

# **ACLU and Juvenile Justice Advocates Release Report Charging Massachusetts with Failure to Address Racial Disparities in Juvenile Justice System**

**FOR IMMEDIATE RELEASE**

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BOSTON -- Massachusetts has failed to address the overrepresentation of youth of color in its juvenile justice system as required by federal law, according to a report released by the American Civil Liberties Union at a news conference with juvenile justice advocates today.

“Massachusetts has for the last several years turned a blind eye to this issue,” said Robin Dahlberg, a senior staff attorney with the ACLU and principal author of the report. “The state is responsible for the fact that approximately seven out of 10 children confined to state facilities are youth of color.”

Of the \$35 million the state has received over the last five years for youth-related programs, it has allocated less than \$600,000, or .01 percent to programs specifically designed to minimize racial disparities.

According to the 26-page report, *Disproportionate Minority Confinement in Massachusetts: Failures in Assessing and Addressing Overrepresentation of Minorities in the Massachusetts' Juvenile Justice System*, the federal Juvenile Justice and Delinquency Prevention Act requires states like Massachusetts to identify the extent to which minorities are overrepresented in their juvenile justice systems, assess the underlying causes and take steps to address those concerns.

But according to the ACLU report, the state has made no meaningful effort to comply with this mandate. The state has not collected the data necessary to sufficiently analyze the scope and nature of minority overrepresentation. It has developed but not implemented plans designed to address the problem.

Without the appropriate data, the state has chosen to blame the disparities on poverty, Dahlberg said. It has refused to examine law enforcement activity or decision-making at any of the various stages of the juvenile justice system.

According to national research funded by the U.S. Department of Justice, racial disparities can result from language barriers, unintentionally biased decision-making and cultural insensitivity.

The ACLU report calls for the state to take an active role in identifying and addressing those factors within its control. Specifically, the report asks that, within the next year:

- The Governor reconfigure the Juvenile Justice Advisory Committee, the state entity charged with addressing the issue, to include members who are willing to take leadership roles in reducing racial disparities.
- The Legislature condition funding for the courts, prosecutors and local police departments on their collection of the data necessary to monitor the overrepresentation of youth of color.
- The Juvenile Justice Advisory Committee and the Executive Office of Public Safety determine the root causes of racial disparities by examining law enforcement activity and decision-making in Boston's juvenile justice system and later expanding these efforts to other cities throughout the state.
- The Juvenile Justice Advisory Committee and the Executive Office of Public Safety revise existing federal grant programs to ensure that youth of color have equal access to appropriate alternatives to detention.

"The state's failure to address racial disparities not only harms youth and communities of color, but corrodes public confidence in its juvenile justice system," said Hon. Leslie Harris, a Boston Juvenile Court judge who supports the report's findings and recommendations.

Today's report was compiled after the ACLU and other advocacy organizations obtained documents for the period 1995 through 2002 from the federal Office of Juvenile Justice and Delinquency Prevention and the Programs Division of Massachusetts' Executive Office of Public Safety, the state agency responsible for administering federal and state-funded criminal justice grants.

"We realize that Governor Mitt Romney has inherited this problem from previous administrations, nevertheless this is a serious problem that demands immediate attention," said Carol Rose, Executive Director of the ACLU of Massachusetts. "We will continue to monitor the state's response to this problem and encourage officials to implement the recommendations made in our report."

Other organizations that support the findings of the ACLU's report include: the Institute on Race and Justice at Northeastern University, the Juvenile Justice Center at Suffolk University, Citizens for Juvenile Justice and the Youth Advocacy Project and the Roxbury Defenders Unit of the Committee for Public Counsel Services. Local elected officials that participated in the press conference include: Boston City Councilmen Chuck Turner and Felix D. Arroyo, and State Senators Jarrett T. Barrios and Dianne Wilkerson.

A copy of the ACLU's report is available on line at:

<http://www.aclu.org/CriminalJustice/CriminalJusticelist.cfm?c=46>