



Findings Related to Racial and Ethnic Disparities in Vermont's Youth Justice Response – 2019

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Pursuant to the Juvenile Justice Delinquency Prevention Act, as reauthorized by the Juvenile Justice Reform Act of 2018, states must “implement policy, practice and system improvement strategies at the state, territorial, local and tribal levels, as applicable, to identify and reduce racial and ethnic disparities among youth who come into contact with the juvenile justice system, without establishing or requiring numerical standards or quotas.”

GOAL:

To submit statewide data at key juvenile justice decision points where research has shown that potential disparities may occur. Data collection must happen for at least four of the five points below. At each data point, the state must provide the percent distribution of race or ethnic groups compared to the general population distribution in the most recent U.S. Census data.

Data collection points:

1. Arrest
2. Diversion (filing of charges)
3. Pre-trial detention
4. Disposition commitments
5. Adult transfer

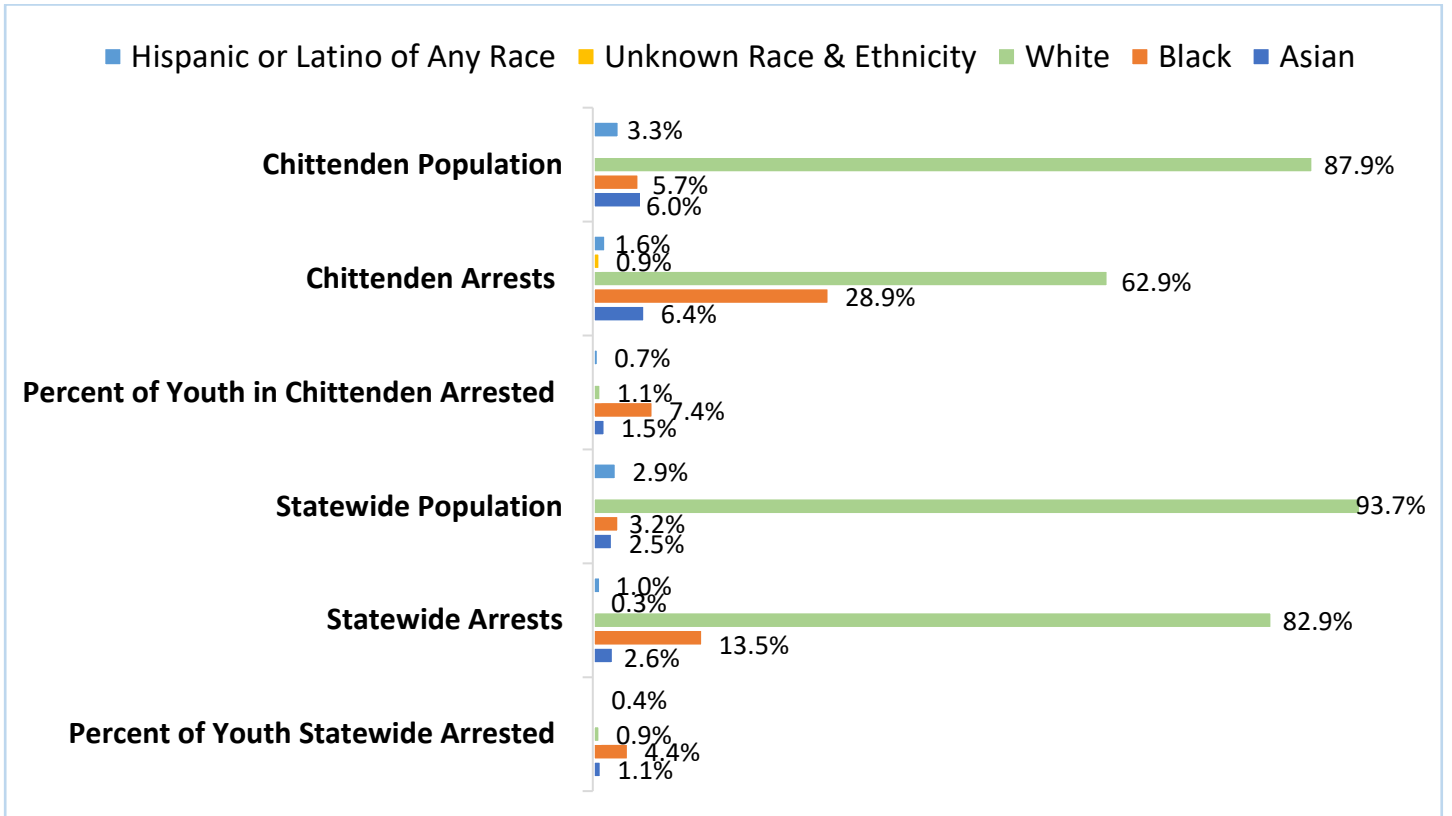
This report has a particular focus on Chittenden County, Vermont because it is the most racially diverse county in the state, with the largest population. It is based on three years of data, which has been done historically to account for any large year to year fluctuations that may occur in a small population.

Juvenile Population by Race/Ethnicity

RACE/ETHNICITY	BURLINGTON SCHOOL DISTRICT	CHITTENDEN COUNTY	STATE OF VERMONT
Black	16%	1,665 (5.7%)	3,738 (3.2%)
White	63%	25,645 (87.9%)	108,698 (93.7%)
Asian	12%	1,752 (6%)	2,856 (2.5%)
Hispanic or Latino of all races	3%	952 (3.3%)	3,341 (2.9%)
American Indian	-	103 (.4%)	681 (.6%)
Two or more races	8%	-	-
All		29,165	115,973

