

ABOUT

The **Racial and Ethnic Disparities (R.E.D.) Advisory Committee** is a branch of the Utah Board of Juvenile Justice (UBJJ) that was created to help address the <u>fourth core protection</u> of the federal Juvenile Justice and Delinquency Prevention Act (JJDPA), which requires states to assess and address racial and ethnic disparities at key points (from arrest to confinement) in the youth justice system.

In addition, **one** local R.E.D. Working Groups have been established in Salt Lake, Utah, and Weber counties as they currently have the highest concentrated youth of color.

R.E.D. Advisory Committee Members and Working Groups are comprised of juvenile justice practitioners, educators, and community-based leaders and advocates.

WHAT WE DO

- Collect and analyze annual data to identify where disparity is occurring in the system.
- Inform key stakeholders and the public of the findings in the annual R.E.D. data and reports.
- Oversee state-wide R.E.D. research projects.
- Develop culturally appropriate educational materials that inform key stakeholders on research findings and best evidence-based practices.
- Gather information through quarterly focus groups centered on youth, front-line practitioners, & restorative practices.
- Provide support for local-level R.E.D. initiatives.

MISSION

To make available quality data, research, and culturally responsive solutions and recommendations to address and prevent racial and ethnic disparities in Utah's youth justice system.

VISION STATEMENT

A youth justice system that provides fair and equitable treatment for all youth at all points of contact in the system. Such a system entails the following:

- Key system players and decision makers that recognize and commit to addressing and preventing Racial and Ethnic Disparities that are occurring in the system.
- System agencies and practitioners that effectively deliver culturally effective services.
- Youth and adults that are primarily impacted by R.E.D. are kept well informed and are given opportunities to provide input and solutions and help to implement them.
- Utilization and evaluation effectiveness of cross-culturally responsive restorative practices that employ data-driven, evidence-based approaches at all levels within and outside of the youth justice system.

GOALS

• Create stronger communication between law enforcement, juvenile courts, schools, other resources and the diverse communities.

This entails establishing partnerships and greater communication between all entities to be able to provide the best possible support systems in place for all youth and their families that come in contact with the justice system.

• Expand partnerships across sectors to also help provide input, suggestions, and take action.

This may include involving stakeholders in other areas such as health, recreation, faith-based organizations, and other local government and organizations.

- Educate and raise awareness with youth of color and their families about the youth justice system and encourage positive interactions with law enforcement to prevent encounters with the legal system.
- Increase awareness among partners, practitioners, and service providers on current and future identified issues impacting the system involved youth of color and their families. Including recommendations based on data, research, and other project findings.
- Provide greater opportunity for youth of color and their families that had contact with the juvenile justice system to be involved with R.E.D. efforts and to have their opinions and perspectives shared.
- Provide support and recommendations for the local R.E.D. working groups to assist them with implementation efforts at the local level. We encourage our stakeholders and community members to hold us accountable to being transparent in sharing the information

R.E.D. FOCUS GROUPS

R.E.D. Centered Focus Groups are to be held three times during the year, within the following three target groups:

Youth Focused Options

- Group Homes
- Non-Profit Organizations
- Probation
- Detention and Secure Care
- Homeless Youth
- LGBTQ+ Youth

Practitioner/Frontline Focused Options

- JJS Counselors
- Private Contractors
- Probation Officers (local level)
- Parent Groups

Restorative Practices Focused Options

- Schools that are implementing restorative practices and having success.
- Educators/Teachers



RED ADVISORY COMMITTEE BYLAWS

Adopted February 2021

ARTICLE I: NAME OF ORGANIZATION

The name of the organization shall be the Racial and Ethnic Disparities Advisory Committee, hereafter referred to as the "Advisory Committee" or "Committee".

ARTICLE II: FUNCTIONS

The Advisory Committee shall have the following functions and responsibilities:

- Collect and analyze annual data to identify where disparity is occurring in the system.
- Inform key stakeholders and the public of the findings in the annual R.E.D. data and reports.
- Oversee state-wide R.E.D. research projects.
- Develop culturally appropriate educational materials that inform key stakeholders on research findings and best evidence-based practices.
- Gather information through quarterly focus groups centered on youth, front-line practitioners, and restorative practices.
- Provide support for local-level R.E.D. initiatives.

