RACIAL DISPARITIES IN YOUTH INCARCERATION PERSIST

THE SENTENCING PROJECT
RESEARCH AND ADVOCACY FOR REFORM

THE SENTENCING PROJECT

RESEARCH AND ADVOCACY FOR REFORM

For more information, contact:

The Sentencing Project
1705 DeSales Street NW
8th Floor
Washington, D.C. 20036

(202) 628-0871

sentencingproject.org
endlifeimprisonment.org
twitter.com/sentencingproj
facebook.com/thesentencingproject

This report was written by Josh Rovner, Senior Advocacy Associate at The Sentencing Project.

The Sentencing Project works for a fair and effective U.S. criminal justice system by producing groundbreaking research to promote reforms in sentencing policy, address unjust racial disparities and practices, and to advocate for alternatives to incarceration.

TABLE OF CONTENTS

EXECUTIVE SUMMARY

In an era of declining youth incarceration, Black and American Indian youth are still overwhelmingly more likely to be held in custody than their white peers.

In ten years, the United States has cut youth incarceration in half.[1] While the reduction is impressive, youth involvement in the juvenile justice system continues to impact youth of color disproportionately.

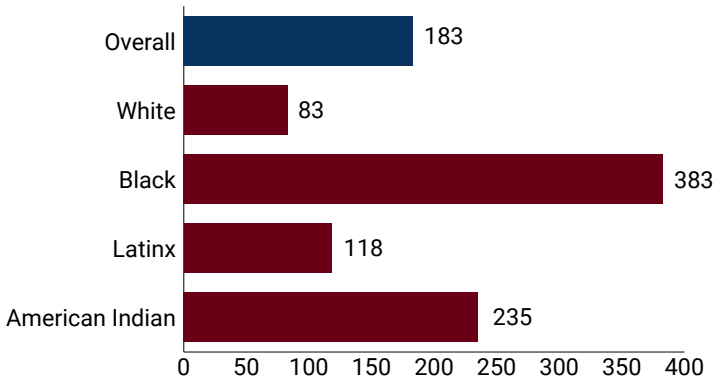
In every state, Black youth are more likely to be incarcerated than their white peers, about five times as likely nationwide. American Indian youth are three times as likely to be incarcerated as their white peers. For Latinx youth disparities are smaller but still prevalent; Latinx youth are 42 percent more likely than their white peers to be incarcerated.

Nationally, disparities are essentially unchanged from 10 years' prior for Black and American Indian youth, but represent a 21 percent decrease in incarceration disparities for Latinx youth. In state rankings, New Jersey warrants special mention due to its number one and number three status for highest Black-white and Latinx-white disparities in youth incarceration, respectively.

These disparities are not only caused by differences in offending but also by harsher enforcement and punishment of youth of color. White youth are less likely to be arrested than other teenagers, which is partly attributable to unequal policing and partly to differential involvement in crime.[2] After arrest, youth of color are more likely to be detained pre-adjudication and committed post adjudication. They are also less likely to be diverted from the system. These patterns hold across a range of offenses.[3]

Advancement of racial justice priorities with youth decarceration efforts has proven elusive. More steps must be taken to invest in youth and communities in order to prevent crime and to protect youth from overly punitive system responses to misbehavior.

Youth in placement per 100,000 youth



RECOMMENDATIONS

1. Racial impact statements

States and localities should require the use of racial impact statements to educate policymakers about how changes in sentencing or law enforcement policies and practices might impact racial and ethnic disparities in the justice system.

2. Publish demographic data quarterly

States and counties should publish demographic data quarterly on the number of incarcerated or justice-system involved youth, including race and ethnicity. The federal government should disseminate this information nationwide.

3. Invest in communities

States and localities must invest in communities to strengthen public infrastructures, such as schools and medical and mental health services, with particular focus on accommodating the needs of children of color.

YOUTH INCARCERATION OVERVIEW

According to the most recently available national data, 43,580 young people were held in either detention centers, residential treatment facilities, or other confinement settings on a typical day in 2017. This figure represents half the total in 2007.[4]

Youth in detention comprise roughly one-third of this population, the juvenile justice system's equivalent of adult jails. Youth in detention are suspected of delinquent acts or status offenses (such as incorrigiblity, truancy or running away) or are awaiting the results of their court hearings.

The remaining two-thirds of the total have been committed to secure confinement, those young people whose cases have been adjudicated delinquent. Their punishment includes a sentence to serve time in facilities with opaque names such as training schools, residential treatment centers, or academies. The largest of these facilities, typically state-run, are occasionally called "youth prisons." Committed youth are typically held for longer than detained youth.