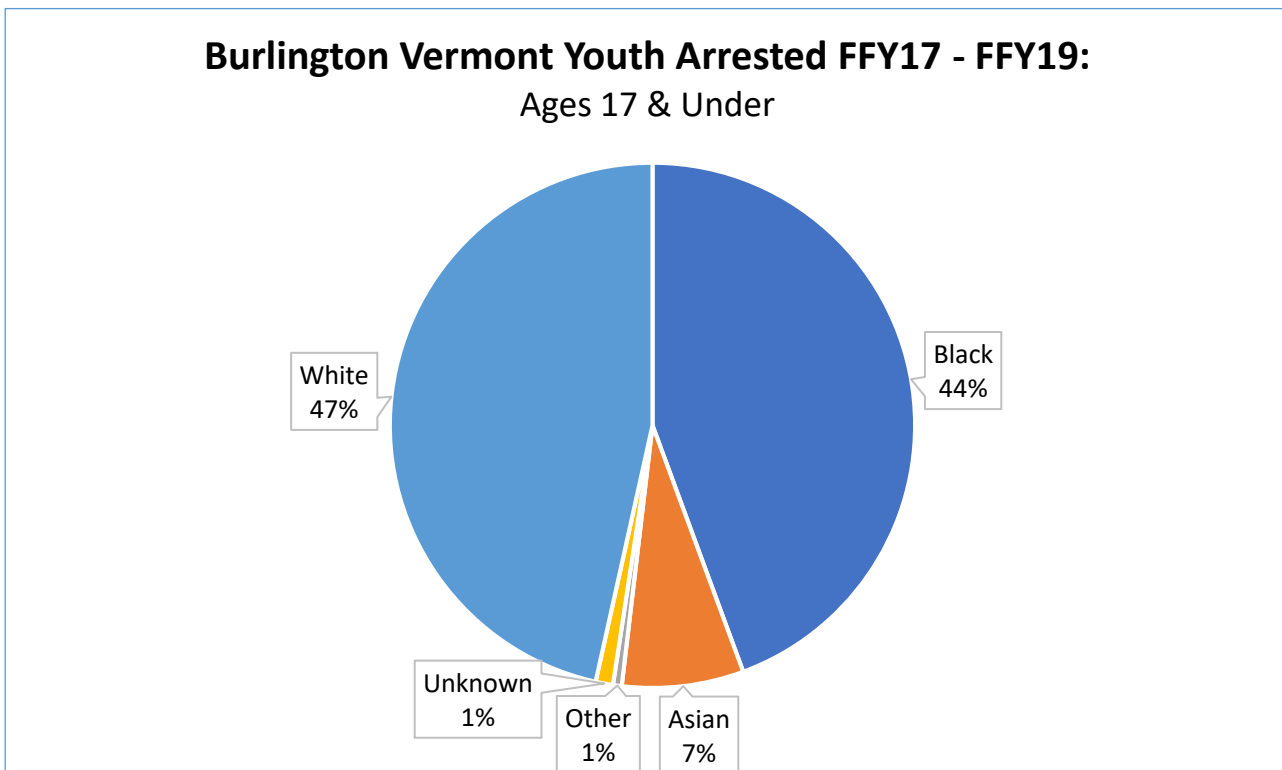
Sources: Easy Access to Juvenile Populations (EZAJPOP) (2018 Data), Burlington School District (2018-2019)

Statewide and Chittenden County Youth Arrests: FFY17 - FFY19



Source: National Incident-Based Reporting System (NIBRS), Easy Access to Juvenile Populations (EZAJPOP)

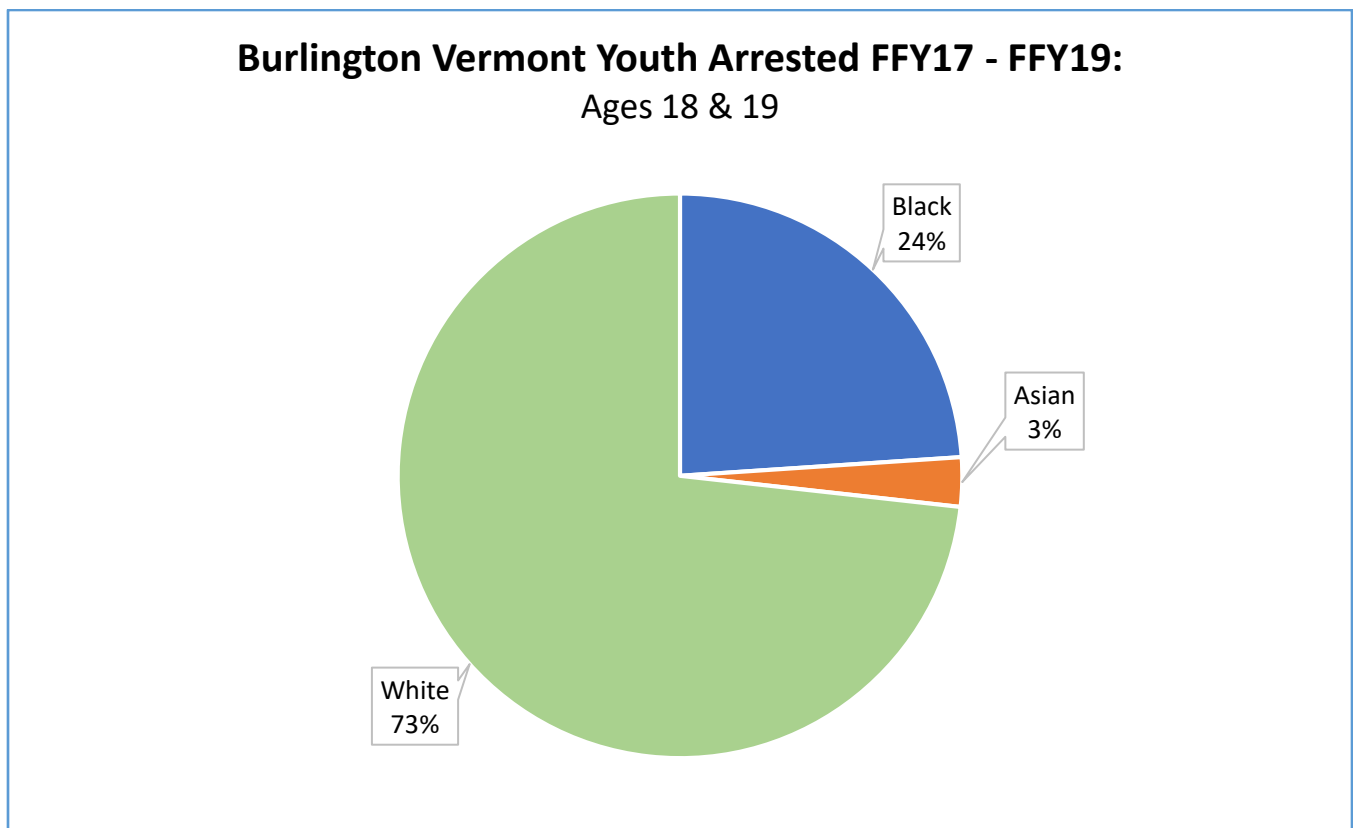
Note: the FFY2019 data is incomplete in the chart above.