ARTICLE III: MEMBERSHIP

Section 1: Composition

The Committee shall consist of not less than 15 and not more than 25 persons and shall be composed in a manner consistent with the goals and priorities of UBJJ and CCJJ.

Section 2: Selection

The Committee shall approve recommendations of new members at any regular meeting or special meeting by majority vote of those present.

Section 3: Removal

The Chair and RED Coordinator may recommend to the Committee the removal of any Committee member who accrues three unexcused absences to regular meetings in any twelve-month period. Notice of potential removal will be given to an Committee member prior to a removal recommendation being made.

Section 4: Resignation

Should a member of the Committee choose to resign prior to the end of their term, such person shall submit a letter of resignation to the Committee at least 30 days in advance of their final day as a member. Any member of the Advisory Committee serving by virtue of their office or position shall, upon termination of such office or position, cease to be a member of the Committee.

Section 5: Compensation

Members of the Board shall serve without compensation, except as noted in this section. Members may be reimbursed for expenses incurred for activities related to the official business of the Board according to State policy.

Members of the Board who are designated as "youth members" by JJDPA definition may be compensated for meetings, as indicated by State policy.

ARTICLE IV: CHAIRPERSON

The Chairperson of the RED Advisory Committee is selected by the Committee and approved by the Utah Board of Juvenile Justice to serve a two (2) year term. The duties of the Chairperson shall be as follows:

- Conduct Committee meetings
- Represent Committee to UBJJ, CCJJ, OJJDP, and the public
- Perform other duties as assigned by the Committee, UBJJ, or CCJJ

ARTICLE V: MEETINGS

Section 1: Open and Public Meetings Act

Committee meetings shall be conducted in accordance with Utah's Open and Public Meetings Act (<u>Utah Code 52-4</u>).

Section 2: Regular Meetings

Regular meetings of the Committee may be held on such days, at such times, and in such places as designated by the Committee. The Advisory Committee shall hold at least six (6) regular meetings each year.

Section 3: Electronic Meetings

The rules promulgated in <u>Utah Administrative Code R356-3</u>, as applicable to matters of CCJJ, shall also apply to electronic meetings of the Committee.

Section 4: Quorum and Voting

A majority of the members of the Committee constitutes a quorum for the transaction of business by the Committee. A quorum must be present at a regular meeting for Committee business to be voted upon. Committee business may be transacted by a majority vote of those present. Members shall be entitled to one vote each for the transaction of all Committee business.

Section 5: Conflict of Interest

a. No Advisory Committee member shall vote on a matter in which they or any member of their immediate family has an interest as defined in this section.

b. An interest shall include an employment, ownership, or fiduciary relationship to an agency, organization or entity which may be directly or indirectly affected by an action, decision, or recommendation of the Advisory Committee.

c. Whenever an Advisory Committee member knows they have an interest in a matter to be voted upon, they shall announce the interest and shall abstain from voting on the matter.

d. Whenever an Advisory Committee member believes that they have a possible interest in a matter to be voted upon, they shall announce such possible interest and the question of whether an actual interest exists shall be decided by a majority vote of the members present. The member announcing the possible interest and any other members who have an interest or a possible interest in the matter (for whom the question of actual interest has not yet been voted upon) shall not vote on the question of whether an actual interest exists.

e. Any person present at the Advisory Committee meeting may raise the question of possible interest with respect to any Committee member concerning any matter to be voted upon. The question of whether an actual interest exists shall be decided as provided in this section.

f. Nothing in this section shall prohibit any Advisory Committee member who has an interest from participating in the discussion or debate on a matter in which they have an interest.

g. Members with an interest shall be counted in determining whether a quorum exists for a vote on any matter.

Section 6: Parliamentary Rules

Committee meetings shall be conducted in accordance with simple parliamentary procedure, except as otherwise provided herein.

ARTICLE VI: WORKING GROUPS

The Advisory Committee Chair or the Committee may establish working groups to advise the Advisory Committee on the performance of its duties and responsibilities. Working groups may be composed of Advisory Committee members and non-Committee members.

