

# Raising Race in DDN & Crossover Cases

OCR Resources 2023

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## VIDEOS

“Beverly Daniel Tatum: Why Are All the Black Kids Sitting together in the Cafeteria”

<https://www.youtube.com/watch?v=PGZniOuoREU&t=2706s>

- Moving walkway analogy
- Elephant in the room and discomfort analogy

"Racial Disparities in the Child Welfare System" Torn Apart":

<https://www.youtube.com/watch?v=EmOuAn5qbqM>

- This author talks about how this can be traced back to slavery, the removal of kids from families, and why many of folks don't trust child welfare and the state

## PRE-TRIAL/DETENTION/BOND MITIGATION & SUPPORT

- Therapy—Black/Latinx therapists if your clients are asking for one
- Visit often to build rapport—*not just to talk about the case.*
- Plant that seed early when it comes to language and the way stakeholders view kids. Raise race early so the Judge hears you loud and clear. Similar to when we raise race in a jury trial.
  - “Seeing what’s Underneath Language Guide”: <https://www.ncjfcj.org/wp-content/uploads/2021/04/Seeing-Whats-Underneath-A-Resource-for-Understanding-Behavior-Using-Language-in-Juvenile-Court.pdf>
  - The Superpredator Myth (Call it out)/Crime Wave Narrative
    - <https://www.nbcnews.com/news/us-news/analysis-how-media-created-superpredator-myth-harmed-generation-black-youth-n1248101>
    - <https://www.nytimes.com/2018/03/23/opinion/superpredator-myth.html>
    - <https://www.themarshallproject.org/2020/11/20/superpredator-the-media-myth-that-demonized-a-generation-of-black-youth>
- Have social workers or family/community speak at bond hearings and detention hearings; get them involved early and often
- Credible Messengers!
  - **Fully Liberated Youth:** <https://fullyliberatedyouth.org/>
  - **Transformative Justice Project:** New local Denver organization through CJDC--@tjpcolorado (Instagram) Email Nicole Duncan or CJDC for additional information. They are now accepting referrals!

## ARTICLES & RESOURCES ON IDENTITY DEVELOPMENT & RACE

### Migration and Deportation Trauma

“Statement on the Effects of Deportation and Forced Separation on Immigrants, their Families, and Communities.” <https://psycnet.apa.org/record/2018-47200-001> (American Journal of Community Psych, 2018)

Gentrification—history (in your state) and the impact in our area

Poverty

School to Prison Pipeline Research (Gault, Advancement Project, etc.)

Adolescent Development and Identity Development (Gault Series)

Mental Health: <https://hogg.utexas.edu/black-student-athlete-mental-health>

- What was COVID like for this child and family? Specifically ask this as like a totally separate section in your interviewing and here’s why?
- Black Youth Mental Health: <https://news.miami.edu/edu/stories/2020/09/black-in-mental-health-identity.html>
  - Why is X so important to you?
  - How do you feel when X happens?
  - Mental health, black children and media—seeing police killing on tv and in their neighborhoods.

NEW ARTICLE RE PANDEMIC AND GUNS/FEAR AND STRESS FROM HEALTHCARE PERSPECTIVE: “Pandemic stress, gangs, and utter fear fueled a rise in teen shootings: Teens who carry firearms might never plan to use them. But guns and developing brains can be a volatile mix.”

<https://coloradonewsline.com/2023/03/13/pandemic-gangs-fear-teen-shootings/>

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### **Digging Deeper Questions in Interview:**

- Does your school have monitors, SRO’s, “alternative” or regular school? What does it feel like when you’re in school?
- Check out more in: **Racially conscious lawyering interview questions**: Found in Racial Justice Toolkit—[www.defendracialjustice.org](http://www.defendracialjustice.org)
- How did X impact you? How does X make you feel? How do you see yourself in the world? How do you feel others see you?