Source: Burlington Police Department

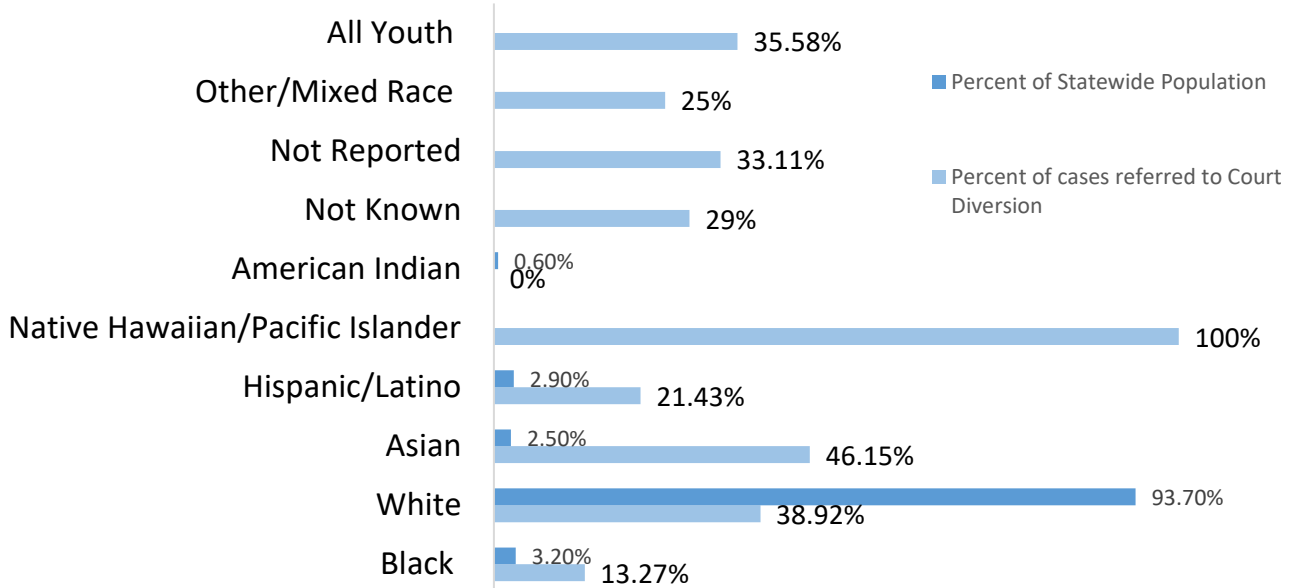
Over a three-year period, 4.4 percent of all black youth statewide were arrested, and 1.1 percent of all white youth statewide were arrested. In Chittenden County during the same period, 7.4 percent of all black youth were arrested, and 1.5 percent of all white youth were arrested. Black youth are arrested about five times their population rate, both statewide and in Chittenden County. While the statewide and Chittenden County black youth arrests are more disproportionate in comparison to the population, Burlington (the largest town in Chittenden County) arrest data is more accurate. It's also important to note that ethnicity was not reported in about four percent of statewide arrests and almost seven percent of Chittenden County arrests, even if race was reported. In addition, the definition of 'arrest' varies across law enforcement entities throughout the state. Some police jurisdictions prohibit entering youth information in the national database to protect confidentiality.

Burlington, Vermont has a 16 percent black youth population, but 44 percent of the youth ages 17 and under who are arrested are black youth. It is important to note that the age of juvenile court jurisdiction will begin to include 18-year-olds on July 1, 2020, and then add 19-year-olds on July 1, 2022. For youth ages 18 and 19, Burlington Police Department records show that 24 percent of arrests are black youth.



Source: Burlington Police Department

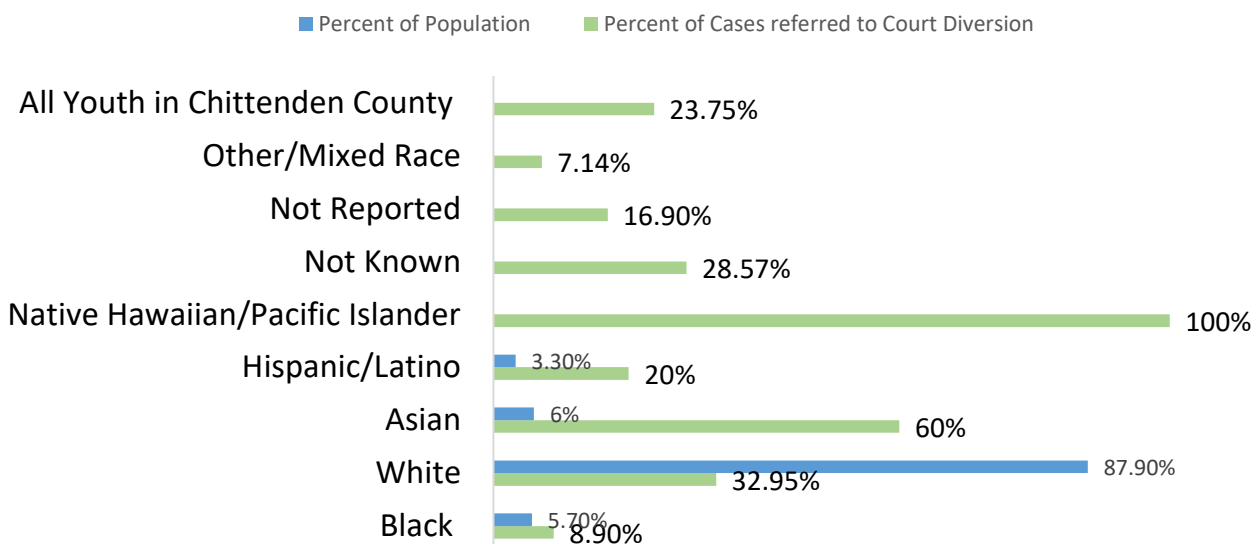
Statewide Court Diversion Referrals: FFY17-FFY19