ARTICLE VII: AMENDMENT OF BYLAWS & BYLAW APPLICABILITY

These bylaws may be amended at any regular meeting by a two-thirds vote of members present, provided that a draft of the proposed amendment is distributed to Advisory Committee members at least one week prior to the meeting.

These bylaws are applicable to the RED Advisory Committee, which is a committee of the Utah Board of Juvenile Justice (UBJJ). Nothing in these bylaws is meant to contradict the policies/procedures of UBJJ. If a contradiction arises, the policies/procedures of UBJJ take precedence.



RED 2020 Historical References

PAST (2010-2016)

Schools/school based behavior

2014: DMC Evidence-Based Practices Intervention Report

https://drive.google.com/file/d/1b_434T3ZNXviKC0Uk-ya13pgv47ip7ez/view?usp=sharing

This was a SLCO Assessment of:

- Guiding practices for professionals when interacting with youth
- Job descriptions, selection criteria and training for School Resource Officers (SRO)
- Recommendations:
- Written Agreement between Police Departments & School Districts
- Create SRO Job Descriptions
- Include school administrators in SRO selection process
- Require SRO Training for SROs and school administrators
- Seek Alternatives to Juvenile Justice System
- Target Three Sites
 - West High School & feeder middle schools (Salt Lake City)
 - Cyprus High School & feeder middle schools (Magna Township)
 - Copper Hills High School & feeder middle schools (West Jordan City)
- Create "Policy-Making" Workgroup
- Create "SRO Curriculum" Workgroup

2016: House Bill 460, (Recommendations implemented from 2014 Study; previous research)

https://le.utah.gov/~2016/bills/static/HB0460.html

https://le.utah.gov/xcode/Title53G/Chapter8/53G-8-S702.html?v=C53G-8-S702_2020051220200512

- Currently being modified
- 53A-11-1603 School Resource Officer (SRO) Training-- Curriculum:
- The Utah State Board of Education in conjunction with the State Commission on Criminal and Juvenile Justice (The State Designated Agency that manages the federal Title II Formula Grant) shall make rules that prepare and make available a training program for school principals and school resource officers to attend. An SRO hired under the contract and the principal at the school where the SRO will be working, or the principal's designee, will jointly complete the SRO training.
- 53A-11-1604 Contracts between a Local Education Agency (LEA) and law enforcement for school resource officer services.
- If an LEA contracts with a law enforcement agency or an individual to provide SRO services at the LEA, a contract must be put in place with specific requirements as outlined in the bill. This must be reviewed and approved by the LEA's governing authority and acknowledged by the law enforcement agency or the individual that an SRO hired under the contract.



Arrest/Referral

2012: Arrest/Referral Assessment Final Report

https://drive.google.com/file/d/1a-TmoD55zCRcX0ZC-WBMPeM_gLZH0wn-/view?usp=sharing

• The purpose of this study is to assess local jurisdictions to identify potential explanations for why disproportionate minority contact (DMC) occurs among juveniles at the point of arrest and referral by law enforcement for follow-up data analyses and to explore possible solutions to address the disparity.

Diversion

2011: Diversion Assessment: Fiscal Year 2009 Juvenile Court Referrals

https://drive.google.com/file/d/1Bg7YpRu49fV3j7azs5Motv1y6RD6ag72/view?usp=sharing

Assessment findings:

- The use of detention (DT) with minorities for new offenses is significantly higher than for Non-Hispanic Whites
- The cumulative impact of a more severe court history, not meeting diversion criteria, lower likelihood of receiving diversion, and greater likelihood of recidivism disproportionately affects minority youth.
- The overall positive relationship between prior diversion and likelihood of receiving diversion again, yet lower rate of diversion for minority youth with a prior diversion
- The negative relationship between open dispositions and the likelihood of diversion, with more minorities having open dispositions
- The importance of analyzing variance in diversion and recidivism rates by race/ethnicity as significant differences exist between minority groups as well

2016: ALTERNATIVES TO THE JUVENILE COURTS: Evidence-Based Diversion Programs

https://drive.google.com/file/d/10P_3kP5VfknlYKR3GpBx87sH0fUmNsG3/view?usp=sharing

Report findings:

