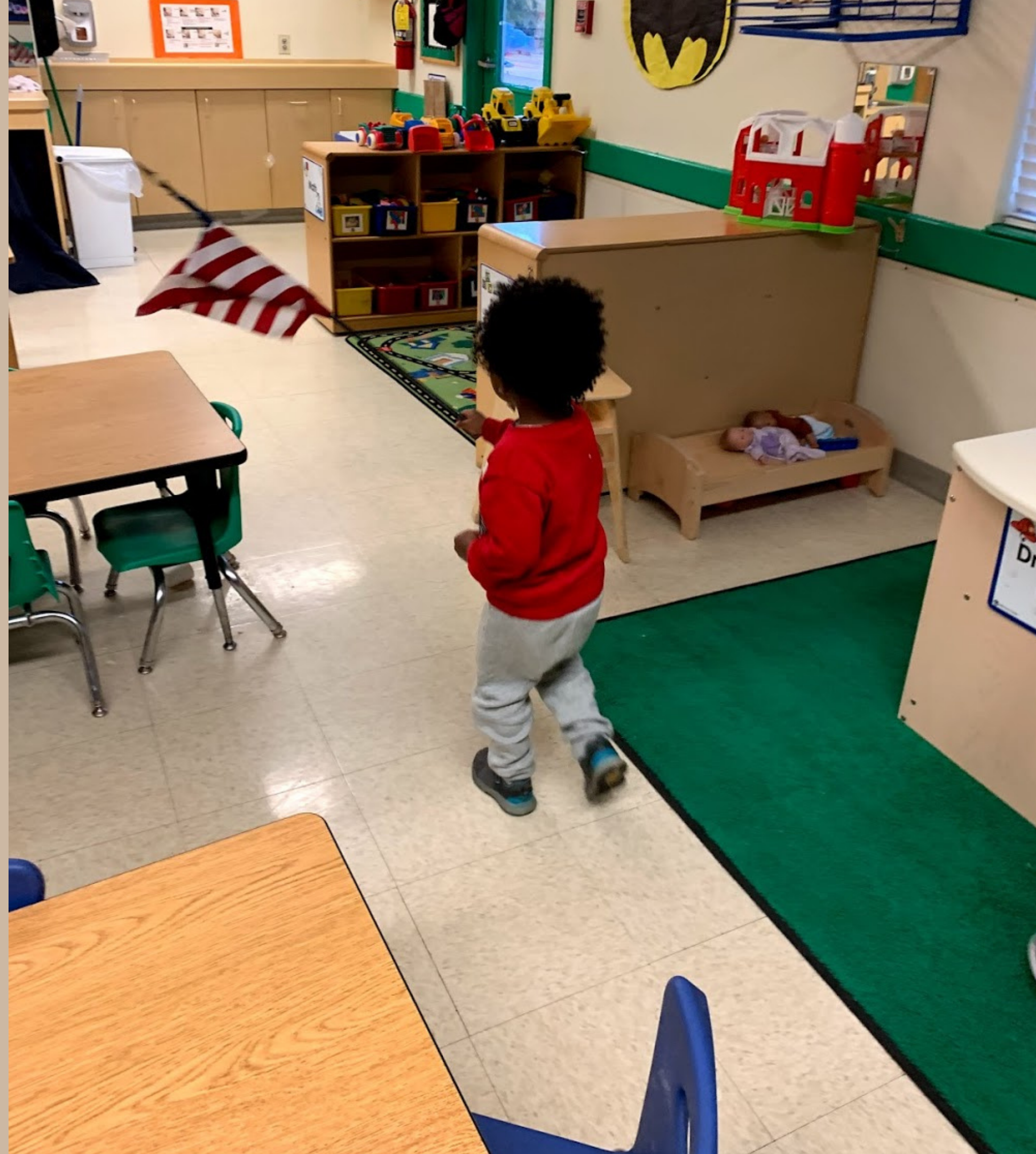


ICJ, Race, & Juvenile Justice: Considerations for Promoting Racial Justice

MARYAM JERNIGAN-NOESI, PHD





**We cannot change what we do not
acknowledge.**



ICJ, RACE, AND JUVENILE JUSTICE

2022 DATA WALK

DERALD WING SUE

RACE TALK

AND THE
CONSPIRACY OF SILENCE



UNDERSTANDING AND
FACILITATING DIFFICULT
DIALOGUES ON RACE

WILEY

Barriers to Talking about Race

Intrapersonal

- Intellectualization
- Avoidance
- Lack of comfort, competence, or confidence
- Interpersonal dynamics
 - “Clash of racial realities”
 - Emotional “hot buttons”

Interpersonal

- Politeness Protocol
- Professional/Intellectual
 - Affective expression is not legitimized as relevant
- Racial Color-blind Protocol
 - Minimization of difference to appear unbiased
 - Lowers awareness & empathy

Racial Anxiety

- Interracial interactions can cause worry
- When everyone thinks discourse will turn negative, it often does
- Confirmation bias feedback loop

Why are we not talking about race & racism?

Socialization

- Taught it is not "nice" to talk about race or racism
- Painful
- Labeled as disruptive or difficult
- Silence so as to avoid discomfort
- We don't learn skills to discuss in needed and useful ways



The Myth of Racial Color Blindness



Edited by
Helen A. Neville, Miguel E. Gallardo,
and Derald Wing Sue

SEEING RACE AGAIN

Countering Colorblindness across the Disciplines

Edited by
Kimberlé Williams Crenshaw, Luke Charles Harris,
Daniel Martinez HoSang & George Lipsitz

FIFTH EDITION

without racism
racism without
without racism
racists racism
st racism with
hout racism

*color-blind racism and the persistence
of racial inequality in america*

without racism

EDUARDO BONILLA-SILVA

Why are we not talking about race & racism?

"Good People"

- Dichotomous thinking & Circular reasoning
 - We are good people who work with youth
 - Good people are not actively "bad"
 - Racists are "bad," therefore we are not racist
- Right vs. wrong



Racial Awareness & Sensitivity

- **Racial awareness**
 - Ability to recognize that race exists & shapes reality in inequitable & unjust ways
- **Racial sensitivity**
 - Requires awareness
 - Active understanding of the existence of race & racism & how they shape reality
 - Awareness into action



Implicit Bias

- "Unconscious bias"
- Automatic unconscious associations we make
 - Categorization, heuristics
- Categories associated with beliefs, attitudes, traits, & feelings
- Can be positive or negative
- Pertains to social concepts
 - Race, age, gender, body type, weight, skin tone, etc.



Implicit Bias

- Influence individuals when situations are ambiguous
 - Subliminal priming
- Anchoring
 - Point of reference that is influenced by what we have been exposed to (e.g., hear, see, etc.)
- **Reflection:** What have you been told or exposed to about race?
 - A particular racial group or community?