This report addresses state-level youth incarceration and racial and ethnic disparities among detained and committed youth alike. An explanation of how disparities are calculated is included in the appendix.

CHANGES IN YOUTH INCARCERATION

The 43,580 youths held in placement represent a 50 percent drop over ten years.[5] This decline is all the more remarkable because in the intervening years, several states expanded the jurisdiction of their juvenile courts, adding 17-year olds who previously would have been charged as if they were adults and possibly held in adult facilities. Four states — Connecticut, Illinois, Massachusetts, and New Hampshire — expanded the age of youth eligibility for juvenile courts, adding 17-year olds. In Connecticut, 16-year olds were added, as well. Despite these expansionary reforms, all four states incarcerated fewer youth over the period studied. More "Raise the Age" laws have been implemented since the last count was completed, and the impact of those reforms will be reflected in subsequent counts.

Meanwhile, racial and ethnic disparities in youth incarceration remain consistently large. Incarceration rates for all racial and ethnic groups fell over the last 10 years, meaning the disparities are largely unchanged. Federal law requires states to measure and reduce disparities in order to receive modest funding to implement the Juvenile Justice and Delinquency Prevention Act, but most have still failed to make meaningful reductions in youth disparities.[6]

DISPARITIES ACROSS A RANGE OF OFFENSES

Racial and ethnic incarceration disparities occur across a range of offenses. African American youth are 4.6 times as likely as their white peers to be incarcerated; that ratio roughly applies for all categories of offenses except violent offenses, where African American youth are 7.1 times as likely to be incarcerated than their white peers. For Latinx and American Indian youth, no such exceptions apply. Across demographics, disparities are higher post-adjudication than pre-adjudication.[7]

Addressing racial and ethnic disparities requires studying how placement practices lead to incarceration for various offenses. For example, disparities are very high for public order offenses (a category that includes weapons offenses, disorderly conduct, and contempt of court) and lower for drug offenses. Nevertheless, youth of color are more likely to be incarcerated for each of the categories of offending: person offenses, property offenses, drug offenses, public order offenses, and status offenses.[8] As such, it is reasonable to wonder if youth of color are more likely to commit these offenses, and thus incarceration disparities echo differences in offending behavior.

Janet L. Lauritsen found that there were few group differences between youth of color and white youth.[9]

Though Lauritsen's study found violent offending was indeed more prevalent among African-American and Latinx youth, arrest data consistently show that most violent crimes are rare, currently accounting for roughly six percent of all youth arrests. Nancy Rodriguez, studying Arizona, found harsher treatment for similarly situated youth of color in the state at multiple points of contact compared to their white counterparts.[10]

Differences in violent offending between groups do not explain the total differences in incarceration. While less than 30 percent of youth incarcerated on a typical day are held on violent offenses, youth of color who are charged with or adjudicated for property, drug, and public order offenses are much more likely to face severe consequences than their white peers similarly charged or adjudicated.[11]

Self-reported data in the Center for Disease Control and Prevention's Youth Risk Behavior Survey suggest youth of color and white youth have similar (though not identical) offending patterns when it comes to activities that can lead to justice involvement, such as weapons possession, drug use, and getting into fights.[12] The disparity is large because of different responses to similar youthful actions.

Part of the differential response is due to residential segregation, wherein youth of color are likely to live in heavily policed, dense, urban neighborhoods. Tufts University Sociologist Daanika Gordon notes police are therefore more likely to intervene in behavior by youth of color that would go unremarked or ignored by police in neighborhoods where white youth predominantly live.[13] Residential segregation leads to school segregation, and students of color often experience their misbehaviors treated as a disciplinary or policing issue while their white peers' misbehaviors are more frequently seen as behavioral health concerns, potentially meriting a modified curriculum and additional school support personnel to assist with behavioral needs.[14]

Overall, 138 out of every 100,000 American youth were incarcerated, and rates varied widely by state. The highest rate was in Wyoming, which has a youth incarceration rate more than twice the national average.