Source: State of Vermont Court data base

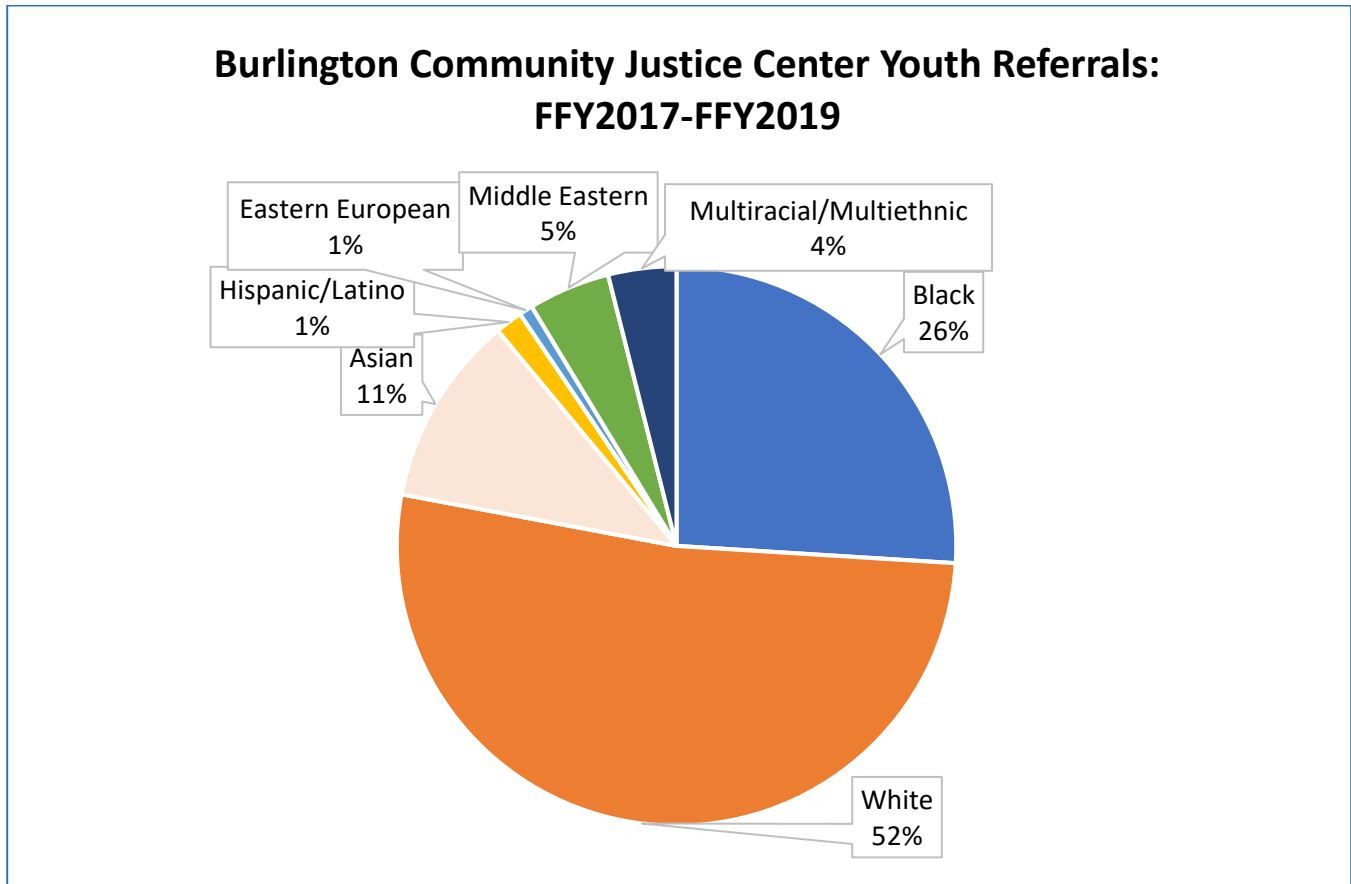
While statewide cases are referred to court diversion around 36 percent of the time and 39 percent of white delinquencies are referred to court diversion, only about 13 percent of black youth are referred to court diversion statewide. Delinquency petitions of black youth are referred to court diversion a little under nine percent of the time, in comparison to white youth whose cases are referred to court diversion approximately 33 percent of the time.

Chittenden County Court Diversion Referrals: FFY17-19



Source: State of Vermont Court data base

Chittenden County is a low court diversion user as more youth cases are processed in community justice options. The Burlington Community Justice Center receives most of their non-Court Diversion referrals as pre-charge referrals from the Burlington police department, or school resource officers, and is the lowest level of intervention in the justice system. Black youth made up 26 percent of their youth referrals, which is consistent with the percent of black youth in Chittenden County with delinquency petitions filed.



Source: Burlington Community Justice Center

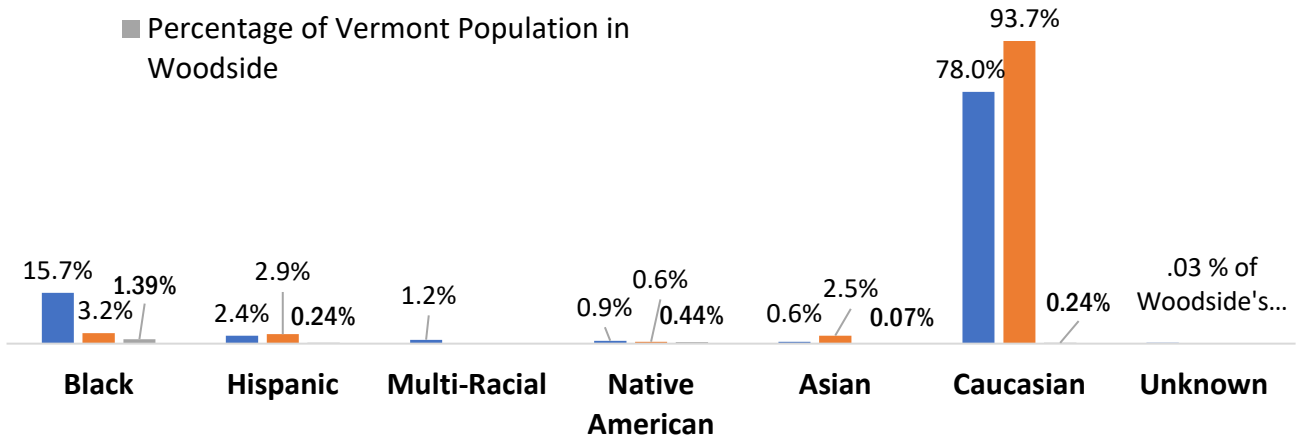
Detention by Police and Woodside

As noted in the 2018 plan, this is not pre-charge detention, but accounts for all youth detentions. Usually, detention is used for youth who are already adjudicated but have violated conditions and pre-adjudicated youth.