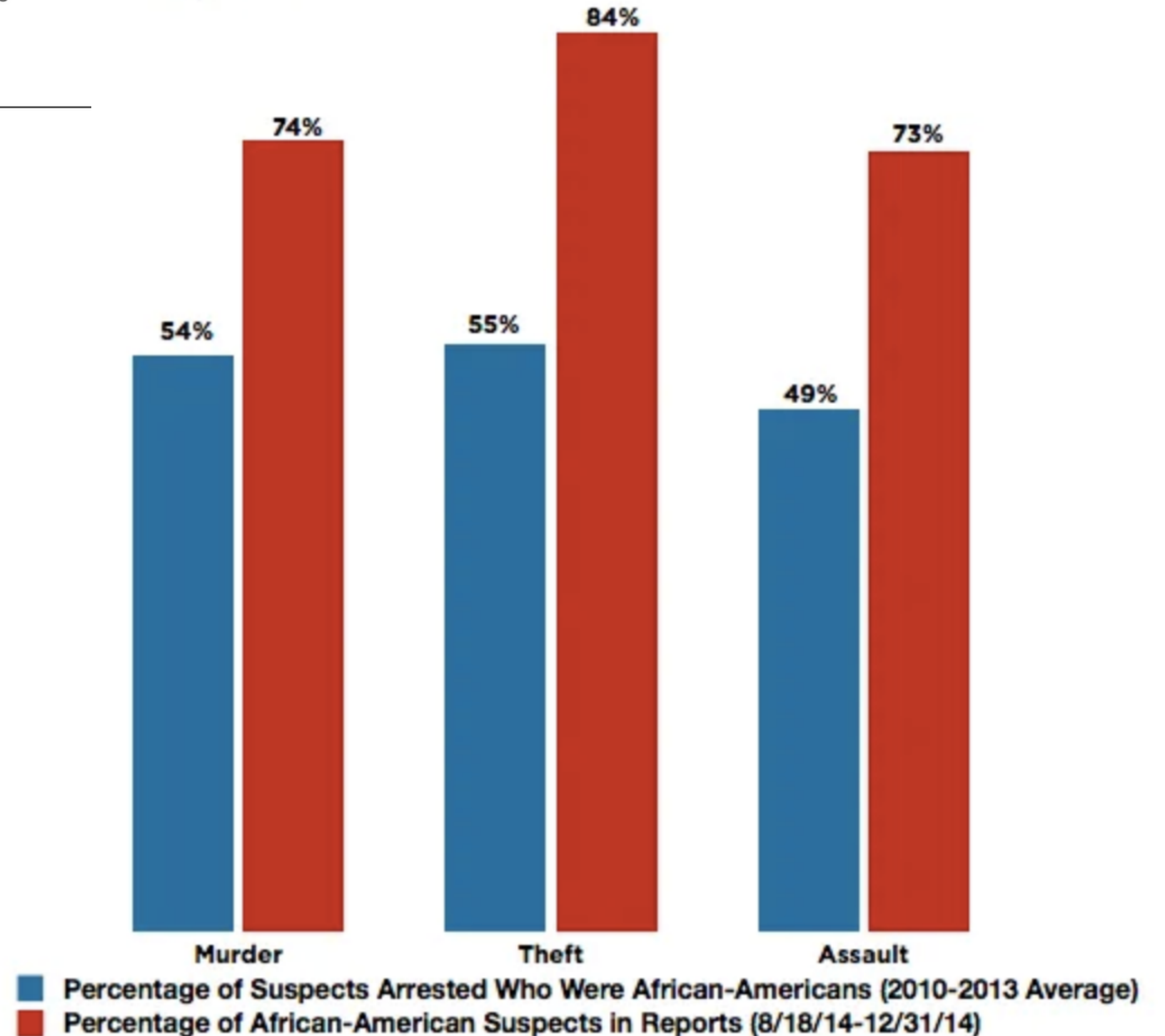
ARTICLE AUG 29, 2018

The Dangerous Racialization of Crime in U.S. News Media

The media's overrepresentation of violent crime is feeding America's distorted perception of lawlessness.

Percentage of African-American Suspects in TV News Crime Reports vs. NYPD Data

Stations: WCBS, WNBC, WABC, WNYW



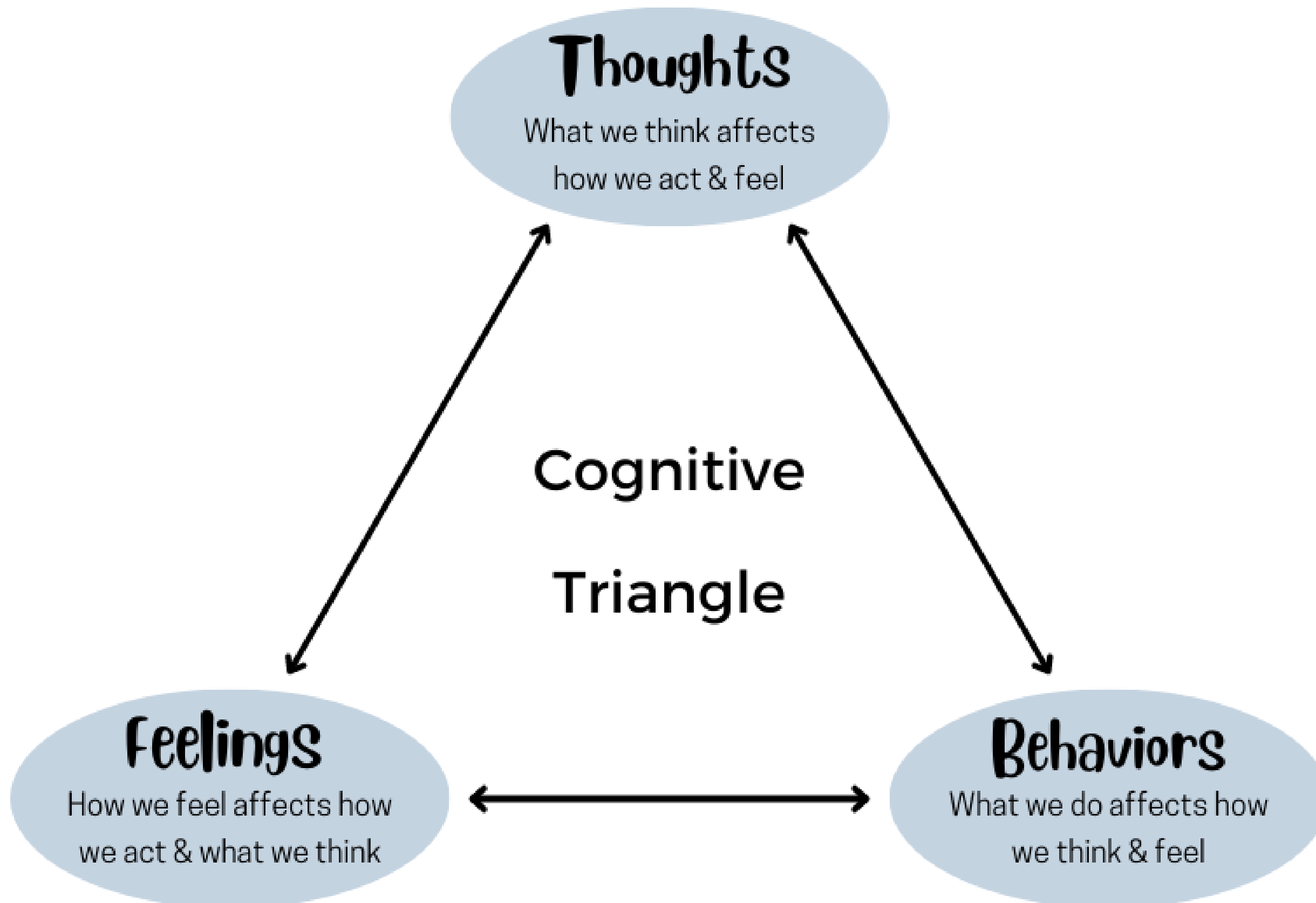
Implicit Racial Bias

- **Perceptions of behavior** (Oliver, 2003)
 - People of Color viewed as violent & threatening
- **Racial threat & Discipline** (Welch et al., 2010)
 - Schools with larger percentage of Black & Brown youth use more punitive zero tolerance discipline & less restitutive techniques