TABLE 1: Youth incarceration rates by state

	Rate per 100,000 youth
National	**138**
Wyoming	302
West Virginia	280
Alaska	263
Nebraska	231
Oregon	230
District of Columbia	215
Idaho	200
Nevada	191
Indiana	185
Arkansas	183
Montana	179
Louisiana	178
Iowa	177
Ohio	174
Colorado	172
South Dakota	162
Alabama	161
North Dakota	149
Pennsylvania	146
Michigan	143
Missouri	143
Florida	142
New Mexico	142
Delaware	139
Texas	138
California	134
Kansas	132
Rhode Island	127
Virginia	126
South Carolina	125
Kentucky	122
Wisconsin	122
Minnesota	116
Washington	115
Georgia	106
Oklahoma	100
Maryland	90
Mississippi	83
Illinois	80
Maine	78
Tennessee	78
Arizona	71
New Jersey	64
New York	63
New Hampshire	55
Utah	54
Massachusetts	48
Hawaii	47
North Carolina	46
Vermont	33
Connecticut	27

RACIAL AND ETHNIC DISPARITIES IN YOUTH INCARCERATION

Disparities are calculated by comparing the incarceration rates within demographic subgroups comprised of youth of color with the incarceration rate for white youth in a given state. Nationally, the Black youth incarceration rate is 383 per 100,000 Black youth, 4.6 times higher than the white youth incarceration rate of 83 per 100,000 white youth.

BLACK-WHITE DISPARITIES

As shown in Table 2, New Jersey has the highest Black-white disparity in youth incarceration; Black youth in New Jersey are more than 20 times more likely than their white peers to be incarcerated, replicating New Jersey's status in the adult system as the state with the largest disparities.[15] Black youth are more likely to be incarcerated than their white peers in all 50 states and DC. In New Jersey, Connecticut, Wisconsin, Delaware, and Illinois, Black youth are at least 10 times as likely to be incarcerated than are white youth.

An important consideration, reviewing disparities, is that a high disparity does not mean a high incarceration rate. For example, Connecticut's Black youth incarceration rate, 108 per 100,000, is the second lowest Black youth incarceration rate among the states. However, even that rate is still higher than the national average for white youth. As such, a high disparity can reflect leniency toward white youth that could be shown toward all youth..

Table 2 is limited to 36 states and the District of Columbia with at least 10,000 African American youth.

TABLE 2: Youth incarceration rates for white and Black youth

	White	Black	Black-white disparity	% Change 2007-2017
National	**83**	**383**	**4.61**	**+1%**
New Jersey	14	290	20.71	+9%
Connecticut	8	108	13.50	+53%
Wisconsin	54	671	12.43	+56%
Delaware	37	405	10.95	+84%
Illinois	32	325	10.16	+156%
North Carolina	14	140	10.00	+143%
Iowa	101	996	9.86	+75%
Nebraska	111	1,039	9.36	+2%
Massachusetts	18	166	9.22	+6%
California	66	558	8.45	+7%
Minnesota	56	473	8.45	-5%
District of Columbia	39	313	8.03	-40%
Pennsylvania	70	505	7.21	-32%
Maryland	30	208	6.93	+49%
Virginia	55	355	6.45	+14%
Oklahoma	61	390	6.39	+21%
Colorado	113	709	6.27	-18%
Kansas	93	560	6.02	+17%
Georgia	38	221	5.82	+18%
New York	36	203	5.64	+19%
Ohio	95	521	5.48	-6%
Washington	73	386	5.29	+28%
Nevada	132	673	5.10	+26%
Tennessee	41	207	5.05	+42%
Texas	82	412	5.02	+3%
Oregon	190	905	4.76	+39%
Louisiana	75	353	4.71	+8%
Kentucky	81	377	4.65	+3%
Michigan	86	383	4.45	-13%
Florida	92	409	4.45	+47%
Arizona	53	205	3.87	-1%
Arkansas	111	410	3.69	+20%
Missouri	102	375	3.68	-17%
Indiana	152	386	2.54	-20%
Alabama	115	279	2.43	-16%
Mississippi	48	110	2.29	-18%
South Carolina	96	145	1.51	-29%

LATINX-WHITE DISPARITIES

The incarceration rate for Latinx youth is 118 per 100,000, 42 percent higher than the white youth incarceration rate. Latinx youth are more likely to be incarcerated than white youth in 36 states and the District of Columbia; the highest disparities are in Massachusetts, Mississippi, New Jersey and Connecticut. In all four of these states, Latinx youth are at least four times as likely as their white peers to be incarcerated.[16] In Massachusetts, the state with the highest Latinx-white incarceration disparity, saw its disparity increase since 2007.

Table 3 is limited to 40 states with at least 10,000 Latinx youth.