## Additional Articles/Places to Begin:

**CRIMINALIZING NORMAL ADOLESCENT BEHAVIOR IN COMMUNITIES OF COLOR:THE ROLE OF PROSECUTORS IN JUVENILE JUSTICE REFORM:** <http://defendyouthrights.org/wp-content/uploads/2013/12/Criminalizing-Normal-Adolescent-Behavior-in-Communities-of-Color.pdf>

**RACE, PATERNALISM, AND THE RIGHT TO COUNSEL** by Professor Henning

<https://njdc.info/wp-content/uploads/2016/10/2017-Henning-Race-Paternalism-and-the-Right-to-Counsel.pdf>

**Race Based Traumatic Stress (RBTS)**

**Bias Against Black Girls & Adultification:**

- “Girlhood Interrupted: The Erasure of Black Girls’ Childhood” (2017)
- Adultification: <https://www.opd.wa.gov/24-advocacy/279-adultification>
- **Humanizing Youth of Color & Challenging Adultification, Transfer, & Severe Sentencing:** <https://www.youtube.com/watch?v=QPDXugEDE6k>
- “Listening to Black Girls and Women: Lived Experiences of Adultification Bias” by Jamilla J. Blake Phd, Rebecca Epstein

“The Rage of Innocence” by Professor Kris Henning

**Gault Center YouTube Race Training Series:** <https://www.youtube.com/@thegaultcenter5549> (includes brain development, identity development, harsh sentencing, storytelling, school to prison pipeline, racial trauma, humanization and more).

**Racial Justice Toolkit:** [www.defendracialjustice.org](http://www.defendracialjustice.org)

**Dr. Kavanaugh’s Training Series on Adolescent Brain Development:**

<https://www.youtube.com/watch?v=T8X6U2dqjK> and The Gault Center YouTube Page

**OOJDP FACT SHEET:** <https://ojjdp.ojp.gov/news/juvjust/ojdp-releases-fact-sheet-delinquency-cases-waived-criminal-court>

**Juvenile Court Statistics 2018 Report:** <https://www.ojdp.gov/ojstatbb/njcda/pdf/jcs2018.pdf>

**Campaign For Fair Sentencing and Youth:** <https://cfsy.org/>

**Thrive Research Lab** <https://www.thriveresearchlab.com> (Content from slides on Racial Trauma)

## LEADING ORGANIZATIONS & FOUNDATIONS FOR RESEARCH AND DATA

**The Gault Center:**

<https://www.defendyouthrights.org/>

**The Sentencing Project**

<https://www.sentencingproject.org/>

### **The Marshall Project**

<https://www.themarshallproject.org/>

### **OJJDP: Office of Juvenile Justice and Delinquency Prevention**

<https://ojjdp.ojp.gov/>

### **The Annie Casey Foundation**

<https://www.aecf.org/>

### **The Advancement Project**

<https://advancementproject.org/campaigns/free-and-safe/>

### **UNIDOS US**

<https://unidosus.org/issues/civil-rights-and-racial-equity/>

## DATA & DATA TOOLS

### National Statistics:

Although Black youth comprised only approximately 16% of youth ages 10-17 in the United States in 2018, they accounted for:

35% of all juvenile arrests,

40% of detained youth,

39% of the youth formally processed by the juvenile court,

37% of the youth adjudicated, and

51% of youth judicially waived to criminal court.

Delinquency case rates for Black youth (53.9 per Black youth in the U.S. population) was still nearly triple the rate for:

White youth (18.3)

Hispanic youth (17.6), and

American Indian youth (21.5),

and was almost 12 times the rate for Asian youth (4.6)

Despite overall juvenile crime trending down, the proportion of delinquency cases involving Black, Hispanic/Latinx, and American Indian youth increased between 2005 and 2019.

In 2019, White youth

were less likely to have their cases handled formally (48%) as compared to

Black youth (60%),

Hispanic/Latinx youth (52%),

American Indian youth (56%), or

Asian youth (52%)

**Hockenberry & Puzzanchera, 2021**

Black youth are 53.1% of youth transferred (petitioned) for person offenses despite the fact that black and white youth make up an equal percentage of youth charged with person offenses, 40.1% and 40.5% respectively, in 2015.

“The Color of Juvenile Transfer” by the National Association of Social Workers (2017) & The Campaign for Youth Justice (2018) <https://www.socialworkers.org/LinkClick.aspx?fileticket=30n7g-nwam8%3D&portalid=0>

OJJDP DATA youth crime down 30%

<https://ojjdp.ojp.gov/publications/trends-in-youth-arrests.pdf>