Implicit Racial Bias

- **Sentencing** (Eberhardt et al., 2006)
 - More Afrocentric features associated with harsh sentencing (e.g., capital punishment)
- **Pain** (Hoffman et al., 2016)
 - False beliefs regarding pain thresholds of Black patients

The Cognitive Triangle



Implicit Bias → Racial Anxiety

- Heightened levels of stress & emotion in cross-racial interactions
- People of Color may experience concern they will be subjected to discrimination & hostility
- White people may worry they will be assumed to be racist



Implicit Bias → Racial Anxiety

- Can aggravate racial tensions
- Affects social interactions
 - Personal & professional
- Affects areas of our lives in ways that are subtle but pervasive
 - Self-talk
 - Day-to-day decisions
 - Activities



Behavior

- Proximity
- Less welcoming
 - Non-verbal behaviors
 - Withdrawal
- Discrimination
 - Micro- or macroaggressive



A low-angle, upward-looking photograph of several modern skyscrapers with glass facades. The buildings are dark, and the sky is a deep, dark blue or black. The perspective creates a sense of height and scale, with the buildings converging towards the top of the frame.

ICJ, RACE, AND JUVENILE JUSTICE

2022 DATA WALK

Race & Juvenile Justice

- Decline in overall juvenile incarceration
 - Racial disparities increased
- Youth of Color historically & currently face unequal treatment in the juvenile justice system
 - Especially Black, Indigenous, & Latinx youth
- Youth of Color **5x** more likely to be incarcerated
 - YoC 300x more likely to be arrested for simple assault in CA

Justice-Involved Youth

- Face poor psychosocial outcomes across the lifespan
 - School-related challenges
 - Employment challenges
- Increased future interactions with justice system
 - Likelihood of future arrest
- Further disruptions to overall development
 - Encounter trauma within the system

**"If the corn
doesn't grow,
no one asks
what is wrong
with the
corn."**



3 Realms of ACEs

Adverse childhood and community experiences (ACEs) can occur in the household, the community, or in the environment and cause toxic stress. Left unaddressed, toxic stress from ACEs harms children and families, organizations, systems and communities, and reduces the ability of individuals and entities to respond to stressful events with resiliency. Research has shown that there are many ways to reduce and heal from toxic stress and build healthy, caring communities.



PACEs Connection thanks Building Community Resilience Collaborative and Networks and the International Transformational Resilience Coalition for inspiration and guidance. Please visit PACEsConnection.com to learn more about the science of ACEs and join the movement to prevent ACEs, heal trauma and build resilience.

INFLUENCE



INTERSECTIONALITY

Ecological Systems
Bronfenbrenner, 1979

“The world got along without race for the overwhelming majority of its history. The U.S. has never been without it.”

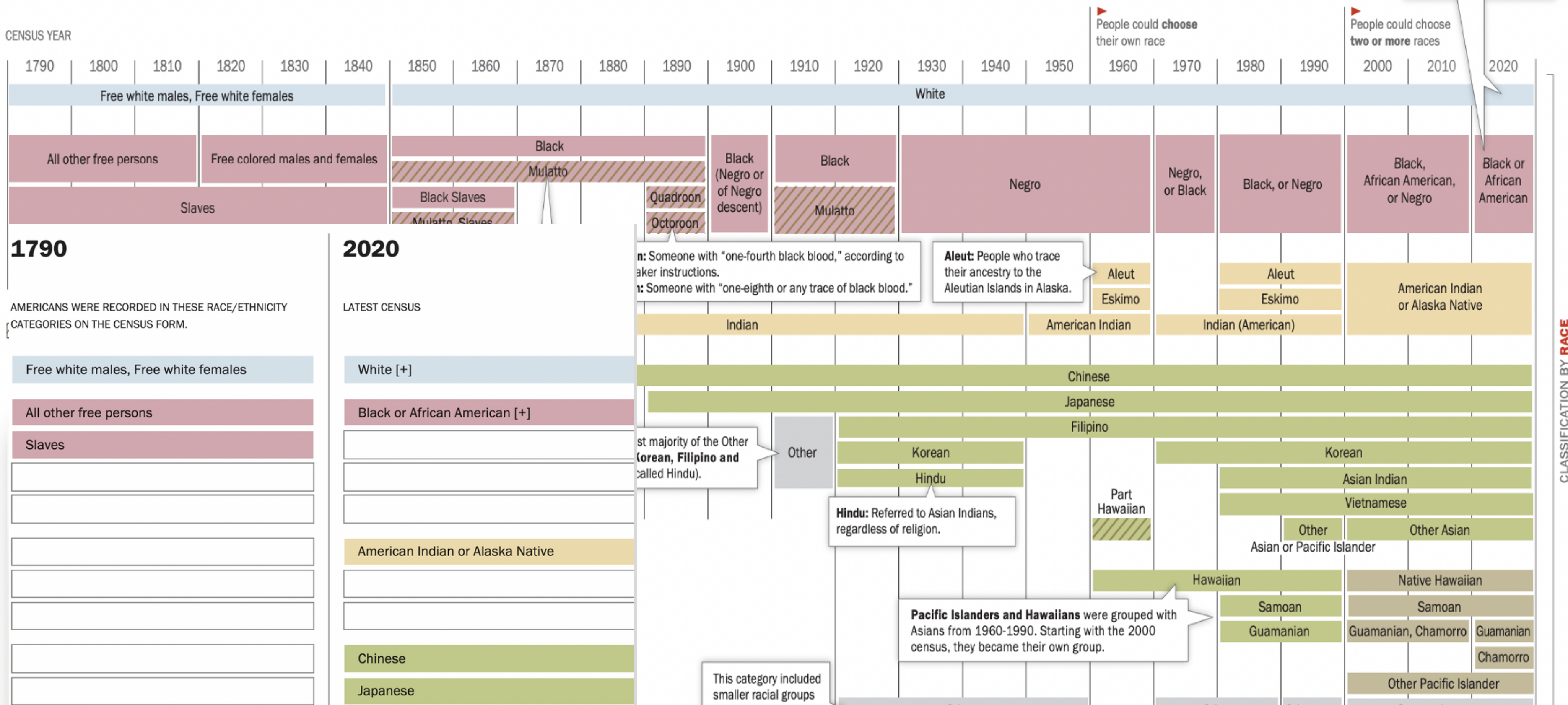
DAVID R. ROEDIGER

What Census Calls Us

A Historical Timeline

This graphic displays the different race, ethnicity and origin categories used in the U.S. decennial census, from the first one in 1790 to the latest count in 2020. The category names often changed from one decade to the next, in a reflection of current politics, science and public attitudes. For example, “colored” became “black,” with “Negro” and “African American” added later. The term “Negro” was dropped for the 2020 census. Through 1950, census-takers commonly determined the race of the people they counted. From 1960 on, Americans could choose their own race. Starting in 2000, Americans could include themselves in more than one racial category. Before that, many multiracial people were counted in only one racial category.

For the first time, people who check one or both of these boxes are asked to write more about their origins, for example German, African American, Jamaican, etc.



