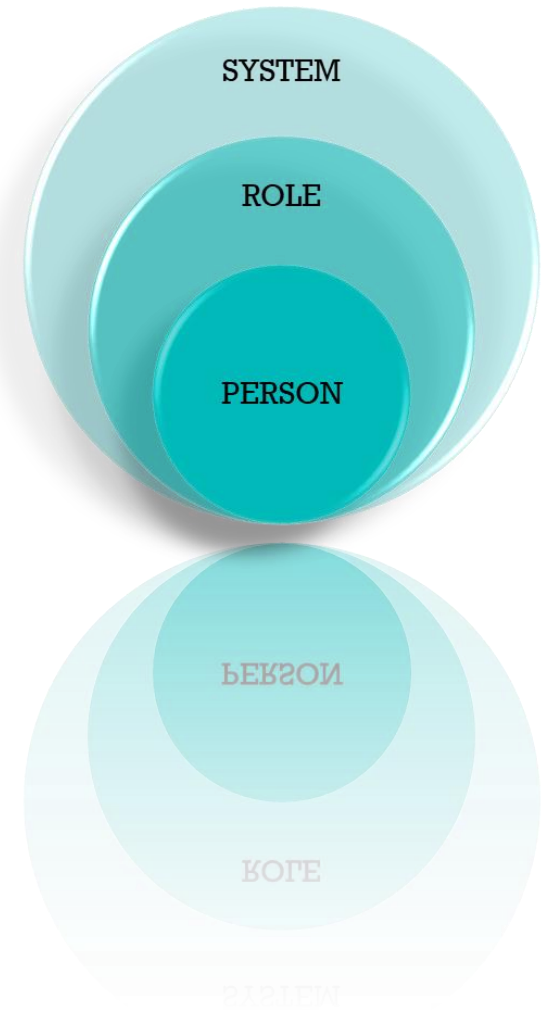
- Facilitate community and system stakeholders through a data-driven process aimed at creating community-based alternatives to justice system involvement, particularly secure detention.

Structural Well Being Framework:

- Facilitate community and cross sector stakeholders through a values driven process, using qualitative and quantitative data aimed at deconstructing structural racism while reimagining a cross system and community response structured to promote well being.



PERSON, ROLE, SYSTEM



HISTORICAL COMPETENCE



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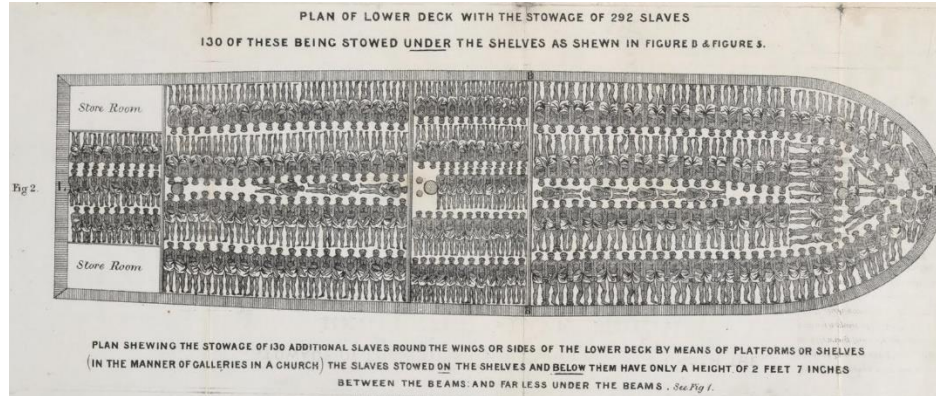
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HISTORICAL COMPETENCE ...WHY?

To meaningfully engage in leadership and advocacy requires us to **acknowledge** our country's history. Further, we must **understand** the interrelatedness of this history with the development of our child serving systems which will enable us to consider how policies and practices impact children and families differently.