Black youth make up 16 percent of Burlington's population, less than six percent of Chittenden County's and only about three percent of the state's total youth population. However, the population held in Vermont's only secure juvenile facility (Woodside) records black youth as around 16 percent of the population, 25 percent of the population held securely in police departments in Chittenden County, and 14 percent of statewide secure holdings.

Youth held at Woodside Juvenile Rehabilitation Center: FFY17 - FFY19

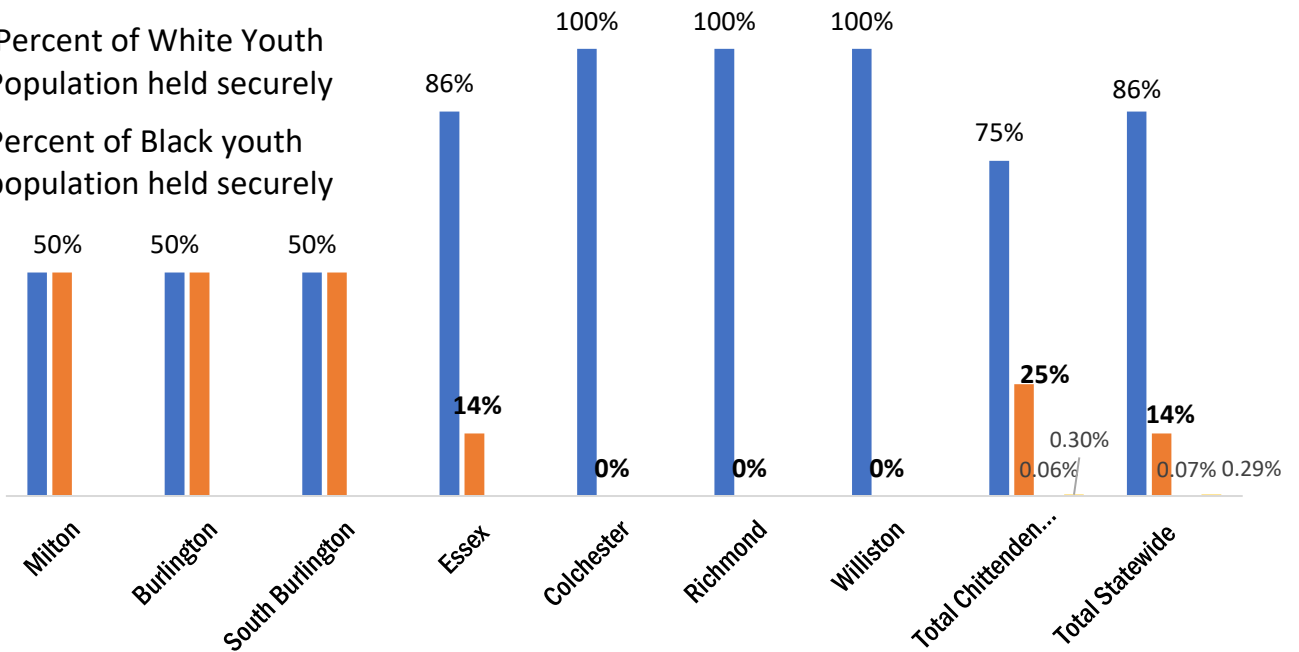
- Percent of Woodside Population
- Percentage of Vermont Population
- Percentage of Vermont Population in Woodside



Source: Woodside Juvenile Rehabilitation Center records

Secure Police Holdings: FFY19

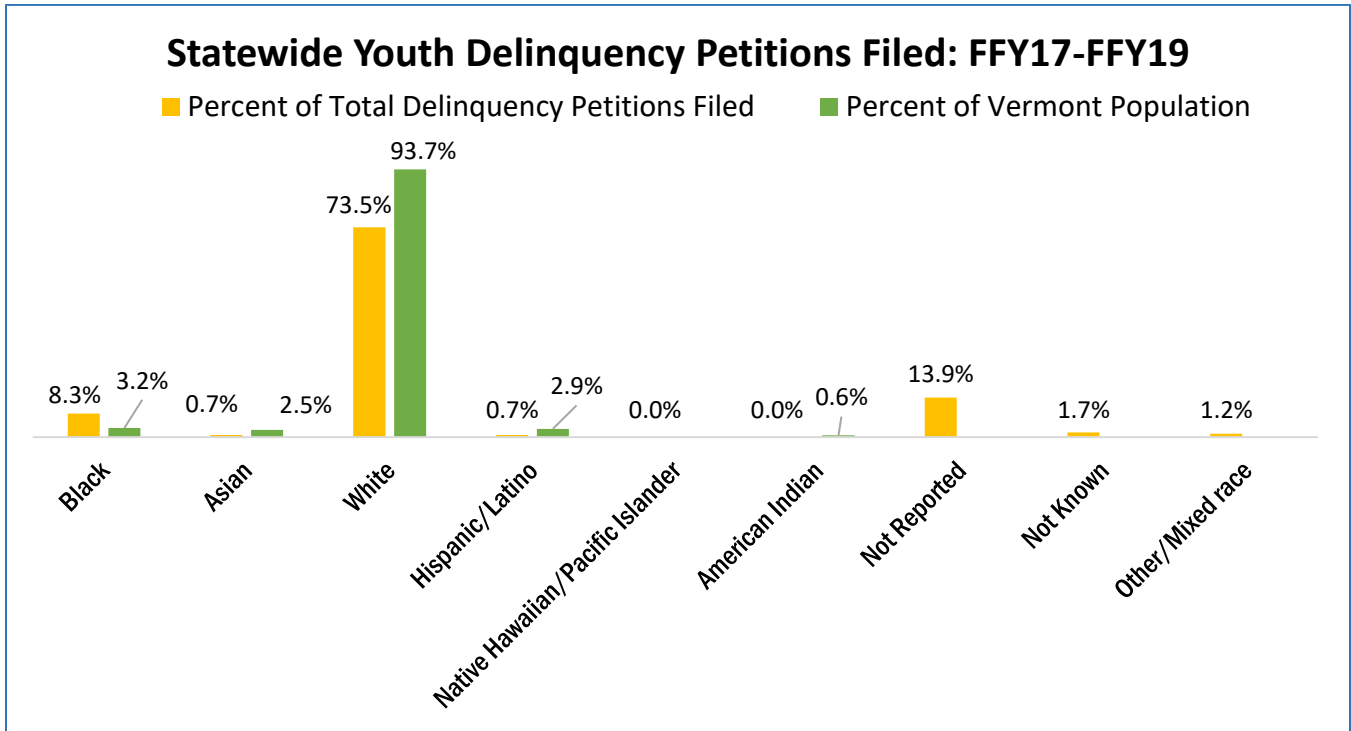
- White Youth Held Securely
- Black Youth Held Securely
- Percent of White Youth Population held securely
- Percent of Black youth population held securely