- One of the major findings of the assessment was to seek alternatives to the juvenile courts to address disproportionate contact and the school-to-prison pipeline.
- One of the main purposes for diversion programs is to reduce reoffending by individuals who have committed a minor offense(s), such as theft, vandalism, alcohol use, minor assault, and disorderly conduct.
- Gives a list of diversion and description of programs

2016: Juvenile Justice Working Group (related to juvenile justice reform)



Working Group findings in relation to RED:

- A lack of statewide standards leads to inconsistent responses and disparate outcomes throughout the juvenile justice system. Disparities based upon race and geography persist for youth with similar offenses at every stage of the system and are most pronounced for youth removed from the home.
- Recommendations:
- Standardized assessments
- Detention Risk Assessment Tool
- PRA/PSRA
- Evidence-based Practices
- Sliding fee scale
- Training on topics such as cultural competency

Miscellaneous

2013: School Behavior and the Dropout rate article

https://archive.sltrib.com/article.php?id=57002392&itype=CMSID

2016 Utah Juvenile Justice Working Group Final Report: Executive Summary

https://justice.utah.gov/Documents/CCJJ/Justice%20Policy/Research/Final%20Report/Utah%20JJ%20Re port%20Executive%20Summary.pdf

• This assessment included an extensive review of court and juvenile services data, an examination of current research on reducing recidivism, and feedback from 32 stakeholder roundtables held across the state.

CURRENT (2017-2020)

2017: Racial Disparities in Utah's Juvenile Justice System

https://www.utahchildren.org/images/pdfs-doc/2017/RacialDisparitiesUtahJuvenileJustice.pdf

2017: House Bill 239, Juvenile Justice Reform, (Recommendations implemented from 2016 JJWG)

https://le.utah.gov/~2017/bills/static/HB0239.html



- HB 239 elevated the use of evidence-based programs and practices in Utah's juvenile justice system.
- Prohibits referrals to law enforcement or juvenile court for truancy and for the following kinds of offenses committed on school grounds:
 - \circ $\;$ Class C misdemeanors, infractions, and status offenses.
 - Allows referrals for these offenses to alternative school-related interventions including mobile crisis outreach teams, receiving centers operated by JJS, youth courts, and other restorative justice programs.
- Referrals for class B misdemeanors and nonperson class A misdemeanors may be made directly to juvenile court or to alternative school-based interventions. This policy also applies to minor offenses alleged to have been committed by an enrolled child on school property.
- Makes conforming changes to the youth court statute. Removes the following eligibility criteria for youth court:
 - \circ (1) youth must admit having committed the referred offense; and
 - (2) youth and guardians must waive any privilege against self-incrimination.
- Allows local school boards to establish or partner with a youth court or other comparable restorative justice program.
- Schools may impose penalties for truancy in accordance with a new statute on school-based behavior.
- These sections also modify options available to schools to address low-level offenses, including truancy, and gives juvenile justice system stakeholders an extended implementation period two more years to develop even more options to deal with truancy offenses. In the meantime, schools will still be able to rely on court referral in certain circumstances. Prior to last year's HB 239, youth referred to court for truancy were frequently sent to detention facilities with serious offenders who committed violent offenses such as assault or even homicide. These sections would not allow that to happen while court continues to be a resource for schools over the next two years. These sections allow all school districts to work with the Board of Education and the courts to expand resources to educators over the next two years, while moving toward our original truancy policy goals clearly stated in last year's law

2018-"SRO Curriculum" Workgroup

- Working group was formed from the Salt Lake County Working Group with added members to create SRO and School Administrator curriculum.
- Curriculum topics focused on RED issues

2018- JJOC Training Workgroup (DMC Members were involved)

• Developed training guidelines with stakeholders as required by the HB 239 for educators, law enforcement officers, probation staff, judges, Division of Juvenile Justice Services (JJS) staff,



Division of Child and Family Services (DCFS) staff, and program providers to be trained on the following topics:

 Adolescent development, Identifying and using local behavioral health resources, Implicit bias, Cultural competency, Graduated responses, Utah juvenile justice system data and outcomes, Gangs

2018 Data Privacy SB 166

• This bill focuses on local education agencies (schools) and data collection on referrals to court by a school resource officer. Implementation of reporting is not due until 2023. Currently schools vary in data collection and the Utah State Board of Education. This is the bill with HB 460 that we are working on the SRO (School Resource Officer) working groups.