TABLE 3: Youth incarceration rates for white and Latinx youth

	White	Latinx	Latinx-white disparity	%Change 2007-2017
National	**83**	**118**	**1.42**	**-21%**
Massachusetts	18	117	6.50	+24%
Mississippi	48	228	4.75	-25%
New Jersey	14	60	4.29	-11%
Connecticut	8	34	4.25	0%
Utah	34	125	3.68	+81%
Nebraska	111	284	2.56	-5%
Hawaii	25	62	2.48	+167%
Pennsylvania	70	161	2.30	-35%
California	66	146	2.21	-13%
South Carolina	96	205	2.14	-56%
New Mexico	84	169	2.01	+10%
Arkansas	111	213	1.92	-3%
Tennessee	41	78	1.90	+28%
Virginia	55	103	1.87	-4%
Washington	73	136	1.86	-1%
Colorado	113	203	1.80	-1%
Maryland	30	53	1.77	+43%
Iowa	101	178	1.76	+6%
Minnesota	56	89	1.59	-32%
Wisconsin	54	85	1.57	+31%
Georgia	38	56	1.47	-20%
North Carolina	14	20	1.43	+17%
Texas	82	112	1.37	-21%
Arizona	53	69	1.30	+9%
Oregon	190	228	1.20	+7%
Kansas	93	109	1.17	-38%
New York	36	42	1.17	-38%
Delaware	37	43	1.16	-39%
Oklahoma	61	70	1.15	-8%
Illinois	32	36	1.13	-32%
Kentucky	81	82	1.01	+14%
Idaho	184	183	0.99	-30%
Ohio	95	92	0.97	-8%
Nevada	132	128	0.97	-32%
Rhode Island	93	81	0.87	-43%
Michigan	86	71	0.83	-29%
Missouri	102	84	0.82	-28%
Indiana	152	107	0.70	-38%
Alabama	115	64	0.56	-25%
Florida	92	45	0.49	+78%
Louisiana	75	25	0.33	-25%

AMERICAN INDIAN-WHITE DISPARITIES

The incarceration rate for American Indian youth is 235 per 100,000, 2.8 times higher than the white rate of 83 per 100,000.[17] There are two challenges to understanding state-level disparities in American Indian incarceration.

First, the incarceration data for American Indian youth (which counts 752 incarcerated American Indian youth) include only non-Hispanic American Indian youth. There are roughly 600,000 American Indian youth in the United States, half of whom are Hispanic and half of whom are not Hispanic. Hispanic American Indian youth are included only among the Latinx/Hispanic data; there is no option available to review disparities for all 600,000 American Indian youth in a comprehensive category.

Second, due to centuries of government oppression, American Indian youth are concentrated in a handful of states. Only ten states — nine of them west of the Mississippi River — have more than 10,000 non-Hispanic American Indian youth within their borders. Table 4 comprises these ten states, revealing that American Indian youth are more likely to be incarcerated than their white peers in all of them. The largest disparities in these 10 states occurred in South Dakota and North Carolina, where American Indian youth were at least 4 times as likely as their white peers to be incarcerated.

Table 4 is limited to 10 states at least 10,000 American Indian youth.

TABLE 4: Youth incarceration rates for white and American Indian youth

	White	American Indian	American Indian-white disparity	% Change 2007-2017
National	**83**	**235**	**2.83**	**+7%**
South Dakota	94	468	4.98	-8%
North Carolina	14	59	4.21	+188%
California	66	220	3.33	+51%
Washington	73	232	3.18	-3%
Montana	137	423	3.09	-4%
Alaska	164	455	2.77	+2%
Oklahoma	61	80	1.31	+27%
Texas	82	102	1.24	+46%
Arizona	53	63	1.19	-16%
New Mexico	84	98	1.17	+34%

CONFRONTING RACISM IN DECARCERATION EFFORTS

CASE STUDY: CONNECTICUT

In many ways, Connecticut exemplifies the success of this century's youth justice reforms. The state added 16- and 17-year olds under the jurisdiction of its juvenile courts in 2010 and 2012, but still shrunk the number of teenagers confined in its youth institutions from 426 to 99.[18] Its most recent one-day count showed zero youth confined for low-level offenses such as drug possession, technical violations of probation, or status offenses.[19] These drops occurred as the state opted to close the New Haven Juvenile Detention Center in 2011[20] and the Connecticut Juvenile Training School (CJTS) in 2018.[21] Meanwhile, arrests of people under 18 in Connecticut fell from roughly 18,000 to roughly 8,000 between 2007 to 2017.[22, 23] Connecticut's youth incarceration rate -- 27 per 100,000 youth -- is the lowest among the states.