1600-1800: EARLY HISTORY



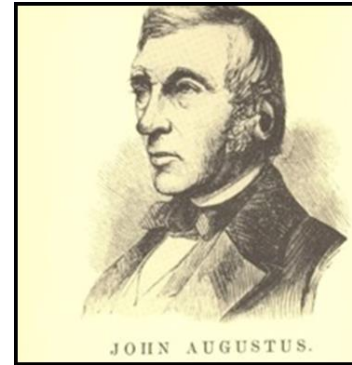
- **First slave ship** docked in Jamestown, VA
- **Puritan Influence**
- **Children Presumed Born with Sin**
 - Evil Must Be Worked Out of Them
- **Family Unit of Social Control**
- **Government and private institutions were not involved in any aspect of how parents raised their children**
- **Stubborn & Rebellious Act**
 - ~1648, General Court of Mass.
- **State and municipalities identified the care of neglected and abused youth as a responsibility of local gov't & private institutions**
 - **Youth and communities of color were excluded due to slavery and segregation**

1800-1900: A “SYSTEM” IS BORN

- Large scale societal changes
- Growing number of orphanages
(1800=7) (1850=70) (1880=600+)
- Ongoing attempts to “assimilate” First Nations children
(17,000 or 8% of total pop housed in boarding schools)
- Humane Society founded the National Federation of Child Rescue Agencies to investigate child maltreatment
- New York House of Refuge (1825)

Pattern of Exclusion from the beginning: “colored section” opened in 1834

- Private child protection agencies present cases in court & advocate for legislation



1800-1900: A “SYSTEM” IS BORN CONT'D

- Probation created, 1848
- **Orphan Trains** transport children across the country (many of whom were not orphans)
- **Eugenics** (movement led by powerful white elites; center of Nazi ideology)
- Quality of child welfare intervention is directly connected to racial inequities
 - Eastern and Southern European immigrants
 - Whittier School (Latino boys)
 - Native American Boarding Schools
- **13th Amendment** to the Constitution ratified Dec 6, 1865
- **Convict Leasing** (1844 – 1941)
- Jim Crow Era – **Domestic Terror Lynching**