2018-2019-Restorative Justice Collaborative

Assessment findings:

- Elevate a comprehensive statewide definition and direction for RJE
- Support further local collaboration across education, juvenile justice, and social services to proactively address behavioral health needs and identify opportunities for resource sharing.
- Bolster short-term needs-based interventions based on a positive youth development approach to increase sense of belonging, engagement and decreases in substance use.
- Build on assets and existing approaches within schools and districts to provide ongoing training and coaching in RJE implementation for those who are ready, with an emphasis on pre-service training and local, peer-to-peer learning. We recommend targeting resources and piloting full RJE implementation with fidelity to principles and values in a limited number of Districts.

2019-Disproportionate Minority Contact (DMC) Arrest and Referral Assessment

Survey and Interview Findings:

- The survey results revealed that, on average, law enforcement personnel believe DMC is a minor issue in their respective jurisdictions. When asked about the factors that contribute to the arrest decision, most officers believe that differential offending largely accounts for the disparities that exist at the arrest and referral decisions. The majority of respondents attributed differential offending to individual differences (i.e., youth behavior) rather than external (e.g., structural) factors that might be associated with greater involvement in offending for non-white youths.
- Respondents did not feel as though disparities are due to implicit bias even though they articulated the importance of this type of training. Respondents perceived that they objectively applied the law in each instance of contact with youth of color.
- One common thread between the surveys and interviews was that there is a lack of knowledge of the efforts that are being taken to reduce DMC at all levels of the government in Utah, including locally within the respondents' jurisdictions. Respondents rarely indicated that they



were familiar with many, if any, of the state-level efforts and initiatives to address DMC being led by the DMC Subcommittee.

DMC Reduction Initiative Recommendations: (Conclusions pg 55; Recommendations pg 57)

- Data review and decision point mapping CCJJ doing right now
- Cultural competency training. POST has curriculum, HB 239 training working group
- Increasing community-based alternatives to detention and secure confinement. HB 239
- Remove decision making subjectivity. HB239
- Reduce barriers to family involvement.
- Cultivate state leadership to legislate system-level change. CCJJ doing right now
- Implicit Bias Training.
- Police-Youth Curriculum.
- Pennsylvania and MacArthur Foundation's Models for Change.
- Police-Initiated Diversion Programs. Davis county adult program doing right now
- Engaging the Police and Community in Reform Efforts
- Police Alternatives to Detention. JJS youth receiving center
- Pocket/Wallet Cards.
- Hiring Officers from Diverse Racial/Ethnic and Cultural Backgrounds.

2018 HB132:

- HB 132 is intended to modify some key provisions of HB 239, the comprehensive juvenile justice reform legislation that was adopted last year. Less than a year after Utah passed juvenile justice reform, already the state is seeing signs of progress: - Evidence-based services for youth expanded across the state; and - Fewer youth are unnecessarily separated from their families and put in facilities.
- HB 132 was developed after members of the Juvenile Justice Oversight Committee met with educators, law enforcement and other juvenile justice stakeholders involved in implementation. This bill addresses implementation concerns and clarifies language from last year's HB 239.
- Section 1 allows school districts to use funding from the Board of Education's at-risk students program for the purposes of addressing truancy.
- Sections 2, 3 and 4 modify provisions regarding school-based offenses: A key concern we heard from law enforcement during our meetings since HB 239 passed last year is that they no longer have the ability to intervene in matters of public safety in schools. These sections make it clear that School Resource Officers (SROs) do have this authority, and that SROs play a critical role in schools, supporting and protecting students and school staff.