Connecticut's white, Black, and Latinx placement rates are also well below average and significantly lower than 10 years prior; the disparity reflects the comparison of these rates. In Connecticut, Black youth are more than 13 times as likely as their white peers to be incarcerated; Latinx youth are more than four times as likely. These disparities are among the worst anywhere. Commitment disparities (the juvenile system's equivalent to a conviction leading to imprisonment) are worse than detention disparities.

At least twice over the past decade, Connecticut implemented needed reforms and yet declined to invest in programming that might ameliorate racial and ethnic disparities. In 2016, the state narrowed eligibility for detention[24] and then announced plans to close CJTS.[25] Each time, advocates called for investments in community based alternatives. The plan to close CJTS indeed included aspirations for the next era of Connecticut's Department of Children and Families: increased availability of non-residential community-based services,[26] plans that were never implemented as the state -- one of the nation's wealthiest -- faced budget pressures. CJTS typically housed roughly 50 children at an annual budget of $25 million. Once it closed, the remaining children were moved to the two remaining detention centers.[27]

"When we were putting that money into a prison to house mostly Black and brown boys that was no problem, but when we wanted to reinvest it in community programs everyone balked."

— Abby Anderson, Executive Director of the Connecticut Juvenile Justice Alliance
CT Mirror[28]

STRATEGIES TO REDUCE DISPARITIES

Multiple data sources, both for self-reported victimization and offending, suggest that over the course of the century, youth offending has fallen.[28, 29] Thus, it is not surprising that the juvenile arrest rate has fallen as well.[30] Overall declines in youth incarceration flow from these changes, demonstrating that changes in youth offending along with law enforcement responses can benefit all youth. However, those benefits have not been received equitably. Racial and ethnic disparities continue to plague our nation's juvenile justice systems despite years of decarceration of youth indicating that more deliberate and expansive strategies to prevent juvenile justice involvement by youth of color are necessary to achieve racial justice.

Reducing disparities requires reducing incarceration of youth of color at a faster rate than their white peers. The failure to eliminate such disparities calls into question the efficacy of any one strategy. To date, no system has created a definitive policy or program change to achieve racial equity in the youth justice system. Rather, there are now a number of promising practices that can lead to better outcomes. Here, we focus on three such strategies: implementation of racial impact statements for laws and policies; better data collection and dissemination; and critical community investments.

RACIAL IMPACT STATEMENTS

In order to combat the use of potentially racist assumptions and tools in the juvenile justice system and beyond, some suggest that racial impact statements should be used to anticipate how changes to law and policy might mitigate or exacerbate disparities. Such statements, already in use in Iowa, Connecticut, Florida, Oregon, and New Jersey,[31] can be required to analyze the racial impact of laws and policies prior to implementation so that unintended racial disparities can be prevented and measures can be taken to proactively address racial disparities that already exist. These laws do not require the acceptance or rejection of policy changes based on their impact, but — as with environmental impact statements, upon which the idea was hatched — can better inform public debate.[32]

Racial impact statements on raise-the-age legislation would show how many youth of different demographics would be moved from the adult criminal legal system to the youth justice system. Racial impact statements would predict how any decision matrix (i.e., objective measures to dismiss charges, to detain and to commit) might impact disparities. For example, risk assessment instruments that are often used to assess whether or not to detain a youth or release a youth from custody have been identified as measures that potentially exacerbate disparities if the underlying formula uses inputs such as single parenthood[33] or employment[34] that also have sharp racial and ethnic disparities. Racial impact statements could analyze and demonstrate such potentially differential impacts on youth of color prior to the implementation of policies and practices - especially those that appear to be race neutral on their face but actually operate within a highly racialized context.

IMPROVING DATA COLLECTION AND DISSEMINATION

Some jurisdictions have begun to look more closely at the many factors that are contributing to the incarceration of youth of color. For example, Rapides Parish, LA, and the state of Connecticut have sought better data collection at multiple points of contact.[35] These data can reveal the extent to which disparities grow as youth move through the system — from the likelihood of police contact and detention, to charges filed (or cases dismissed), and ultimately the harshness of punishments meted out to white youth vs. youth of color. Collecting

data is a necessary step toward understanding the evolution of disparities (and how they may change over time) but data alone cannot remediate them. Specific actions to remediate differential treatment and outcomes must be developed in order to promote better outcomes for all youth.