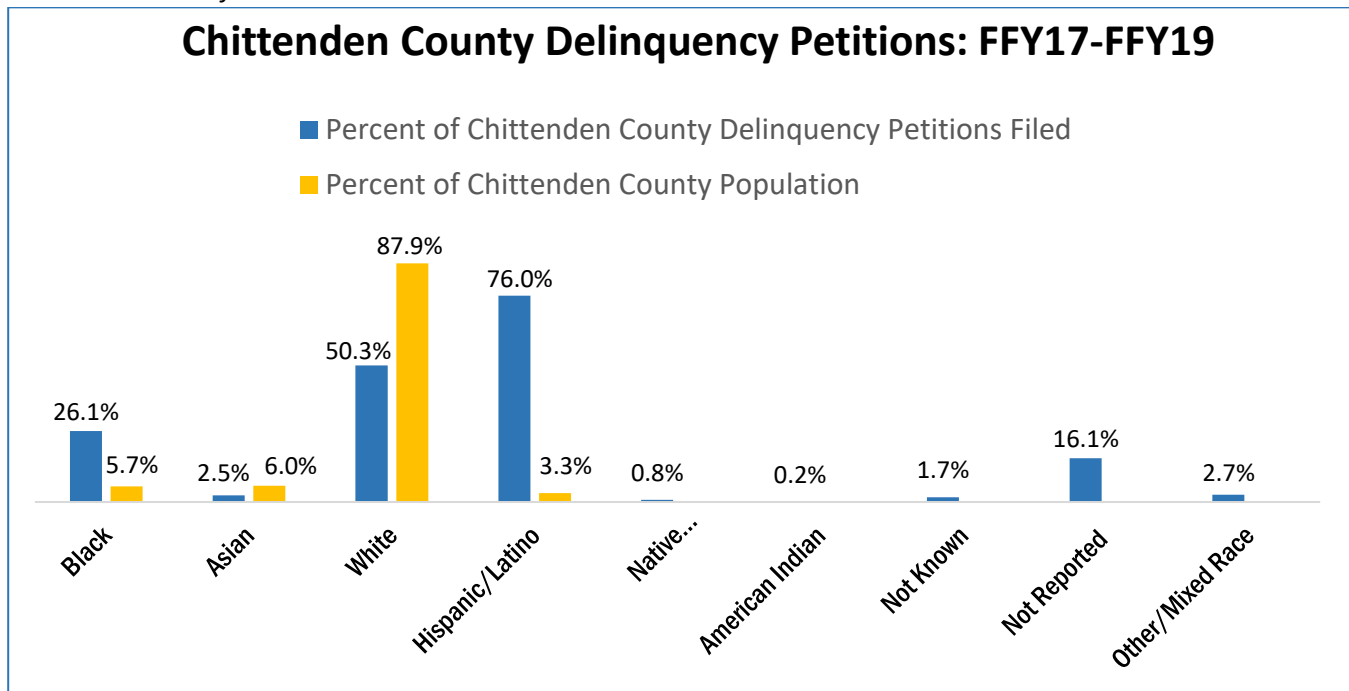
Source: State of Vermont Compliance Monitor Holding Logs.

Note: There were no youth held securely in Winooski, Vermont.

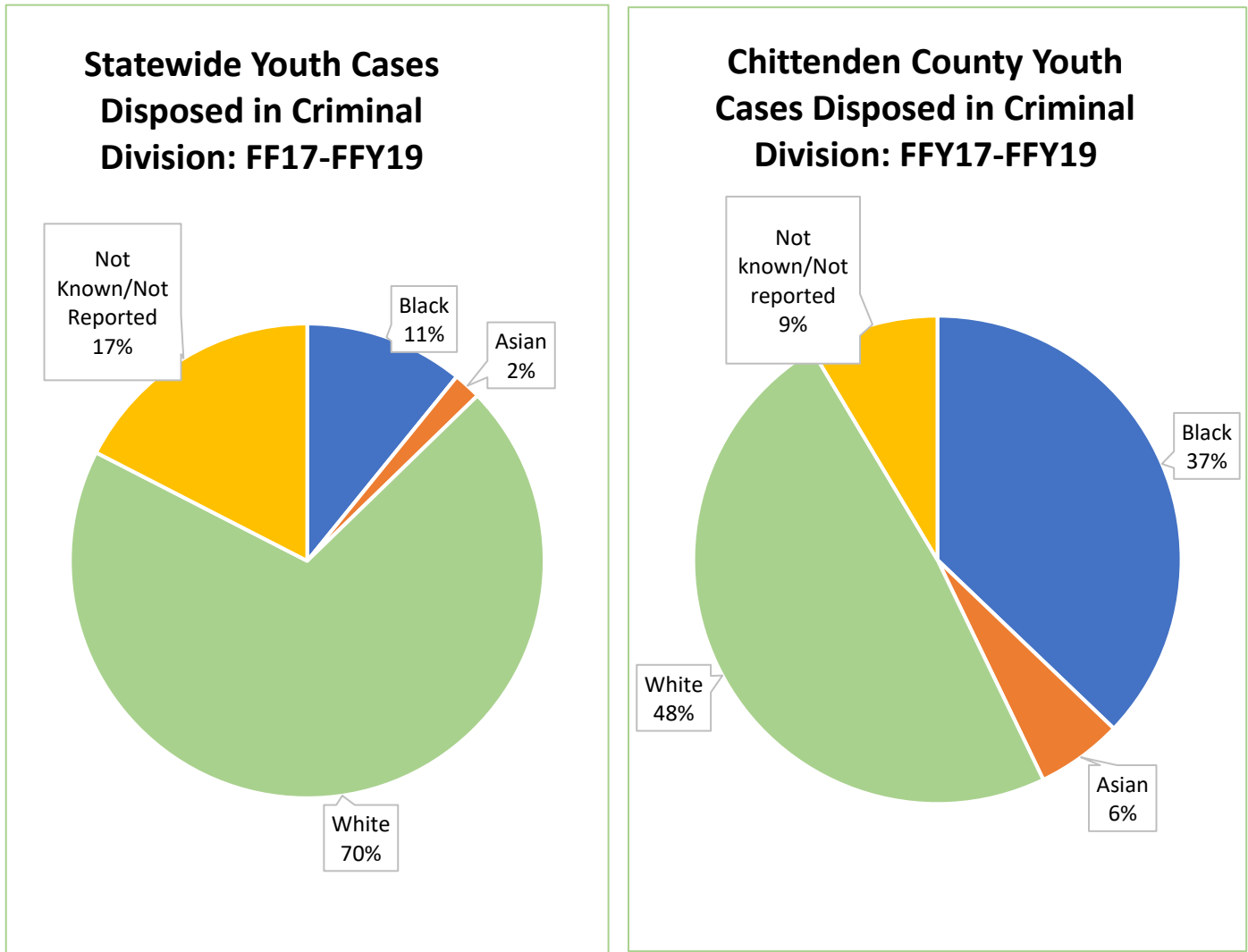
Across the state, black youth make up a little over 8 percent of the total delinquency petitions filed, and approximately 26 percent of the Chittenden County delinquency petitions. It's important to note the sizeable percentage of cases without race reported in the state of Vermont Court data base.