2019: Juvenile Justice Reform article from Pew

• <u>https://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2019/05/utahs-2017-juvenile-justice-reform-shows-early-promise</u>



2020: S.B. 253 Juvenile Expungement Amendments

https://le.utah.gov/~2020/bills/static/SB0253.html

This bill:

- defines terms;
- provides that a minor's juvenile delinquency court record may only be disclosed a law enforcement agency in the state;
- creates a process by which a record for a juvenile arrest, investigation, detention, or case dismissal may be expunged;
- modifies the circumstances under which an adjudication in a juvenile case may be expunged
- creates an automatic expungement process for certain juvenile records;
- requires a state agency to submit an affidavit to the court indicating compliance with a juvenile expungement order;
- prohibits a court and a state agency from charging a fee for expunging a juvenile court record;
- requires the Administrative Office of the Courts to create forms and certain processes for expungement of a juvenile record;
- provides that the process for expungement of a juvenile court record applies retroactively; and makes technical changes

2020: H.B. 384 Juvenile Justice Amendments

This bill:

- adds and modifies definitions;
- amends provisions regarding offenses committed by minors on school property, including requiring a referral to the Division of Juvenile Justice Services if a minor
- refuses to participate in an evidence-based intervention;
- amends a sunset date related to offenses committed by minors on school property;
- clarifies a reporting requirement for the Division of Juvenile Justice Services;

2020: H.B. 384 Juvenile Justice Amendments (cont'd)

- defines the term "defendant" in Title 77, Chapter 38a, Crime Victims Restitution Act, to exclude a minor who is adjudicated, or enters into a nonjudicial adjustment, for any offense under Title 78A, Chapter 6, Juvenile Court Act;
- amends and clarifies the jurisdiction of the juvenile court, district court, and justice court regarding offenses committed by minors;
- requires a peace officer to have probable cause in order to take a minor into custody;
- requires a probable cause determination and detention hearing within 24 hours of a minor being held for detention;



- allows a court to order secure confinement for a minor if a minor's conduct resulted in death; requires a prosecutor or the court's probation department to notify a victim of the
- restitution process;
- requires a victim to provide the prosecutor with certain information for restitution;
- amends the amount of time that restitution may be requested;
- exempts certain offenses committed by a minor from the presumptive timeframes for custody and supervision;
- modifies the continuing jurisdiction of the juvenile court;
- amends the exclusive jurisdiction of the district court over minors who committed certain offenses;
- amends requirements for minors who are charged in the district court for certain offenses;
- repeals the certification and transfer of minors who committed certain offenses to the district court;
- allows that a criminal information may be filed for minors who are 14 years old or older and are alleged to have committed certain offenses;
- requires a preliminary hearing before a juvenile court to determine whether a minor, for which a criminal information or indictment has been filed, will be bound over to the district court to be held for trial;
- provides the requirements for binding a minor over to the district court;
- provides the detention requirements for a minor who has been bound over to the district court;
- allows a juvenile court to extend continuing jurisdiction over a minor to the age of 25 years old if a minor is not bound over to the district court;
- and makes technical and conforming changes

2020: State and County's R.E.D. Data

https://justice.utah.gov/Juvenile/DMC/2019/DMC_Presentation_2019.html https://justice.utah.gov/Juvenile/ubjj_dmc.html

2020 H.B. 262 Juvenile Delinquency Amendment

https://le.utah.gov/~2020/bills/static/HB0262.html

Highlighted Provisions:

This bill:

- modifies the definition of a youth offender in the custody of the Division of Juvenile Justice Services;
- adds a definition for a referral to a juvenile court for a nonjudicial adjustment;
- clarifies and amends the referral, citation, and petition process for the juvenile court;
- prohibits the prosecution of an individual for offenses that occurred before the individual was 12 years old with exceptions;
- makes technical and conforming changes.



2020: Pro-Equity Policy Framework

https://drive.google.com/file/d/1MWIOdIEfF02WLRM8cDVUp9f1hzUirpcX/view?usp=sharing

• An Economic Evaluation Unit

REGIONAL/NATIONAL Articles/Reports

2020: Fines and Fees in Juvenile Info packet of JJOC

https://drive.google.com/file/d/1pkpn9Yq68y6UPsV9F1UdyT0P2vRg3otN/view?usp=sharing

2020: University of Washington Article- How police contact by middle school leads to different outcomes for Black, white youth

https://www.washington.edu/news/2020/12/03/how-a-police-contact-by-middle-school-leads-todifferent-outcomes-for-black-white-youth

2021: A Utah first: Data that shows the race of people police shoot at

https://www.sltrib.com/news/2021/09/20/new-data-utah-police/