Racism

Individual

- Internalized beliefs & biases about race and racism

Interpersonal

- Most often recognized
- Negative attitudes towards a different race
- Occurs when individuals interact & their personal racial beliefs affect those interactions

Cultural

- One group having the power to define cultural values

Jones, 1972

Racism

Institutional

- Extension of racist beliefs to perpetuate racial inequity
- Practices that operate to restrict the choices, rights, mobility, and access of racial groups

Systemic

- Cumulative & compounding effects of societal factors, including history, culture, ideology
- Interactions of institutions and policies that systematically privilege White people & disadvantage people of Color

Youth of Color: Negative Race-Related Experiences

- Individual, institutional, systemic
- Severe, moderate, daily
- Direct, vicarious, symbolic & coded
- Cumulative & intergenerational exposure
- Across the Lifespan
 - Early in life
 - Adolescents: ~ 6 per day

Youth of Color

- Perceptions of essential nature of children affected by race
- Overestimation of age of Black youth by 4.5 years
 - Viewed as adults as early as 13 y.o.
- Perceived as less intelligent & more violent
- Found as more culpable for actions
- **Implications:** Overestimating age & culpability linked to dehumanizing racial stereotypes & beliefs

42% of Youth of Color reported exposure to at least one form of race-based trauma

In the prior year **10%** of Youth of Color reported exposure to racial trauma often or very often.

In their lifetime, **18%** of youth reported exposure to racial trauma often or very often.

42% reported exposure to at least one source of racial trauma, such as interactions with police, teachers and employers.

MINOR INFRACTIONS

BREAKING DOWN THE SCHOOL TO PRISON PIPELINE



THE SYSTEM



ANNUAL COST PER YOUTH TO
EDUCATE VS. INCARCERATE

**PRISON
FUNDING**
HAS INCREASED
530% MORE
THAN
EDUCATION FUNDING
OVER THE PAST 20 YEARS



EDUCATION POLICY
WAR ON DRUGS
ZERO TOLERANCE
TEACH TO THE TEST
NO CHILD LEFT
BEHIND

**POLICES ENABLE THE
CRIMINALIZATION
OF LOW PERFORMING
STUDENTS**



//// 69% DECREASE

IN VIOLENT CRIME

IN SCHOOLS ////

38%
INCREASE IN
SCHOOL
SECURITY

33%
ARRESTED
BY AGE 17

**STUDENTS ARE
ARRESTED FOR
NON-VIOLENT OFFENCES
AND MINOR INFRACTIONS**

THE YOUTH

YOUTH INCARCERATION BY RACE (CHICAGO 2009)



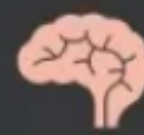
YOUTH ARRESTS BY AGE (CHICAGO 2003)



**YOUNG MEN OF COLOR
ARE DISPROPORTIONATELY TARGETED**



66% diagnosed with emotional
or trauma disorders



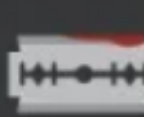
45% have learning disabilities
or need special education



70% are serving time for
non-violent offenses



70% diagnosed with drug
dependencies



26% have tried or considered
committing suicide

**STRUGGLING YOUTH
DESERVE
SUPPORT
NOT IMPRISONMENT**

THE CYCLE

AFTER RELEASE
57% RE-ENROLL
IN SCHOOL
70% DROP OUT
WITHIN
ONE YEAR



5%
GRADUATE HIGH SCHOOL
OR EARN GED



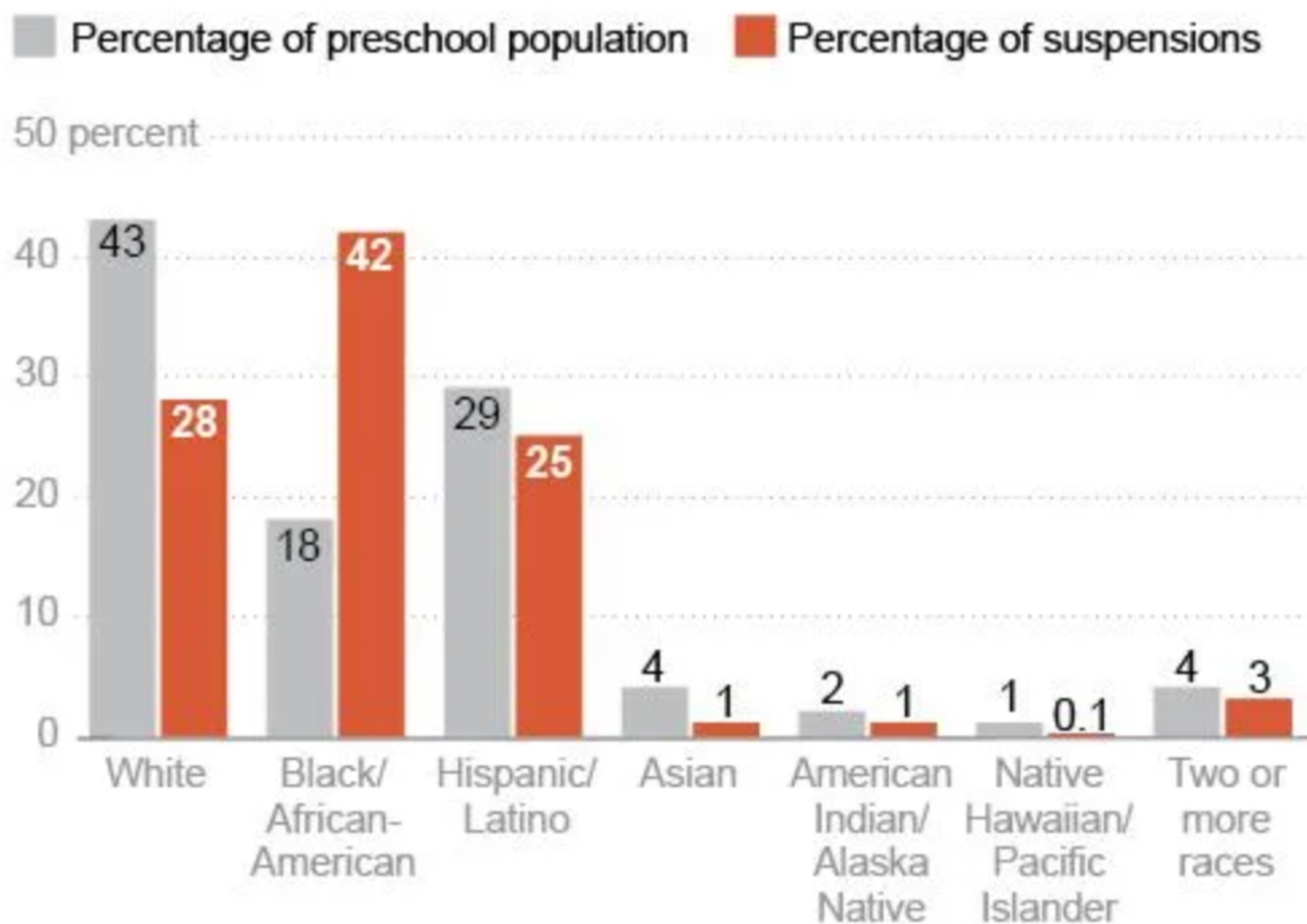
50%
RE-INCARCERATED
WITHIN 3 YEARS

**THE CRIMINALIZATION AND
INCARCERATION OF YOUTH
DIMINISHES OPPORTUNITIES,
DISRUPTS COMMUNITIES, AND
PERPETUATES A CYCLE OF
RACIAL AND ECONOMIC
INJUSTICE**



Preschool suspensions

Black students are suspended from preschool at a rate disproportionate to their numbers.