Source: State of Vermont Court data base



Source: State of Vermont Court data base



Source: State of Vermont Court Data Base

This chart shows the rate of black youth statewide whose cases are filed in the adult criminal court instead of family court. While black youth only represent about 3 percent of the population statewide, they represent 11 percent of cases filed in criminal division. In Chittenden County, black youth make up a little under 6 percent of the population but represent 37 percent of the youth charged in criminal division.

It's important to note that both statewide and in Chittenden County, there is a sizeable percentage of youth whose race is either not reported at all or recorded as "not known," which indicates that the percentage of black youth filed in criminal division is much higher, up to 28 percent of the cases statewide and 46 percent of the cases in Chittenden County.

This is an issue that the State Advisory Group will need to investigate going forward.

Developing an Action Plan

1. What do your RED numbers tell you about your jurisdiction? *Response should reflect an analysis of the state's data.*

The state population is small, which means that small changes can create disproportionate impacts. This is even more prominent within the population of youth of color throughout the state. Almost 94 percent of youth in the State of Vermont are white. Due to the small population, three-year cohorts of data have been used traditionally so that there is enough data and to avoid large fluctuations.

Data issues are clear when looking at court data. As outlined last year, a large percentage of court data does not indicate the youth's race. This causes there to be major questions in how large the ERD discrepancies are in the juvenile justice system. Many members of the State Advisory Group (SAG) feel that the designation of "unknown" race, indicates that the youth in question is a youth of color. The SAG should look into ways to ensure that "unknown" and "not reported" are not prominent within the court database.

Burlington continues to have serious race disparities within their arrest rate, as has been noted previously. It is also clear from the racial and ethnic disparity numbers that systemic racism and therefore racial and ethnic disparities are pervasive throughout every contact point in the juvenile justice system. We are seeing serious race disparities in court diversion referrals, secured detentions and the filing of delinquency petitions. Court diversion referral for black youth are much less than court diversion referrals for their white counterparts. The state of Vermont's only secure Juvenile facility consists of more than 15 percent black youth, even when the state population of black youth is only approximately 3 percent of the youth population. Black youth are also the only race with larger than one percent of their total population detained in Woodside. In Chittenden County, youth that are held securely are black youth 25 percent of the time, when they only make up 6 percent of the population in that County. Statewide, black youth make up 14 percent of the youth held securely, when they only account for approximately 3 percent of the population.

Black youth make up 8 percent of statewide delinquency petitions that are filed, and 26 percent of the delinquencies filed in Chittenden County even though they represent just a fraction of those populations. Finally, a much larger percentage of black youth are represented in criminal division as opposed to their population size. As noted above, it is likely that youth who are recorded as "not known" or "not reported", are youth of color, which could mean that up to up to 28 percent of the cases statewide and 46 percent of the cases in Chittenden County are black youth.

Selected Contact Point Numbers from FFY17-FFY19

Arrest	28.9 Percent of youth arrested are black in Chittenden County	5.7 Percent of youth in Chittenden County are black
Diversion	Only 8.9 percent of black youth cases are referred to court diversion in Chittenden County	Overall, 23.9 percent of cases are referred to court diversion in Chittenden County
Detention	15.7 percent of youth at the Woodside Juvenile Rehabilitation Center are Black	3.2 percent of youth statewide are black
Delinquency Filings	26.1 percent of delinquency petitions filed are black in Chittenden County	5.7 percent of youth in Chittenden county are black
Adult Transfer	37 percent of youth cases in criminal court are black youth in Chittenden County	5.7 percent of youth in Chittenden County are black

2. What would success in RED reduction look like for your state?

Success in ethnic and racial disparities in Vermont would be lower rates of arrest among youth of color. In order to see this reduction in arrest rates on a statewide level, Chittenden County would need to be targeted due to the population size. When looking at the largest town in Vermont, Burlington (Burlington is in Chittenden County) we see a much higher population size of youth of color. Almost 50% of the entire state population of youth of color live in the city of Burlington. Black youth make up approximately 16 percent of Burlington population, and are recorded as 44 percent of the arrests in Burlington.

3. How much do you want to reduce RED next year?

We don't anticipate ethnic and racial disparity rates to be reduced in the next year since a new request for proposal is currently being developed by the State Advisory Group for a school-based community approach to a reduction. We anticipate that FFY2020-FFY2021 will see the implementation of this school-based approach. Other approaches, such as law enforcement training, may also be implemented over the course of FFY2020-FFY2021 to work with the school-based approach in order to work towards the overall goal of a reduction in arrest rates for youth of color. However, it is important to note that the State Advisory Group, designated state agency and all others associated with this work want to and are working towards eliminating ethnic and racial disparities.

4. Is the reduction reasonable? If yes, why?

While our goal is to eliminate ethnic and racial disparities completely going forward, we do not expect to see numbers impacted next year as a new community-based approach towards addressing ERD (Ethnic and Racial Disparities) will be in the process of being implemented. Initially, we expect to see reductions in suspensions/school discipline for youth of color, and then reductions in rates of arrest of youth of color in the later years.