Such data can and should be readily available to the public, as evidenced by the assortment of states and counties that have released counts of youth infected by the coronavirus daily or weekly.[36] Localities are clearly capable of posting the number of incarcerated youth and attendant demographic data, allowing constant snapshots of the problem. Comparisons across jurisdictions can be a challenge due to the complexities of state laws, but the Office of Juvenile Justice and Delinquency Prevention (OJJDP) could encourage dissemination of this readily available data between publication of the national Census of Juveniles in Residential Placement[37] (which allows comparisons across states) with links from a central webpage.

INVESTING IN POSITIVE COMMUNITY INFRASTRUCTURE FOR YOUTH

Declines in youth incarceration suggest opportunities to close facilities and engage in positive, larger-scale reinvestments in community infrastructure to support youth and families. In Kansas, excellent reforms piloted by the Pew Charitable Trusts eliminated incarceration for status offenses and probation violations while investing in some needed programs such as family functional therapy and aggression replacement training. Nevertheless, the most recent budget proposal (FY2021) from that state's governor called for juvenile evidence-based programs (now housed in the adult correctional agency) to be cut by $42.3 million.

Savings from a scaled-down department of juvenile justice that houses far fewer youth can be directed to other youth-serving agencies, such as the child welfare sector, and community-based programs that serve vulnerable youth, and youth of color in particular. The problem is that too often state leaders are not incentivized or held accountable by the public for these positive investments in youth. This is likely both a function of the fact that departments of juvenile justice do not comprise a large proportion of state budgets, certainly not compared to adult corrections, and the fact that youth in the justice system and the communities in which they reside are largely poor, vulnerable and without political power, access, or organization. These factors make the need and opportunity for community reinvestment even more pressing in the wake of youth decarceration. Basic examples of such necessary structural community investments could include community-based programs in mental health counseling, violence prevention, and restorative justice. States and the federal government must recognize the critical need to invest in our most vulnerable youth by mandating that resources previously spent on youth incarceration be directed into youth development at the local level.

TWO-YEAR DATA CYCLES

The data presented in this paper are collected every other year under the auspices of the federal Office of Juvenile Justice and Delinquency Prevention. That schedule leaves many gaps in understanding youth incarceration, particularly due to the complications of collection and reporting. State-by-state data for 2017 were released in November 2019; the next report (covering 2019) is expected to be released in the latter half of 2021.

Such delays, along with use of a single representative day, present multiple limitations. The most pressing is that the specific failures of states and localities to address the disparities reported here are not known until years later. What is most clear about racial and ethnic disparities is their prevalence and persistence. Fourteen states saw their Black-white disparities increase from 2007 to 2017, and only one state (plus the District of Columbia) with a current above-average Black-white disparity succeeded in reducing that disparity over the last 10 years. But what lessons are to be learned from Pennsylvania reducing its disparity from 10-to-1 to 7-to-1 by 2017 when those data aren't revealed for two more years? A better data collection system would take place more frequently and report average daily populations to offer a more complete picture.

CONCLUSION

The most recent national data once again reveal that youth of color are disproportionately incarcerated compared to their white peers.

Black youth are more likely than their white peers to be incarcerated in every state. In the states with significant populations of American Indian youth, the story is the same. And in two-thirds of states, Latinx youth are more likely to be incarcerated than their white peers. Other data show that youth of color are treated more harshly at every stage of the juvenile justice system. The failure to eliminate or even reduce such disparities in most states means that even the best proposals to address disparities have had limited success.

While the sharp declines in youth incarceration are encouraging, there is still far more that can be done to confront the disproportionate burdens of the justice system on youth of color. Further reductions in youth incarceration are still necessary and certainly possible, but such a change will not inevitably decrease disparities. As shown by Connecticut's example, community-based alternatives need substantial investments and not mere lip service. Deliberate and sustained commitment to end racial and ethnic disparities will be necessary to ensure a system that truly focuses on justice for all youth.

APPENDIX

Unless otherwise noted, data in this paper are found or calculated from data found at Sickmund, M., Sladky, T.J., Kang, W., and Puzzanchera, C. (2019). Easy Access to the Census of Juveniles in Residential Placement, found online at https://www.ojjdp.gov/ojstatbb/ezacjrp/.