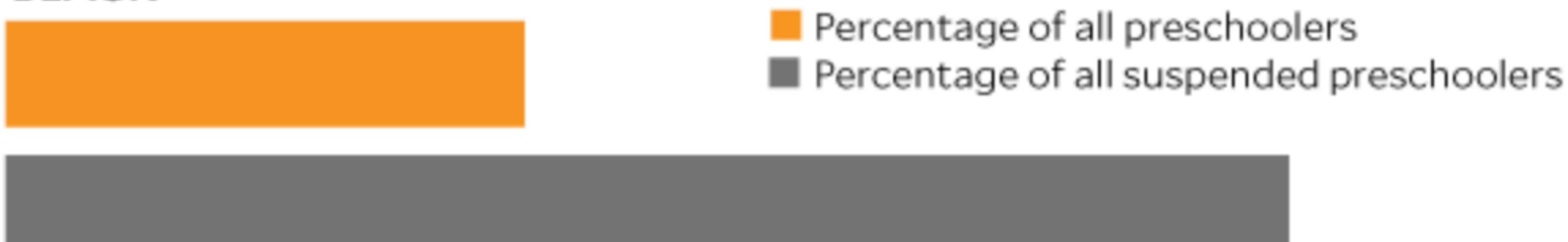
NOTE: Figures are for one-time, out-of-school suspensions. Numbers do not total 100 due to rounding.

SOURCE: Department of Education

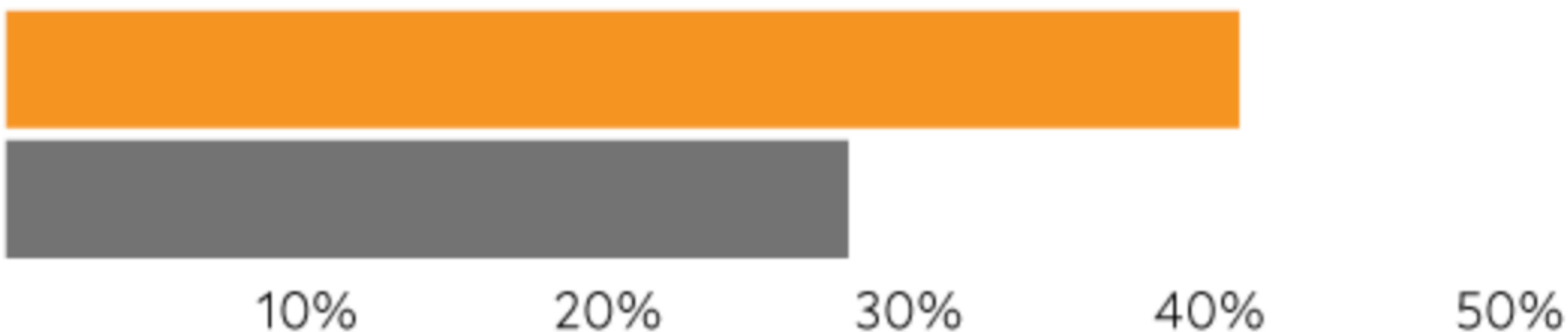
AP

When it comes to suspensions, racial inequities start in preschool:

BLACK

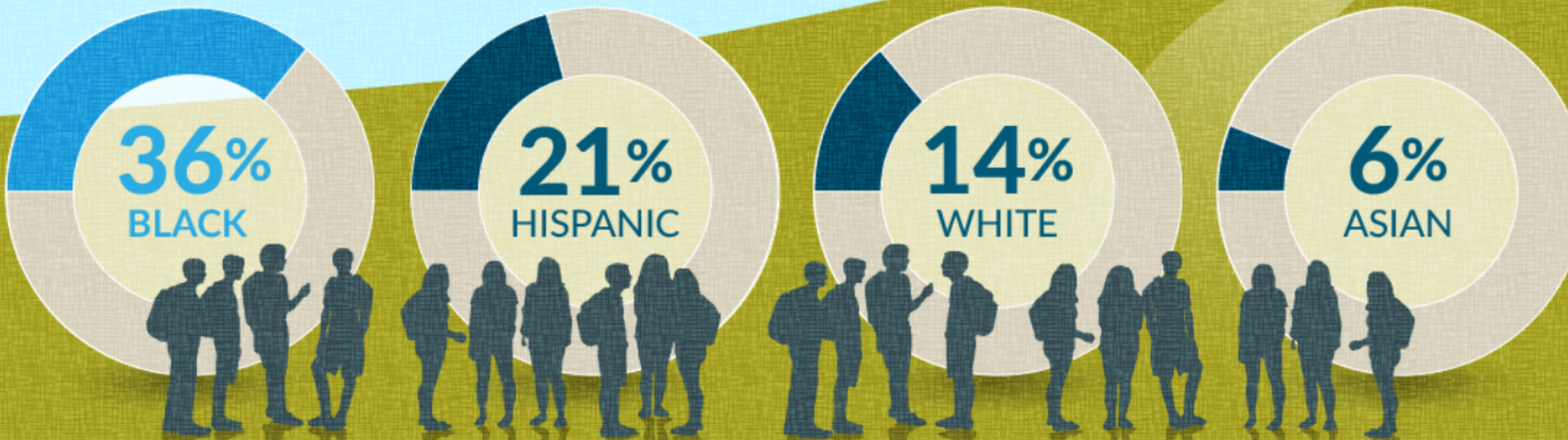


WHITE



Suspensions and Expulsions by Race/Ethnicity

Among students who started high school in 2009, a higher percentage of Black students than of Hispanic, White, and Asian students had ever been suspended or expelled by 2012.



Note: Includes suspensions and expulsions prior to high school as well. Starting high school is defined as starting 9th grade.

SOURCES: *Indicators of School Crime and Safety: 2015*, National Center for Education Statistics, U.S. Department of Education and Bureau of Justice Statistics, U.S. Department of Justice. For more information on the Indicators of School Crime and Safety project, visit www.air.org/project/indicators-school-crime-and-safety. | EDUCATIONPOLICY.AIR.ORG

**EDUCATION
POLICY Center**

at American Institutes for Research



Racial Disparities in School Discipline

Black students are 3-4 times more likely than their white peers to be expelled or face multiple suspensions from school.