5. What do you need from OJJDP to be successful with your plan?

Vermont would greatly benefit from OJJDP leadership by sharing successful approaches to addressing racial and ethnic disparities. While we understand that OJJDP views community partners and other stakeholders working on the ground in this field as the best experts for Vermont strategies, dissemination of best practices from other jurisdictions that have been proven to shift the numbers is critical to this work. Information and examples of best practices organized by jurisdiction demographics and system structure would be appreciated. Training and technical assistance from OJJDP would be welcome as the ethnic and racial disparity subcommittee and SAG continues with this work.

Vermont receives the minimum allotment for the Title II formula grant, which means that we currently do not have a designated Racial and Ethnic Disparity Coordinator. As with other states that receive the minimum allotment, that role is merged with that of the Juvenile Justice Specialist due to the lack of planning and administrative funds. This lack of support perpetuates and fuels the acceptance of systemic and institutional racism within our system.

In order to be successful locally, community partners working on the ground need access to more federal resources and funding necessary. An increase in racial and ethnic disparity funding is imperative.

6. What safeguards will you put in place to ensure that as you work to reduce RED, you are still protecting the public, holding youth accountable, and equipping youth to live crime-free, productive lives?

Restorative Justice is used throughout the juvenile justice systems in the state of Vermont as much as possible.

Developmentally appropriate responses to youth is crucial to equipping youth to live crime-free, productive lives. Positive Youth development is a key aspect for holding youth accountable and protecting the public.

People of color must feel that they are treated equitably throughout every facet of the community. Until the system is fair and equitable, the public (all youth, families and residents) are not protected.

Conduct an outcome-based evaluation

In FY 2020, states must address the following questions designed to assist in determining progress toward reductions in RED:

1. What are your new numbers?

The numbers for this year's racial and ethnic disparities plan are much the same as reported last year. The arrest rate in Burlington still shows the highest racial and ethnic disparity recorded in the plan, with 45 percent of arrests for FFY2016-FFY2018, and 44 percent for FFY2017-FFY2019. It is important to note that unlike the 2018 report, the 2019 plan includes "unknown" and "other" race categories as indicated by the Burlington Police Department, in addition to a seven percent arrest rate for Asian youth.

2. Did you meet your goals?

Last year's report noted that elimination of racial and ethnic disparities was the goal, and that a goal of 30 percent reduction was ambitious, but proposing any less would fuel the continuation and acceptance of system racial bias and inequity. This goal was not met in the past year, as we did not see a 30% reduction in the numbers.

3. If yes, what worked? What drove the success? If no, what were the barriers? How might you overcome them next year? What partners do you need?

For the past three years, the SAG funded the Association of Africans Living in Vermont (AALV) in their work to reduce the disparities of youth of color in the juvenile justice system. This three-year grant ended at the end of February 2020. Strategies over the past three years have included parent and youth skill development, mentoring

opportunities for youth, culturally appropriate resources and much more. Some barriers in their work include a lack of support for parents (many New American parents' style of parenting differs from the parental norms established), local school relationships proved to be difficult to achieve, as did finding culturally appropriate mentors for their youth.

In the past year, the SAG's Ethnic and Racial Disparities (ERD) subcommittee made a concerted effort to include more community partners in their work. The subcommittee has moved to a community meeting space in Burlington, Vermont where a high proportion of the youth of color live. This is instead of meeting at a space at the Designated State Agency's Central Office. This is a concerted effort to allow the community to actively participate. The ERD subcommittee has created an official charter, which includes the membership of non-appointed SAG members, with voting members being both SAG and non-SAG community members. Any votes from the subcommittee are sent to the full SAG for their final approval.

The ERD subcommittee roster currently has 13 voting members, five of which are appointed SAG members, and eight of which are not appointed community members. There are many more community members who participate as possible but did not feel they could commit to attending most meetings. The subcommittee will continue to recruit, but now has representation from the local high school, police department, multicultural youth organizations, community justice centers, and more. Next year, we will make a concerted effort to include more family and youth on the ERD Subcommittee membership.

As stated earlier, the subcommittee and SAG intend to move forward with a school-based approach that will have buy-in with the local stakeholders, including schools, which is necessary for this work. The partners currently feel that this is the best approach to decreasing the rates of youth arrest while also providing youth with appropriate services.

4. How can OJJDP help you next year? What do you need from us?

As stated above, Vermont would greatly benefit from OJJDP leadership regarding successful approaches to addressing racial and ethnic disparities in other parts of the country.

5. How did you protect the public, hold juvenile offenders accountable, and equip them to live crime-free?

In order to protect the public, hold juvenile offenders accountable, and equip them to live crime-free lives, initiatives must incorporate restorative justice and positive youth development practices.

In 2018, The SAG's grant to AALV did this by helping youth engage in leadership skills, find employment and internships in the area, and continue to promote and support restorative justice practices. AALV has been engaging with both the local Community Justice Centers regarding training of restorative justice practices, which is proven to be effective in conflict resolution while focusing on victim and community impact and holding youth accountable.

The state of Vermont has and will continue to promote restorative justice practices, positive youth development and equity within every facet of the community.

6. What are your goals for next year?

We recognize that systemic and institutionalized racism is clearly pervasive throughout every facet of the juvenile justice system and with this knowledge in mind we have the following goals:

- Implement a school-based community response that addresses the systemic and institutionalized racism within school systems as a tactic to addressing the disproportionate arrests of youth of color in Burlington. SAG members feel that it is important to not just address the result of disparities within the system with stakeholders, but to also provide prevention services to youth.
- Investigate a law-enforcement focused approach to fighting systemic and institutionalized racism.
- Increase participation of stakeholders and community members from towns in Chittenden County in addition to Burlington. The population of youth of color in some of the larger towns in the county is increasing.
- Develop strategies and work with all police departments in Chittenden County to gather and break down their town's arrest data, as is done with Burlington.
- Broaden community engagement in the work of the ERD subcommittee and SAG.
 - Further involvement of youth and families
- Look into and work to resolve continuing ERD racial data issues including the use of "unknown" and "not reported" in the court data base.
- Investigate/research other possible approaches to addressing racial and ethnic disparities for future years, which may include:
 - Minority impact statements

- Raising the baseline age of juvenile jurisdiction