CALCULATING INCARCERATION RATES AND DISPARITIES

Racial and ethnic disparities are calculated by comparing rates: the number of all youth who are incarcerated is divided by the total number of eligible youth and then multiplied by 100,000. Nationwide, 138 out of every 100,000 eligible youth were incarcerated, a 50 percent decline from 10 years prior. Completing this equation for states and for demographics within states make comparisons possible. Without adjusting for population, large states like California and Texas are assured to be near the top of almost any list.

Here is an example of how rates are calculated:

In Alabama, there are roughly 500,000 people between the ages of 10 and 17,[38] and 804 of them were incarcerated on the date of the one-day count. Calculating Alabama's overall youth incarceration rate is done by tabulating the 804 incarcerated Alabama youth, dividing that number by 500,000 total Alabama youth, and multiplying the quotient by 100,000: 161 out of every 100,000 Alabama youth were incarcerated in 2017. This rate is higher than the national average of 138 out of 100,000.

The 804 incarcerated Alabama youth include 351 white youth, 420 Black youth, 21 Latinx youth, and 9 youth of other races or ethnicities. There are far more non-Hispanic white youth[39] in Alabama than non-Hispanic Black or Hispanic youth. As a result, the counts correlate with incarceration rates of 115 per 100,000 White youth, 279 per 100,000 Black youth, and 64 per 100,000 Latinx youth in Alabama. The disparity compares the rates among these demographics: Black youth in Alabama are more likely than their white peers to be incarcerated, and Latinx youth in Alabama are less likely to be incarcerated than their white peers. This report calculates such disparities and how those disparities have changed over the last 10 years.

A CAUTIONARY NOTE ABOUT THE DATA

One concern, in reviewing incarceration rates for any small demographic is that there are very few such youth in some states. For example, there are fewer than 1,500 Latinx youth in Vermont, and none of them were incarcerated on the date the count was taken. As such, Vermont has a Latinx incarceration rate of zero percent. If just one Latinx youth were incarcerated on that date, the rate would have been 70 per 100,000, demonstrating how small changes in outcomes for a small population can lead to dramatic swings.

ENDNOTES

1. Unless otherwise noted, data in this paper are found or calculated from data found at Sickmund, M., Sladky, T.J., Kang, W., and Puzzanchera, C. (2019). *Easy Access to the Census of Juveniles in Residential Placement.* https://www.ojjdp.gov/ojstatbb/ezacjrp/
2. Bonniem, R.J., et al. (2013). *Reforming Juvenile Justice: A Developmental Approach.* Washington, DC: The National Academies Press, pps. 214-233.
3. Sickmund, M., Sladky, A., and Kang, W. (2020). *Easy Access to Juvenile Court Statistics:* 1985-2018. https://www.ojjdp.gov/ojstatbb/ezajcs/
4. Sickmund, M., et. al (2019).
5. Sickmund, M., et. al (2019).
6. P.L. 115–385, Sec. 223(a)(15).
7. Sickmund, M., et. al (2019).
8. Sickmund, M., et. al (2019).
9. Lauritsen, J. L. (2005). "Racial and Ethnic Differences in Juvenile Offending." In D. F. Hawkins & K. Kempf-Leonard (Eds.), The John D. and Catherine T. MacArthur foundation series on mental health and development. Research network on adolescent development and juvenile justice. Our children, their children: Confronting racial and ethnic differences in American juvenile justice (p. 83–104). The University of Chicago Press. https://doi.org/10.7208/chicago/9780226319919.003.0003
10. Rodriguez, N. (2010). The cumulative effect of race and ethnicity in juvenile court outcomes and why preadjudication detention matters. Journal of Research in Crime and Delinquency, 47(3), 391-413.
11. Sickmund, M., et. al (2019).
12. Centers for Disease Control and Prevention (2020). *High School YRBS PowerPoint Slides (2019): Injury and Violence.* https://www.cdc.gov/healthyyouth/data/yrbs/slides/2019/injury_slides_yrbs.pptx
13. Smyton, R. (2020, June 17). How Racial Segregation and Policing Intersect in America. *TuftsNows*. https://now.tufts.edu/articles/how-racial-segregation-and-policing-intersect-america
14. Ramey, D. M. (2015). The Social Structure of Criminalized and Medicalized School Discipline. Sociology of Education, 88(3), 181–201. https://doi.org/10.1177/0038040715587114
15. Nellis, A. (2016). *The Color of Justice: Racial and Ethnic Disparity in State Prisons*. Washington, DC: The Sentencing Project. https://www.sentencingproject.org/publications/color-of-justice-racial-and-ethnic-disparity-in-state-prisons/
16. Sickmund, M., et. al (2019).
17. Sickmund, M., et. al (2019).
18. Sickmund, M., et. al (2019).
19. Sickmund, M., et. al (2019).
20. O'Leary, M.E. (2011, Aug. 24). New Haven Juvenile Detention Center to close shortly. *New Haven Register*.
21. Kovner, J. (2018, Apr. 12). Connecticut Juvenile Training School Closes. *Hartford Courant*.
22. Federal Bureau of Investigation (2008, Sept.). Crime in the US 2007. https://ucr.fbi.gov/crime-in-the-u.s/2007 (Table 69).
23. Federal Bureau of Investigation (2018, Fall). Crime the US 2017. https://ucr.fbi.gov/crime-in-the-u.s/2017/crime-in-the-u.s.-2017/topic-pages/tables/table-69
24. Public Act No. 16-147
25. WSHU News Staff (2018, Apr. 13). Connecticut Juvenile Training School Closes. WSHU Public Radio.
26. Muñiz, F. J. (2016, Oct. 16). Plan for the Closure of the Connecticut Juvenile Training School. http://docplayer.net/126895936-Plan-for-the-closure-of-the-connecticut-juvenile-training-school.html
27. Werth, J. (2018, Aug. 31). Advocates: State didn't do enough to plan for CJTS closure. *The CT Mirror.*
28. Werth, J. (2018, Aug. 31).