Risk of Being Expelled

Black



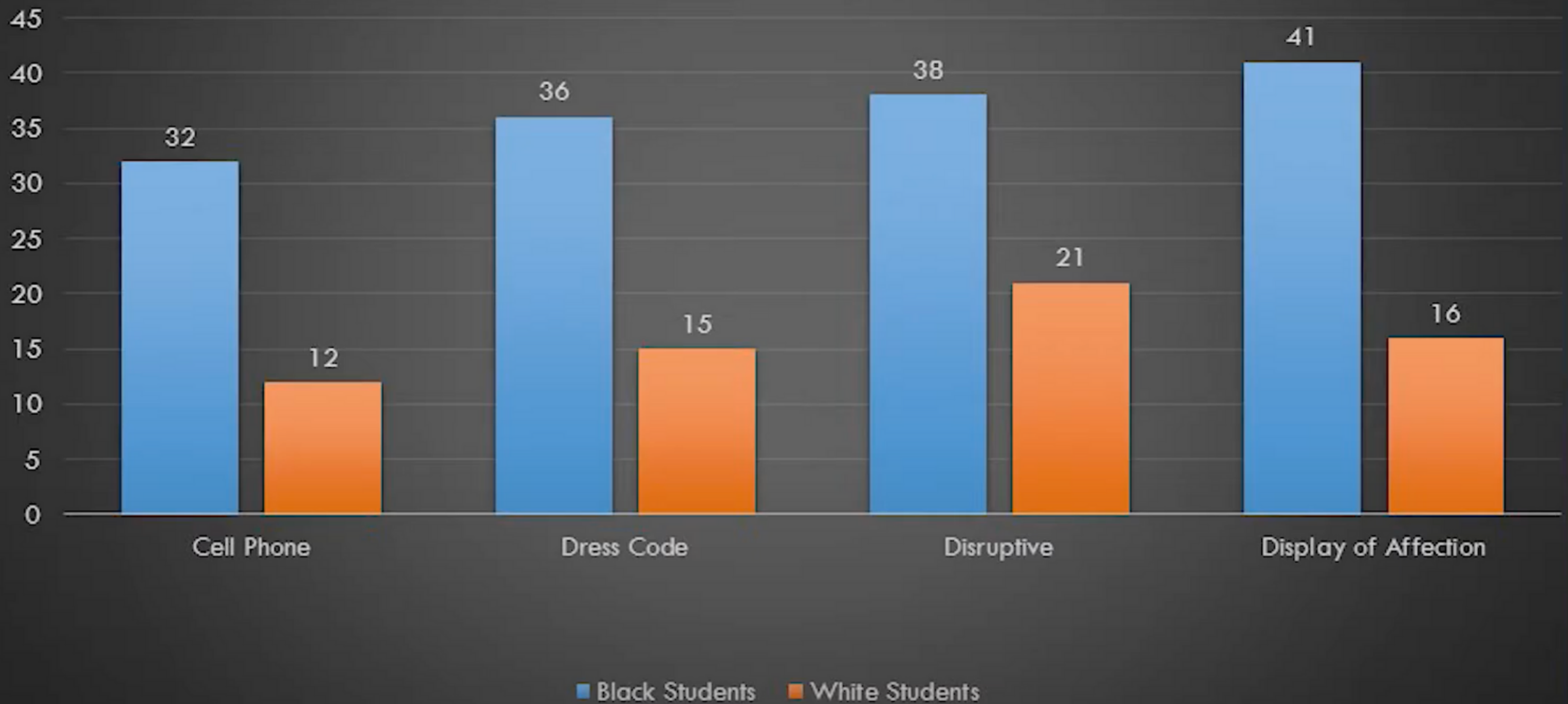
White

Risk of Facing Multiple Suspensions



Source: U.S. Department of Education, Office for Civil Rights, Civil Rights Data Collection, 2009-10

Rates of Suspension for First Time Violations (2010)



Black First Time Offenders were suspended at higher rates than White First Time Offenders for the same minor offenses

24%

of elementary
schools and

42%

of high schools
have a **sworn
law enforcement
officer.**

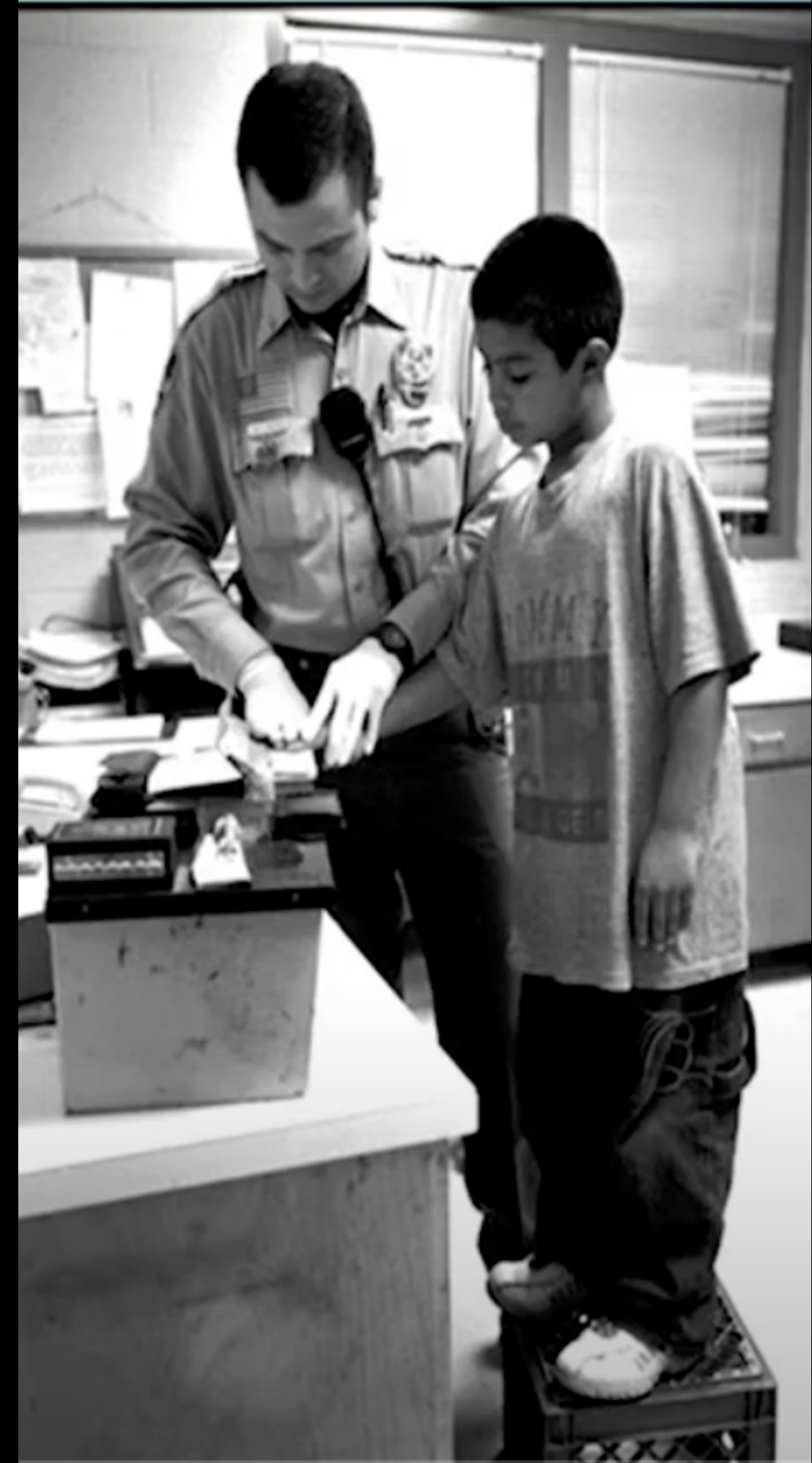


1.6

MILLION

students
attended
schools with at
least one
officer—but
no guidance
counselor.

- Students suspended or expelled are **3x** more likely to have **delinquency** contact in the following year
- Students **arrested** on campus are **2x** more likely to drop out
- Students who appear in **court** are **4x** more likely to dropout



Social Problems, 2022, 69, 299–315

doi: 10.1093/socpro/spaa042

Advance Access Publication Date: 31 October 2020

Article

OXFORD

The Usual, Racialized, Suspects: The Consequence of Police Contacts with Black and White Youth on Adult Arrest

Anne McGlynn-Wright¹, Robert D. Crutchfield²,
Martie L. Skinner², and Kevin P. Haggerty²

¹Tulane University, ²University of Washington

**"The growth in commitment disparities
begins with the growth in arrestment
disparities."**

JOURNAL OF RESEARCH ON ADOLESCENCE, 31(2), 317–334

Exploring Disproportionate Minority Contact in the Juvenile Justice System Over the Year Following First Arrest

Namita Tanya Padgaonkar ,
Amanda E. Baker, Mirella Dapretto, and
Adriana Galván
University of California Los Angeles
namitap@g.ucla.edu

Laurence Steinberg
Temple University

Paul J. Frick
*Louisiana State University and Australian Catholic
University*

Elizabeth Cauffman
University of California Irvine

- "Black" juveniles more than 4x as likely to be committed as white juveniles
- "Americans Indian" juveniles more than 3x as likely
- "Hispanic" juveniles were 61% more likely

INFLUENCE



INTERSECTIONALITY

Ecological Systems
Bronfenbrenner, 1979

Emotional Wellbeing

50% - 70% of youth in juvenile justice meet criteria for a mental disorder

At least half of Youth of Color in this sample reported experiencing moderate to severe depression or anxiety. Some Youth of Color reported significantly higher depression and anxiety severity scores.

