



**CAMPAIGN OF THE NATIONAL JUVENILE JUSTICE & DELINQUENCY
PREVENTION COALITION**

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Juvenile Justice and Delinquency Prevention Act (JJDP A) Fact Sheet Series

Core Protections: Racial and Ethnic Disparities

BACKGROUND: The week of December 10, 2018, Congress passed [H.R. 6964](#), the Juvenile Justice Reform Act of 2018 (the Act) with overwhelming bipartisan support. The President signed the bill into law on December 21, 2018, amending the Juvenile Justice Delinquency Prevention Act (JJDP A) after years of collaborative efforts among juvenile justice organizations and advocates across the United States.

Below, please find a summary and impact of the provisions related to the racial and ethnic disparities provisions in the bill:

WHAT'S NEW¹: There are three major changes to the JJDP A with regards to racial and ethnic disparities. First, the bill now uses the more widely accepted and accurate term “racial and ethnic disparities,” instead of “disproportionate minority contact”. The JJDP A defines “racial and ethnic disparities” as “minority youth populations [being] involved at a decision point in the juvenile justice system at disproportionately higher rates than non-minority youth.”

Second, the JJDP A adds the term “ethnicity” alongside references to race in the Act, which clarifies that officials must consider both race and ethnicity in efforts to reduce disparities. For example, the JJDP A now requires that state plans provide assurances that youth in the juvenile justice system are treated equitably on the basis of ethnicity, where it previously only required equitable treatment on the basis of gender, race, family income, and disability.

Third, the JJDP A is more specific about expectations of states to implement policy, practice, and system improvement strategies to identify and reduce racial and ethnic disparities within the juvenile justice system. Whereas the previous version of the JJDP A required states to simply “address” DMC, the JJDP A now requires states to:

- Establish or designate an existing coordinating body, composed of juvenile justice stakeholders, at the State, local, or tribal levels, to advise efforts by states, units of local

¹ The amendments made to the Juvenile Justice and Delinquency Prevention Act by this law will not take effect until the beginning of Fiscal Year 2020.

government, and Native American tribes to reduce racial and ethnic disparities.

- Identify and analyze data on race and ethnicity at decision points in state, local, or tribal juvenile justice systems to determine which points create racial and ethnic disparities among youth who come into contact with the juvenile justice system.
- Develop and implement a work plan with measurable objectives for policy, practice, or other system changes based on the needs identified in the data collection and analysis of racial and ethnic disparities.
- Include a tribal representative in State Advisory Groups when available or another individual with significant expertise in tribal law enforcement and juvenile justice in tribal communities.

STATE EXAMPLES:

- In 2015, the Center for Children’s Law and Policy prepared a publication, the [Racial and Ethnic Disparities Reduction Practice Manual](#), that provides practitioners with concrete guidance and strategies, downloadable tools and resources, and examples of successful reform work in jurisdictions throughout the country. The Practice Manual outlines strategies and effective interventions to reduce ethnic disparities at key decision points in the youth justice system, from arrest through re-entry and transfer.
- In 2009, the W. Haywood Burns Institute published [The Keeper and the Kept: Reflections on Local Obstacles to Disparities Reduction in Juvenile Justice Systems and a Path to Change](#). The publication identifies the common barriers to effective reform work, as well as the key components of successful racial and ethnic disparity reduction efforts.
- In 2016, the Burns Institute released [Stemming the Rising Tide: Racial and Ethnic Disparities in Youth Incarceration and Strategies for Change](#). The publication documents the fact that while the overall rate of incarceration of all youth has decreased by 55% since 1997, the rate of incarceration of youth of color has not decreased at the same rate as white youth, with the gap widening over that time period. The publication identifies several strategies to reduce disparities.
- As part of the Annie E. Casey Foundation’s Juvenile Detention Alternatives Initiative (JDAI), many JDAI sites have identified and significantly reduced racial and ethnic disparities in their youth justice systems. Success stories from those jurisdictions and other resources can be found on [JDAIconnect’s Reducing Racial and Ethnic Disparities resource page](#).

ADDITIONAL RESOURCES:

[Contact the W. Haywood Burns Institute for Justice, Fairness, and Equity](#). The Burns Institute eliminates racial and ethnic disparities by building a community-centered response to youthful misbehavior that is equitable and restorative. The Burns Institute has worked in more than 40 jurisdictions nationally and achieved significant results in reducing racial and ethnic

disparities.

[Contact the Center for Children's Law and Policy](#). CCLP's staff have helped dozens of jurisdictions implement reforms that have a measurable and positive impact on youth of color. CCLP offers training and technical assistance to jurisdictions on a wide range of topics, including implicit bias, how to talk about race, enhancing diversion opportunities, and a range of other issues.

[Request Training and Technical Assistance from OJJDP's Racial and Ethnic Disparities Technical Assistance Center](#). Jurisdictions can request assistance with and support for efforts to reduce racial and ethnic disparities through the TTA360 website.

This fact sheet was prepared by:



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