29. Wang, K., Chen, Y., Zhang, J., and Oudekerk, B.A. (2020). Indicators of School Crime and Safety: 2019 (NCES 2020-063/NCJ 254485). National Center for Education Statistics, U.S. Department of Education, and Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice. Washington, DC.

30. Centers for Disease Control and Prevention (2020). High School YRBS PowerPoint Slides (2019): Injury and Violence. https://www.cdc.gov/healthyyouth/data/yrbs/slides/2019/injury_slides_yrbs.pptx

31. OJJDP Statistical Briefing Book. Online. Available: http://www.ojjdp.gov/ojstatbb/crime/JAR_Display.asp?ID=qa05200&selOffenses=1. October 31, 2019.

32. Porter, N. (2019, Sept. 30). *Racial Impact Statements*. Washington, DC: The Sentencing Project.

33. Mauer, M. (2009, Jan. 1). *Racial Impact Statements: Changing Policies to Address Disparities*. Washington, DC: The Sentencing Project.

34. Annie E. Casey Foundation. (2020, Jan.) *Children in single-parent families by race in the United States.* Kids Count Data Center.

35. Bureau of Labor Statistics (2020, Oct. 5). *Unemployment rates by age, sex, race, and Hispanic or Latino ethnicity*.

36. National Juvenile Justice Network (2014). *Reducing Racial and Ethnic Disparities in Juvenile Justice Systems: Promising Practices*. http://www.njjn.org/our-work/reducing-racial-and-ethnic-disparities-in-juvenile-justice-systems-promising-practices

37. Rovner, J. (2020, Sept. 30). *Youth Justice Under the Coronavirus: Linking Public Health Protections with the Movement for Youth Decarceration*. Washington, DC: The Sentencing Project.

38. Sickmund, M., et. al (2019).

39. Puzzanchera, C., Sladky, A. and Kang, W. (2020). *Easy Access to Juvenile Populations: 1990-2019*. Online. https://www.ojjdp.gov/ojstatbb/ezapop/

40. "White" youth should be understood to mean non-Hispanic white youth, "Black" youth should be understood to mean non-Hispanic Black youth, and so forth. As will be discussed in the section reviewing American Indian youth disparities, these limitations can present a problem. Hispanic is used in this report because it is the descriptor used by government agencies in the underlying dataset.

Racial Disparities in Youth Incarceration Persists

Josh Rovner

February 2021

THE SENTENCING PROJECT
RESEARCH AND ADVOCACY FOR REFORM

1705 DeSales Street NW, 8th Floor
Washington, D.C. 20036
Tel: 202.628.0871
Fax: 202.628.1091
sentencingproject.org

Related publications by The Sentencing Project:

- Black Disparities in Youth Disparities (2017)
- Latino Disparities in Youth Disparities (2017)
- Native Disparities in Youth Disparities (2017)
- The Color of Justice: Racial and Ethnic Disparity in State Prisons (2016)

The Sentencing Project works for a fair and effective U.S. justice system by promoting reforms in sentencing policy, addressing unjust racial disparities and practices, and advocating for alternatives to incarceration.