At least half of Youth of Color in our sample reported experiencing moderate to severe depression or anxiety.

At least half of Youth of Color in our sample reported experiencing moderate to severe depression or anxiety.

Overall the most commonly reported symptom of depression was being tired and having low energy (76% - 85%), and the most commonly reported symptom of anxiety was feeling anxious, worried, and nervous (68% - 78%)

Youth of Color also reported engaging in non-suicidal self-injurious behavior (22%), having suicidal ideation (27%), and attempting suicide at least once (18%).

Of the Youth of Color who attempted suicide, 5% reported needing medical treatment.



22%

reported engaging in non-suicidal self-injurious behavior



18%

attempted suicide at least once

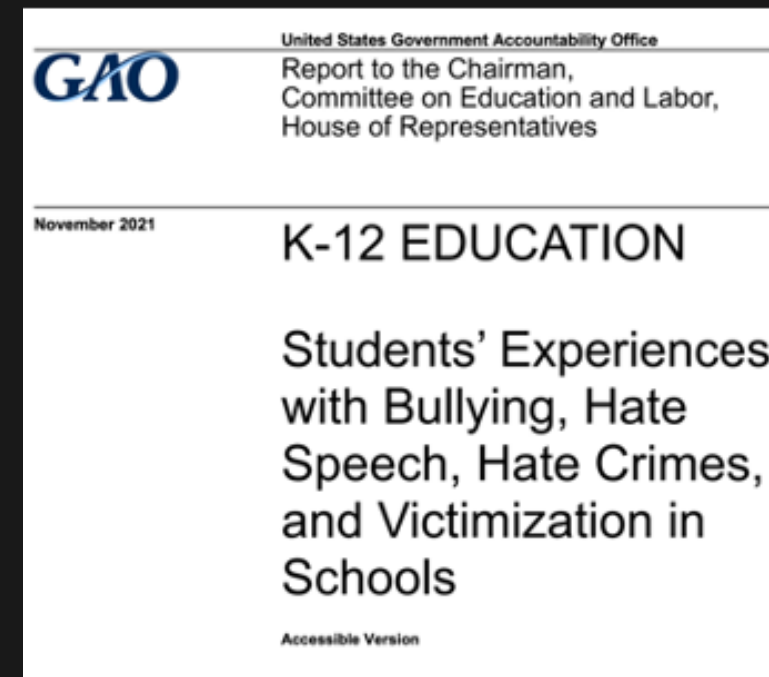


HALF

reported experiencing moderate to severe depression or anxiety

School Experiences

- 1 in 5 students 12 to 18 y.o. bullied annually
 - 5.2 million
- 1 in 4 report bullying related to race, national origin, religion, disability, gender, or sexual orientation
- 1 in 4 report “hate words or symbols” in schools
- Behaviors increased in 2017-2018



HOW THE SLAVES FELT

Life among the Negroes of Virginia in slavery times was generally happy. The Negroes went about in a cheerful manner making a living for themselves and for those for whom they worked. They were not so unhappy as some Northerners thought they were, nor were they so happy as some Southerners claimed. The Negroes had their problems and their troubles. But they were not worried by the furious arguments going on between Northerners and Southerners over what should be done with them. In fact, they paid little attention to these arguments.

BLACKHISTORYCOLLECTION.ORG

"Happy Slaves" Described In 7th Grade Virginia Textbook Used for 20 Yrs.



Alabama School Apologizes After Teacher Paints Fake Bullet Wound on Black Student's Forehead

Jay Connor
Wednesday 10:00AM • Filed to: BIRMINGHAM

28.3K 43 1



Study: Children of Immigrants Experience Discrimination in Schools Early On

High schooler disqualified from Ohio race for competing in a hijab

"My hijab is a part of me. Like if you're asking me to run without my hijab, you're asking me not to run. That's period. Point blank." Noor Alexandria Abukaram said.

Indigenous students skipping school to avoid bullying and racism

Black students experience trauma from racist incidents at school, experts say

"I stopped loving myself because I realized the community did not love who I actually was," one student said.



September 29, 2020

Racism contributes to poor attendance of Indigenous students in Alberta schools: New study

School Experiences

- Most targeted because of race & national origin
- Physical attacks w/weapons doubled
- Cyberbullying 30 to 52% of schools
 - 1 in 6 students report
- **Less than ½** of students report to a teacher or adult at school

Microaggressions:

- subtle indignities
- daily occurrences

Microinsults:

- peer-to-peer interactions
- accusations of plagiarism
- lack of acknowledgment of ability

Microassaults:

- negative, racially explicit interactions
- racial slurs, name calling "lazy"
- blatant discouragement attributed to race

Microinvalidation:

- lack of representative educational content
- using racially stereotypical ideology in teaching

#racialtraumaisreal

- Experiences of racism are sudden, uncontrollable & painful
- Negative racial incidents cause distress
- Can lead to traumatic stress response
 - Not always related to singular incident
- Documented emotional pain and injury
 - Exacerbate mental health concerns
 - Anxiety, depression, suicidality

Racial Trauma

- **Symptoms:** Arousal, hypervigilance, intrusion, re-experiencing, avoidance, or numbing
- **Somatic:** Headaches
- **Physiological:** Medical conditions, disrupted cognitions, sleep disturbance, memory impairment
- **Behavioral:** Aggression, withdrawal
- **Intrapsychic:** Self-blame, confusion, shame, guilt, low self-esteem
- **Psychological:** Anxiety, anger, irritability, depression

Table 4. Physical and Mental Health Effects Attributed to Racial Microaggressions.

Attributed Effect	Description/Explanation
Insomnia	For days to months
Social isolation	Being avoided by VWP, needing to avoid VWP
Hypertension	Diagnosed, or “feeling BP go up . . .”
Weight loss	“Lost 39 lbs” after discriminatory events
Neck and shoulder pain	Immediately or chronic
Depression	Sad, listless, unable to work
Perceptual shock	Disbelief, suddenness of stressful interaction
Social ambiguity	Uncertainty of meanings and motives of others
GI problems	Reflux disease, upper and lower GI conditions
Helplessness, hopelessness	Feeling vulnerable; pessimism
Over-planning	“Mental space” and time in avoiding criticism
Stress regarding appearance	Hair, clothing, not looking “too Black”
Psychological effects of slavery	Self deprecation; lack of cultural pride
Burden of self care	“The stress of not getting stressed.”
Downward life/health trajectory	Cascading negative events leading to illness
Feeling judged	“Need to be twice as good.”
Anger	Upset, annoyed, furious, aggravated
Tension	Physical tightness, anxiousness
Sense of betrayal	Broken or diminished relationship with VWP
Hypervigilance	Social guardedness, scrutiny, watchfulness
Traumatic stress	“I have PTSD.” Intrusive recall of prior traumatic race-related events
Preoccupation	Ruminating on incidents, days to months
Stigma in health encounters	“He acts like he won’t touch me.”
Lesser quality of care	Physician leaves care solely to assistant

Racial Stress & Trauma

- Stress & Trauma disrupts ability to self-regulate
 - Emotion regulation, impulses, attentional issues, decision-making
- Relational
 - Withdrawal, isolation, or exploitative
 - Family, peers
- Behavioral
 - School, substance use, risky behavior, truancy

Consequences of Racial Trauma

- Learning
 - Lower grades, suspensions, & expulsions
- Increased issues with health and emotional wellbeing
- Involvement with child welfare & juvenile justice systems



Consequences of Racial Trauma

- Behavior addressed via zero-tolerance discipline
 - Increased use of a wide range of infractions
 - Suspension & expulsion
- Lack appropriate resources, counseling & support
- Lack of culturally responsive resources





“

I am no longer accepting the things I
cannot change. I am changing the things I
cannot accept.”