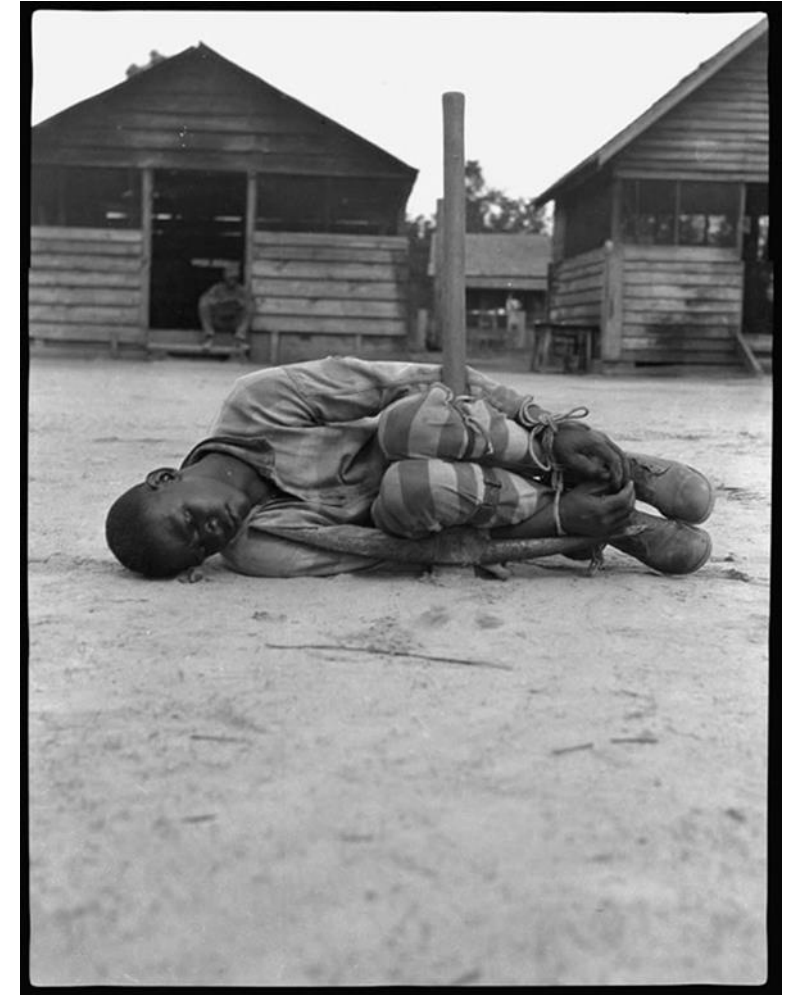
SYSTEMS AT WORK



Lakota boys before boarding school



Lakota boys after



Punishment in a forced labor camp,
1930s

1900'S: AS THE SYSTEM GROWS

- Arizona Territory orphan train lawsuit
(after white children sent to Mexican-Indian families)
- (1920) 40 States established mother's pensions, but discriminated against immigrants and non-whites
 - AA 3%, Latinx & First Nations excluded
- (1922) 300 non-governmental child protection societies across the USA
- (1925) 48 States have juvenile courts
- (1930) White House Conference on Standards of Child Welfare
 - Efforts to assist “**socially handicapped**” (children in foster homes, juvenile justice, black and Indian children)
- (1974) JJDPA passed
- (1978) ICWA is established in response to 25-35% First Nations children are removed from their parents/families/culture



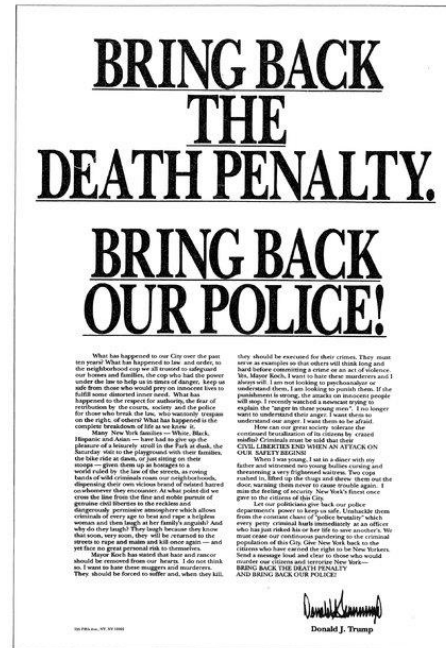
1900'S: AND GROWS...

- The **War on Drugs** (1970s, 80s, 90s)
- Mass Incarceration
- **Central Park Jogger Case** (1989)
- Mass Media
- Family Preservation Act, 1993 (response to foster care placements doubling between mid '80s - mid '90s)
 - AIDS
 - **Crack Epidemic**
 - Recession
 - Increased incarceration of women
- Juvenile **Superpredator** Theory -John DiIulio
 - Media & Legislative Frenzy
 - Zero tolerance policies



"These children are fatherless, godless and without conscience. They have no hope, no direction and no future."

We're not dealing with kids who are economically poor...we're dealing with kids who are spiritually poor."



2000'S: TIPPING POINTS



- Over 3 Million child abuse cases reported
- Children of color are now over-represented in both child welfare and youth justice systems
 - Youth of color represent 71% of detained youth nationally (2010)
 - Youth of color represent 58% of children in foster care (2006)
 - First Nations children are 3 x more likely to be removed from their homes (child welfare) than non-First Nations (2018)
- “Color-blind” decision making tools created and implemented
 - Later demonstrate widening of racial and ethnic disparities
- Federal funding streams incentivize out-of-home placements
- 2018 OJJDP:
 - dissolves its research arm [only team compiling regular racial justice data]
 - major cuts to reducing disproportionality (DMC) oversight
 - rescinds training manuals designed to reduce race/ethnic disparities



But really ... why does this matter?

“Left in Africa, surrounded by their fellow-savages, our seven millions of industrious black fellow-citizens would still be savages.” [Richard Pratt]

“The Indians under our care remained savage, because forced back upon themselves and away from association with English-speaking and civilized people, and because of our savage example and treatment of them.” [Richard Pratt]



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But really ... why does this matter?

- "I have the greatest affection for [blacks], but I know they're not going to make it for 500 years. They aren't. You know it, too. The Mexicans are a different cup of tea. They have a heritage. At the present time they steal, they're dishonest, but they do have some concept of family life. They don't live like a bunch of dogs, which the Negroes do live like." [Richard Nixon]
- These children are fatherless, godless and without conscience. They have no hope, no direction and no future. We're not dealing with kids who are economically poor ... we're dealing with kids who are spiritually poor." [John Dilulio Jr].

How do you change things without having to change a thing?

The Courage of the Collective

- Understand and acknowledge our nation's history and our place in it
- Challenge our mental modes that are grounded in this history
- Recognize it is Our Time
- Be Fearless

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