— Angela Y. Davis

Racial Equity

A **racial equity lens** separates symptoms from causes, while a **racial justice lens** brings into view the confrontation of power, the redistribution of resources, and the systemic transformation necessary for real change.

Racial Equity

The original guide describes four important features of **a racial equity lens**:

Analyzes data and information about race and ethnicity

Understands disparities and the reasons they exist

Looks at structural root causes of problems

Names race explicitly when talking about problems and solutions

Racial Justice

A **racial justice lens** adds four more critical elements:

Understands and acknowledges racial history

Creates a shared affirmative vision of a fair and inclusive society

Focuses explicitly on building civic, cultural, and political power by those most impacted

Emphasizes transformative solutions that impact multiple systems

Organizational Racial Identity

Assimilationist

- Conform to the norm
 - Implicit rules
- Hostile climate
- High turnover/dropout rates

Multicultural

- Superficial communication re: race & culture
- Culture of niceness

Integrated Awareness

- Positive work/training environments
- Greater productivity
- Collective engagement
- Inclusive

RACIAL
JUSTICE



AWARENESS



WHAT ARE
YOU DOING
TO DISMANTLE
YOUR OWN
RACISM?



Reflection: Racial Socialization

- What were the messages you learned about race?
 - In what ways were messages communicated?
- Whom did you learn from?
- What else has informed your ideas about race?
- How has your understanding of race shifted over time?



“

It is not our differences that divide us. It is our inability to recognize, accept, & celebrate those differences.”

- Audre Lorde

Listen and listen hard.

Listen with humility.

**Listen with a commitment to do
better.**

SLOW DOWN

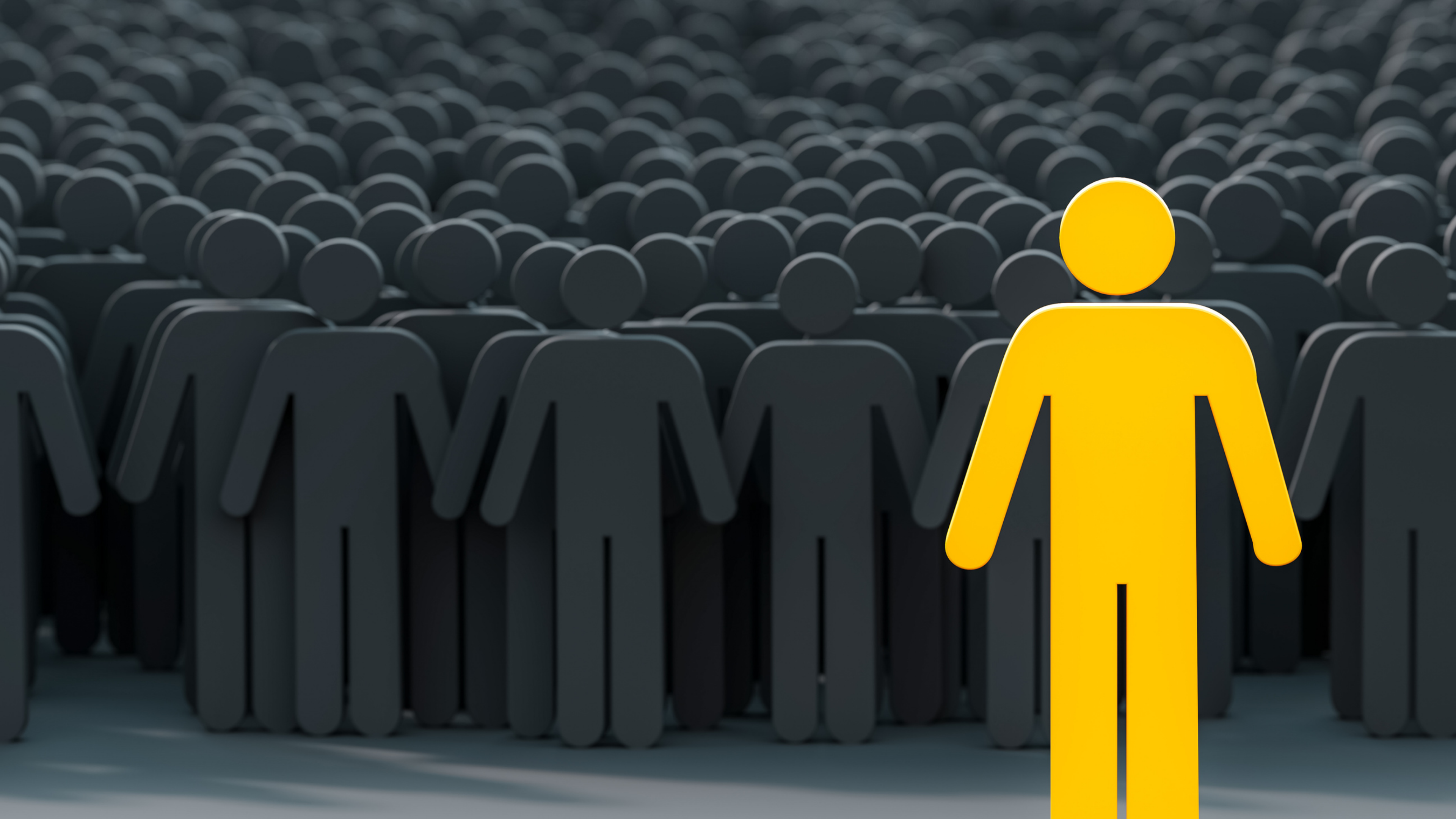
A wide-angle, low-perspective shot of a two-lane asphalt road stretching towards a distant horizon. The road is flanked by rolling green hills. The sky is filled with large, dark, heavy clouds, with some lighter patches where the sun might be breaking through. The words "SLOW DOWN" are painted in large, bold, yellow, italicized capital letters across the width of the road in the foreground. A white dashed line runs down the center of the road, leading the eye towards the horizon.

Data Collection



Advocacy

A close-up photograph of a right hand holding a red marker. The hand is positioned to underline the word 'Advocacy', which is written in a large, bold, black cursive font. A thick red line is drawn horizontally across the page, passing directly under the word. The background is plain white.



PREP



NO



“

Create the change the world
needs by creating change within yourself.”

-Layla F. Saad

Things that resonate...

- If you want to change a person, first you must change their awareness of themselves
- To heal, we must remember. To change we must understand.
- The past is not the past. The past is still with us. It's legacy gives us evidence of how the past impacts us
- History is our guide
 - Think of it as a rearview mirror
 - We use it to change lanes or reverse
 - We use it to navigate the road ahead while ensuring we are aware of what is behind us



START





KEEP GOING

